

# TORONTO STAFF REPORT

---

August 21, 2003

To: Midtown Community Council

From: Acting Director, Community Planning, North District

Subject: Final Report (OMB Direction)  
Application to amend the Official Plan and Zoning By-law 7625  
1200 –1202 York Mills Road  
Sterling Silver Development Corporation, Northgrave Architect Inc. Architect  
TD CMB 2001 0006  
Ward 34 – Don Valley East

## Purpose:

This report reviews and recommends approval of an application which has been appealed to the Ontario Municipal Board to amend the Official Plan and zoning by-law to permit two 16 storey rental apartment buildings with 247 units at 1200 - 1202 York Mills Road.

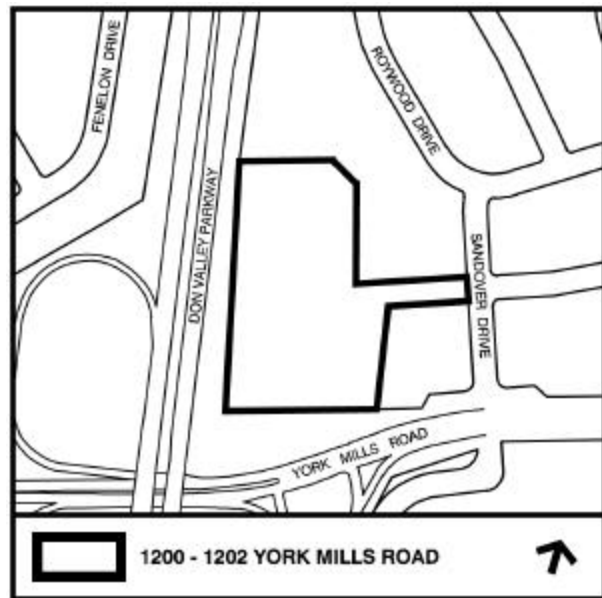
## Financial Implications and Impact Statement :

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

## Recommendations:

It is recommended that City Council direct:

- (1) the City Solicitor to seek approval for the Official Plan Amendment for this site at the Ontario Municipal Board Hearing commencing on October 20, 2003 substantially in accordance with the draft Official Plan amendment attached to this report as Attachment No. 6.



- (2) the City Solicitor to seek approval for the Zoning By-law amendment for this site at the above noted Ontario Municipal Board Hearing substantially in accordance with the draft Zoning By-law Amendment attached to this report as Attachment No. 7.
- (3) The City Solicitor be authorized to make such stylistic and technical changes to the draft Official Plan Amendment and draft zoning by-law amendment as may be required.
- (4) Request the Board hold its Order until such time as the Owner and the City have entered into and registered on title to the property, an agreement satisfactory to the Commissioner of Urban Development Services and the City Solicitor pursuant to Section 37 of the Planning Act, to secure the following services and matters:
  - (a) to construct, provide and maintain on the lands one additional purpose built rental apartment house dwelling containing 247 units, for a minimum fifteen (15) year period, commencing from the date of first occupancy of the new building;
  - (b) to ensure that for a ten (10) year period, the two existing rental apartment house dwellings will be preserved and maintained as rental housing stock commencing from the date the Zoning By-law is in full force and effect;
  - (c) that no application for condominium conversion or for demolition to construct anything other than rental housing units will be made in respect of the additional purpose built rental apartment house dwelling and the two rental apartment house dwellings currently located on the site contained in the time periods contained in (a) and (b) above;
  - (d) that the initial rental rates upon first rental shall not exceed 1.5 times the CMHC average City of Toronto rents;
  - (e) for the initial five (5) years, upon turnover, the rent charged to the new tenant shall not exceed 1.5 times the CMHC average City of Toronto rents;
  - (f) during the initial five (5) year period, and until the date that any tenants who took occupancy prior to the end of the initial period move out, rent increases shall be limited to (1) the provincial guideline and (2) if applicable, an increase that exceeds the guideline due to necessary costs or an extraordinary increase in capital or operational costs subject to the process for calculating the increase and tenant participation set out in the Section 37 Agreement. These rules for increases shall not apply in the event that rents are otherwise controlled by the Provincial Government;
  - (g) that 232 m<sup>2</sup> of indoor amenity space in a free standing structure comprised of an all purpose meeting room, kitchen and washroom facilities and an outdoor BBQ and 262m<sup>2</sup> of indoor amenity space in the proposed building comprised of an all purpose meeting room, kitchen and washroom facilities and both amenity spaces will be provided at no charge to tenants;
  - (h) that the indoor amenity space in a free standing structure be constructed prior to the issuance of a building permit for the new apartment building;
  - (i) that the costs of providing indoor amenity space and on-site landscaping not be passed on to the existing tenants of 1200 or 1202 York Mills Road;
  - (j) that the tenants of the two existing rental apartment buildings will have access to the recreational facilities and amenities in the new rental apartment building;

- (k) the preparation and implementation of a Construction Mitigation and Communications Strategy prepared in consultation with the local Councillor and subject to the satisfaction the Acting Director of Community Planning North District, at the owner's own cost and expense prior to the issuance of any building permit related to the additional rental building;
  - (l) a cash payment of \$150,000 for parks improvements, over and above the cash-in-lieu contribution required under Section 42 of the *Planning Act* to be paid upon the execution of the Section 37 Agreement.
- (5) Requesting that the Board hold its Order until such time as the Owner has entered into a Site Plan Agreement under Section 41 of the Planning Act, and;
- (6) Requesting that the Board hold its Order until such time as the Owner has fully complied with any outstanding Orders issued under the Building Code Act for 1200 or 1202 York Mills Road to the satisfaction of the Municipal Licensing and Standards Division.

Background:

Proposal

The 2.5 ha (6 ac) site is developed with two existing rental apartment buildings of 16 storeys (1200 York Mills road) and 22 storeys (1202) York Mills Road) with a total of 440 units. The applicant is proposing to amend the Official Plan and zoning by-law to permit the intensification of the site with a new rental apartment building fronting on York Mills Road. The proposed development features two 16 storey apartment buildings set on a 2 storey podium which would contain residential units and amenity space for residents. There are 247 proposed units for a total unit count on the site of 687. There are 248 parking spaces in a new, separate underground garage and the surface parking spaces are maintained at 144 spaces. The present accesses onto York Mills Road and Sandover Drive would remain. The applicant has agreed to the on site and off site Section 37 benefits and rental protection measures listed in the recommendations of this report. The Site Plan is contained in Attachment 1, the site statistics are contained in Attachment 5 and the elevations are contained in Attachment 8 to this report.

Site History

In 1967 the site was rezoned to permit the existing 16 and 22 storey apartment buildings at an FSI of 1.8. Since that time variances have been approved which permitted an increased number of dwelling units within the existing buildings, changes to setbacks and lot coverage to accommodate enclosed vehicle ramps and permission for a day nursery.

On September 19, 2001, an application for a 23 storey rental apartment building with 179 units fronting onto York Mills Road and 5 townhouse units was filed. The existing FSI was 1.8 and with this proposal the FSI would have been 2.5. During 2002, a community consultation meeting and discussions with a resident's working group to discuss issues were held.

In November, 2002, on the basis that the applications had not been dealt with by City Council, the applicant filed an appeal to the Ontario Municipal Board. Discussions on the proposal continued with City staff and on April 2003, the application was revised to the present proposal at 16 storeys in height, 247 units and a total FSI on the site of 2.8. A pre-hearing conference to establish procedural matters was held on June 30, 2003 and a second pre-hearing conference to establish issues was held on August 22, 2003. The hearing on the Official Plan and zoning amendment applications is scheduled to begin October 20, 2003.

#### Site and Surrounding Area

The site is located immediately east of the Don Valley Parkway, south of the 401 on the north side of York Mills Road. There are two existing apartment buildings, 1200 and 1202 York Mills Road, located on the property. The proposed building would be located on open space fronting York Mills Road. A tuck shop, beauty salon and the York Mills Child Care Centre are located in the ground floor of the existing apartment building at 1200 York Mills Road.

The surrounding area is predominately residential. The uses on the abutting properties are:

- North: Sandover Park and a 7 storey apartment building at 267 Roywood Drive
- South: Valleywoods Drive townhouse complex south of York Mills Drive
- East: 10 storey apartment building at 1210 York Mills Road on the east side of Sandover Drive
- West: the Don Valley Parkway

#### North York Official Plan

The property is designated Residential Density Four (RD4) in the North York Official Plan which permits a range of residential uses including apartment housing to a maximum density of 1.5 FSI (see Attachment 4). This application requires a redesignation of the site to RD5 with an FSI of 2.8. An application for an increase in density can be considered subject to Part C.4 Section 5 (Criteria to Guide Redesignation of Residential Lands to a Higher Density).

#### Toronto Official Plan

In November 2002, Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new Plan with modifications. The Minister's decision has been appealed in its entirety and the new Official Plan is now before the Ontario Municipal Board. No hearing date has been set. In the new Official Plan this site is designated Apartment Neighbourhoods which permits apartment buildings, local institutional uses, small scale retail and lower scale residential uses. New development in Apartment Neighbourhoods is to: provide a transition in heights; minimize shadowing; locate new buildings to frame the edge of streets; provide indoor and outdoor recreational space; provide adequate parking and create a community benefit for existing residents on the site.

## Zoning By-law 7625

The site is zoned RM6 (Multiple Family Dwellings, Sixth Density Zone) which permits apartment house dwellings with a maximum density of 1.5 FSI and is shown in Attachment 3 to this report. The site is also subject to site specific zoning by-law 21614 (passed in 1967), and, as varied by the Committee of Adjustment, permits:

- two apartment buildings of 16 and 22 storeys;
- a maximum of 448 dwelling units (1 bachelor, 72 one-bedroom, 331 two-bedroom and 44 three-bedroom units);
- a maximum gross floor area of 45,056 m<sup>2</sup> (485,000 ft<sup>2</sup>) with 43,895 m<sup>2</sup> (472,500 ft<sup>2</sup>) for residential purposes; 130 m<sup>2</sup> (1,400 ft<sup>2</sup>) for commercial floor space; 477 m<sup>2</sup> (5,136 ft<sup>2</sup>) for recreational facilities; and 554 m<sup>2</sup> (5,963 ft<sup>2</sup>) for day care uses;
- retail commercial facilities on the ground floor or basement of 1200 York Mills Road;
- a maximum lot coverage of 10.1% and landscaping where specified;
- existing parking, including 2 handicap spaces, permitted in the landscaped area;
- no exterior advertising of the commercial facilities.

## Site Plan Control

The applicant has not yet submitted a site plan application and this report recommends that the Ontario Municipal Board hold its Order until the Owner enters into a Site Plan Agreement.

## Reasons for Application

The proposed density exceeds the maximum density of 1.5 FSI permitted in the RD4 designation and the proposal is not permitted by the existing site specific zoning by-law.

## Community Consultation

A community consultation meeting was held on January 22, 2002 on the original 23-storey apartment building proposal. After the application was revised a second community consultation meeting was held on May 21, 2003. The concerns expressed at both meetings included:

- height, views and shadow impacts
- overcrowding of the site
- proposal will result in the loss of open space on the site
- a lack of recreational facilities in the existing buildings
- the need for repairs to the existing apartment units
- adequacy of school capacities
- dedicated pick-up and drop-off for the childcare centre in 1200 York Mills Road
- consider one-ways and no entry to Clayland Drive to accommodate increased traffic accessing and egressing the site
- apartment visitors and residents park on Clayland Drive
- litter on the property
- security issues

- the impact of construction including truck traffic, noise and dust

During the spring of 2002 a working group comprised of tenants and residents held meetings with the Councillor and City staff focusing on tenant and community concerns about traffic and building height. The application was subsequently revised and was submitted as the present proposal in April 2003.

#### 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.

#### Comments:

##### Official Plan Residential Intensification Policies

Part C.4 Section 5 of the North York Official Plan recognizes that Council may consider applications to increase the density on residentially designated lands. The policy states that a redesignation may be appropriate when the location represents an opportunity to create additional housing to take advantage of physical infrastructure, community services and facilities, transportation facilities and to meet the housing needs of residents.

The Official Plan sets out development criteria to guide the review of proposals where a density increase is proposed. These criteria include: adequacy of services, transportation impacts, access to public transit and arterial roads, housing mix, suitability of the site to accommodate the increased density, net benefits to the City and stability of the adjacent residential lands. The evaluation of the application with respect to these criteria is discussed below.

The redesignation of this site to a higher density is supported because the site is located on an arterial with good access to the transportation network, it is of sufficient size to accommodate infill development and the proposed development can be successfully integrated into the Fenside neighbourhood development pattern. In addition, the existing services and facilities and those to be secured as part of the Section 37 Agreement are adequate to accommodate the development. The development meets appropriate land use standards, results in a compatible built form relationship with the two existing apartment buildings on the site and there is a net benefit to residents in terms of on-site facilities. The proposal meets both the North York and the new Official Plan criteria for residential intensification.

#### Built Form

Following community consultation and staff comments, the height of the building has been reduced from 23 storeys as originally proposed to 16 storeys. This height is compatible with the existing 22 and 16 storey apartment buildings. It should be noted that the floor to ceiling heights in the new building are 2.7 metres (9 ft.) which results in a total building height of approximately

5 metres (16 ft.) over normal floor to ceiling heights. The new building is approximately 5 metres (16 ft.) higher than the existing 16 storey building at 1200 York Mills Road.

The site fronts York Mills Road and flanks the Don Valley Parkway with a property depth of 208 metres (682 ft.). The two existing apartment buildings are located at the front (south) end and rear of the site respectively. The proposed apartment building fronts onto and provides a presence on York Mills Road.

The main building face of the proposed building is set at an angle to the closest existing apartment building, 1200 York Mills Road. This lessens the impact of the proximity of the proposed development, and, at the closest point the two buildings are 15 metres (50 ft.) apart. At the furthest point the two buildings are 40 metres (131 ft.) apart.

The existing two apartment buildings presently cover 12% of the lot area with the remainder for open space, driveways and parking areas. Together, the existing and proposed building would have a lot coverage of 21% of the site leaving approximately 79% of the site as landscaped open space, driveways and parking areas. The total landscaped open space on the site has been decreased by about 20% with the proposed development but is compensated for by enhancing the remaining landscaped areas and adding new landscaping to the site. As well, there is an adequate supply of parks found nearby in the Fenside community.

The site is large and can accommodate the proposed development. The separation distances between apartment buildings and the amount of open space is adequate, the height of the proposed building is compatible with the existing development on the site, vehicular and pedestrian site circulation is satisfactory and the amount of surface parking has been maintained.

### 3. On Site Amenity

The existing rental apartment buildings do not contain any indoor amenity area. This was raised at community meetings as a concern of the existing tenants.

The applicant has agreed to construct a new free standing amenity centre in front of the northerly existing apartment building (1202 York Mills Road) for use by new and existing tenants on the site. It is 232m<sup>2</sup> (2,500 ft<sup>2</sup>) in area and consists of all purpose rooms with a kitchen, washrooms and outdoor BBQ facilities.

In addition, the proposed apartment building is to contain 262m<sup>2</sup> (2,820 ft<sup>2</sup>) of amenity space located within the two storey podium consisting of all purpose rooms with a kitchen and washrooms and is also available to all tenants. The applicant has agreed that the costs of the new amenity spaces will not be passed on to existing tenants. The requirement to construct the amenity spaces will be secured in the Section 37 agreement.

### 4. Off Site Parks Improvements

The applicant has agreed to provide funds to be directed toward off site parks improvements. A total of \$150,000 will be secured through a Section 37 agreement in addition to the cash-in-lieu

contribution required by the Planning Act for parkland. The off-site improvements will be determined in consultation with the local Councillor, the community, and Economic Development, Culture and Tourism.

## 5. Community Services and Facilities

Residents of this site have access to adequate community open space. A public park, Sandover Park is 1 ha. (2.3 acres) in area and abuts the property to the north-east. It features mature trees, open space, play equipment and benches. Fenside Arena is located approximately 1.5 km (¾ mile) north east of the property. Lynedock Park is approximately 500 metres (1,600 ft.) from the property and is a ravine park providing a connection to Brookbanks park ravine system on the south side of York Mills Road.

As an addition to the community amenities within the area, the proposed development will contain a total of 494m<sup>2</sup> (5,318 ft<sup>2</sup>) of indoor amenity space as an on site amenity for the use of all tenants.

The site has good access to the Don Valley Parkway and York Mills Road as well as to the TTC buses operating on York Mills Road which connect to the Yonge subway line.

The Toronto District School Board has indicated that the local middle and secondary schools are full and that the Board would make arrangements to accommodate pupils elsewhere. The Toronto Catholic District School Board has not provided specific comments but indicated that Development Charges will be levied to fund growth related pupil needs.

## 6. Traffic

The Works & Emergency Services Department notes that the additional traffic generated by the proposed 247 units can be accommodated by the existing traffic network as demonstrated in the applicant's Traffic Study dated July 8, 2003. The applicant updated the previous Traffic Study submitted with the 23 storey proposal that was prepared in September, 2001.

## 7. Parking

The parking supply for the new building meets the resident and visitor requirements of Zoning By-law 7625. The parking supply for the existing two apartment buildings remains as it is. The total number of parking spaces on the site with the new development is 783.

The parking supply is shown on the table below:

Element	Standard	Number of Spaces
Existing Apartment Buildings	0.95 per unit	418
Proposed Apartment Building	1.0 per unit	247
Existing Visitor Parking	0.125 per unit (grandfathered)	55
Proposed Visitor Parking	0.25 per unit (current zoning standard)	62



The new building is proposed to have a separate underground garage and the surface parking spaces are maintained at 144 of which 117 parking spaces are for visitors. Seventy two former tenant surface parking spaces have been located to the underground garage in order to accommodate additional visitor parking spaces on the surface.

8. Impact on adjacent residential areas

The subject site is located on the south west edge of the Fenside neighbourhood. The former City of North York has generally developed with higher density development along arterials and lower density, stable residential neighbourhoods in the interior of the blocks. The Fenside neighbourhood reflects this development pattern with higher density residential development along York Mills Road and the Don Valley Parkway. The proposed development fits into the existing pattern of development and is sensitive to the character of the surrounding uses.

The proposed 16 storey apartment building is approximately 21 metres (69 ft.) from 1210 York Mills Road, a 10 storey apartment building to the east. 1210 York Mills is angled on its site and is not directly facing the proposed building which lessens the impact of the proximity of the proposed development.

The proposed 16 storey apartment building would be located more than 150 metres (492 ft.) from the nearest low density residential lot located to the north-east.

The proposal will not destabilize the adjacent residential lands in the Fenside community. Roywood Drive and Lynedock Crescent serve as a clear boundary between the existing apartment developments, generally located along York Mills Road and the Don Valley Parkway, and the low density residential neighbourhood in the interior of the block.

9. New rental housing/Preserving existing rental housing

Both the new Official Plan and the North York Official Plan contain policies that encourage the development of rental housing because it is a significant part of the City's housing stock and that demand for rental housing, especially at affordable rates is currently strong. The applicant has agreed to secure rental housing and to maintain affordable rents which meets the intent of the Official Plan. The applicant has confirmed that the development is to be purpose built rental and not a condominium.

The applicant has agreed to secure the rental tenure of both the proposed apartment building and the two existing apartment buildings (1200 and 1202 York Mills). The new building is to be purpose built rental accommodation for 15 years and the two existing buildings are to be secured as rental accommodation for 10 years.

The applicant has agreed to provisions which maintain affordable rents in the new building for an initial five year period. As well, the applicant has agreed to vacancy decontrol where upon a tenant vacating a unit, the rent increases will be limited to the provincial guidelines. The

applicant has also agreed that the costs of providing the on site benefits which include indoor amenity space and site landscaping will not be passed on to existing tenants.

The applicant has agreed to provide a Construction Mitigation and Communications Strategy to protect tenants in the existing rental buildings from the impacts of construction and to ensure there is appropriate information exchange between building management and tenants with respect to the construction. The Plan will include protocols for safety, noise and dust control, cleaning the site, resident vehicular and pedestrian access, contact persons for complaints and the schedule and expected completion dates for the various stages of construction activity.

#### 10. Site Plan

The existing internal driveway has been redesigned with a central “roundabout” which provides better access to the apartment building entrances and decreases pedestrian/vehicular conflicts. The existing layby for the daycare drop-off and pick up which improves traffic circulation and safety at this location has been maintained.

The landscape plan features a circular pattern of street trees focussed on the roundabout in the centre of the site. A variety of planting materials is proposed along the new internal driveway and surface parking areas and adjacent to the two existing apartment buildings. Existing mature trees within 5 metres of the proposed new building will be protected in accordance with City requirements.

The applicant will provide a Construction Management Plan which indicates how construction traffic will be accessing and exiting the site, where materials and equipment will be stored and how the site will be cleaned of dust and debris for review by Works & Emergency Services.

#### Conclusions:

The proposal to add a new two-tower 16 storey apartment building, in combination with community and on site benefits that have been agreed to, is appropriate. The site can accommodate the additional development and the proposal meets the residential intensification policies of the Official Plan. Rental tenure for both the new and the existing development, and, provisions for affordable rental rates have been secured. The amendments to the Official Plan and zoning by-law are recommended for approval at the Ontario Municipal Board.

Contact:

Lynn Poole, Senior Planner

Tel. No. (416) 395-7136

Fax No. (416) 395-7155

lpool@toronto.ca

---

Thomas C. Keefe, Acting Director  
Community Planning, North District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Landscape Plan
- Attachment 3: Zoning
- Attachment 4: Official Plan
- Attachment 5: Application Data Sheet
- Attachment 6: Draft Official Plan Amendment
- Attachment 7: Draft Zoning By-law Amendment
- Attachment 8: Elevations