

TORONTO STAFF REPORT

May 12, 2000

To: North York Community Council

From: Rob Dolan,
Director, Community Planning, North District

Subject: Further Report
Official Plan and Zoning Amendment Applications
Options for Homes
650 Lawrence Avenue West
UDOZ 99 –18
Ward 8 – North York Spadina

Purpose:

This is a further report on recommendations respecting applications to amend the Official Plan and Zoning By-law 7625 of the former City of North York to permit a 393 unit apartment dwelling and 51 townhouse units.

Financial Implications and Impact Statement:

There are no financial implications associated with this report.

Recommendations:

It is recommended that the report on the deferral of fees, charges and levies for 650 Lawrence Avenue West be deferred until the Urban Development Services report on the disposition of fees, charges and levies for non-profit housing is considered by the Planning and Transportation Committee in June, 2000.

Background:

At the North York Community Council meeting of May 2, 2000 a status report on the matter of deferring fees, charges and levies for 650 Lawrence Avenue West indicated that staff would report to the May 15, 2000 meeting of Planning and Transportation Committee. That report was expected to proceed in tandem with a separate report on the City-wide issue of the disposition of fees, charges and levies for non-profit housing. The separate report on the City-wide issue was

postponed to the June meeting of the Planning and Transportation Committee meeting. Consequently the report on the deferral of fees, charges and levies for 650 Lawrence will be forwarded to the June Planning and Transportation Committee meeting for consideration at that time.

Contact:

Lynn Poole, Planner
North York Civic Centre
Telephone: (416) 395-7136 Fax: (416) 395-7155
E-mail: lpoole@city.toronto.on.ca

ROB DOLAN

Director, North District, Community Planning

TORONTO STAFF REPORT

March 3, 2000

To: North York Community Council

From: Rob Dolan,
Director, Community Planning, North District

Subject: Final Report
Official Plan and Zoning Amendment Applications, Site Plan Approval
Application
Options for Homes
650 Lawrence Avenue West
UDOZ 99 – 18 and UDSP 99 - 083
Ward 8 - North York Spadina

Purpose:

This report provides final recommendations respecting applications to amend the Official Plan and Zoning By-law 7625 of the former City of North York and for site plan approval to permit a 393 unit apartment dwelling and 51 townhouse units.

Financial Implications and Impact Statement:

None.

Recommendations:

It is recommended that the application be approved, subject to the following:

- (1) That the Official Plan for the lands known as 650 Lawrence Avenue West be amended as follows:

That site specific policy C.9.49.0 and Schedules "A" and "B" be deleted and replaced with the following:

C.9.49.0 Lands located at 650 Lawrence Avenue West as shown on
Schedule C.9.49.0

Permitted Uses: Multiple unit housing including apartments and townhouses.

Density and Height: The total maximum density on the site shall not exceed 2.35 FSI and the maximum height shall not exceed 10 storeys as specified in the Zoning By-law.

- (2) that Zoning By-law 31701 be repealed.
- (3) that the zoning of these lands be amended to RM6 (94) to provide the following:

For Parcel A:

- i. the maximum number of multiple attached dwelling units shall be 51.
- ii. the maximum building height shall be 3 storeys.
- iii. The maximum gross floor area shall be 5,719 square metres.
- iv. The minimum yard setbacks shall be as shown on Schedule RM6 (94).
- v. 51 parking spaces for the multiple attached dwelling units and 13 spaces for visitor parking shall be provided.

For Parcel B:

- i. The maximum number of apartment house dwelling units shall be 393.
- ii. The maximum Gross Floor Area shall be 29,649 square metres.
- iii. The maximum building height shall be as set out in Schedule RM6 (94).
- iv. The minimum yard setbacks shall be as set out on Schedule RM6 (94).
- v. Section 20 A 2.4.1 does not apply.
- vi. The landscaped open space shall be 3,905 square metres.
- vii. 389 underground parking spaces and 4 surface spaces shall be provided of which 98 shall be for the use of visitors.

- (4) that prior to the adoption of the Official Plan Amendment and enactment of the zoning by-law by Council, the applicant enter into an agreement with the City pursuant to Section 37 of the Planning Act, R.S.O. 1990, c.P.13 as amended, to secure the matters noted below:
 - (a) to provide first right of refusal to a non-profit housing provider, acceptable to the City, to own and rent out up to 62 units within the development;
 - (b) that the agreement establish the cost of each unit to be made available to the housing provider;
 - (c) that the non-profit housing provider be selected prior to the issuance of any building permits for the project;
 - (d) that a cash contribution to the Capital Revolving Fund for Affordable Housing be made equal to a portion of the appraised value of the increase in density on the site; and,

- (e) the owner shall convey or cause to be conveyed to the City for a nominal sum, free of all encumbrances, the lands on the western boundary of the property of an approximate width of 5 metres to the satisfaction of the Commissioner of Works and Emergency Services.
- (5) that prior to the enactment of the zoning by-law, the Director, Community Planning, North District shall have granted site plan approval;
- (6) that the conditions of Works and Emergency Services Department, Technical Services, Transportation Services Division, Economic Development Culture and Tourism Department, Policy and Development Division, Fire Services Department, North Command and the Public Health Department, Health and Environment Division attached as Schedules, “F”, “G”, “H” “I” and “J” be met.
- (7) That prior to the issuance of any permits the applicant shall submit a Record of Site Condition, acknowledged by the Ministry of Environment.

Background:

In March 1992, Council adopted Official Plan Amendment No. 354 and enacted By-law 31701 for a development by the Antrex Group at 650 Lawrence Avenue West, the former CMHC office. Two six storey apartment buildings, one with 96 units to be used for seniors assisted housing and a second with 150 units to be used for non-profit housing and a six storey office building was approved for the site with a maximum density of 2.05 FSI. Development on this site did not proceed due to the loss of funding for non-profit housing. A table showing comparative statistics for the approved development by Antrex and the development proposal by Options for Homes is contained in Appendix 1.

Site Description:

The three storey office building currently on the property was the former CMHC office. To the north is the Lawrence Heights neighbourhood and immediately abutting the site on its northern property line is the Lawrence Heights Community Centre. To the south is Lawrence Avenue, to the east is Bathurst Heights Secondary School and to the west is Replin Road, City owned open space (0.50 hectares) and low rise apartment buildings set back approximately 120 metres from Lawrence Avenue. Just west of the apartment buildings is the W.R. Allen Road and the Lawrence West Subway station.

The Proposal:

The original Official Plan and Zoning By-law amendment applications submitted by the applicant proposed a 10 and 15 storey 400 unit apartment building and 61, three storey townhouses.

Based on public comments and staff input, the proposal was revised to reduce the number of units to 393 apartments and 51 townhouses. The apartment building has been reconfigured to provide a large, landscaped court adjacent to Lawrence Avenue. The building height has been revised so that the greatest height, 10 storeys, is at the centre of the site with the height stepping down to eight storeys and six storeys for the portions of the building that are closest to Lawrence Avenue. A driveway provides access for the apartment building onto Lawrence Avenue and is located opposite Shermount Avenue. A condominium common element road connects to Replin Road and provides access for servicing to both the townhouses and the apartment building.

The pertinent statistics are as follows:

TOTAL SITE AREA	1.517 ha (3.74 ac)
GROSS FLOOR AREA	35,368 m ² (383,875.8 sq.ft.) residential
DWELLING UNITS	393 apartments and 51 townhouses
FLOOR SPACE INDEX	2.35
RECREATIONAL AMENITY AREA	Indoor 363.1 m ² (3,908.5 sq.ft.) Outdoor 1,245.3 m ² (13,407.7 sq.ft.)
BUILDING HEIGHT	Apartment Building - 6, 8 and 10 storeys Townhouses - 3 storeys
PARKING PROPOSED	Residents – 255 for apartment building & 51 spaces for townhouses Visitors – 53 spaces Total spaces proposed: 359
PARKING REQUIRED (By-law 7625)	Townhouses: 2.0/unit incl. visitors = 102 apartments: 1.25 + 0.25 = 589 Total spaces required: 691

Community Consultation:

A community consultation meeting was held on November 30, 1999 with the local Councillors and landowners in attendance. The primary concern was that the proposal would further increase the high traffic levels on this portion of Lawrence Avenue. The Transportation Services Division staff has reviewed a traffic impact study submitted by the applicant and are satisfied that the proposal will not have a significant impact and that the proposed development is adequately served by transportation facilities.

The applicants indicated that the number of parking spaces supplied are proposed to be lower than the Zoning By-law standard on the basis of lower car ownership by Options for Homes purchasers and that a study to document this and justify a lower parking supply would be provided to City Staff for review. The applicant's parking study is discussed in the Comments section of this report.

Comments:

Official Plan

The property is designated Arterial Corridor Area (ACA) which is an area of potential reurbanization (see Schedule "A"). The lands are also subject to Specific Development Policy C.9.49.0 that reflects the approval by the Antrex Group described above and which did not proceed. The applicant is requesting an amendment to increase the permitted density from 2.05 Floor Space Index to 2.35 Floor Space Index (FSI).

A mix of residential and commercial uses generally up to an FSI of 2.0 is permitted with a density of up to 2.5 FSI permitted at major intersections and where the depth is sufficient to buffer impacts to residential uses. While a mix of residential, commercial and institutional uses is permitted, it is not necessary that each individual building contain a mix of uses. All residential uses permitted in RD-5 are permitted in the ACA designation. The application proposes a density of 2.35 FSI and an amendment to the Official Plan is required to permit a density increase over 2.0 FSI. The increase in density is supportable because the site is located about 120 metres from the Lawrence West subway stop and it is appropriate to support higher intensity uses with good access to public transit. The property has a depth of 136 metres and the development does not have a negative impact on the adjacent residential uses to the north and west.

A height of 3 to 6 storeys is generally permitted and additional height can be considered up to the planned right-of-way width of the arterial to emphasize major intersections where sites are deep enough to ensure that impacts on stable residential areas would be minimized. The subject site is very close to the intersection of Allen Road and Lawrence Avenue West; there is only a block of City-owned open space functioning as a separation. In addition, the site is deep enough to ensure that the impact on the surrounding residential area is minimized. The planned right-of-way for Lawrence Avenue West is 30 metres and the apartment building contains ten, eight and six storey portions with the greatest height measuring 25.9 metres which is less than the planned right-of-way width of Lawrence Avenue. An amendment to the Official Plan is required to permit a height increase over six storeys. The height proposed is compatible with surrounding uses which includes the Bathurst Heights High School to the east, the Lawrence Heights Community Centre is located to the north with low rise apartment buildings further to the north and to the west. The closest low rise apartment building is located 54 metres (178 feet) from the property line of the proposed development. Single detached houses are located across Lawrence Avenue West to the south and are not impacted by the height of the proposed apartment building.

Zoning

The existing zoning reflects the previous approval on the site which was implemented by site specific By-law 31701 in 1992 (see Schedule “B”). The site has two separate zones: General Commercial Zone (C1) on the southwest corner of the site which permits a six storey office building and Multiple-Family Dwellings Sixth Density Zone (RM 6) on the remainder of the site which permits two, six storey apartment buildings. The applicant is requesting an amendment to the zoning by-law to permit one apartment house dwelling and townhouses.

Urban Design

At the request of City staff, the applicant’s original proposal was redesigned. In accordance with C.10 2.6.2 of the Official Plan, the apartment building was reconfigured to provide a large landscaped courtyard adjacent to Lawrence Avenue that reflects the historic form of development along Lawrence Avenue and will add to the amenity of this major street. Parking is below grade avoiding any front yard parking other than a drop-off area. The greatest building height is massed at the centre of the development, stepping down to eight and then six storeys at the Lawrence Avenue frontage. The townhouses on the northern portion of the site have been reconfigured to create an east-west street pattern that connects the new development to the neighbourhood to the west via Replin Road. Similarly, to the east, it is the intent of the City to ensure pedestrian and bicycle connections are maintained. Improvements to Lawrence Avenue include the agreement by TTC to the removal of the unused bus bay and the re-alignment of the sidewalk for better pedestrian access. Generally, the built form and landscaping are consistent with the urban design policies contained in Part C.10. of the Official Plan. The site plan and elevations are shown on Schedules “C” and “D”.

Parking Standards

In accordance with Section 7 of the Official Plan, parking standards which are less than the standards set out in the Zoning By-law may be considered where it can be demonstrated in a report satisfactory to Council that the lower standards are appropriate. The applicant submitted a Traffic Impact Study which provides a rationale for lower parking standards for this development on the basis of lower car ownership rates and proximity to the subway station. Works and Emergency Services, Transportation Division completed an analysis of the Traffic Impact Study and their comments on the recommended parking supply is contained in Appendix “G”. In summary, By-law 7625 requires 691 spaces, the applicant’s Traffic Impact Study proposes 359 spaces and the staff recommend 457 parking spaces. The recommended parking supply represents a decrease of 234 spaces from the by-law requirement and an increase of 98 spaces from the applicant’s proposed parking scheme.

Community Benefits

Policies in the Official Plan allow Council to use Section 37 of the Planning Act, where increases in height or density are sought, to secure by way of legal agreements, positive features of a development proposal seen as community benefits. With respect to this proposal, two matters are to be secured through a Section 37 agreement.

In relation to the revitalization of the Lawrence Heights community, specifically the Seniors housing operated by the Toronto Housing Company, the applicant has agreed to provide a first right of refusal, for up to 62 units, to a non-profit housing provider. It is intended that the non-profit housing provider would purchase the units and make them available as low cost rental units. The non-profit housing provider selected will be to the satisfaction of the City. Under the proposed agreement, the applicant is not required to adjust the price of the units or to provide any financial assistance. As noted below however, most of the units in the development are proposed to be affordable to tenant households below the 60th percentile income category.

It is also recommended that the applicant make a contribution to the Capital Revolving Fund for Affordable Housing. In accordance with Council's direction at its meeting held on May 11 – 12, 1999, the Commissioner of Urban Development Services was authorized to pursue contributions toward affordable housing when site specific amendments to the Official Plan are being approved and to deposit such cash contribution to the Capital Revolving Fund. While no policy guideline currently exists with respect to the amount of any contribution, in the former City of Toronto, the benchmark established was 50% of the value of the increased density being sought. To determine this value, an appraisal of the site is required. It is recommended that the Section 37 agreement contain a provision whereby the applicant agrees to a cash contribution to the revolving fund, and in the absence of a Council approved benchmark limit, the amount of the contribution be subject to the satisfaction of the City.

Response to Council Direction

At its meeting of September 14, 1999, North York Community Council deferred to the October 12, 1999 Community Council meeting, a Preliminary Report on this application in order to hold a meeting with the local Councillor, the applicant and staff. At a meeting held September 21, 1999 the following issues were discussed; the subject application as a catalyst for the revitalization of the Lawrence Heights neighbourhood but that also results in development that is compatible with the neighbourhood, affordability, the need for more information on the nature of the private not for profit corporation and housing costs and, the density, built form and height of the proposed development.

At the City Council meeting of November 23 – 25, 1999 Council resolved that the applicant be required to pay the application fees prior to the statutory public meeting and requested the Director, Community Planning, North District to report on:

- (1) the use of the word "co-operative" to describe this project; and
- (2) the feasibility of the ownership of up to 62 units accruing to the City's Housing Company, or such number as may be agreed upon by the applicant and the City.

At that meeting Council also directed that Planning staff, in consultation with the Legal Department and the Toronto Housing Company, and through community consultation, address the issues arising from the meeting of September 21, 1999.

The Council extracts are contained in Appendix 3. This section of the report describes the disposition of the issues raised and Council's direction.

Revitalization of the Lawrence Heights Neighbourhood

The proposed development is part of the Lawrence Heights neighbourhood. It is located within walking distance of the Lawrence West subway station, has excellent access to Lawrence Avenue and the Allen Road and is adjacent to the Lawrence Heights Community Centre. The development provides a significant number, 444, of new, affordable ownership residential units and may act as a catalyst for the further redevelopment and enhancement of this area. The application is compatible with the character of the surrounding uses and the proposed height, density and urban design conforms to the policies of the Official Plan.

Affordability

Part C.4 Section 2.4.3 of the Official Plan requires that 25% of the units be affordable to households with incomes in the 1 to 60 percentile (below \$62,795). The prices and minimum incomes to afford the various unit sizes are shown below and meet the affordability definition required in the Official Plan.

Options for Homes Price	Income Required to Afford
\$62,027 (Bach.)	\$19,657
\$86,501 (1 Bdr.)	\$27,528
\$115,333(2 Bdr.)	\$36,764
\$173,437(TH)	\$56,033

Options for Homes

The applicant is Options for Homes, a private, not for profit corporation that provides affordable ownership housing. The proposed apartments and townhouses are to be condominium. The housing being built can be considered "no frills" where the special features are limited to a meeting room, multi-purpose room, laundry room and security system. Options for Homes indicates that the cost of owning in their developments is \$70 to \$100 per month below the average rent levels in Toronto.

Under Options for Homes, homebuyers form non-profit co-operative housing corporations to construct their projects and retains Options for Homes as their development consultant. The project is then registered as a condominium and units are sold as such. Using second mortgages, which are payable at the time of resale, each project creates a reserve fund of the difference between market value and purchase price. That difference is paid off when a suite is sold and the proceeds are used to fund more, similar housing projects.

Fees, Levies and Development Charges

As described above, the applicant meets the Official Plan definition of affordability. When the Preliminary Report on this application was considered by Community Council in September 1999, at the applicant's request, I recommended that \$45,600.81 in planning application fees be deferred to prior to the public meeting in order to assist the applicant with cash flow. In accordance with this direction, the applicant has now paid the fees.

Options for Homes has since requested that fees, charges and levies totalling \$1.57 million be waived for the proposed development at 650 Lawrence Avenue West. The request was made in response to a proposal by the local Councillor to relocate Seniors residing in the North Acres Toronto Housing Company development, to the proposed Options for Homes development, on a temporary basis. The local Councillor wishes to begin planning for the eventual redevelopment of the North Acres community (see map in Appendix 2).

A report from the Commissioner of Urban Development Services was submitted in January of this year to the Planning and Transportation Committee. The report recommends the waiving of fees, charges and levies for non-profit housing providers that meet the definition found in the City's Development Charges By-law. It has been determined through discussions with staff of Legal Services that the applicant does not meet the definition of Non-Profit Housing contained in Section 14(f) of the By-law and therefore cannot be recommended for waiving of fees, charges and levies as it is inconsistent with the proposed policy in this regard.

The City's Development Charges By-law definition of non-profit is as follows:

“non-profit housing means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by:

a non-profit corporation, no part of the income which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or

a non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990,c.C.35, as may be amended from time to time.”

The Planning and Transportation Committee, at its meeting of January 10, 2000 requested a joint report by the Legal Department and Urban Development Services on the issue of waiving fees, levies and charges for non-profit housing. A report is expected for the April meeting of that committee.

Report on Consultations

On November 22, 1999, the local Councillors convened a meeting to inform the North Acres Seniors and determine interest in a proposal for their temporary relocation to the Options for Homes development to allow the redevelopment of the Toronto Housing Company's North Acres residences. The Councillors intent is that the Seniors pay no more than they presently pay for housing. About 40 Seniors from North Acres were in attendance and the proposal and issues

were explained. There were a number of questions from the Seniors and 13 Seniors filled out application forms indicating an interest in relocating to the Options for Homes development. The Toronto Housing Company's response is contained in a letter dated November 29, 1999 and is contained in Appendix 4. Their concerns include the preliminary nature of the proposal for relocation, how the difference in monthly housing costs over what is currently paid would be funded, and maintenance of the units for Toronto Housing Company tenants.

Conclusions:

Staff are recommending the approval of an Official Plan Amendment and amendment to the zoning by-law for 393 apartment units and 51 townhouses subject to a Section 37 agreement which requires that up to 62 units within the development be turned over to a non-profit housing provider acceptable to the City to own and rent out up to 62 units within the development.

Contact:

Lynn Poole, North York Civic Centre
Telephone: (416) 395-7136; Fax: (416) 395-7155; E-mail: lpool@city.toronto.on.ca

ROB DOLAN
Director, North District Community Council

List of Attachments: (on file)

Schedules

- A Official Plan Map
- B Zoning Map
- C Proposed Site Plan
- D Elevations
- E Schedule RM6(94) to By-law
- F Works and Emergency Services Technical Services
- G Works and Emergency Services Transportation Services
- H Economic Development, Culture and Tourism Department
- I Fire Services Department, North Command
- J Public Health Department
- K Toronto District School Board
- L Toronto Catholic School Board

Appendices

1. Comparison of Options for Homes and Antrex Group Development
2. Location Map – North Acres Seniors development
3. Extracts from Council
4. Correspondence from the Toronto Housing Company dated November 29, 1999