

**763-765 Woodbine Avenue & 1945-1955 Gerrard Street East–Rezoning Application and Site Plan Control Directions Report**

<b>Date:</b>	September 18, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 32 – Beaches-East York
<b>Reference Number:</b>	07-235476 STE 32 OZ & 07-235470 STE 32 SA

**SUMMARY**

The application for zoning by-law amendment 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. The applicant appealed the zoning by-law application and site plan application to the Ontario Municipal Board due to City Council’s failure to make a decision within the time allotted by the Planning Act. The purpose of this report is to seek City Council’s direction for the hearing of the appeal which is expected to be scheduled for mid-fall, 2008.

The applicant proposes to construct a 6 storey mixed use building with a mezzanine, which therefore appears as a 7 storey building. The proposed building contains 29 residential units with commercial units at grade at 763-765 Woodbine Avenue and 1945-1955 Gerrard Street East.

This report recommends that the proposal be opposed in its current form, however, staff should continue discussions with the applicant in an attempt to resolve the outstanding matters as outlined in this report.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor and appropriate staff to attend any Ontario Municipal Board (OMB) hearing to oppose the applications as currently proposed.
2. City Council direct staff to continue to negotiate with the applicant in an attempt to resolve outstanding matters as outlined in this report including, but not limited to, issues related to Height and Massing, Urban Design and Streetscaping.
3. Subject to the applicant addressing the issues raised in this report to the satisfaction of the Director of Community Planning, Toronto & East York District, City Council direct the City Solicitor to report back to City Council on any proposed settlement.
4. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

On July 12, 2007 Carson Woods Architects Limited, on behalf of Tan On Investments Limited, applied for a Zoning By-law amendment and for Site Plan approval to construct a seven storey mixed use building with a height of 22.53 metres containing 36 residential units. The applicant revised their proposal on June 2, 2008, increasing the height, reducing the number of residential units to 29, and making changes to the first floor.

The current proposal is a seven storey mixed use building (6 storeys plus mezzanine), with a total gross floor area of 3,957 square metres or 3.46 times the area of the lot and a revised height of 25.63 metres. A total of 35 parking spaces are proposed in one level of underground parking. See Attachment 6: Application Data Sheet.

The applicant appealed the zoning by-law amendment to the Ontario Municipal Board on July 7, 2008, due to Council's failure to make a decision respecting the application. The site plan application was also appealed at that time. A hearing date has not been set.

### **Site and Surrounding Area**

The 1,144 square metre site is at the south-east corner of Woodbine Avenue and Gerrard Street East. The site is currently occupied by a single storey commercial building at the

intersection, and two-2 storey buildings with commercial uses at grade on the eastern portion of the site.

The surrounding uses are as follows:

North: 1-2 storey mixed use buildings

South: 5 storey residential building

East: low density residential neighbourhood

West: 1-2 storey mixed use buildings

### **Provincial Policy Statement and Provincial Plans**

The 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.

### **Official Plan**

The Official Plan designates the site *Mixed Use Area*, made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Plan provides a list of development criteria that include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment;

- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

In addition to the policies found within the *Mixed Use* section of the Official Plan, policies that relate to *Built Form* also apply. They include policy 3.1.2.3 which states:

“New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- a) massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- b) creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan; and
- c) providing for adequate light and privacy”:

The proposal has been reviewed against these criteria and all other relevant policies of the Plan. The proposal does not comply with the intent of some of the development criteria for *Mixed Use Areas* and some policies regarding *Built Form*. This conclusion is discussed in detail below.

## **Zoning**

The site is zoned CR T2.0 C0.5 R2.0 in the former City of Toronto Zoning By-law 438-86. This is a mixed-use designation that permits development up to 2.0 times the area of the lot, of which a maximum of 0.5 times may be non-residential uses and a maximum of 2.0 times may be residential uses. The maximum permitted height is 12.0 metres.

## **Site Plan Control**

The property is subject to site plan control. An application for site plan control has been submitted and appealed.

## **Reasons for Application**

The applicant proposes a density of 3.46 times the area of the lot, whereas the maximum permitted under the Zoning By-law is 2.0 times. The proposed building height of 25.63 metres exceeds the permitted height limit of 12 metres and the proposed building does not conform to setback requirements.

## Community Consultation

Three community consultation meetings were held: October 11, 2007; November 21, 2007 and January 23, 2008 to discuss the proposal. Over 100 people attended the first meeting, 50 attended the second, and 25 attended the third meeting. Concerns expressed were consistent throughout each of the 3 meetings, they included:

- height, density, massing of proposal
- compatibility of proposal with neighbourhood and surrounding area
- issues of overlook onto backyards of properties to the south and privacy
- traffic, parking and safety of pedestrians
- garbage and loading
- urban design/architecture of proposal
- precedent of proposal in neighbourhood
- environmental issues

## Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications.

## COMMENTS

### HEIGHT, MASSING, BUILT FORM

This is the first site in this area seeking redevelopment since the new City of Toronto Official Plan has come into effect. The Plan has specific policies outlining development criteria and built form requirements. The proposal does not comply with the intent of some of the development criteria in the Official Plan for *Mixed Use Areas* and policies regarding *Built Form*. The unshaded text of Section 3.1.2. of the Official Plan states that “developments must be conceived not only in terms of the individual building site and program, but also in terms of how that building and site fit within the context of the neighbourhood and the City”. As such, it is necessary to consider the context of the adjacent properties, and the proximity of existing buildings, when reviewing the proposed development. Policy 3.1.2.3 states that “new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties”.

The zoning by-law limits the residential floor area for the site to a maximum of 2,289 square metres or 2.0 times the area of the lot, whereas the applicant’s proposal is 3,957 square metres or 3.46 times the area of the lot. The applicant has not shown how this level of density can be appropriately accommodated on this site. This excess density creates deficiencies respecting setbacks and facing distances.

Staff and the community have identified height as a major issue. The applicant's original submission proposed a height of 22.53 metres. The applicant has increased the height of the building by over 3 metres.

A building of this height, with shallow step backs at the top floor is not in keeping with the character of the area. It is appropriate to consider some intensification on this site, however given the local context this proposal represents overdevelopment. The by-law for the surrounding mixed use area sets the maximum height at 12 metres or approximately 4 storeys, and 10 metres or approximately 3 storeys for the surrounding area zoned as residential (R2). The buildings surrounding the site are 2-3 storeys in height, except for a 5 storey residential building located to the south of the site at 751 Woodbine Avenue. This Woodbine Avenue building is on a down slope and with the grade change is approximately 6 metres lower in height (19.5 metres total) than the applicant's proposal at 25.63 metres. (Attachment 5)

The applicant's proposal requires that balconies for the units project into the Gerrard Street East right of way which is unacceptable. The west undulating façade also encroaches into the right of way which is unacceptable. The building must be contained on its own parcel of land and then provide appropriate setbacks and step backs without an encroachment.

The Official Plan requires that buildings transition down to the neighbouring low scale development particularly when the neighbouring development is designated *Neighbourhoods*. This has not been done. The east elevation is set back nominally (1.05 metres) from the property line and then projects straight up with a 6 storey wall. Where the building does set back at the northeast corner, the applicant is proposing windows from the master bedrooms on the 4<sup>th</sup> and 5<sup>th</sup> floor less than the required minimum 5.5 metre setback for principal windows.

An overall reduction in total height and step backs along the east property line above the 3<sup>th</sup> floor are required. City staff consider this necessary to provide transition towards the neighbourhood. The changes in grade, the site configuration and the neighbourhood context make this a challenging site. Staff do not recommend the development as now proposed. Staff propose to continue to work with the applicant to see how an appropriate development could fit onto this site. Staff would then report back to Community Council with any possible settlement.

## **Privacy and Overlook**

The siting of the proposed building; the lack of appropriate setbacks and the location and orientation of proposed window openings will all negatively impact the privacy, and residential amenity for residents located immediately to the east and south of the proposed development. There are a number of elevated private decks which will also have a negative impact on privacy. The south east balconies on floors 2-5 are within approximately 1.5m of the property line of single family homes. This is not an acceptable overlook condition. The building should be terraced to address these concerns.

City staff have consistently recommended to the applicant to apply a minimum 5.5m setback from the east property line above the as-of-right height limit to create a transition and to provide proper separation distances. For the lower floors the balconies should be relocated to avoid this overlook condition. Also, the building should be terraced to address these concerns.

### **Traffic Impact, Access, Parking**

Due to the limited number of dwelling units 29 the applicant has not been required by Works and Emergency Services to submit a Traffic Impact and Parking Study.

The applicant is proposing to provide 35 parking spaces which exceeds the minimum required by the Zoning By-law 32.

### **Servicing**

City staff have previously requested the applicant to provide information demonstrating the adequacy of municipal services for the proposed development. The applicant has not submitted the required information and it is unknown if the existing municipal infrastructure is adequate to service the proposed development.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate rate park levy. The parkland contribution that would apply to this site is 10%. The required parkland dedication would be satisfied through cash in lieu.

### **Streetscape**

Streetscape improvements should include planting new street trees along Gerrard Street. The applicant has shown large canopies projecting over the sidewalk, which would preclude street trees from being planted. No street trees have been shown on any plans.

There are also a number of hydro lines close to the property line. These may create a safety concern especially with the proposed projecting balconies on the upper floors.

### **Toronto Green Development Standard**

The applicant has not indicated their intentions in relation to the Green Development Standards.

### **Development Charges**

It is estimated that the development charges for this project would be \$194,823.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

**Conclusion**

City Planning staff do not support the proposal in its current form. If the applicant successfully addresses the issues outlined in this report, then staff would be in the position to support a revised proposal at the upcoming Ontario Municipal Board hearing.

**CONTACT**

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**SIGNATURE**

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

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**ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

Attachment 3: Elevations

Attachment 4: Elevations

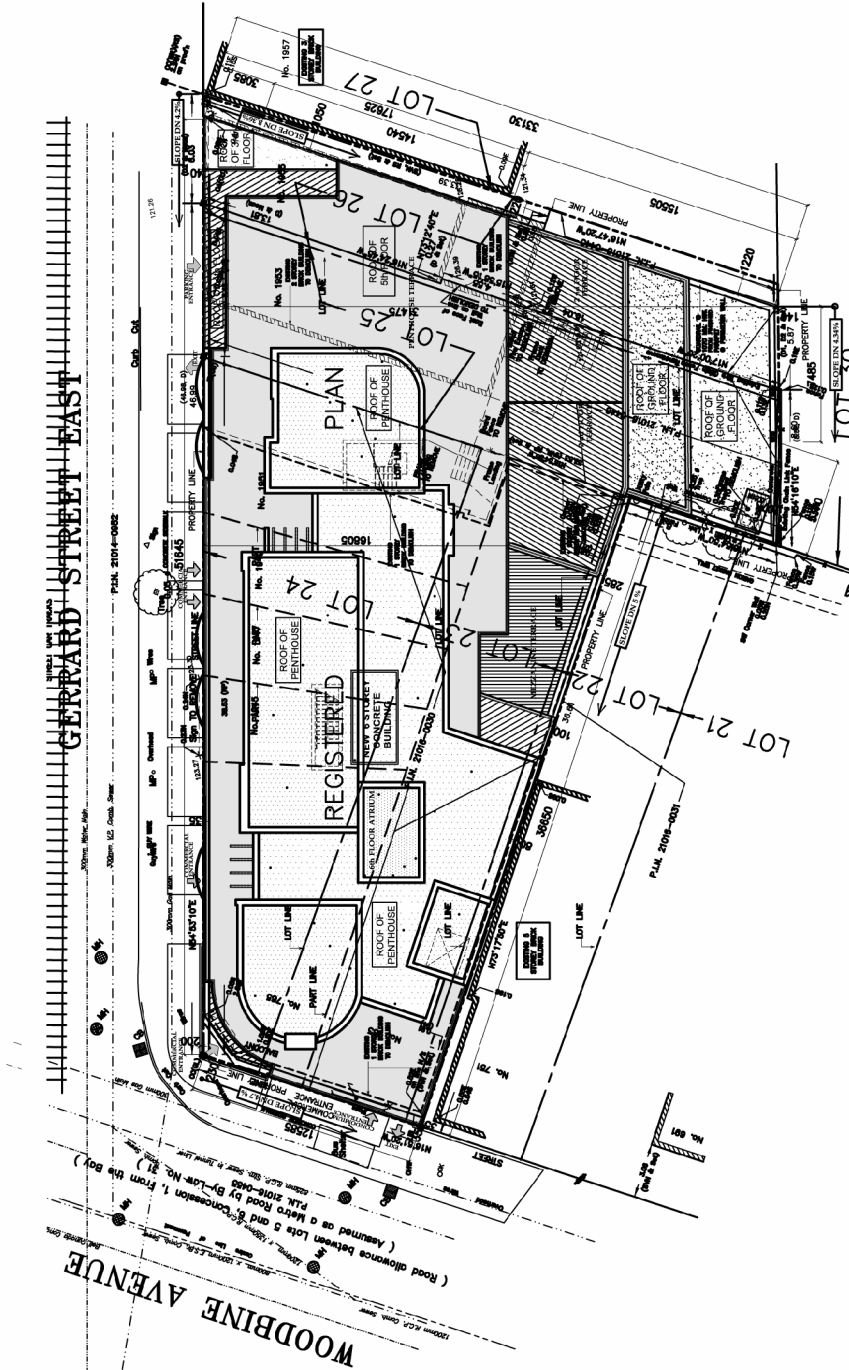
Attachment 5: Elevations

Attachment 6: Zoning

Attachment 7: Application Data Sheet



# Attachment 1: Site Plan



## Site Plan

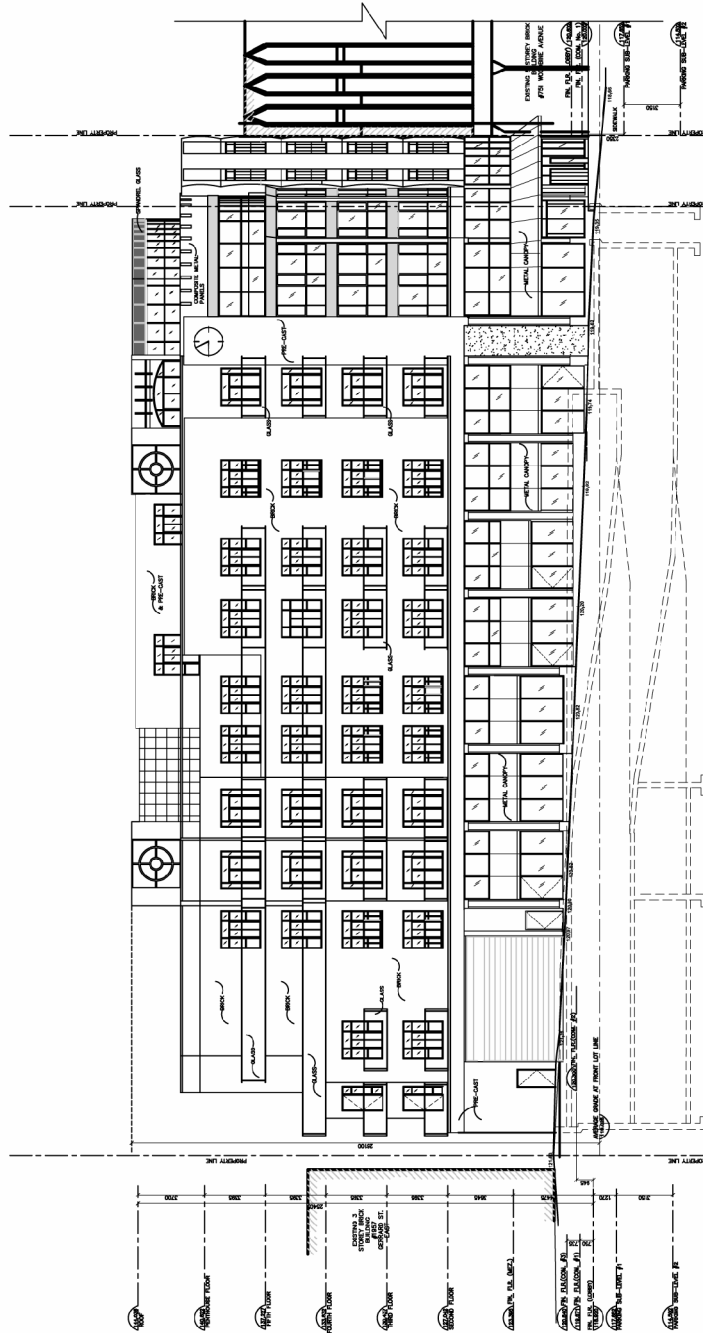
763-765 Woodbine Avenue & 1945-1955 Gerrard Street East

Applicant's Submitted Drawing

Not to Scale  
07/17/08

File # 07\_235470 & 07\_235476

## Attachment 2: Elevations



### North Elevation

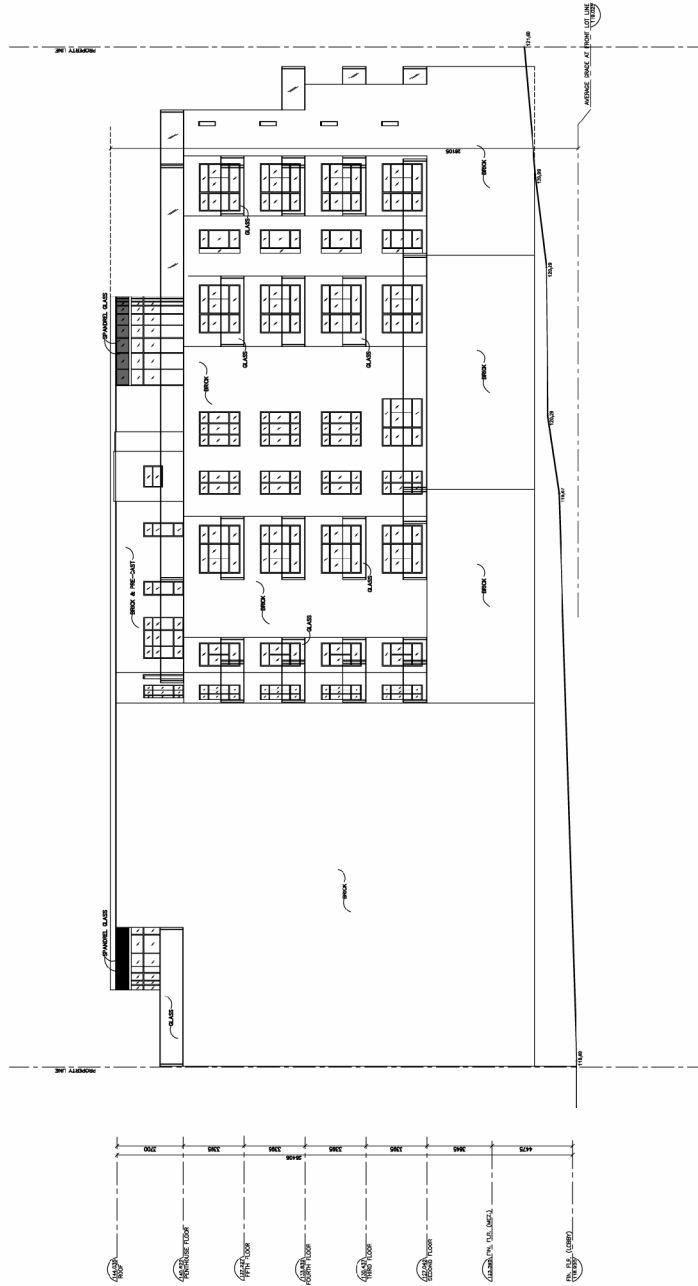
Applicant's Submitted Drawing

Not to Scale  
07/17/08

763-765 Woodbine Avenue & 1945-1955 Gerrard Street East

File # 07\_235470 & 07\_235476

# Attachment 3: Elevations



## South Elevation

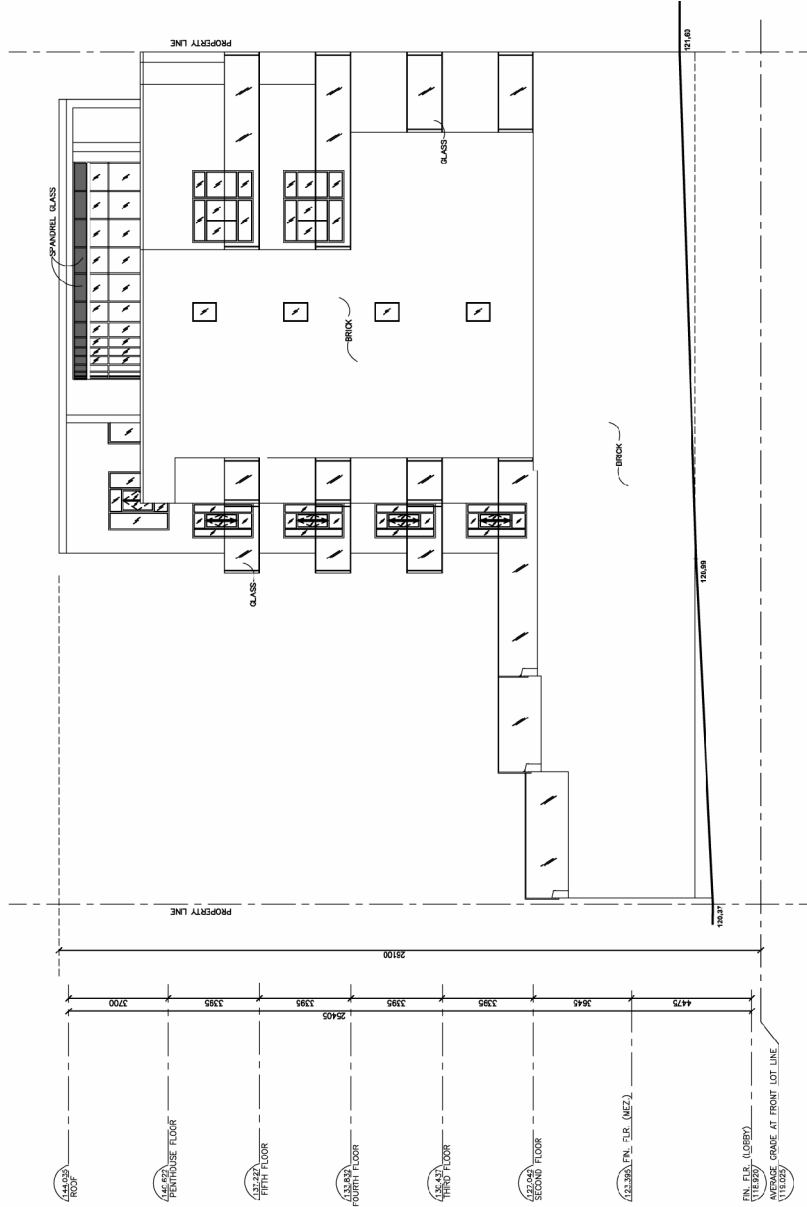
Applicant's Submitted Drawing

Not to Scale  
07/17/08

763-765 Woodbine Avenue & 1945-1955 Gerrard Street East

File # 07\_235470 & 07\_235476

## Attachment 4: Elevations



### East Elevation

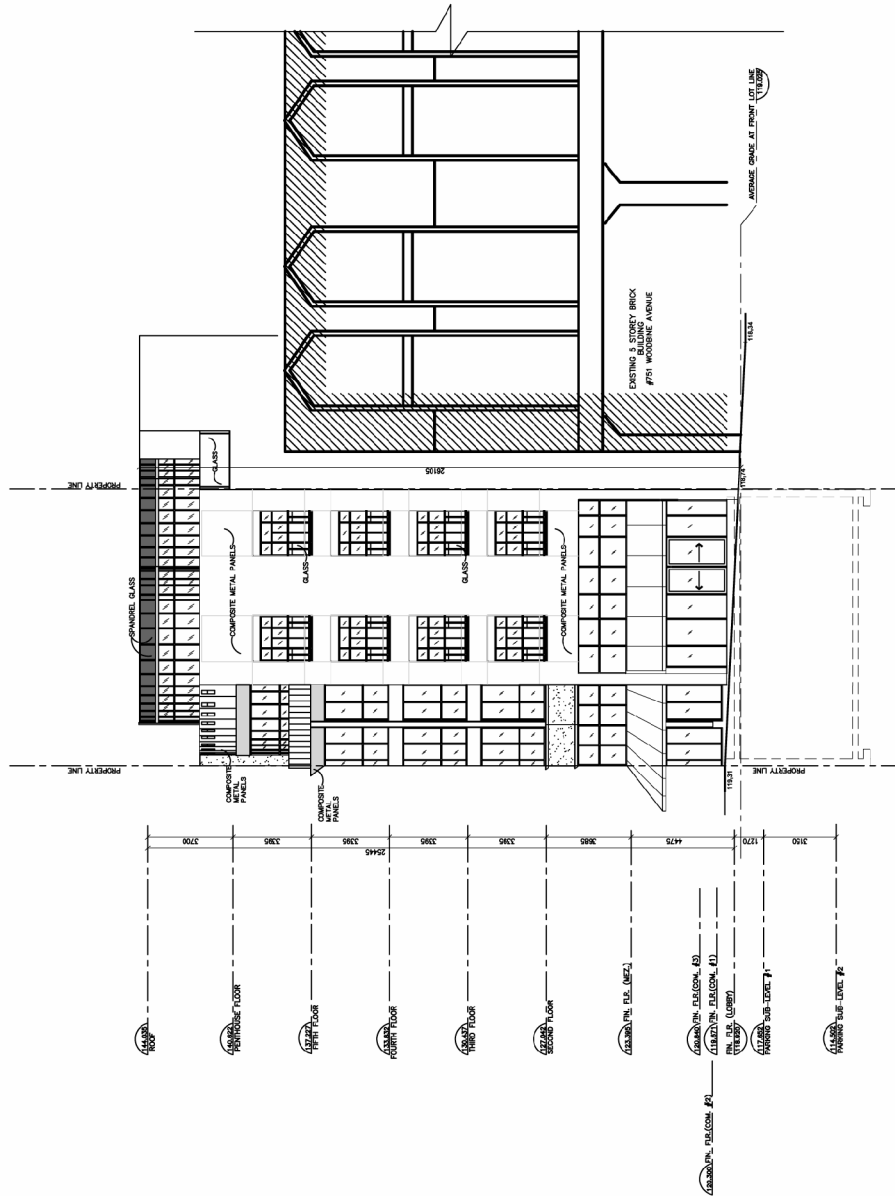
763-765 Woodbine Avenue & 1945-1955 Gerrard Street East

Applicant's Submitted Drawing

Not to Scale  
07/17/08

File # 07\_235470 & 07\_235476

## Attachment 5: Elevations



### West Elevation

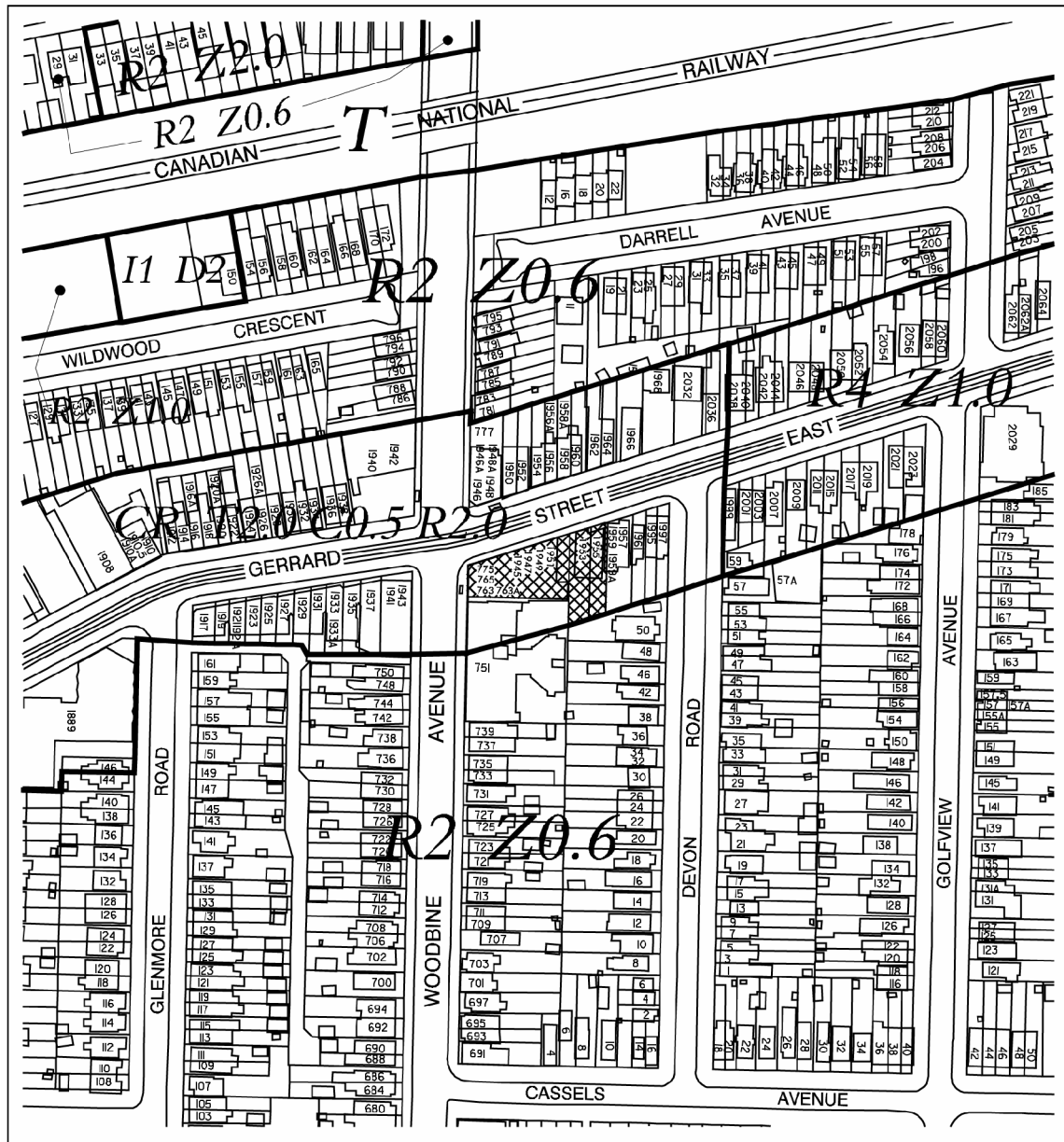
763-765 Woodbine Avenue & 1945-1955 Gerrard Street East

Applicant's Submitted Drawing

Not to Scale  
07/17/08

File # 07\_235470 & 07\_235476

## Attachment 6: Zoning



**763-765 Woodbine Avenue & 1945-1955 Gerrard Street East**

File # 07\_235470 & 07\_235476

- R2 Residential District
- R4 Residential District
- CR Mixed-Use District
- I1 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/15/07 - DR

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07-235476 STE 32 OZ
Details	Rezoning, Standard	Application Date:	June 21, 2007

Municipal Address:	763-765 WOODBINE AVENUE & 1945-1955 GERRARD STREET EAST
Location Description:	PL 1430 PT LT22 PT LT23 PT LT24 **GRID S3205
Project Description:	Proposed 7 storey condominium residential tower with ground floor retail, and 2 level below grade parking.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Carson Woods			Yan-On Investments Limited

### PLANNING CONTROLS

Official Plan Designation:	Site Specific Provision:
Zoning: CR T2.0 C0.5 R2.0	Historical Status:
Height Limit (m): 12	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	1144.5	Height:	Storeys:	7
Frontage (m):	52.97		Metres:	25.63
Depth (m):	14.5			
Total Ground Floor Area (sq. m):	428			<b>Total</b>
Total Residential GFA (sq. m):	3567		Parking Spaces:	35
Total Non-Residential GFA (sq. m):	304		Loading Docks	1
Total GFA (sq. m):	3871			
Lot Coverage Ratio (%):	37.4			
Floor Space Index:	3.46			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	3567	0
Bachelor:	0	Retail GFA (sq. m):	304	0
1 Bedroom:	5	Office GFA (sq. m):	0	0
2 Bedroom:	23	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	29			

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