

**33 Holly Street, 44 Dunfield Avenue, 86 & 88 Soudan Avenue  
– Zoning Amendment Application and Rental Housing  
Demolition Application- Request for Directions Report**

<b>Date:</b>	April 8, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	13 211324 STE 22 OZ & 14 153097 STE 22 RH

**SUMMARY**

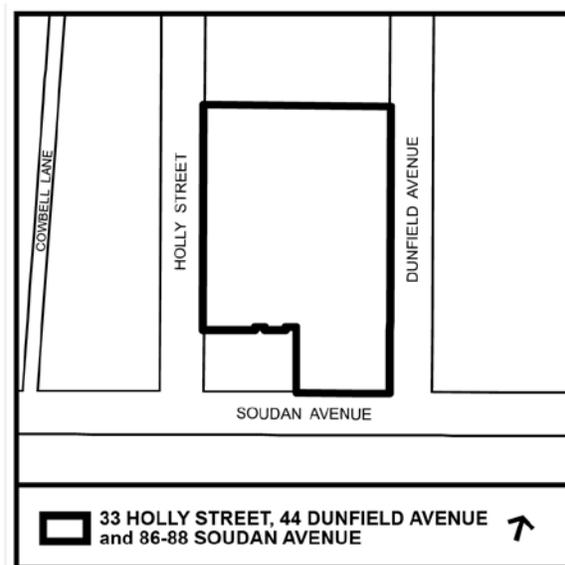
This application proposes two apartment buildings of 24 and 32 storeys attached to two existing, 14-storey apartment buildings at 33 Holly Street and 44 Dunfield Avenue; 5-storey additions on top of the two existing apartment buildings at 33 Holly and 44 Dunfield; and a 6-storey apartment building at 86 & 88 Soudan Avenue.

The proposed attached apartment buildings and top-up additions at 33 Holly and 44 Dunfield are condominium tenure. The existing apartment buildings at 33 Holly and 45 Dunfield, and the proposed apartment building at 86 & 88 Soudan, are rental.

A Rental Housing Demolition and Conversion application has been submitted to demolish two existing single detached, rental houses at 86 and 88 Soudan Avenue.

492 condominium and 46 rental units are proposed in addition to the 324 existing rental units on the site, for a total of 862 residential units. 600 parking spaces are proposed on the site.

The Zoning Amendment application has been referred to the Ontario Municipal Board (OMB) by the applicant due to Council's failure to make a decision on the application within the time prescribed by the *Planning Act*.



A pre-hearing at the OMB was held on January 30, 2015 and a second pre-hearing hearing will be held on May 25, 2015. A hearing date will be scheduled after the May 25, 2015 pre-hearing conference.

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to oppose the proposal in its current form at the OMB. The application is not supported by Staff for the reasons outlined in this report.

The application represents overdevelopment of the site. It does not comply with the policies of the *Apartment Neighbourhoods* designation of the Official Plan, nor does it improve the quality of life of the existing tenants as required by the Official Plan. In particular, the proposed 5-storey additions on top of the two existing apartment buildings would negatively impact the quality of life of existing tenants, impact the reasonable enjoyment of their units and create unreasonable hardship.

City Planning and Parks, Forestry & Recreation Staff recommend on-site parkland dedication. As cash-in-lieu of parkland is proposed, the application must be revised. The manner in which the parkland dedication is secured (land or cash-in-lieu) is at the discretion of City Council and not appealable to the OMB.

Staff recommends that Council's decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act* be withheld, as the proposed development is undesirable. Council's decision under this statute is not appealable to the OMB. Following the OMB decision on the Zoning Amendment application, the Section 111 permit application will return to Council for consideration.

## **RECOMMENDATIONS**

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

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing to oppose the applicant's appeal respecting the Zoning By-law Amendment application for 33 Holly Street, 44 Dunfield Avenue, 86 & 88 Soudan Avenue (File Numbers 13 211324 STE 22 OZ) for reasons including the following:
  - a. The proposal does not have regard for section 2(h) (j) (p) and (q) of the *Planning Act*.
  - b. The proposal is not consistent with applicable policies in the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe and does not conform with the City of Toronto Official Plan.
  - c. The proposal represents overdevelopment of the site.
  - d. The proposal is not in the public interest and does not represent good planning.

2. Staff advise the Ontario Municipal Board of City Council's position that redevelopment of the lands should include the provision of residential amenity space and/or access to new amenity space, both outdoor and indoor, on the site for use by residents of the existing buildings to be retained on the site and any new buildings, in keeping with current zoning by-law standards and at no cost to residents; a Tenant Relocation and Assistance Plan for tenants of the existing buildings to be retained on the site who would be adversely impacted and should be relocated during construction at the election of such tenants, if this or some form of this development is approved. The Tenant Relocation and Assistance Plan should include the tenants' right to return to their previously occupied or new rental units at similar rents and assistance to alleviate hardship and the provision and implementation of a Construction Mitigation and Communication Plan satisfactory to the Chief Planner for residents of the site who remain on site during construction, if this or some form of the development is approved.
3. City Council defer making decision at this time on application No. 14 153097 STE 22 RH under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the *City of Toronto Act* to demolish rental housing units at 86 and 88 Soudan Avenue and instruct staff to report on the Section 111 Application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has issued regarding the zoning appeal for such lands and the other related lands at 33 Holly Street, 44 Dunfield Avenue, 86 & 88 Soudan Avenue.
4. In the event that the Ontario Municipal Board allows the zoning by-law appeal in whole or in part, City Council direct staff to request that the Board withhold any order providing for a Zoning By-law Amendment for the subject lands until such time as:
  - The City and the owner have presented a draft by-law to the Board in a form acceptable to the Chief Planner and Executive Director, City Planning in consultation with Toronto Building, that among other matters, provides for securing the matters set out in Recommendation 2; securing the existing rental housing and improvements to such housing in accordance with Section 3.2.1.5 of the Official Plan together with other appropriate Section 37 benefits as recommended by the Chief Planner; and
  - A Section 37 Agreement satisfactory to the Chief Planner and City Solicitor incorporating and securing such matters has been executed and registered to the satisfaction of the City Solicitor.
5. City Council authorize City Planning in consultation with the Ward Councillor to secure services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be required by the Chief Planner and Executive Director, City Planning, should the proposal be approved in some form by the Ontario Municipal Board.
6. In the event that the proposal in some form is approved, that on-site parkland dedication pursuant to Section 42 of the *Planning Act* be required by City Council to be conveyed to the City and that City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General

Manager, Parks, Forestry & Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry & Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On October 17, 2013, Toronto and East York Community Council adopted the recommendations of the report dated September 20, 2013, from the Director, Community Planning, Toronto and East York District, titled: "Preliminary Report - 33 Holly Street, 44 Dunfield Avenue, 86 and 88 Soudan Avenue - Zoning Amendment Application", with an amendment to expand the notification area for the community consultation meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE27.31>

### **ISSUE BACKGROUND**

#### **Proposal**

This is an application to amend the Zoning By-law to permit:

- a 24-storey condominium apartment building attached to the south end of the existing 14-storey rental apartment building at 33 Holly Street;
- a 32-storey condominium apartment building attached to the north end of the existing 14-storey rental apartment building at 44 Dunfield Avenue;
- 5-storey condominium apartment additions, and amenity space for condominium residents, on top of the two existing 14-storey rental apartment buildings at 33 Holly Street and 44 Dunfield Avenue; and
- a 6-storey rental apartment building at 86 & 88 Soudan Avenue, with amenity space to be shared with the existing 324 rental units in the two rental apartment buildings at 33 Holly Street and 44 Dunfield Avenue.

The application proposes 538 new residential units (492 condominium and 46 rental), in addition to 324 existing rental units on the site, for a total of 862 units. The total proposed site density, including the two existing buildings, is 5.89 times the lot area. A total of 600 vehicular parking spaces is proposed, with 538 bicycle parking spaces for the new units. (Refer to Attachment 11: Application Data Sheet).

This proposal includes a Rental Housing Demolition and Conversion application to permit the demolition of two, 2-storey rented single detached houses at 86 and 88 Soudan Avenue. No other rental housing is to be demolished.

## **Site and Surrounding Area**

The site extends across the block between Holly Street and Dunfield Avenue, and includes a southeast portion on Soudan Avenue (refer to Attachment 1: Site Plan).

Two existing 14-storey 'slab' style apartment buildings (33 Holly and 44 Dunfield) with 324 rental units are located on the main portion of the site. Both buildings are rectangular in shape and present their long edge to the street. There are currently 225 parking spaces within two parking areas. They are divided between an outdoor parking lot adjacent to 33 Holly Street and a split level parking lot adjacent to 44 Dunfield Avenue. The site does not have bicycle parking. A central courtyard between the buildings is used primarily for surface parking.

The southeast portion of the site, at the northwest corner of Soudan and Dunfield Avenues, has two single detached houses and a surface parking lot. Tenants of the two houses have sublet rooms within their rental units. This conversion from residential rental use to rooming houses was done without application to the City for a Section 111 permit.

### **Surrounding Uses:**

**North:** An 8-storey apartment building at 69 Holly Street, a 5-level, above-grade commercial parking garage at 75 Holly Street, and a 16-storey apartment building at 70 Dunfield Avenue.

**South:** Across Soudan Avenue, are generally 2-storey detached and semi-detached houses. Directly south of 33 Holly Street is a row of single and semi-detached houses on the north side of Soudan Avenue (60 to 76 Soudan Avenue).

**East:** Across Dunfield Avenue is an apartment building complex that occupies most of the block between Eglinton Avenue and Soudan Avenue. The complex includes a large 28-storey, 'slab' style apartment building with a 17-storey seniors residence attached to its north end, and, a small public park (Dunfield Park), and playground northeast of Dunfield and Soudan Avenues.

**West:** Across Holly Street, on the north side of Soudan Avenue, is an 18-storey mixed-use building at 40 Soudan Avenue. Further north are a 17-storey apartment building (30 Holly Street), a 9-storey office building (40 Holly Street), a 15-storey apartment building (50 Holly Street), a 15-storey apartment building (78 Holly Street), and a 16-storey mixed-use building (90-94 Holly Street) on the south side of Eglinton Avenue.

## **Provincial Policy Statement and Provincial Plans and the Planning Act**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy 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 by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. Staff has reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan.

Section 2 of the *Planning Act* sets out matters of provincial interest that municipal councils shall have regard to in making decisions under the *Planning Act*, including the adequate provision of a full range of housing, the minimization of waste, the orderly development of safe and healthy communities and the appropriate location of growth and development.

## **Official Plan**

### **Chapter 2 – Shaping the City**

#### **Section 2.2.2 Centres: Vital Mixed Use Communities**

The site is located within the *Yonge-Eglinton Centre*, except for its southeast portion on Soudan Avenue. *Yonge-Eglinton Centre* is situated in midtown Toronto at the crossroads of the Yonge subway line and the Eglinton Crosstown Light Rail Transit line under construction. It has a more central location on Toronto's transit network than other *Centres* in the City.

Due to its strategic location, the *Yonge-Eglinton Centre* should continue to develop as an office centre and desirable living area. It has potential for infill and redevelopment, and for improved public realm, parks and other open spaces.

*Centres* in the Official Plan are a priority for managing growth in the City. They should be vibrant, mixed use and supported by public transit. Each *Centre* is to have a secondary plan that will, among other things, support residential and employment growth, including commercial office space and transit-oriented development.

The secondary plan is to delineate the boundaries of the *Centre*, provide a strategy for public realm and parks improvements, support the use of public transit and other transportation models (e.g. cycling and walking) and ensure an appropriate transition between high growth areas and lower scale development, particularly *Neighbourhoods*.

### **Chapter 3 – Built Form**

#### **Section 3.1.2 Built Form**

New development in Toronto is to be located and organized to fit with its existing and/or planned context. It will do this by: generally locating buildings parallel to the street or along the edge of a park or open space, having a consistent front yard setback, acknowledging the prominence of corner sites, locating entrances so they are clearly visible and providing ground floor uses with views to and access from streets. New development will also locate and organize vehicular parking and access to minimize its impacts on the public realm. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings,

limit shadowing on streets, properties and open spaces, and minimize additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility.

New development will be massed to define the edges of streets, parks and open spaces to ensure adequate access to sky view for proposed and future uses. It will also provide public amenity, enhance the public realm through streetscape improvements and ensure that significant new multi-unit residential development provides indoor and outdoor amenity space.

### **Section 3.1.3 Built Form – Tall Buildings**

The applicant is proposing two tall buildings and to increase the height of two existing tall buildings. Policy 3.1.3 states that tall buildings come with larger civic responsibilities than smaller buildings. In addition to specific built form characteristics, proposals for tall buildings should demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

### **Section 3.2.1 Housing**

Official Plan policies address the need to provide and maintain a full range of housing in terms of form, tenure and affordability across the City, and maintain and replenish existing housing stock.

The site currently has 326 residential rental units (324 units at 33 Holly Street and 44 Dunfield Avenue; 2 units at 86 and 88 Soudan Avenue). Official Plan Housing Policy 3.2.1.5 provides that significant new development on sites containing six or more rental units, where existing rental units will be kept in the new development, will: secure as rental housing, the existing rental housing units which have affordable rents and mid-range rents; and, may secure any needed improvements and renovations to the existing rental housing, in accordance with and subject to the height and density incentives of Section 5.1.1 of the Plan, without pass-through of such costs in rents to tenants.

### **Section 3.2.3 Parks and Open Spaces**

A swath of land in the middle of the site is designated *Parks and Open Space Areas* on Map 17 of the Official Plan. Policy 3.2.3 of the Official Plan speaks to maintaining and enhancing Toronto's system of parks and open spaces and states that the effects of development from adjacent properties (shadows, wind, etc.) should be minimized to preserve their utility. It outlines a parkland acquisition strategy, grants authority to levy a parkland dedication or alternative cash-in-lieu and calls for the expansion of the existing network of parks and open spaces.

## **Chapter 4 – Land Use Designations**

### **Section 4.2 Apartment Neighbourhoods**

The site is designated *Apartment Neighbourhoods* on Map 17 of the Official Plan. *Apartment Neighbourhoods* are made up of apartment buildings, parks, local institutions, cultural and recreation facilities, and small scale retail service and office uses. *Apartment Neighbourhoods* are generally not intended for significant growth. Compatible infill, however, is contemplated on

sites containing existing apartment buildings that have underutilized land. (Refer to Attachment 9: Official Plan).

Development in *Apartment Neighbourhoods* will contribute to the quality of life by massing new buildings to transition between areas of different development intensity and scale. In particular, *Neighbourhoods* will be protected through setbacks and/or stepping down of heights. New and infill development will frame the edges of streets and parks, screen service areas, limit shadow and mitigate wind on parks and open spaces as well as on *Neighbourhoods*. It will enhance the safety, amenity and animation of adjacent streets and open spaces and development in *Apartment Neighbourhoods* will contribute to the quality of life by providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Compatible infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development in *Apartment Neighbourhoods* will maintain an appropriate level of residential amenity on the site, provide existing residents with access to community benefits, maintain adequate sunlight, privacy and areas of landscaped open space, front onto public streets and provide pedestrian entrances from adjacent public streets. Infill development will provide adequate on-site, below grade, shared vehicular parking for both new and existing development, screen surface parking, preserve and/or replace important landscape features and walkways and create such features where they did not previously exist, consolidate loading, servicing and delivery facilities, and preserve or provide adequate alternative on-site recreational space for residents.

The Official Plan can be found at:

[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

### **Section 4.3 Parks and Open Space Areas**

The designation of *Parks and Open Space Areas* in the Official Plan comprises: *Natural Areas*, *Parks* and *Other Open Spaces*. A portion of the site is shown as *Parks* within the *Parks and Open Space Areas* on Map 17 of the Official Plan. The area, however, is not indicated as City Parkland on Map 8A of the Official Plan, which is provided for informational purposes. Development, except for new cultural and recreational facilities, is prohibited on lands designated *Parks and Open Space Areas*. In order for the proposed development to proceed as contemplated, an Official Plan Amendment would be required.

### **Yonge-Eglinton Secondary Plan**

The site is located in the Yonge-Eglinton Secondary Plan Area. A primary objective of the Yonge-Eglinton Secondary Plan is to maintain and reinforce the stability of *Neighbourhoods* and to minimize conflicts among *Mixed Use Areas*, *Apartment Neighbourhoods*, *Neighbourhoods* and *Parks and Open Space Areas* in terms of land use, scale and vehicular movement. The Secondary Plan requires a full range of housing options (form, tenure) in the Yonge-Eglinton Area suitable for family and other households that is: "contextually appropriate and compatible with existing residential uses and residential built form."

New development in the Yonge-Eglinton Secondary Plan Area will protect the scale of development in *Neighbourhoods* while minimizing impacts (shadowing, overlook, loss of sky view) on lower scale built form in *Neighbourhoods*. New development will transition in height and scale from developments in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*, particularly when higher density designations about a *Neighbourhood*. (Refer to Attachment 10: Yonge-Eglinton Secondary Plan).

The Yonge-Eglinton Secondary Plan provides for the highest densities in its *Mixed Use Areas* that are located along Yonge Street, Eglinton Avenue and Mount Pleasant Boulevard. Higher density development is also permitted in *Apartment Neighbourhoods* near subway station access. Reduced parking requirements are permitted in the Yonge-Eglinton Secondary Plan Area where travel can be accommodated other than by automobile. Bicycle linkages, facilities and new pedestrian connections are encouraged.

New development will promote architectural excellence while providing for improvements in the public realm. New, flexible community service facilities and social infrastructure will be provided in a timely manner. New and improved parks, open spaces and public realm will be secured.

Development in the Yonge-Eglinton Secondary Plan Area will satisfy the requirements of the Growth Plan for the Greater Golden Horseshoe, transition down in height from the intersection of Yonge Street and Eglinton Avenue east toward Mount Pleasant Avenue, be compatible with the character of *Neighbourhoods* and maintain a high quality of residential amenity.

The Secondary Plan can be found at:

[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/21\\_yonge\\_eglinton\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/21_yonge_eglinton_dec2010.pdf)

### **Tall Building Design Guidelines**

In 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed staff to use the Guidelines in the evaluation of tall building applications.

The Guidelines establish a unified set of performance measures for tall buildings to ensure they fit within their context and minimize local impacts. The Guidelines can be found at:

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

### **Midtown in Focus Parks, Open Space and Streetscape Plan**

On August 25, 2014, City Council adopted the Midtown in Focus Parks, Open Space and Streetscape Plan ("Midtown in Focus Plan") and committed to supporting its strategies and initiatives. Council directed that the Plan be used to inform current and future development applications in the Plan area. The Plan can be found at:

<http://www1.toronto.ca/wps/portal/contentonly?vnextoid=d421bf26585a2410VgnVCM10000071d60f89RCRD>

The Midtown in Focus Plan identifies improvements to the existing network of parks, open space, streets and public buildings to create an attractive, safe, and comfortable network of

public spaces that supports city life. The Plan supports the public realm policies of the Official Plan and the Yonge-Eglinton Secondary Plan.

City Planning Staff are bringing forward amendments to the Yonge-Eglinton Secondary Plan to implement the Midtown in Focus Plan for consideration by City Council in the second quarter of 2015.

The Midtown in Focus Plan proposes to enlarge Dunfield Park, an existing public park located on the northeast corner of Soudan Avenue and Dunfield Avenue, by expanding it further east and west along the north side of Soudan Avenue. The proposed parkland to be secured for Dunfield Park includes the southeast portion of the subject site. The expanded Dunfield Park is to provide a sizeable, programmable community destination with sunlight access due to its location north of low-scaled neighbourhoods. The Midtown in Focus Plan also contemplates a new Privately Owned Publicly-accessible Space ("POPS") in the courtyard of the proposed development as well as east/west midblock connections from Holly Street to Dunfield Avenue to the north and south of the existing apartment buildings on the site.

The Midtown in Focus Plan identifies Holly Street, Soudan Avenue and Dunfield Avenue as Greenways. The intent is to build on their natural green setting with generous setbacks and enhanced landscaped character conducive to pedestrians and cyclists. An enhanced canopy of mature trees on public boulevards, landscaped front yards and widened sidewalks are envisioned. Building setbacks of 5 metres are proposed to provide room to enhance the streetscape.

## **Zoning**

The site is zoned R4 Z2.0 in the former City of Toronto By-law 438-86. The height limit for 33 Holly Street and 44 Dunfield Avenue is 38 metres. The southeast portion of the site at 86 and 88 Soudan Avenue has a 14 metre height limit.

Zoning By-law 569-2013, enacted by City Council on May 9, 2013 and under appeal to the OMB, also applies to the site. By-law 569-2013 zones the site R(d2.0)(x689). The built form permissions are largely the same in 569-2013 as in 438-86 and both by-laws allow a range of residential uses to a maximum of 2.0 times the lot area. Both by-laws include requirements for residential amenity space, of at least 2 square metres of indoor amenity space and 2 square metres of outdoor amenity space per dwelling unit, with at least 40 square metres of outdoor amenity space adjoining the indoor amenity space, including a washroom and kitchen.

(Refer to Attachment 8: Zoning.)

## **Rental Housing, Demolition and Replacement**

The Rental Housing Demolition and Conversion By-law (885-2007) contained in Chapter 667 of the City's Municipal Code and enacted in 2007 pursuant to section 111 of the *City of Toronto Act*, assists the City in protecting and preserving rental housing and with implementing Official Plan policies to protect rental housing. The By-law prohibits demolition or conversion of residential rental units if there are 6 or more dwelling units, of which at least one of the units is rental (including in a related group of buildings), unless the City issues a permit under Section 111 of the *City of Toronto Act*.

Proposals to demolish residential rental units related to a Zoning By-law amendment application require a decision by City Council under Chapter 667 of the Municipal Code. Council may refuse an application or approve it with conditions. Council approval of demolition of one or more dwelling units under Section 33 of the *Planning Act* (residential demolition control) may also be required before the Chief Building Official issues a permit for demolition under the *Building Code Act*. In addition, in the former City of Toronto, special legislation applies allowing the City to impose conditions on an approval pursuant to section 33 of the *Planning Act*, which conditions are subject to an appeal to the OMB.

Where an application for Zoning Amendment requires an application under Chapter 667 for rental demolition or conversion, Council typically considers both applications concurrently. Decisions of Council under Chapter 667 of the Municipal Code are not appealable to the OMB.

### **Site Plan Control**

The site is subject to Site Plan Control. An application has not been submitted.

### **Reasons for Application**

The application proposes to amend By-laws 438-86 and 569-2013 to permit a density of 5.89 times the lot area. The proposal exceeds the maximum floor space index of 2.0 in both By-laws.

Amendment of the By-laws is required to permit the proposed tower heights of approximately 78 metres to 102 metres (excluding mechanical penthouse) at 33 Holly Street and 44 Dunfield Avenue, and a proposed height of approximately 18 metres at 86 and 88 Soudan Avenue. The By-laws currently permit a maximum height of 38 metres at 33 Holly Street and 44 Dunfield Avenue, and 14 metres at 86 & 88 Soudan Avenue.

The application proposes to maintain the two existing rental apartment buildings at 33 Holly and 44 Dunfield with mid-range rents. The applicant must comply with policy 3.2.1.5 of the Official Plan which requires that the rental tenure of the buildings be maintained. Rental tenure and any improvements and renovations to these buildings would be secured through an agreement under Section 37 of the *Planning Act*.

An application for Rental Housing Demolition and Conversion under Chapter 667 of the Municipal Code, pursuant to Section 111 of the *City of Toronto Act*, was submitted with the Zoning Amendment application. It proposes demolition of the two residential rental units at 86 and 88 Soudan Avenue. Of the 326 residential rental units in the related group of buildings on the site, 324 rental units are to be retained.

A Rental Housing Demolition and Conversion application has been required as the last stated use of the two houses to be demolished at 86 and 88 Soudan Avenue was high-end of market rental units. If replacement of rental housing is not required due to the number of units to be demolished, typical conditions include moving allowances for tenants and extended notice periods prior to demolition. The refusal of the permit, or its approval with conditions, is a decision of City Council, and will be addressed in a separate report after an OMB decision on the Zoning By-law amendment application.

In order for the proposed development to proceed, an Official Plan Amendment would also be required to re-designate a portion of the site from *Parks and Open Space Areas* to *Apartment Neighbourhoods*. An application to amend the Official Plan has not been submitted.

## **Community Consultation**

A community consultation meeting on April 29, 2014 at the North Toronto Community Church was attended by approximately 70 residents. Issues raised in the community meeting and written submissions include:

- impact of proposed building heights and massing on the *Neighbourhood* south of Soudan Avenue and on surrounding buildings in the *Apartment Neighbourhood*;
- impact of proposed increase in intensity of use e.g. increased traffic on local streets, crowding on subway platforms, insufficient parks/open space;
- preference for the southeast portion of the site on Soudan Avenue to become a public park;
- structural capability of the two existing apartment buildings to support 5-storey additions;
- impact and duration of construction on residents of buildings on the site and in surrounding buildings, particularly units directly under or beside construction;
- lack of access for tenants of the existing buildings to new amenity areas in the proposed development; and
- the generally poor state of repair of existing buildings on the site.

## **Tenant Consultation**

A tenant consultation meeting on July 23, 2014 at the North Toronto Community Church was attended by approximately 40 tenants and some neighbours. Issues raised include:

- construction disruption if tenants remain in the existing buildings during construction e.g. loss of parking, nuisances such as dust, noise and vibration, and safety concerns;
- current building condition and maintenance e.g. mould, broken fans, brown water, leaks in parking garage, removal of visitor parking, cracks in walls;
- lack of integration of tenants and new condominium residents as the only shared space is the central courtyard;
- lack of access by tenants to proposed amenity areas for condominium residents;
- structural capability of the existing apartment buildings to support 5-storey additions;
- disruption to entrances/exits of the buildings during and after construction;
- duration of the construction and amount of prior notice to tenants;
- lack of parks and open space to serve the area's growing population;
- proposed design of the new buildings;
- need for rent abatement by owner; and
- overdevelopment of the Yonge-Eglinton area.

The City conducted an online tenant survey from September 15 to October 31, 2014 with approximately 80 respondents (53 % from 33 Holly, 47 % from 44 Dunfield). 54% of the respondents are regularly at home during weekdays, 42% have a parking space and 38% have a storage locker. The survey respondents' concerns regarding the proposed development were

similar to issues raised at the tenant meeting, with more emphasis on the lack of green space in the neighbourhood (ratio of land to population) and the current poor maintenance of the existing buildings.

Survey respondents also raised issues such as accessibility (handicap/strollers), safety (some common areas due to lighting) and property maintenance (locker areas, parking lot and hallways).

### **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans and the Planning Act**

The Provincial Policy Statement, 2014 (PPS) provides for a coordinated and integrated approach to planning matters within municipalities. Policy 4.7 of the PPS states that: "the Official Plan is the most important vehicle for implementation".

Policy 1.2.1 of the PPS includes "h) addressing housing needs in accordance with provincial policy statements such as the Ontario Housing Policy Statement." Municipalities are directed by the Housing Policy Statement to use the tools of the *Planning Act* to achieve affordable housing for low and moderate income households through private market development. Policy 1.4.3 b) of the PPS states that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating: "all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements."

The provincial policies are implemented in part by the rental intensification policies in Chapter 3.2 of the Official Plan, the rental protection policies of policy 3.2.1 of the Official Plan and by policy 4.2.2 providing that development in *Apartment Neighbourhoods* will contribute to the quality of life by providing indoor and outdoor recreation space for new and existing residents, which is not limited to the new proposed buildings. The Official Plan includes a number of policies making clear the importance of the provision of outdoor and indoor amenity space and the City's zoning by-laws (438-86 and 569-2013) both set out the amount of amenity spaces that is considered appropriate. This provision is not met for the current proposal. Policy 4.2.3 of the Official Plan permits compatible infill development in *Apartment Neighbourhoods* while: "providing good quality of life for both new and existing residents."

The application is not consistent with the housing policies of the PPS and does not conform to the housing policies of the Official Plan. The proposal does not enhance the well-being of existing residents, could destabilize the existing rental buildings, and in particular does not provide a good quality of life for existing residents.

The application does not conform with policies in the Growth Plan for the Greater Golden Horseshoe. Although the proposal supports growth in an Urban Growth Centre, it represents overdevelopment of the site and is not good planning nor in the public interest.

The application does not have regard to Section 2 of the *Planning Act*. While the site is appropriate for intensification, the proposal represents over intensification and does not adequately or appropriately address current planning issues on the site relating to the existing rental apartment buildings, nor does it propose to address adverse impacts that the development would cause to residents of units immediately impacted during the construction of the proposed development.

## **Land Use**

The application proposes apartment buildings in an area designated *Apartment Neighbourhoods* with a small portion of the site designated *Parks and Open Space Areas*. The proposed use is generally appropriate for the *Apartment Neighbourhoods* portion of the site, but the remainder would have to be re-designated in order to permit the proposed development. Staff are not supportive of the current development and do not support an Official Plan Amendment to enable it.

## **Site Organization**

Most of the proposed development would be located on the main portion of the site at the two existing 'slab' apartment buildings. The proposed "additions" (both the new towers and the 5-storey "pop-ups") to the existing rental apartment buildings are not proposed to be connected to the existing buildings via common elements or corridors.

The proposed apartment towers would extend the form of the existing apartment buildings further north and south. The total length of the proposed buildings (existing plus new towers) is approximately 82 metres. The proposed towers will replace the existing above and split-level parking areas. A new consolidated underground parking garage will be constructed to serve new and existing residential units. (Refer to Attachment 1: Site Plan).

The new towers would front onto Holly Street or Dunfield Avenue. The existing 33 Holly apartment building has a front setback of 19 metres, while the existing 44 Dunfield building has a front setback of 12 metres. The proposed 24 and 32 storey towers to be attached to each building have setbacks of 12 metres from Holly Street and Dunfield Avenue, which are generally consistent with the front setbacks of the existing apartment buildings and in excess of the 5 metre setbacks required in the Midtown in Focus Plan to provide a landscaped and well-treed streetscape.

As attached buildings, the proposed apartment towers would not achieve the 25 metre building separation distance set out in the Tall Building Design Guidelines. However, the north and south walkways of the existing apartment buildings have emergency staircases (not unit windows) and east/west pedestrian connections can be provided north and south of the new apartment towers as explained later. Both proposed new towers are over 25 metres from the other existing slab apartment building and attached apartment tower located on the site.

A large surface parking lot between the apartment buildings would be replaced by a landscaped courtyard, with the parking relocated in an underground garage. The courtyard should function as a central gathering place and be accessed by east/west pedestrian walkways running north and south of the buildings at 33 Holly Street and 44 Dunfield Avenue, as contemplated in the Midtown in Focus Plan. The current service lane along the south edge of the main portion of the site, where the south mid-block connection is proposed in the Midtown in Focus Plan, could have improved paving treatments and pedestrian amenity.

The existing circular driveways for drop-off and pick-up at the front of the two existing buildings are proposed to be maintained. In order to accommodate the greening goals of the Midtown in Focus Plan, the circular driveways should be removed and replaced with a landscaped area. Pick up and drop off could be consolidated in the existing east-west service lane.

### **Density, Height, Massing**

Section 3.1.3(1b) of the Official Plan requires that tall building towers have a floor plate size and shape that has appropriate dimensions for the site, and is located and oriented on the site and building base to fit harmoniously into its existing and/or planned context.

The Tall Building Design Guidelines encourage properly located, slim towers (750 m<sup>2</sup> maximum excluding balconies) that cast thin, fast moving shadows and improve sky views with appropriate setbacks. For floor plates over 750 m<sup>2</sup>, the shape and articulation of towers can diminish the impact of their overall scale and massing.

The proposal would increase the height of the two existing 'slab' apartment buildings at 33 Holly and 44 Dunfield. A new higher tower would be attached to one end of each apartment building, and 5 more storeys added to it.

The proposed total height of the two existing apartment buildings would increase to 19 storeys (58.3 m) (14 existing plus 5 new storeys). The new attached tower at 33 Holly Street is 24 storeys (77.9 metres), and at 44 Dunfield Avenue is 32 storeys (101.8 metres).

The proposed heights are consistent with approved and existing heights in the vicinity, and have only a small incremental shadow impact on Dunfield Park after 6 p.m. on June 21. The proposed new rental building, which is recommended to be removed in order to provide on-site parkland dedication, has an incremental shadow impact after 5 p.m. on March and September 21.

The floor plate of the existing apartment buildings is approximately 850 m<sup>2</sup>, and of the higher new towers attached to them is approximately 650 m<sup>2</sup>, for a total (existing plus proposed) floor plate of approximately 1,500 m<sup>2</sup>. This is approximately twice the maximum floor plate for tall buildings in the Tall Building Design Guidelines. Floor plates are recommended to be a maximum of 750 m<sup>2</sup> in order to minimize the length of time shadow is cast on an area, preserve sky view and reduce micro-climatic effects.

The Official Plan requires that development proposals respond to their planned and built context. There are existing 'slab' apartment buildings on the site and in the immediate area to the north and west. While the policies for *Apartment Neighbourhoods* of the Official Plan allow for infill

and redevelopment, the development as currently proposed does not represent compatible infill development. The overall length of buildings is excessive as it does not provide any separation between the existing buildings and new towers to create open spaces, views and relief from the built form. Of particular concern are the proposed 5-storey additions on the top of the existing 14-storey apartment buildings. While the tower form of the attached buildings helps to some extent to preserve sky view and mitigate the additional shadowing effects, the five-storey additions exacerbate the loss of sky view from the existing 'slab' buildings, increasing their microclimatic effects at grade and slowing the movement of their shadows.

The proposed new 6-storey apartment building at 86 and 88 Soudan Avenue is situated in an area identified for future public parkland in the Midtown in Focus Plan. The proposed 6-storey building should be removed from the application, and the area provided as on-site parkland dedication for development elsewhere on the site.

### **Amenity Space**

The existing apartment buildings on the site have no significant amenity space. The small interior courtyard between the existing buildings has a fountain with some planters and is decorative rather than functional as amenity. Storage lockers for tenants are located in the basements of the two apartment buildings. Many of the lockers have been removed, and the areas converted to use for building maintenance and storage. The existing buildings have no other indoor amenity space.

The application proposes 1,076 square metres of indoor amenity space and 1,588 square metres of outdoor amenity space for the proposed condominium units at 33 Holly and 44 Dunfield. Tenants would have no access to these amenity areas. The proposed new indoor amenity space of 179 square metres at the proposed rental building at 86 and 88 Soudan would be accessible to existing and proposed tenants. In addition, tenants could access the courtyard between the 33 Holly and 44 Dunfield buildings.

The Zoning By-law requires 2 square metres of indoor and 2 square metres of outdoor amenity space per unit. The applicant proposes 2.2 square metres of indoor amenity space per unit and 3.2 square metres of outdoor amenity space per unit for the new condominium units. The applicant would supply 0.6 square metres of indoor amenity space for existing residents.

The courtyard is proposed to have outdoor amenity space for existing and new residents. Preliminary plans do not show any shared amenity such as seating or a barbeque area, and only a limited landscaped area. A designated courtyard with access by walkways should be secured as part of the Section 37 benefits for the proposal, should it be approved in some fashion at the OMB.

City Planning staff are of the opinion that the proposed amenities are insufficient for existing residents of the site. If the proposed new amenity spaces were shared among existing and new residents, there would be 1.5 square metres per unit of indoor amenity space and 3.52 square metres per unit of outdoor amenity space, which is acceptable. A proposed site specific by-law should include an amenity ratio that applies to the entire site for all residents on the site.

## **Traffic Impact and Parking**

The applicant has submitted a Traffic Impact and Parking Study dated June 2013. The study estimates that the proposed development will generate approximately 86 and 81 additional two-way trips during the AM and PM peak hours. The study concludes that the proposed development will have a minor impact on the area road system and recommends no road improvements.

Development Engineering staff has requested additional documentation to address a issues including:

- statistical verification of existing traffic volumes;
- modelling of the area road network;
- information on all applicable background developments; and
- site traffic route assignment assumptions.

The applicant proposes 600 parking spaces consisting of 508 spaces for residents, 85 spaces for visitors and 7 auto-share spaces. Development Engineering staff have calculated that the proposed development would require 709 spaces (including the 28-space reduction for the 7 car-share spaces) as a site within Policy Area 2 under Zoning By-law 569-2013. Staff has indicated that unless documentation is provided that justifies otherwise, the site plan drawings must be revised to comply with the parking requirements of By-law 569-2013.

## **Servicing**

A Functional Servicing and Stormwater Management Report was submitted with Grading and Servicing Plans. Engineering and Construction Services has requested revisions to the plan submitted by the applicant.

## **Open Space/Parkland**

The Development Applications Unit of the Parks, Forestry and Recreation Division has reviewed the plans prepared by Quadrangle Architects Ltd.

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 site is in an area with 0 to 0.42 hectares of local parkland per 1,000 people which is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The proposed development has 862 residential units and a total site area of 11,290 square metres. Parkland dedication was calculated separately for the new buildings with an estimated site area of 9,540.03 m<sup>2</sup>, and for the additions to existing buildings with an estimated site area of 1,750 m<sup>2</sup>.

At the alternative parkland dedication rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication is 7,173.3 m<sup>2</sup> or 63.5 % of the site area. However, because the site area is less than 1 hectare in size (the ground floor area of the existing buildings was removed for the purposes of determining site area), a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 970 m<sup>2</sup>.

The proposed is located in at a site where the Midtown in Focus Plan proposed new parkland and an area of low parkland provision. Therefore, Parks, Forestry & Recreation will require the applicant to supply the required parkland dedication on-site. The preferred location of the parkland dedication is the southeast portion of the site on the north side of Soudan Ave. This will implement the Midtown in Focus Plan to create new public parkland along Soudan Avenue.

The owner would be required to convey the 0.097 hectares (970 m<sup>2</sup>) portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

The conditions for Parkland Dedication are attached as Attachment 10 to this report.

### **Rental Housing Protection and Improvements**

Policy 3.2.1.5 (a) of the Official Plan requires the applicant to secure the rental tenure of the existing apartment buildings at 33 Holly Street and 44 Dunfield Avenue. The applicant has offered to secure the buildings for a period of at least 20 years without applying for demolition or conversion of the existing 324 rental units.

Policy 3.2.1.5 also allows the City to secure needed improvements and renovations to rental buildings and their related facilities without passing the costs onto the tenants to maintain the current affordability of their units. This policy achieves improvements that ensure the on-going viability of the rental use in the future, as well as benefiting the tenants of existing buildings who may lose some amenity associated with their units.

Policy 3.2.1.5 is intended to secure capital improvements beyond the requirements of other policies and regulations for matters such as general repairs and upkeep or new features such as additional landscaping. Improvements are also to exceed those required to facilitate the proposed development such as new driveways, pathways, entrances, lighting, landscaping or consolidated site services. The capital improvements are also in addition to any required replacement of facilities removed to accommodate the proposed development, such as the courtyard.

Under this policy the City also secures, if required, a Tenant Relocation and Assistance Plan, for tenants who would otherwise choose to leave their units due to the nature of the proposed construction, as many of the tenants are retired, work from home or have shift work. For the tenants remaining on the site, the City through this policy secures a Construction Mitigation and Tenant Communication Plan to help them deal with noise, dust, vibration, and construction-related loss of amenities and services. The applicant has not proposed a Tenant Relocation and Assistance Plan, nor brought forward adequate details for a Construction Mitigation and Tenant Communication Plan.

Policy 4.2.3 of the Official Plan states that infill development may be permitted on a site containing an existing apartment that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents."

Policy 4.2.3 (b) states that infill development will: "maintain an appropriate level of residential amenity on the site". Policy 4.2.3(c) states that it will: "provide existing residents with access to the community benefits where additional height and/or density is permitted".

The existing apartment buildings on the site are deficient in amenities and services that may not have been provided when the buildings were constructed, or were removed later. City staff concur with tenants of the two existing apartment buildings that the current level of amenities and their maintenance is inadequate. The concerns of the existing tenants are as follows:

- there is no longer visitor parking directly associated with the buildings;
- storage lockers are being removed through discouragement and attrition;
- tenants would not be integrated with condominium residents and have no access to condominium amenity spaces on the roofs of the buildings;
- the owner's unresponsiveness to their concerns over the loss of on-site parking during construction;
- possible noise, disruption and dust from construction near their units;
- the increased expense to use air conditioners during construction;
- possibly having to relocate and find a local unit at higher rent;
- the current poor state of the laundry rooms; and
- the "communications board", "brown water" and other ongoing maintenance complaints.

Tenants were asked about the types of amenities that could be accommodated in the existing buildings, possibly by re-configuring the basement space that no longer has lockers. Most tenants agreed that a fitness facility (open 24 hours) would be the best benefit, followed by a multi-purpose room, in particular for tenant association meetings. Some concerns were raised about installing these facilities in basements with no natural light and the risk that this cost would be added to their rent.

In terms of outdoor improvements, more green space and upgraded landscaping was preferred, although half of respondents favoured a barbeque, and many requested access to barbeques in the new buildings.

For the proposed new 6-storey building, over 50% of respondents favour a fitness centre followed by a multi-purpose/party room. Barbeques were the preferred outdoor amenity.

The applicant has offered to provide access to the multi-purpose room and laundry facilities in the new 6-storey building for tenants in the existing 324 rental units on the site. This proposed amenity space is 120 square metres in area, which is 2.6 square metres per new rental unit in the 6-storey building. If existing rental units on the entire site are included, the ratio is 0.3 square metres per unit.

City Planning staff is of the opinion that the proposed amount of amenity and improvement for the existing tenants is inadequate. While the existing apartment buildings lack indoor amenity space, they were constructed when the Yonge-Eglinton area was less developed, had a different policy framework, and generally had more outdoor space. Official Plan policies regarding

intensification in *Apartment Neighbourhoods* require that infill development provide a clear benefit to both new and existing residents, provide good quality of life, maintain an appropriate level of amenity on-site, and provide existing residents with access to community benefits. Official Plan policies for rental intensification require improvements to existing rental stock where significant development is proposed on a site with 6 or more rental units, and those rental units are maintained.

The proposal will negatively affect the quality of life of existing residents during construction, does not provide permanent improvements to the current building stock, and does not adequately improve amenities for existing residents.

The proposed 5-storey additions on top of the existing buildings are particularly problematic due to the construction impact on existing tenants living directly under or beside the new development. The application does not propose to relocate tenants during construction or provide adequate tenant assistance.

If tenants vacate their units during construction without agreements to return, there may be pressure on the local vacancy rate, and rents. Furthermore, the owner through vacancy decontrol could raise rents following construction which reduces affordability in the local market. In short, the proposal likely has negative impacts to existing residents and the local rental market.

For these reasons, the application does not conform to the policies of the Official Plan related to rental housing.

## **Tenure**

The existing 324 rental units in the two apartment buildings are to be secured as rental for at least 20 years. The proposed 492 units to be added at the ends and on top of the existing buildings are to be condominium.

The proposed 6-storey, 46-unit apartment building at 86 and 88 Soudan Avenue is to consist of "purpose-built rental units" (37 one-bedroom and 9 two-bedroom units). The applicant has not offered to secure rental tenure nor rents of the building.

The City considers unsecured rental buildings to be condominiums that may also be rented. Unsecured rental units do not provide tenants with the same long-term tenure stability of rental stock as secured or unregistered, purpose-built rental units since the City's policies and by-law regarding rental demolition and conversion do not apply.

The owner has submitted an application to demolish the two, houseform rental buildings at 86 and 88 Soudan Avenue to allow the construction of the 6-storey building. Both buildings have been rented at high-end rents. It appears the renters have divided the houses into dwelling rooms and have subleased the rooms. The tenants of the rooming house units, under most circumstances, would not be entitled to compensation (for the demolition of their dwelling rooms). However, City Planning staff deems that Section 111 still applies as the rooming house use is temporary in nature and, if the named tenant (the tenant to whom the unit was sub leased) was evicted, these units would revert to being houseform rental units.

Should any redevelopment be approved by the OMB that requires the demolition of these two houses and there are any roomers living in them at the time of the Notice for Demolition, staff would recommend that the roomers be given moving allowances by the owner of the buildings as part of the Section 111 permit. The refusal or approval of this permit and its conditions would be the subject of a further report and recommendations approved by Council at a later date.

### **Section 37**

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant. Details of a Section 37 Agreement between the applicant and the City would be established if the project is ultimately approved by the OMB.

Since this application is not considered good planning and is not supported by City staff, there has been no discussion with the applicant about the quantum of the community benefits. In the event that this application proceeds to a full OMB hearing and the OMB grants additional density and/or height beyond that which is permitted in Zoning By-law 438-86, the City will request that the OMB withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits. Such benefits could include contributions (as deemed appropriate by City Council) for:

- an increased land dedication in excess of the 970 square metres proposed to be secured by Parks, Forestry and Recreation, so that the proposed expansion of Dunfield Park could be increased to accommodate the owned frontage along Soudan Avenue;
- above base park improvements since a land dedication is required by Parks, Forestry and Recreation to satisfy the parkland dedication requirements; and
- public realm improvements in the Yonge-Eglinton area per the Midtown in Focus Parks, Open Space and Streetscape Plan.

Section 37 would also be used to secure the rental housing tenure and the improvements to the existing rental buildings. Policy 5.1.1.5 of the Official Plan identifies Section 37 as a means to conserve rental housing, irrespective of the size of the project or the proposed increase in height and/or density. Policy 5.1.1.6 identifies specific community benefits that may be considered under Section 37, including the preservation of existing rental housing.

### **CONCLUSION**

The proposal represents overdevelopment of the site. It will reduce the quality of life on the site and surrounding area by failing to sufficiently mitigate the impacts of its proposed built form, or to provide improvements to the public realm and amenities.

The application proposes a large amount of additional development on the site that will exacerbate the effects of the existing 'slab' apartment built form, including shadowing, loss of

sky view and increased wind effects at grade. The overall scale of the development should be reduced.

The proposal will impact the ongoing viability of the existing rental buildings and not improve their amenity and maintenance. The extent of proposed intensification of this rental property, and its impact on the existing apartment buildings and the quality of life of the existing tenants is perhaps unprecedented and, as proposed, unacceptable.

The proposal, in its current form, is undesirable, but could be improved by a number of changes as summarized below:

- The 5-storey additions to the existing apartment buildings are of particular concern due to their impact on the quality of life of existing residents as well as the built form impacts and overdevelopment that they represent. These additions should be removed from the application and the tower elements further reviewed.
- The proposed courtyard currently fails to improve the quality of outdoor amenity for the existing residents and lacks the quality of the space of the new private outdoor amenity to be enjoyed by the new residents. The courtyard should be a privately owned publicly-accessible space (POPS). This would improve the public realm throughout the area and would be a welcome public amenity.
- The existing east/west service laneway across the site is vehicular in function and appearance. The lane should be improved to also act as a new mid-block pedestrian connection and amenity. A new northerly east/west mid-block pedestrian connection should also be added on the site.
- The site is in an area of low park provision, and the Midtown in Focus Parks, Open Space and Streetscape Plan calls for new public parkland along Soudan Avenue. The proposed 6-storey apartment building in the southeast portion of the site should be removed. On-site parkland dedication should be provided along Soudan Avenue.
- The amenity of the existing rental apartment buildings on the site is deficient. The existing buildings and outdoor areas should be improved, and shared amenities for the tenants and condominium owners provided.
- The circular driveways in front of the existing apartment buildings do not support the landscaped character of Holly Street and Dunfield Avenue required by the Midtown in Focus Plan. Both circular driveways should be removed.

The application, in its current form, is not good planning and is not in the public interest. City Planning Staff recommend that City Council direct Staff to appear at the OMB in opposition to the application.

## **CONTACT**

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Lauralyn Johnston, Policy Planner  
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Fax. No. (416) 392-3821  
Email: [ljohnst@toronto.ca](mailto:ljohnst@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

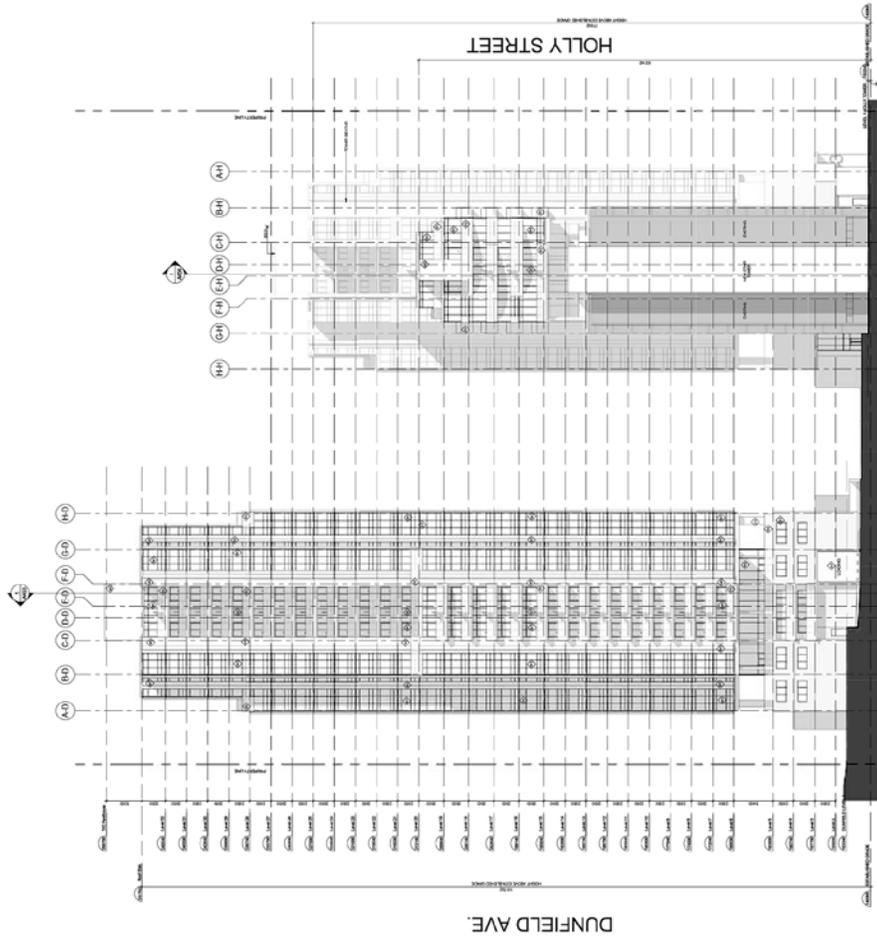
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## **ATTACHMENTS**

- Attachment 1: Site Plan
- Attachment 2: Holly and Dunfield Buildings North Elevation
- Attachment 3: Dunfield and Soudan Building East Elevation
- Attachment 4: Holly Building East Elevation
- Attachment 5: Holly and Dunfield Building South Elevation
- Attachment 6: Dunfield and Soudan Building West Elevation
- Attachment 7: Holly Building West Elevation
- Attachment 8: Zoning
- Attachment 9: Official Plan
- Attachment 10: Yonge-Eglinton Secondary Plan
- Attachment 11: Application Data Sheet
- Attachment 12: Conditions of Parkland Dedication



**Attachment 2: Holly and Dunfield North Elevation**



Holly and Dunfield Buildings - North Elevation

**Elevations**

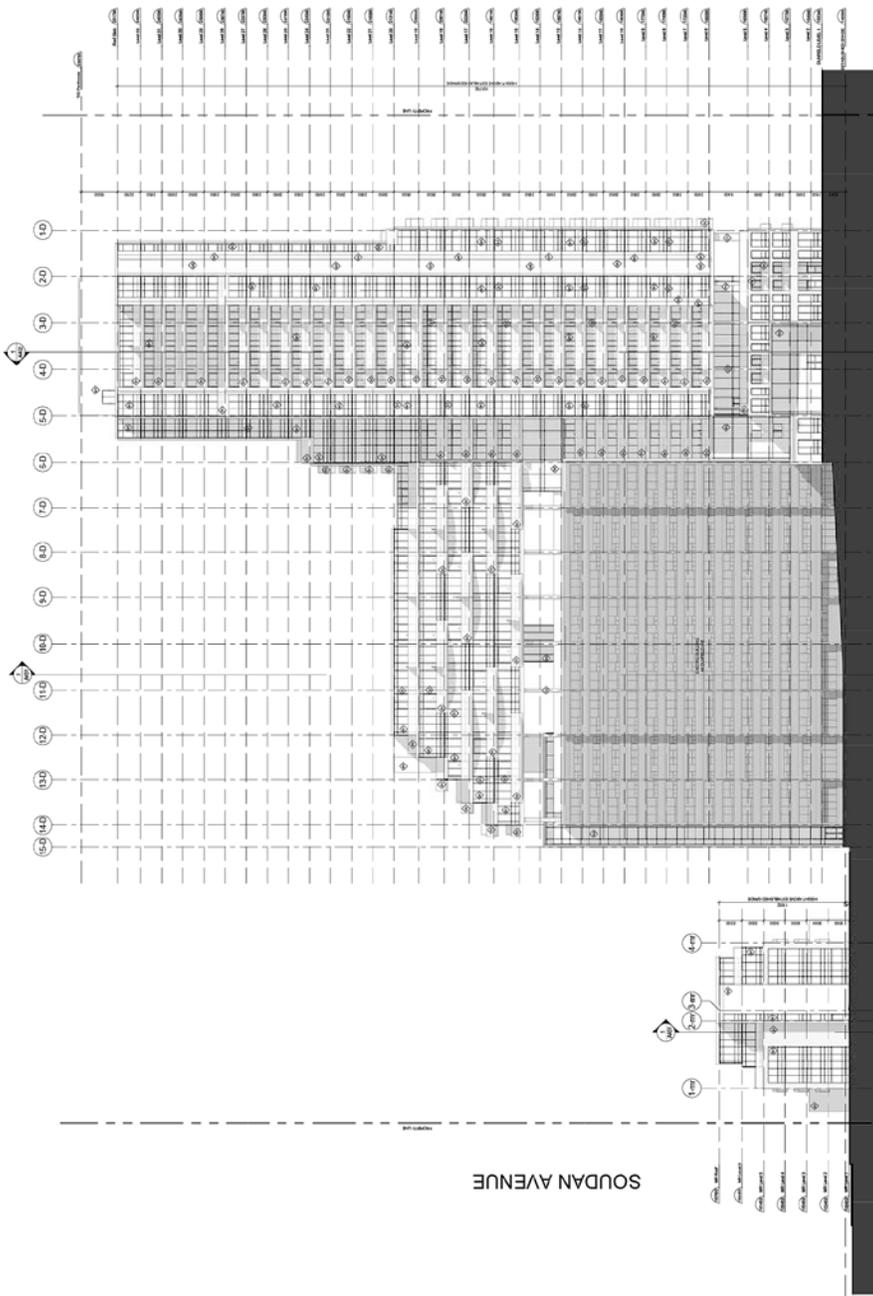
Applicant's Submitted Drawing

Not to Scale  
09/11/2013

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

Attachment 3: Dunfield and Soudan East Elevation



Dunfield and Soudan Building - East Elevation

**Elevations**

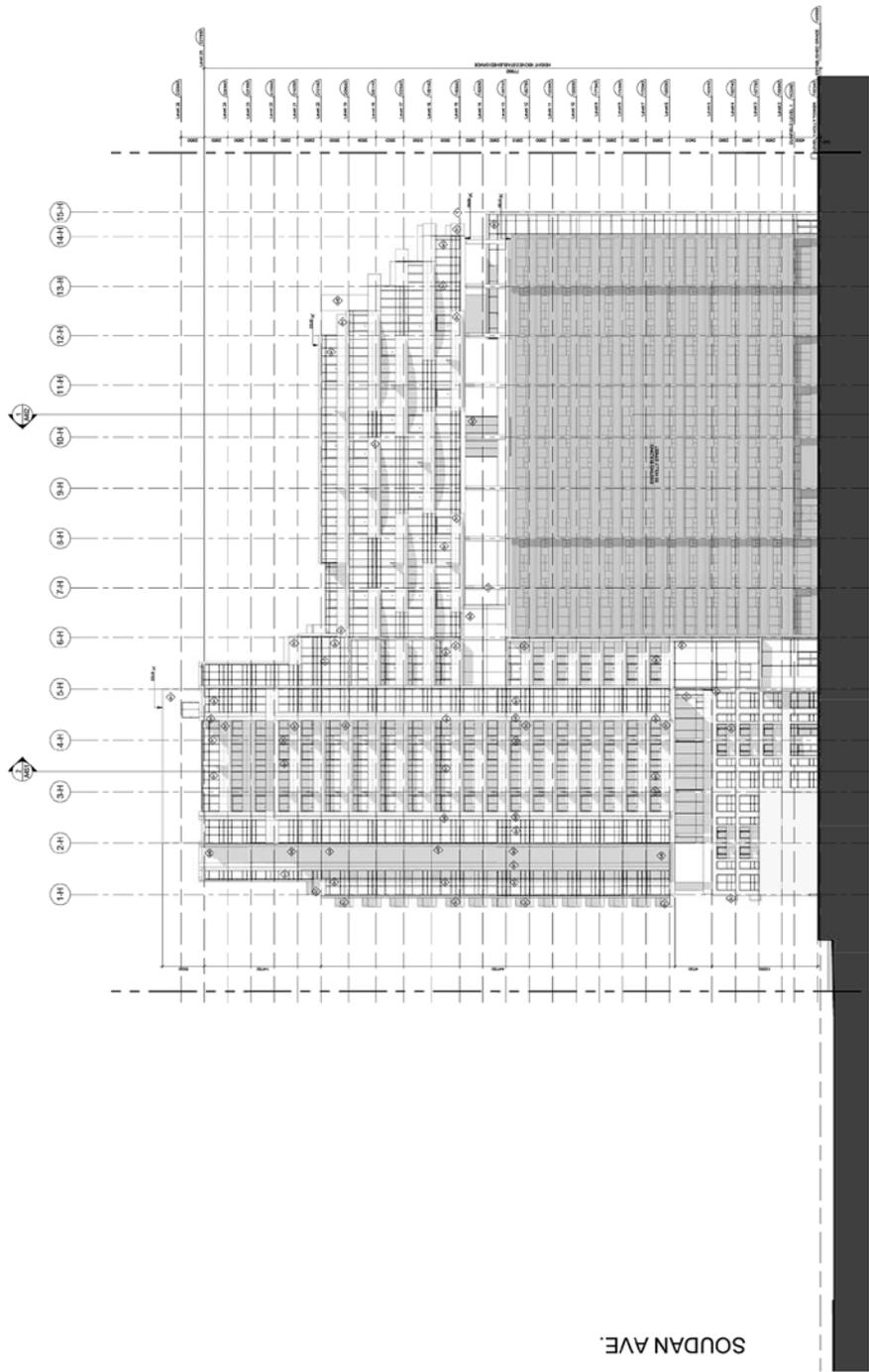
Applicant's Submitted Drawing

Not to Scale  
09/11/2013

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

**Attachment 4: Holly Building East Elevation**



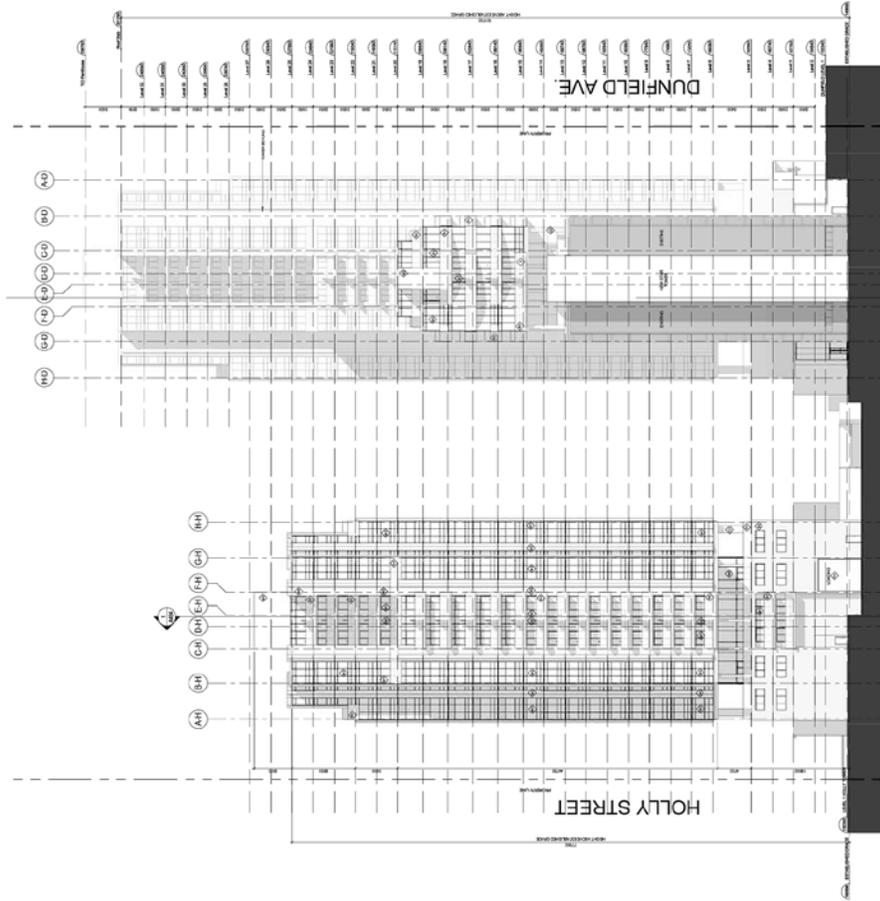
Holly Building - East Elevation

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
09/11/2013

**Attachment 5: Holly and Dunfield Building South Elevation**



**Holly and Dunfield Buildings - South Elevation**

**Elevations**

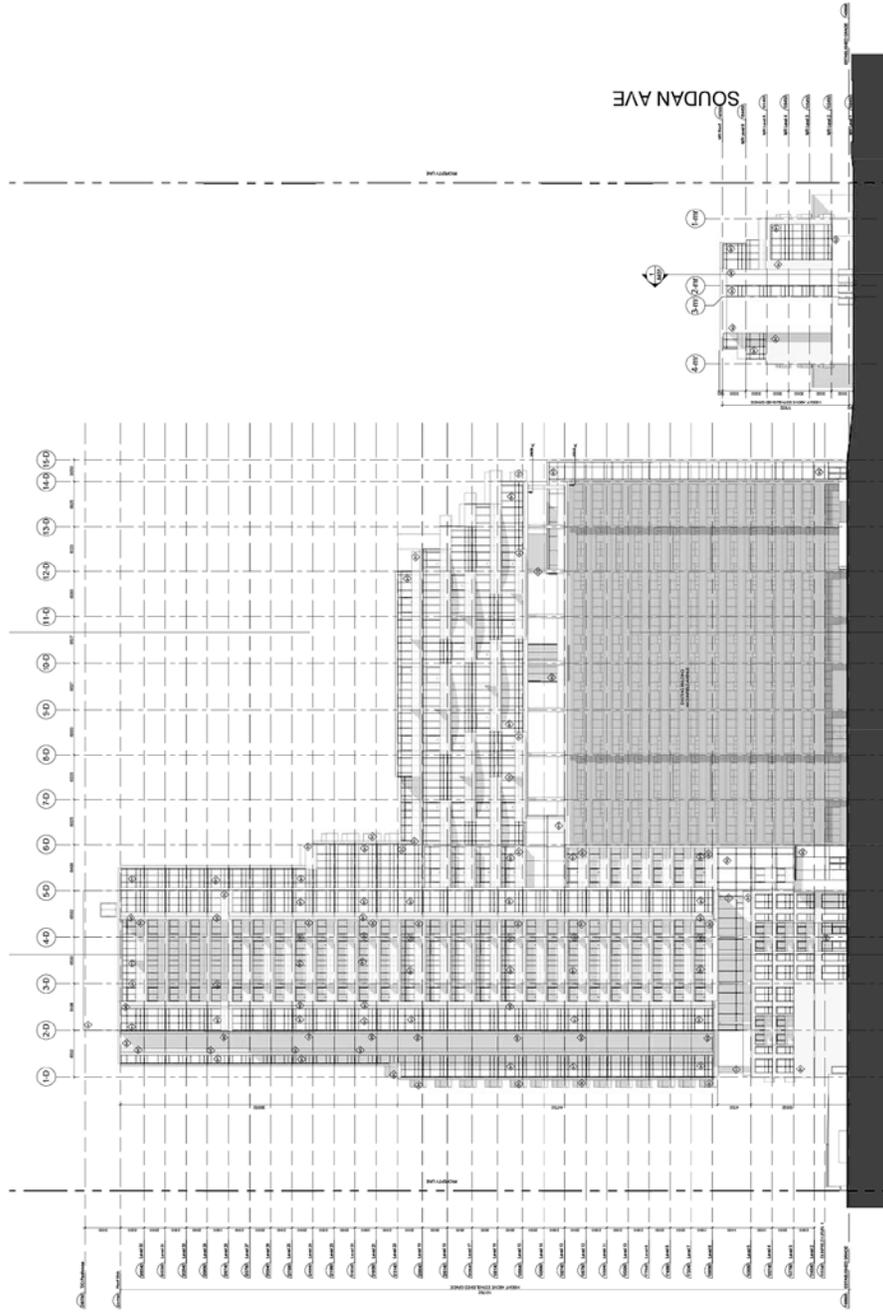
Applicant's Submitted Drawing

Not to Scale  
09/11/2013

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

**Attachment 6: Dunfield and Soudan Building West Elevation**



**Dunfield and Soudan Building - West Elevation**

**Elevations**

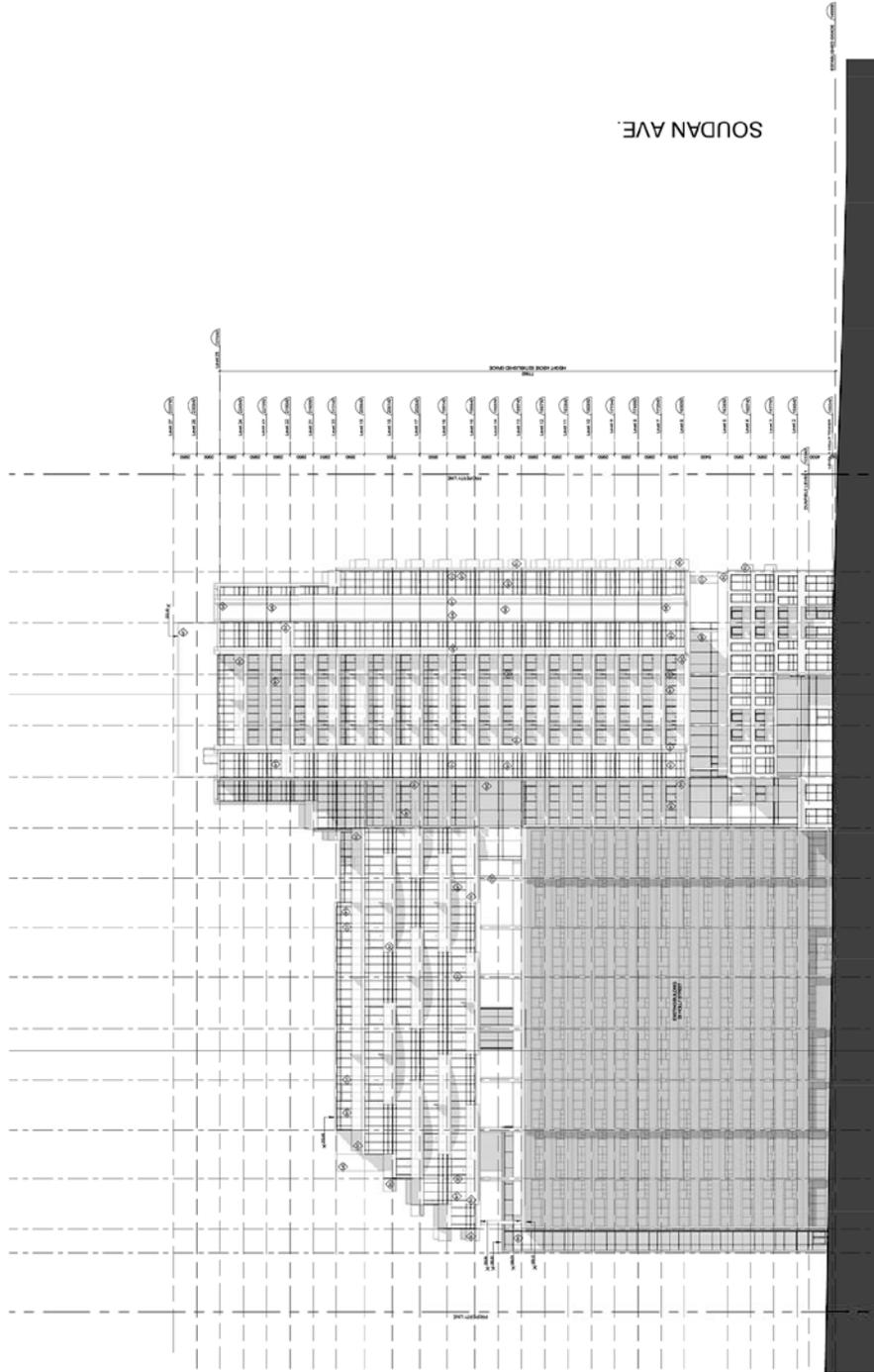
Applicant's Submitted Drawing

Not to Scale  
09/11/2013

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

**Attachment 7: Holly Building West Elevation**



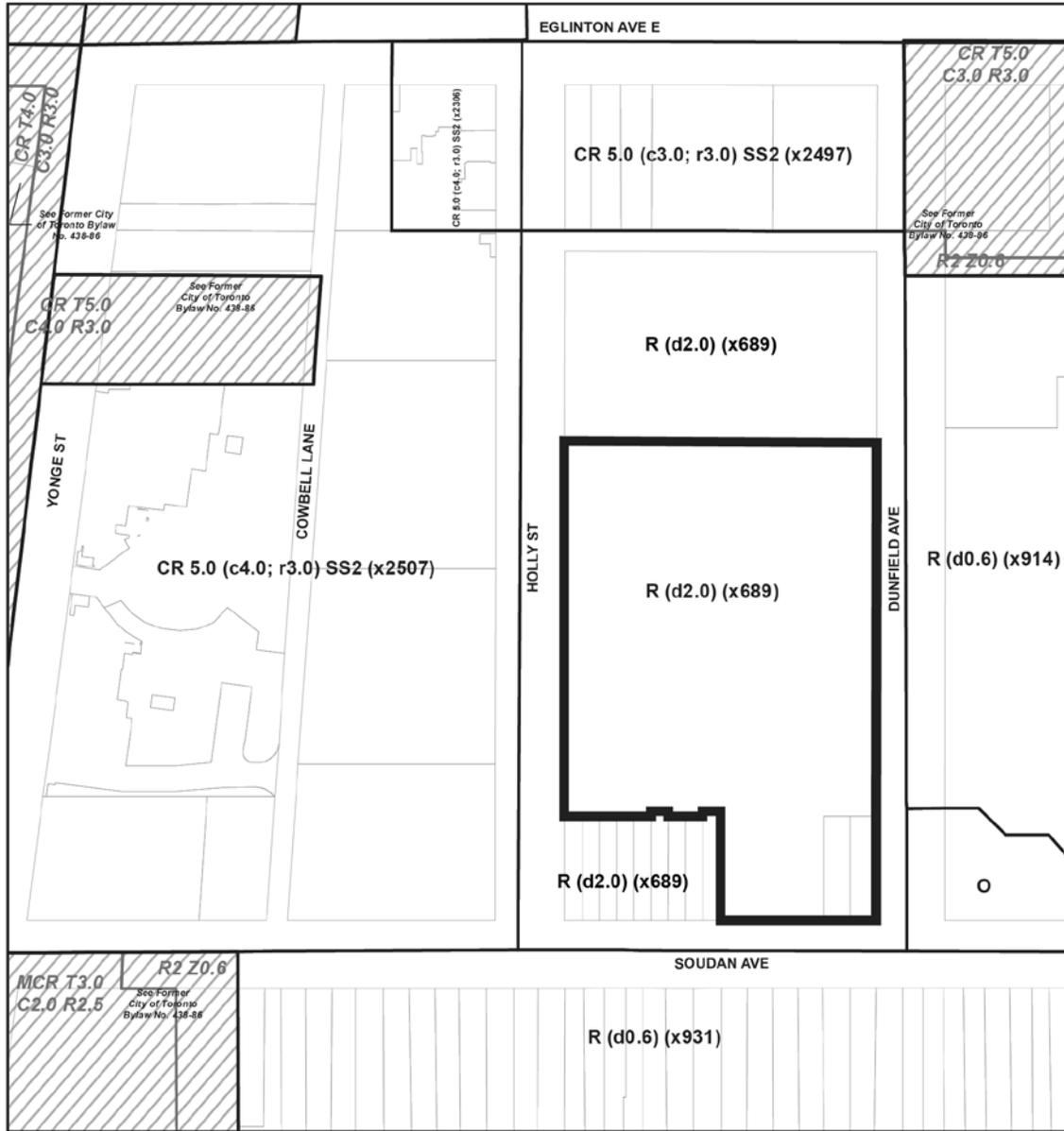
Holly Building - West Elevation

**33 Holly Street, 44 Dunfield Avenue  
and 86-88 Soudan Avenue**

File # 13 211324 STE 22 0Z

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
09/11/2013

## Attachment 8: Zoning



**TORONTO** City Planning

**Zoning By-law 569-2013**

**33 Holly St, 44 Dunfield Ave and 86-88 Soudan Ave**

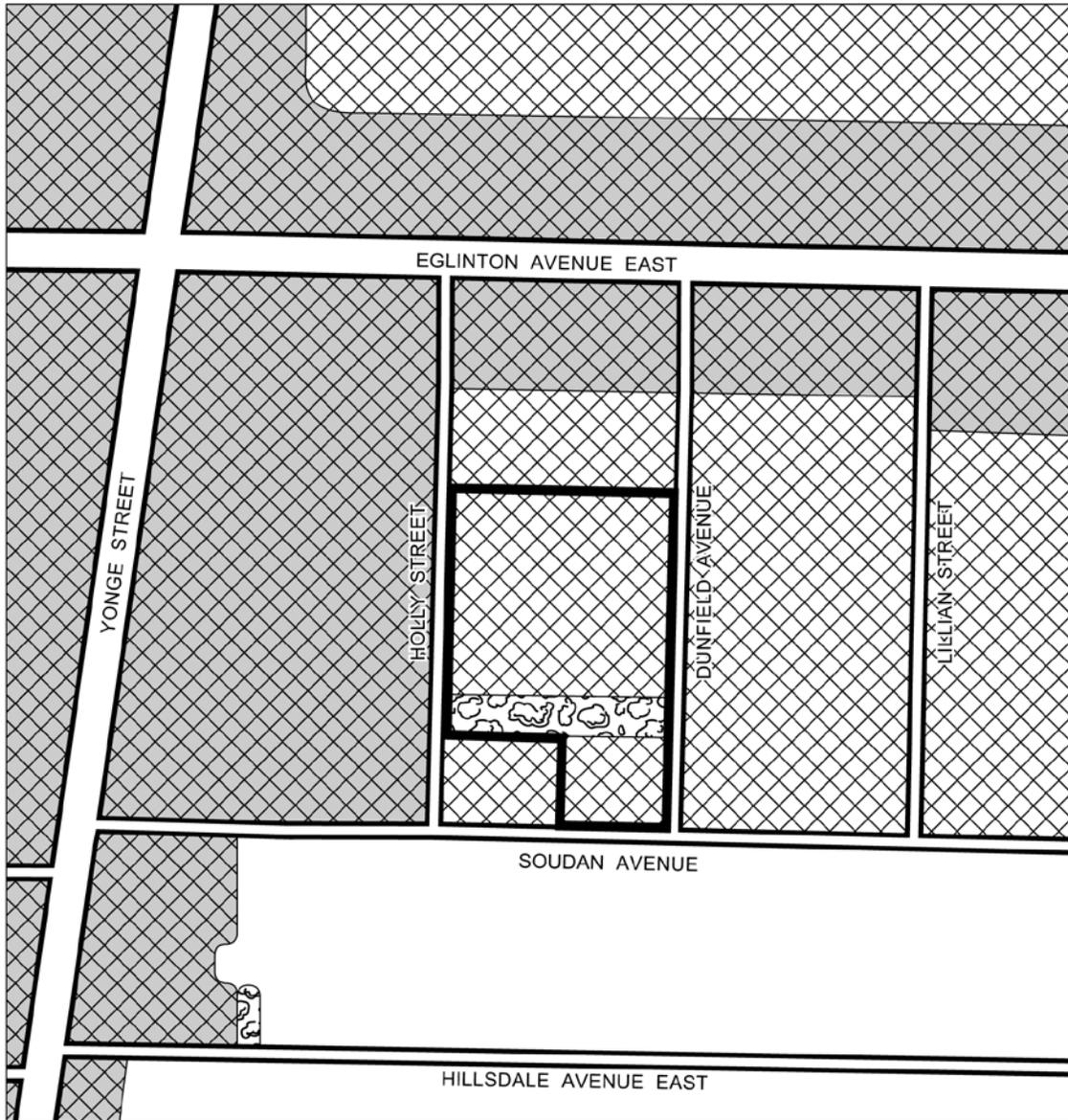
File # 13 211324 STE 22 0Z

- Location of Application
- R** Residential
- CR** Commercial Residential
- O** Open Space

- See Former City of Toronto Bylaw No. 438-86
- R2** Residential District
- CR** Mixed-Use District
- MCR** Mixed-Use District

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 Extracted 09/11/2013

## Attachment 9: Official Plan



**TORONTO** City Planning  
**Official Plan**

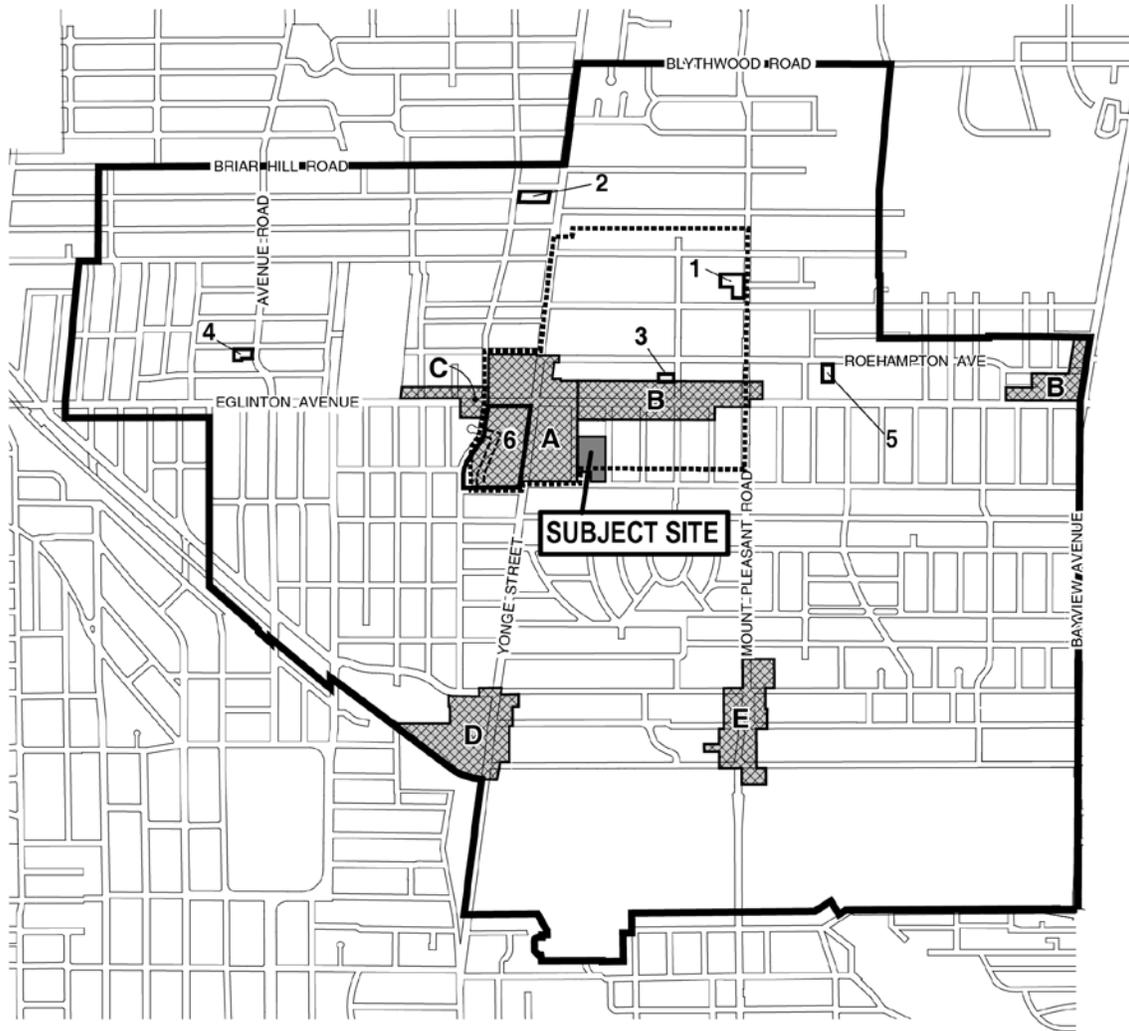
**33 Holly Street, 44 Dunfield Avenue  
 and 86-88 Soudan Avenue**

File # 13 169170 02

- |  |  |
|--|--|
|  Site Location            |  Parks & Open Space Areas |
|  Neighbourhoods           |  Parks                    |
|  Apartment Neighbourhoods |  |
|  Mixed Use Areas          |  |

  
 Not to Scale  
 09/11/2013

## Attachment 10: Yonge-Eglinton Secondary Plan



Not to Scale



### Yonge-Eglinton Secondary Plan

MAP 21-1 Land Use Plan

- Secondary Plan Boundary
- Yonge-Eglinton Centre
- Mixed Use Areas
- Site and Area Specific Policies
- Proposed Road

December 2010

## Attachment 11: Application Data Sheet

Application Type	Rezoning	Application Number:	13 211324 STE 22 OZ
Details	Rezoning, Standard	Application Date:	July 26, 2013
Municipal Address:	33 HOLLY STREET, 44 DUNFIELD AVENUE AND 86-88 SOUDAN AVENUE		
Location Description:	PL 653 BLK D LTS 15 TO 26 28 29 PT LTS 27 TO 32 << STRUCTURE ADDRESS FOR 44 DUNFIELD AVE **GRID S2204		
Project Description:	Two 24- and 32-storey residential towers attached to two existing 14-storey rental apartment buildings, plus an additional 5 residential storeys on top of the two existing buildings, and a new 6-storey purpose built rental apartment building.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON M5E 1M2	WeirFoulds LLP 66 Wellington St. W. Ste. 4100, TD Centre, Toronto, ON, M5K 1B7	Quadrangle Architects Ltd. 380 Wellington St. W. Toronto, ON M5V 1E3	1030553 Ontario Ltd. 181 Eglinton Ave. E, Ste. 204 Toronto, ON M4P 1J9

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision: Y
Zoning:	R4 Z2.0 - 438-86 R(d2.0)(x689) - 569-2013	Historical Status: N
Height Limit (m):	38	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	11290	Height:	Storeys:	32 & 24
Frontage (m):	141		Metres:	106.8 & 82.9
Depth (m):	46			
Total Ground Floor Area (sq. m):	3851			<b>Total</b>
Total Residential GFA (sq. m):	66449		Parking Spaces:	600
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	66449			
Lot Coverage Ratio (%):	34.1			
Floor Space Index:	5.9			

### DWELLING UNITS

Tenure Type:	Rental, Condo
Rooms:	0
Bachelor:	130 (15%)
1 Bedroom:	463 (54%)
2 Bedroom:	261 (30%)
3 + Bedroom:	8 (1%)
Total Units:	862

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	66449	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Giulio Cescato, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 392-0459</b>
	<b>EMAIL:</b>	<b>gcescat@toronto.ca</b>

## **Attachment 12: Conditions of Parkland Dedication**

### Parkland Dedication

1. The Owner will be required to convey the 0.097 hectares (970 m<sup>2</sup>) portion of the development site for public parkland purposes. The land to be conveyed as parkland shall be free and clear, above and below grade, of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.
2. The Owner is required to convey the parkland to the City prior to the issuance of the first above grade building permit for the development.
3. The Owner acknowledges and agrees that stockpiling of any soils or materials or use as an interim construction staging area on the parkland is prohibited, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

### *Parkland Dedication - Costs*

4. The Owner shall pay for the costs of the parkland dedication and the preparation and registration of all relevant documents. The Owner shall provide, to the satisfaction of the City Solicitor, all legal descriptions and applicable reference plans for the parkland dedication.

### *Environmental Assessment*

5. Prior to conveying the parkland to the City, the Owner shall be responsible for an environmental assessment of the soil and groundwater within the park block and any associated costs or remediation as a result of that assessment. Such assessment and/or remediation shall ensure that the parkland at the time of conveyance to the City, meets all applicable laws, regulations and guidelines respecting sites to be used for public park purposes, including but not limited to City Council policies respecting soil remediation of sites to be acquired by the City and the Ministry of the Environment's Guideline for Use at Contaminated Sites in Ontario, as amended. The environmental assessment shall be prepared by a qualified environmental consultant acceptable to the Director Development Engineering, Engineering and Construction Services in consultation with the General Manager, Parks, Forestry & Recreation.
6. Prior to the conveyance of the park land to the City, the environmental assessment shall be peer reviewed by an environmental consultant retained by the City at the Owner's expense (the 'Peer Reviewer'), and the conveyance of the park land shall be conditional upon the Peer Reviewer concurring with the Owner's environmental consultant that the park land meets all applicable laws, regulations and guidelines for public park purposes.

### *Park Construction*

#### *Base Park Improvements*

7. The Owner, at its expense, will be responsible for base construction and installation of the parkland. The Base Park Improvements include the following:
  - (i) demolition, removal and disposal of all existing materials, buildings and foundations;
  - (ii) grading inclusive of topsoil supply and placement, minimum of 150 mm;
  - (iii) sod #1 nursery grade or equivalent value of other approved park development;
  - (iv) fencing to City standard (where deemed necessary);
  - (v) all necessary drainage systems including connections to municipal services;
  - (vi) electrical and water connections (minimum 50 mm) directly to the street line, including back flow preventors, shut off valves, water and hydro chambers;
  - (vii) street trees along all public road allowances, which abut future City owned parkland; and
  - (viii) standard park sign (separate certified cheque required)
8. All work is to be completed to the satisfaction of the General Manager, Parks, Forestry & Recreation. No credit shall be given towards the Parks and Recreation component of the Development Charges for costs associated with Base Park Improvements.
9. Prior to the issuance of any permit, the Owner shall post an irrevocable Letter of Credit in the amount of 120% of the value of the Base Park Improvements for the parkland to the satisfaction of the General Manager, Parks, Forestry & Recreation.

#### *Temporary Fencing*

10. Prior to conveyance of the parkland, the Owner shall be responsible for the installation and maintenance of temporary fencing around the parkland and its maintenance until such time as the development of the park block is completed.

#### *Parkland Grading and Drainage*

11. Prior to conveyance of the parkland, the Owner shall ensure that the grading and drainage for the parkland is compatible with the grades of the adjacent lands to the satisfaction of the General Manager, Parks, Forestry & Recreation and the Director of Technical Services.

#### *Limiting Distance*

12. Prior to the transfer of fee simple of the Park Blocks to the City, the Park Blocks shall nonetheless be deemed to be parkland in respect of the limiting distance requirements of the *Ontario Building Code Act, 1992* and any structures constructed on the land abutting the Park Blocks shall be subject to limiting distance requirements established under the Ontario Building Code. The Owner must design the building to achieve Ontario Building Code setbacks related to fire separation on their own site. Prior to the issuance of any above grade building permits, the owner will be required to provide information to the appropriate staff in

Parks, Forestry & Recreation. If the City is agrees to enter into a Limiting Distance Agreement, the City will require compensation for the affected area.

*Credit against DC's for Above Base Park Improvements*

13. If the applicant agrees, the Parks and Recreation component of the Development Charges will be used to construct the Above Base Park Improvements. The Owner shall receive a development charge credit for the Above Base Park Improvements. The development charge credit shall be in an amount that is the lesser of the cost to the owner of installing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry & Recreation, and the Parks and Recreation component of the development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
14. The Owner is required to submit a design and cost estimate to be approved by the General Manager, Parks, Forestry & Recreation and a letter of credit equal to 120% of the approved Above Base Park cost estimate. The design, cost estimate and the letter of credit will be required prior to the issuance of the first above grade building permit.

*Above Base Park Improvements*

15. The Owner will be responsible to design and construct the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation. Areas to be addressed in the design of the Park are park programming, sustainable design and plantings, community and public safety, ground surface treatment, seating, vandalism etc. Final design and programming of the parkland shall be at the discretion of the General Manager of Parks, Forestry & Recreation.
16. Prior to issuance of the first above grade building permit for the development of the site, the Owner is required to submit working drawings, specifications and landscape plans showing the scope and detail of the work for the Above Base Park Improvements for review and approval by the General Manager of Parks, Forestry & Recreation.
17. The stockpiling of any soils or materials or use as an interim construction staging area on the conveyed parkland is prohibited unless a Park Occupation Permit (POP) has been obtained from the Manager of Business Services – Ryan Glenn, 416-392-8578. The POP, if approved, will outline in detail the insurance requirements, extent of area permitted, permitted use, tree removal and replacement, duration, restoration plan and costs, and compensation to the satisfaction of the General Manager, Parks Forestry & Recreation. The POP must be secured prior to the issuance of any shoring and excavation permits. The owner will indemnify the City against any claim during any interim use of or work carried out by the applicant on the park. Any compensation accrued shall be applied to park improvements within the Ward in consultation with the Ward Councillor.
18. The Owner will be required to provide an environmental assessment report, prepared by a qualified engineer, at the end of the permitted occupation to verify that the parklands

continue to meet the applicable laws, regulations and guidelines respecting sites to be used for public park purposes. The construction of the park shall commence after the occupation to the satisfaction of the General Manager, Parks, Forestry & Recreation. The Owner will be responsible for paying all costs associated with the City retaining a third-party peer reviewer for the environmental addendum.

19. The Above Base Park construction shall be completed within one year of the issuance of the first above grade building permit. Unforeseen delays (e.g. weather) resulting in the late delivery of the park shall be taken into consideration and at the discretion of the General Manager, Parks, Forestry & Recreation when determining a revised delivery date for the park.
20. The Owner, upon satisfactory completion of the construction and installation of the Park Improvements shall be required to guarantee such work and associated materials for a period of not less than 2 years. The Owner shall provide certification from their Landscape Architect certifying that all work has been completed in accordance with the approved drawings.

#### *Warranty*

21. The owner, upon satisfactory completion of the construction and installation of the Base Park and Above Base Park Improvements will be required to guarantee such work and associated materials. The owner will provide certification from their Landscape Architect certifying all work has been completed. At that time, the submitted letters of credit for park related development will be released, less 20% which shall be retained for a two-year period as a performance guarantee.
22. As-built drawings in print/hardcopy and electronic format shall be submitted to Parks, Forestry & Recreation. A complete set of “as built” plans shall be provided electronically on CD in the latest version of AutoCAD, two (2) sets full size bond hard copy and one (1) set 11x17 format to the General Manager, Parks, Forestry & Recreation. The plans shall include, but not limited to specifications, locations of all hidden services, and all deviations from the design drawings, shop drawings, inspection reports, minutes of meeting, site instructions, change orders, invoices, certificates, progress images, warranties, close out documentation, compliance letters (for any play structures and safety surfaces), manuals etc. The files are to be organized in folders, including a file index and submitted. Written warranties and related documents such as lists of contractor, sub-contractors together with contact persons, telephone numbers, warranty expiry dates and operating manuals.
23. Spare or replacement parts, special tools, etc. as provided by manufacturers, if any, are to be provided to the Parks, Forestry & Recreation.
24. After the two year warranty on the park materials and workmanship, the Owner must ensure through written documentation that:
  - i. There are no outstanding claims against the remaining park security;

- ii. No liens have been registered against the parkland;
- iii. The owner has provided the City with written confirmation that is has not received notice of any claim for lien affecting the parkland;
- iv. All deficiencies have been rectified; and
- v. The owner has provided to the City the certificate of the parkland Landscape Architect providing evidence that all lien periods under the Construction Lien Act affecting the parkland have expired.