

Consolidated Clause in Toronto and East York Community Council Report 7, which was considered by City Council on September 28, 29, 30 and October 1, 2004.

**23**

**Directions Report -  
Official Plan Amendment and Rezoning -  
730 Dovercourt Road (Davenport, Ward 18)**

*City Council on September 28, 29, 30 and October 1, 2004, adopted this Clause without amendment.*

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**The Toronto and East York Community Council recommends that City Council:**

- (1) refuse the Official Plan and Zoning By-law amendment applications for 730 Dovercourt Road in their current form;**
- (2) direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the Official Plan and Zoning By-law amendment applications in their current form;**
- (3) request the owner to revise the application and undertake the necessary studies to address the issues identified in this report;**
- (4) request the Commissioner of Urban Development Services to continue to have discussions with the owner;**
- (5) request the Commissioner of Urban Development Services to have discussions with tenant representatives and neighbourhood representatives;**
- (6) request City staff to report back to Community Council on the outcome of those discussions stemming from Recommendations (4) and (5); and**
- (7) direct the City Solicitor to request the Ontario Municipal Board to set a hearing date after the Council meeting of October 26-28, 2004, in order to receive further direction from Council as may be necessary in connection with the staff report on the outcome of the further discussions with the owner as well as discussions with the tenant and neighbourhood representatives.**

**The Toronto and East York Community Council submits the report (August 23, 2004) from the Director, Community Planning, South District:**

Purpose:

This report reviews and recommends a framework for continuing negotiations on applications to amend the Official Plan and Zoning By-law 438-86 for 730 Dovercourt Road which were appealed to the Ontario Municipal Board by the owner. It is recommended that City Council direct the appropriate staff to attend the Ontario Municipal Board to oppose the Official Plan and Zoning By-law amendment applications in their current form.

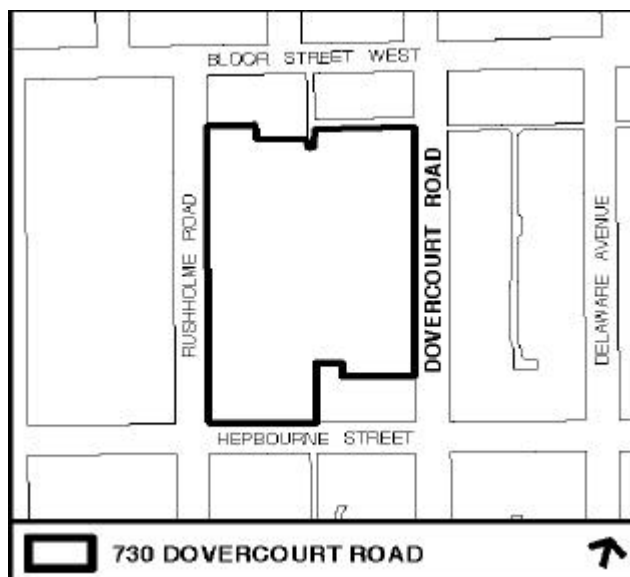
Financial Implications and Impact Statement :

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

Recommendations:

It is recommended that City Council:

- (1) refuse the Official Plan and Zoning By-law amendment applications in their current form;
- (2) direct the City Solicitor and appropriate City staff to attend the Ontario Municipal Board to oppose the Official Plan and Zoning By-law amendment applications in their current form;
- (3) request the owner to revise the application and undertake the necessary studies to address the issues identified in this report;
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- (5) request the Commissioner of Urban Development Services to have discussions with tenant representatives and neighbourhood representatives;
- (6) request City staff to report back to Community Council on the outcome of those discussions stemming from recommendations (4) and (5); and
- (7) direct the City Solicitor to request the Ontario Municipal Board to set a hearing date after the Council meeting of October 26-28, 2004, in order to receive further direction from Council as may be necessary in connection with the staff report on the outcome of the further discussions with the owner as well as discussions with the tenant and neighbourhood representatives.



## Background:

### Proposal

The initial application proposed a 19-storey apartment building containing 179 units and 16,784 m<sup>2</sup> of floor area to be located on the northeast quadrant of the site on top of the existing underground parking garage. Through discussions with the owner and the applicant, the application was revised to reduce the height of the apartment building 17 storeys stepping down to 12 storeys. Townhouse units were also introduced along Rusholme Road, Hepbourne Street and in the interior of the site. The proposed floor area was increased to 20,902.5 m<sup>2</sup>.

A Preliminary Report dated April 16, 2003 was adopted by Humber York Community Council at its meeting of May 6, 2003. After the adoption of the report, Planning staff continued to have discussions with the owner to further revise the application.

### Appeal to the Ontario Municipal Board

The City Clerk received a notice of appeal dated July 16, 2004, appealing the Official Plan and Zoning By-law Amendment applications to the Ontario Municipal Board. The appeals were made on the basis that the City had not made a decision within the statutory 90 day period as set out in the Planning Act.

### Site and Surrounding Area

The site has an area of 22,113 m<sup>2</sup> and is within the larger block bounded by Bloor Street on the north, Dovercourt Road on the east, Hepbourne Street on the south and Rusholme Road on the west. It is occupied by 3 existing apartment buildings ranging in height from 15 to 19 storeys. The 3 buildings contain a total of 850 units and have a total gross floor area of 52,966 m<sup>2</sup>. There are 800 parking spaces of which 71 are above ground and 729 are in two levels of underground parking.

North of the site is the Bloor Street West commercial residential strip which consists of 2 and 3 storey retail buildings with residential units on the upper floors. The site is within walking distance of the Ossington subway station as well as other major TTC surface routes. To the east, south and west is a low density residential neighbourhood consisting of three storey houseform buildings.

### Official Plan

The existing Official Plan for the (former) City of Toronto designates the site as a High Density Residence Area. For those sites which are beyond the Central Area, such as this one, the Official Plan permits a maximum density of 2.0 times the area of the lot. By-laws may be passed to permit residential development within High Density Residence Areas subject to the following conditions:

- (a) retaining the existing pattern of streets and blocks, public and private open spaces and topographic features;

- (b) achieving a balance between the relationship of a building to the street and other public spaces as well as the relationship between buildings with respect to light, view and privacy;
- (c) providing grade-related private and public uses that animate the street edge;
- (d) achieving desirable conditions of pedestrian comfort at the street level with respect to wind and sun protection;
- (e) ensuring the adequacy of municipal services, parks and community services and facilities; and
- (f) ensuring that the impact on the built form and residential amenity of adjacent Low Density Residence Areas has been considered.

#### New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The first pre-hearing on the Official Plan was held on April 19<sup>th</sup> and 20<sup>th</sup>, 2004. The next pre-hearing has been scheduled for September 2004.

Once the Official Plan comes into full force and effect, it will designate the site as part of an Apartment Neighbourhood. While these areas are generally viewed as stable neighbourhoods, intensification is permitted provided that it meets the criteria in the Official Plan.

Under policies in Section 4.2.2 new development in Apartment Neighbourhoods will contribute to the quality of life by:

- (a) locating and massing new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower scale Neighbourhoods;
- (b) locating and massing new buildings to minimize shadow impacts on properties in adjacent lower-scale Neighbourhoods during the spring and fall equinoxes;
- (c) locating and massing new buildings to frame the edge of streets and parks with good proportion and maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- (d) including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- (e) locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;

- (f) providing indoor and outdoor recreation space for building residents;
- (g) providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- (h) providing buildings that conform to the principals of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities.

Infill development is specifically contemplated in Section 4.2.3 of the new Official Plan provided that a number of criteria are met. The new development must create a community benefit for the existing residents of the site and preserve or replace recreation space for the residents. There must be adequate space between the existing and proposed buildings to maintain adequate sunlight, skyviews, privacy and areas of landscaped open space for new and existing residents. The development must be organized to frame streets, parks and open spaces in good proportion and create safe and comfortable open spaces for new and existing residents. The development should also provide pedestrian entrances from an adjacent public street wherever possible. In addition, the development should provide adequate on-site, below grade, shared vehicular parking for both new and existing development, preserve and/or replace important landscape features and walkways or create new features where they did not previously exist and the development should consolidate loading, servicing and delivery facilities.

### Zoning

The site is zoned R2 Z0.6 by By-law 438-86. However, the site is subject to site-specific Zoning By-law 22620 which permits the development of the three apartment buildings that occupy the site. The by-law permits a maximum gross floor area of 52,953 m<sup>2</sup> and requires that 70 per cent of the site be retained for landscaped open space. The by-law also establishes building footprints and setback requirements for each building and it establishes parking requirements.

### Site Plan Control

An application for Site Plan Control is required and has been submitted.

### Reasons for the Application

An amendment to the Official Plan is required because the combined residential density exceeds the density permission of 2.0 times the area of the lot. In addition, the development does not meet the new Official Plan or (former) City of Toronto Plan requirements respecting the integration of new development with the surrounding community.

An amendment to site specific Zoning By-law 22620 is required to permit the fourth apartment building. Also, the additional building will result in a loss of landscaped open space and there may be variances to the parking standards.

## Community Consultation

The local ward Councillor convened an informal community meeting on April 16, 2003 that was attended by 30 to 35 residents. The owner was not in attendance. The residents expressed concerns about height and density, increased traffic and the impact on existing services. Planning staff is also in receipt of 50 e-mails objecting to the development and a petition.

A formal community consultation meeting has not been held to discuss the proposal.

## Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Due to a lack of required information and studies, no formal comments have been received from any City Departments.

## Comments:

Staff have had on-going discussions with the owner with respect to the proposed development. Plans have been informally submitted with revisions which were requested by staff but to date, a formal set of revised plans have not been submitted. As such, a formal set of plans showing the following revisions are requested as a basis for negotiation:

- lower building height of 13 to 8 storeys;
- elimination of the townhouses; and
- site and building improvements.

### (a) Height and Massing

Planning staff have had on-going discussions with the owner to address the height of the proposed building. In the plans which were informally submitted, the owner has lowered the height of the building to 13 and 8 storeys to provide a transition between the existing apartment buildings and the lower building heights along Bloor Street and the adjacent low density neighbourhood.

In addition, Planning staff proposed a L-shaped building with frontage along Dovercourt Road and along a new private driveway that will provide east-west access across the site both of which have been shown on informal plans submitted by the owner. This proposed building footprint will have the effect of framing both the street (Dovercourt Road) and the site's interior amenity area. To further mitigate the impact of the building on the adjacent residential dwellings the building should be terraced at 3 storeys. The 3 storey base can then have grade-related units and have detailing or architectural features which relate to the existing 3 storey houses in the area.

### (b) Townhouses

The townhouses were introduced along Rusholme Road and Hepbourne Street and were discussed in our Preliminary Report. The purpose of the townhouses was to provide animation and to define the street edge and, in the interior of the site to define the site's amenity area.

However, the proposed L-shaped building can provide that framing function and the townhouses proposed for Rusholme Road are on a portion of the site that acts as an attractive opening into the interior of the site. This area is well landscaped and via this open area it is possible to see across the entire site. By keeping this area open, pedestrians are attracted to walking into and through the site which will strengthen the site's connection to the surrounding area. As such, in the informal plans submitted by the owner, the townhouses proposed for the interior of the site and along Rusholme Road were eliminated.

With respect to the townhouses proposed for Hepbourne Street, the owner was requested to review the separation distance from the 19 storey building to the north to provide the necessary light, view and privacy for new and existing residents. One option which was discussed between staff and the owner was to renovate the existing house and improve the landscaping for the existing backyard. To date, the owner has not provided any information regarding this second option.

(c) Site and Building improvements

Planning staff have recommended the provision of a new east west driveway with a pedestrian walkway to provide access across the site which has been shown on informal plans. In addition, staff have had discussions with the owner regarding the current pedestrian walkway that crosses the site diagonally from Dovercourt Road to Rusholme Road. There is an opportunity to upgrade this walkway and to secure it as a publicly accessible walkway but this issue remains unresolved.

Staff had also requested a landscape plan identifying opportunities for improved landscaping and the preservation of existing trees wherever possible. A landscape plan was submitted dated May 14, 2004, however the proposed tree plantings and landscaping did not provide enough detail for a sufficient review. Issues remain regarding the landscape details.

Issues also remain regarding the provision of community benefits for the existing residents as per Section 4.2.3 of the new Official Plan. The existing rental buildings do not contain any indoor amenity area. There is a need to further discuss and review opportunities to improve the recreational amenities for the existing residents.

For the Hepbourne Street frontage the owner has agreed to remove the area for the garbage bins and to construct a through lobby to this building so that it has a street address along with its current entrance facing the interior amenity area. The owner has also agreed to construct through lobbies for the buildings on Dovercourt Road and Rusholme Road so that they will also have an entrance that faces the interior amenity area. The plans need to be revised to show these improvements.

Access and Site Servicing

The site is currently serviced by a surface loading area in the northwest corner of the site. The owner has agreed to reconfigure this space and to provide additional screening. Works staff have advised that they do not have sufficient information to assess the loading, parking and servicing requirements of the development

The owner is requested to submit a traffic and parking study, a site servicing report and stormwater management plan.

#### Other Studies

The owner has not submitted any shadow studies. Further review of the shadow studies will be required to assess the impact of the proposed building on the adjacent Low Density Residence Area. The applicant has also not submitted any wind studies.

#### Section 37

The Official Plan authorizes the use of Section 37 of the Planning Act to secure elements of the development once Council has ensured that the proposed density and/or height increase is consistent with the Plan's objectives regarding built form and the physical environment.

Both the existing and new Official Plan contain policies that encourage the development of rental housing. In this case, the owner has agreed to secure the rental tenure of the existing rental building for a period of 10 years and to secure the rental tenure of the new units for a period of 15 years. In addition, the owner has agreed to provisions to security the affordability of the new units for a period of time.

Other Section 37 matters were discussed but at the time of this appeal, no Section 37 matters have been finalized.

#### Conclusions:

The proposal in its current form is unacceptable. However, staff have had a number of discussions with the owner and have reviewed informally submitted plans that incorporate many of the requested revisions.

This report recommends that the applications to amend the Official Plan and the Zoning By-law be refused in their current form and that the appropriate City staff attend the Ontario Municipal Board to oppose the Official Plan and Zoning By-law amendment applications in their current form. It recommends that staff continue discussions with the owner and to also have discussions with tenant representatives in the existing buildings and with neighbourhood representatives and to report back to Community Council on the outcome of those discussions.

#### Contact:

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(Copies of the attachment(s) referred to in the report were forwarded to all Members of the Toronto and East York Community Council with the agenda for its meeting on September 14, 2004, and copies are on file in the office of the City Clerk.)

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The Toronto and East York Community Council also had before it a Petition submitted by Dale Ritch with 306 signatures in opposition to the proposed development, and a copy is on file in the office of the City Clerk.

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Councillor Giambrone declared an interest in this matter as his family lives in the vicinity of the subject property.

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The following appeared before the Toronto and East York Community Council:

- Karl D. Jaffary, Q.C. Barrister and Solicitor; and
- Dale Ritch, Dover Square Tenants' Association.