

5, 7 and 9 Dale Avenue - Official Plan Amendment and Zoning Amendment Applications - Request for Direction Report

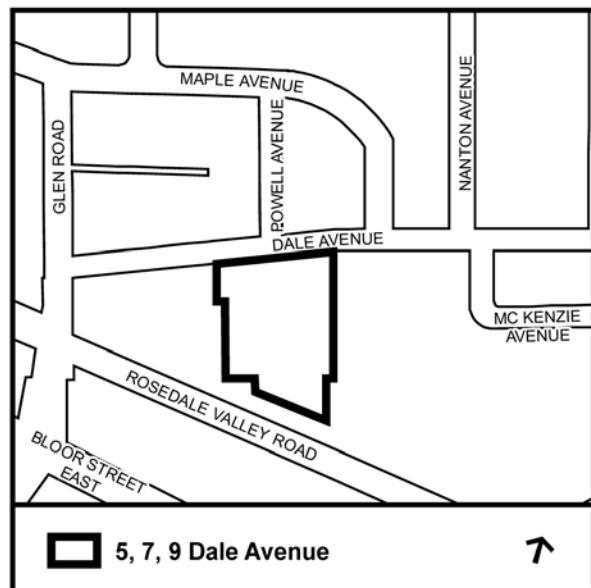
Date:	June 22, 2018
To:	Toronto and East York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	16 202229 STE 27 OZ

SUMMARY

On November 10, 2017 the applicant appealed the Official Plan Amendment and Zoning By-law Amendment applications to the Local Planning Appeal Tribunal (LPAT), citing Council’s failure to make a decision on the application within the prescribed timelines of the *Planning Act*. A pre-hearing for these matters was held on May 23, 2018, and a hearing has been scheduled for March 11-22, 2019.

The applicant is proposing a 4-storey (13.98 metres) residential building with a total of 26 dwelling units, 57 parking spaces, 27 bicycle parking spaces, and a density of 1.8 times the area of the lot.

The site is comprised of three properties within the South Rosedale Heritage Conservation District that are designated under Part V, section 42 of the *Ontario Heritage Act*. The buildings on the three properties are proposed to be demolished as part of this application. A separate report dated June 13, 2018 from the Director, Urban Design is scheduled to be considered at Toronto and East York Community Council with this report.



The southern portion of the site is located in Rosedale Valley Ravine. An application to amend the Official Plan has been made to allow rear ground floor patios to encroach into the required 10 metre setback from the top-of-bank of the ravine.

The purpose of this report is to seek City Council's direction with respect to the City's position at the LPAT hearing. This report recommends that Council direct the City Solicitor, together with appropriate City staff, to oppose the proposal at the LPAT based on the issues identified in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate City staff, to oppose the applicant's appeal respecting the Official Plan Amendment and Zoning By-law Amendment applications for 5, 7 and 9 Dale Avenue (File No. 16 202229 STE 27 OZ) for reasons outlined in the report (June 22, 2018) from the Director, Community Planning, North York District.
2. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold the issuance of its final Order until:
 - a. the Tribunal has been advised by the City Solicitor that the proposed Official Plan and Zoning By-law Amendments are in a form satisfactory to the City;
 - b. the owner provides any necessary modifications to the Functional Servicing Report, Stormwater Management Report and Hydrogeological Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c. the owner makes satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services to pay for and construct improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support this development, in accordance with the Functional Servicing, Stormwater Management and Hydrogeological Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services; and
 - d. the owner obtains approval under section 42 of the *Ontario Heritage Act*.

Financial Impact

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

DECISION HISTORY

At its meeting on October 13, 2016 Toronto and East York Community Council considered a Preliminary Report recommending that staff schedule a community consultation meeting to discuss the proposal with area residents.

The Preliminary Report can be accessed at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.36>

At its meeting on February 21, 2018 Toronto and East York Community Council considered a report from the Acting Chief Planner and Executive Director, City Planning titled "Demolition of Three Heritage Properties in the South Rosedale Heritage Conservation District – 5, 7, and 9 Dale Avenue" dated January 30, 2018. The report recommended refusal of the issuance of a demolition permit for the heritage properties at 5, 7 and 9 Dale Avenue and requested authorization to attend the LPAT in opposition to any appeals.

Toronto and East York Community Council referred the item back to staff to allow for further consideration of the property at 7 Dale Avenue and a complete review by staff of the design and zoning issues. Staff were directed to report back to the Toronto Preservation Board, and the Toronto and East York Community Council, no later than their meetings on June 20 and July 4, 2018, respectively.

The report from the Acting Chief Planner and Executive Director, City Planning dated January 30, 2018 can be accessed at:

<https://www.toronto.ca/legdocs/mmis/2018/pb/bgrd/backgroundfile-111814.pdf>

At its meeting on June 20, 2018 the Toronto Preservation Board considered a report from the Director, Urban Design dated June 13, 2018 recommending the following:

1. City Council refuse the issuance of a demolition permit for the heritage properties at 5, 7, and 9 Dale Avenue in the South Rosedale Heritage Conservation District in accordance with Section 42 of the *Ontario Heritage Act*.
2. If the owner appeals City Council's decision to refuse the issuance of a demolition permit under Section 42 of the *Ontario Heritage Act* for the heritage properties at 5, 7, and 9 Dale Avenue, City Council authorize the City Solicitor and the necessary City staff to attend the Local Planning Appeal Tribunal in opposition to the appeal.
3. City Council support City Planning's evaluation and determination that the property located at 7 Dale Avenue meets the criteria for Category B as set out in the South Rosedale Heritage Conservation District Study (2002).

The Toronto Preservation Board adopted the recommendations in the report with amendments, adding the following recommendation for consideration at the July 4, 2018 Toronto and East York Community Council meeting:

4. If City Council adopts Recommendation 3 in the report (June 13, 2018) from the Director, Urban Design, City Planning, City Council direct the Director, Urban Design, City Planning, to prepare a report on 7 Dale Avenue to explain the heritage protection through a designation under Part IV section of the *Ontario Heritage Act*.

The report and Toronto Preservation Board decision described above can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PB35.3>.

ISSUE BACKGROUND

Site and Surrounding Area

The site is located on the south side of Dale Avenue, east of Mount Pleasant Road and north of Bloor Street East, in the area known as South Rosedale. The site is an assembly of three properties each occupied by its own one-storey single family detached house. The three properties are designated under Part V of the *Ontario Heritage Act* as part of the South Rosedale Conservation District.

The irregular-shaped site is 9,383 square metres in area and has 91 metres of frontage on Dale Avenue. The rear lot line is at an angle to Dale Avenue and runs parallel to Rosedale Valley Road. The site depth ranges from approximately 93 metres along the western edge to 134 metres along the eastern edge.

The southern portion of the site is part of the Rosedale Valley Ravine and is subject to the jurisdiction of the Toronto and Region Conservation Authority (TRCA). The ravine area is heavily vegetated with a well-defined slope. In May 2015, City and TRCA staff staked the stable top-of-bank and drip line of the ravine to determine the developable table land which represents a total area of 4,411 square metres.

Within the immediate context, are the following uses:

North: 2- and 3-storey detached houses on the north side of Dale Avenue. Farther north are more 2- and 3-storey residential buildings.

South: Rosedale Valley Ravine and Rosedale Valley Road. Farther south are Bloor Street East and the north edge of the Downtown area.

West: Immediately west are 1 and 3 Dale Avenue, both of which are 3-storey detached houses. Farther west is a 3-storey apartment building at 1A Dale Avenue, Glen Road, the Glen Road pedestrian bridge, and a 3-storey apartment building at 40 Glen Road.

East: Immediately east is a 2-storey detached house at 15 Dale Avenue and a 4-storey apartment building at 21 Dale Avenue that extends into Rosedale Valley Ravine. Farther east are 2- and 3-storey detached houses.

See Attachment 1: Location Map.

Proposal

The three one-storey heritage buildings occupying the site and located in the South Rosedale Heritage Conservation District are proposed to be demolished to make way for a new 4-storey apartment with an overall height of 13.98 metres measured to the top of the flat roof with projections above for a roof parapet, chimneys and a small portion of peaked roof. The proposed building has 7,923 square metres of residential floor area, a density of 1.8 times the area of the site, and 26 dwelling units (22 two-bedroom units and 4 three-bedroom units).

The building footprint can be distinguished in two halves, hereafter referred to as the west half and the east half. The west half of the building is located closer to Dale Avenue, generally in line with the front yard setbacks along the street. The east half of the building is located farther from Dale Avenue allowing space for a vehicular drop-off area and a hardscaped motor court. The two halves of the building are connected at the ground floor, with a 3.6-metre building separation at the second and third floors, and a 4.3-metre building separation at the fourth floor.

The Dale Avenue elevation is well articulated on all four floors with setback ranges as follows:

Table 1: Setbacks from the Street

Setback Measured to:	West Half	East Half
Ground Floor	7.7 to 11.5 metres	23.4 metres
Canopy above Ground Floor	6.0 metres	10.6 to 13.2 metres
Second Floor	6.7 to 10.7 metres	14 to 17.9 metres
Third Floor	6.7 to 10.7 metres	14 to 17.9 metres
Fourth Floor	11.6 metres	19.5 to 20 metres

Each half of the building is designed with a 3-storey streetwall with a height of 10.38 metres. The fourth floor is set back 4.9 and 5.5 metres above the third floor for the west and east halves of the building, respectively.

The east side yard setback ranges from 1.7 to 2.9 metres with the exception of a chimney breast and the canopy over the ground floor. The majority of the east side wall is parallel to the east lot line and set back 2.9 metres, however, a small portion of the second and third floors at the northeast corner of the building is located as close as 1.7 metres to the east lot line.

The west side yard setback ranges from 0.7 to 3.1 metres with the exception of the chimney breast and the canopy over the ground floor. Similar to the east side of the building, a small portion of the second and third floors in the northwest corner of the building are located closest to the west lot line at 0.7 metres. Farther south, the west side yard setback gradually increases to 3.1 metres at its greatest.

The subject site is irregular in shape with the west lot line shifting to the east 31 metres into the lot. The southwest corner of the building has been designed to follow this jog in the lot line and the setbacks for this portion of the building range from 0.9 to 1.9 metres. Privacy screening has been added to the rear balconies where they are closest to the adjacent property, 3 Dale Avenue.

The applicant is proposing a total of 278 square metres of indoor amenity space located below grade in the P1 level. No outdoor amenity space is proposed. Each dwelling unit will have direct access to its own exclusive use outdoor balcony or patio and garden.

A total of 57 vehicular parking spaces and one Type B loading space will be provided in a one-level underground parking garage accessible from Dale Avenue. A total of 5 parking spaces are proposed for residential visitors. The proposal also includes a pick-up/drop-off area in front of the eastern half of the building. A total of 27 bicycle parking spaces would be provided in a secure room located on the ground floor.

The applicant proposes to convey the ravine lands to the City including the stable top-of-bank and a portion of the required 10-metre setback from the top-of-bank of the ravine. While none of the proposed building above or below grade encroaches into the required 10-metre setback, the applicant proposes to construct rear yard ground floor patios partially within the setback. As such, an application to amend the Official Plan was made to allow rear ground floor patios to encroach into the required 10-metre setback.

The current proposal (September 1, 2017) incorporates revisions from the original application (August 5, 2016), summarized below:

- total gross floor area reduced from 8,783 to 7,923 square metres;
- total floor space index reduced from 1.99 to 1.8 times the area of the lot;
- height reduced from 14.63 metres plus a 1.5-metre mechanical penthouse to 13.98 metres with no rooftop mechanical penthouse;
- mechanical penthouse relocated from rooftop to sub-basement below the parking garage;
- streetwall height reduced from 10.97 to 10.38 metres;
- Dale Avenue and side lot line setbacks generally increased;
- introduced building separation between east and west halves of the building of 3.6 metres at the second and third floors and 4.3 metres at the fourth floor;
- site access shifted westwards towards Powell Avenue;
- vehicle parking spaces decreased from 58 to 57; and
- building materials updated to include stone, brick and slate to better respect the heritage character of the area.

See Attachments Nos. 2-9 (Application Data Sheet, Context Plan, Site Plan, Elevations and Perspectives).

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (r) the promotion of a built form that,
 - (i) is well designed;
 - (ii) encourages a sense of place;
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. The *Planning Act* states that municipalities must have regard for matters of provincial interest. Cultural heritage is identified as a matter of provincial interest in section 2(d) of the *Act*.

Policy 2.6.1 of the PPS directs that "Significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;

- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

Official Plan

The site is designated as *Neighbourhoods* on Map 18 - Land Use of the Official Plan. *Neighbourhoods* are considered physically stable areas and are made up of low scale residential uses along with parks, schools and local institutions.

Section 2.3.1 – "Healthy Neighbourhoods" indicates that while some physical change will occur to neighbourhoods over time as enhancements, additions and infill housing occur on individual sites, a cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the

stability of the neighbourhood. The stability of the physical character of *Neighbourhoods* is one of the keys to Toronto's success.

Section 4.1 – "*Neighbourhoods*" includes policies and development criteria to ensure that physical changes to established neighbourhoods are sensitive, gradual and generally "fit" the existing physical character. Development criteria in Policy 5 state that development in established *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, in particular:

- a. Patterns of streets, blocks and lanes, parks and public building sites;
- b. Size and configuration of lots;
- c. Height, massing, scale and dwelling type of nearby residential properties;
- d. Prevailing building type(s);
- e. Setbacks of buildings from the street or streets;
- f. Prevailing patterns of rear and side yard setbacks and landscaped open space;
- g. Continuation of special landscaped or built-form features that contribute to the unique physical character of a neighbourhood; and
- h. Conservation of heritage buildings, structures and landscapes.

Policy 5 further states that no changes will be made through rezoning, minor variance, consent or other public action that are out of keeping with the physical character of a *Neighbourhood*.

Section 3.1.2 – "Built Form" indicates that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties; and limiting shadow and wind impacts.

Section 3.1.5 – "Heritage" addresses the conservation of heritage resources and includes policies that state that Heritage Impact Assessments will evaluate the impact of a proposed alteration to a property on the Heritage Register, and/or to properties adjacent to a property on the Heritage Register, to the satisfaction of the City. Policy 26 identifies that new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impacts on it. Policy 33 states that Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District plans.

The ravine lands which are located below the stable top-of-bank are identified as being part of the Natural Heritage System on Map 9 – "Natural Heritage" of the Official Plan and a portion of these are part of the Environmentally Significant Areas on Map 12 – "Environmentally Significant Areas" of the Official Plan. **Section 3.4** – "The Natural Environment" requires that development will be set back at least 10 metres from the top-

of-bank of valleys, ravines and bluffs. Land below the top-of-bank may not be used to calculate permissible density in the zoning by-law or used to satisfy parkland dedication requirements. All proposed development in or near the ravine will be evaluated to assess the development's impacts on the natural heritage system. Development will not occur on lands within the natural heritage system that are identified as environmentally significant and require additional protection.

Section 5.6 – "Interpretation" provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, **Section 1.5** – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

See Attachment No. 10: Official Plan Map.

Official Plan Amendment No. 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhood* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect.

Relevant to this application, OPA 320 adds new policy to Section 4.1 Policy 5 that provides direction on how to delineate a geographic neighbourhood and instructs that when reviewing new development within *Neighbourhoods*, evaluation of the physical character of a particular neighbourhood should first consider properties in the same block that also face the same street as the development site and other properties in the wider geographic neighbourhood.

Heritage Preservation

Standards and Guidelines for the Conservation of Historic Places in Canada

The Standards and Guidelines for the Conservation of Historic Places in Canada (Standards and Guidelines) is the official document guiding planning, stewardship and the conservation approach for all listed and designated heritage resources within the City

of Toronto. The General Standards (1-9) and the Standards for Rehabilitation (10-12) apply to this project.

South Rosedale Heritage Conservation District

All three properties that make up the subject site are located within the South Rosedale Heritage Conservation District (HCD) designated under Part V of the *Ontario Heritage Act* per By-law 115-2003. The three existing buildings at 5, 7 and 9 Dale Avenue are proposed to be demolished.

The South Rosedale Heritage Conservation District Study (2002) categorizes buildings within South Rosedale as "A" rated, "B" rated, "C" rated, or "unrated". The buildings at 5, 7 and 9 Dale Avenue are "C" rated buildings, which are defined as buildings of contextual significance, which contribute to the heritage character of South Rosedale.

The District Study includes a set of guidelines with regard to alterations, demolition and new construction within the district. As the development proposal includes demolition of rated properties and a new replacement building, the following sections of the District Study apply:

Section 5.3.4 – "Guidelines for Demolition"

- B. Demolition of buildings in the "C" category is "generally considered appropriate only if the proposed replacement building...is equally able or more able to contribute to the heritage character of the district and is acceptable under these guidelines and the zoning by-law".

Section 5.3.3 – "Guidelines for New Buildings"

- A. New buildings (and alterations and additions to unrated buildings) should contribute to and not detract from the variety and heritage character of the district.
- B. New buildings (and alterations and additions to unrated buildings) should be designed to be compatible with the heritage buildings, in terms of scale, massing height, setback, and entry level.
- C. The roof profile and the location of the eaves lines or the roof parapet should be designed so that the apparent height of the building is compatible with that of its neighbours and is not visually overwhelming to neighbouring buildings.

A report from the Director, Urban Design dated June 13, 2018 was considered at the Toronto Preservation Board (TPB) on June 20, 2018. The report recommended that the request to demolish the existing buildings at 5, 7, and 9 Dale Avenue be refused, that staff attend an LPAT hearing in opposition of the demolition, and that 7 Dale Avenue be determined to meet the criteria of a category "B" rated property in the South Rosedale HCD. The Toronto Preservation Board adopted the recommendations in the report with amendments, requesting City Council to direct the Director, Urban Design to prepare a

report of 7 Dale Avenue to explain the heritage protection through a designation under Part IV of the *Ontario Heritage Act*.

The report and the TPB's decision will be considered along with the report (June 22, 2018) from the Director, Community Planning, North York District at Toronto and East York Community Council on July 4, 2018.

The report and decision described above can be found at the following link:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PB35.3>.

Townhouse and Low-Rise Apartment Guidelines

City Council has adopted city-wide Townhouse and Low-Rise Apartment Guidelines and has directed City Planning staff to use these Guidelines in the evaluation of townhouse and low-rise apartment development applications. The new Townhouse and Low-Rise Apartment Guidelines replace the Infill Townhouse Guidelines (2003) and is intended to be used in the review of an application when the proposed built form meets the City's Official Plan Policies. The new Guidelines identify strategies to enhance the quality of these developments, provide examples of best practices, and improve clarity on various development scenarios.

Ravine Control

The proposed development is subject to the Ravine and Natural Features Protection (RNFP) Bylaw. A Ravine Stewardship Plan (constituting part of the Natural Heritage Impact Study) was reviewed by City and Toronto and Region Conservation Authority (TRCA) staff.

Zoning

Zoning By-law 438-86

Under Zoning By-law 438-86, as amended, the property is zoned R1 Z0.6 with a height limit of 10 metres and a maximum density of 0.6 times the area of the lot. The R1 zoning category allows detached houses, parks, places of worship and home occupations. Apartment buildings are not permitted building types in the R1 zoning category.

Zoning By-law 569-2013

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently under appeal at the LPAT. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to the site.

Under Zoning By-law 569-2013, the site is zoned RD (f15.0; d0.6) (x1438) with a height limit of 10 metres and a maximum density of 0.6 times the area of the lot. The RD zoning category allows detached houses, parks, places of worship and home occupations. Apartment buildings are not permitted building types in the RD zoning category. See Attachment No. 11: Existing Zoning By-law Map.

Site Plan Control

The site and proposed development are subject to Site Plan Control (File No. 17 235833 STE 27 SA). A complete application was submitted on September 20, 2017.

Reasons for Application

The proposed Zoning By-law Amendment application is required because the proposal does not comply with the current Zoning By-laws in the following ways:

- proposes an apartment building in a zone that only permits detached houses;
- exceeds the maximum height permitted by the Zoning By-laws;
- exceeds the floor space index permitted by the Zoning By-laws;
- provides reduced building setbacks;
- provides no outdoor amenity space; and
- reduces parking space dimensions under Zoning By-law 438-86.

The proposed Official Plan Amendment application is required to allow rear ground floor patios to encroach into the required 10-metre setback from the top-of-bank of the ravine.

Agency Circulation

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

Community Consultation

A community meeting was held on November 23, 2016 at 525 Bloor Street East (St. Simon the Apostle Church) and attended by approximately 120 members of the public. The Ward Councillor was in attendance. At the meeting City staff and the applicant's team presented on the area context, the planning framework, and the original 4-storey proposal.

Following the presentations, City staff facilitated break-out sessions where attendees shared comments and asked questions regarding: heritage; built form; ravine, trees and landscaping; and transportation.

During the break-out sessions, attendees raised the following issues and concerns:

- designated heritage buildings should be protected and not demolished;
- a 4-storey multi-unit apartment building is not contextually appropriate for the area and has the potential to set a precedent;
- building is too tall, too dense and too close to the street;
- building blocks views of the ravine;
- design is too modern for South Rosedale;
- proposal removes too many trees;
- proposal adds to morning and afternoon rush hour congestion on Dale Avenue; and
- potential conflict between vehicles and pedestrians.

Some attendees provided comments in support of the proposal, including the following:

- existing 1-storey buildings on the site are anomalies in the neighbourhood and do not contribute to the heritage character of the area;
- proposal represents an improvement to the street;
- proposal has been designed with careful consideration of the architectural style and materials of South Rosedale;
- re-naturalization of the ravine lands and their conveyance to the City is environmentally positive; and
- traffic impact should be minimal given the proposed number of units.

COMMENTS

The subject site is designated *Neighbourhoods*, is located partially in a ravine, and is comprised of three heritage properties. While Planning staff is satisfied that the proposal meets some of the criteria for new development within *Neighbourhoods* and the TRCA and RNFP staff are satisfied with the proposed restoration and conveyance of ravine lands, HPS staff have determined the proposal is not in keeping with the intent of the Official Plan as it relates to Heritage policies, and does not meet the South Rosedale HCD guidelines. As a result, City Planning has determined that the proposal to demolish and replace the existing heritage buildings does not have regard for the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan with respect to matters of heritage conservation.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, PPS and the Growth Plan.

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including, as noted in section 2(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

Policy 2.6.1 of the PPS states that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." Properties included on the City's Heritage Register are considered to be significant in this context. "Conserved" is defined in the PPS as "the identification, protection, use and/or management of built heritage resources in a manner that ensures their cultural heritage value or interest is retained".

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region. Policy 4.2.7(1) of the Growth Plan states that cultural heritage resources, which includes built heritage resources, "will be conserved in order to foster a sense of place and benefit communities".

In this case, three existing houses on individual properties located at 5, 7, and 9 Dale Avenue, that reflect the heritage character of South Rosedale will not be retained and integrated into the new proposal, but will be demolished and replaced by a 4-storey

building that will occupy the assembled properties. The demolition of the existing bungalows will result in a loss of three character properties in the District, particularly as it relates to streetscape heritage character.

City Planning staff have determined that the proposed development involving the demolition of three buildings designated under Part V of the *Ontario Heritage Act* does not have regard to the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan with respect to matters of heritage conservation.

Land Use

This application has been reviewed against the Official Plan policies described in the Issue Background section of this report as well as the policies of the Official Plan as a whole. The Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings including interspersed walk-up apartments that are no higher than four storeys. The proposed use and building type are permitted within the *Neighbourhoods* land use designation of the Official Plan. However, the proposal is not in keeping with the intent of the Official Plan as it relates to heritage policies.

Density, Height, Massing

The Zoning By-law permits a maximum building height of 10 metres. The proposed 3-storey streetwall height of 10.38 metres is similar in height to that of existing houses along Dale Avenue and in the surrounding neighbourhood. While the overall building height of 13.98 metres is taller than the other apartment buildings on the street, the fourth floor is set back from the streetwall by 4.9 and 5.5 metres for the west and east halves of the building, respectively. Stepping the fourth floor back reduces the perceived height of the building from adjacent properties and from the public realm, reduces the impact of the upper level massing, and improves the transition to adjacent low-rise residential buildings.

The length of the building has been designed in two halves with the eastern portion recessed farther from the Dale Avenue frontage. The two halves are further divided with a physical separation of 3.6 metres at the second and third floors and 4.3 metres at the fourth floor. This separation simulates the typical separation distance between the side walls of two adjacent detached houses in an area with larger lot frontages.

The Dale Avenue elevation incorporates architectural features of houses from the street and surrounding area, including sloped roofs, tri-sided and angular projecting bay windows, outdoor balconies, and large chimney masses. These features provide articulation which further break up the massing of the front wall and provide visual interest along the length of both halves of the building.

Building Type

The Official Plan states that *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings including interspersed walk-up apartments

that are no higher than four storeys. The proposed 4-storey apartment is a permitted use and building type within the *Neighbourhoods* land use designation of the Official Plan

Further, Section 4.1, Policy 5 of the Official Plan states that new development in *Neighbourhoods* will respect and reinforce the existing physical character of the neighbourhood, including prevailing building type. Dale Avenue is comprised of a number of different building types including detached houses, semi-detached houses, and apartment buildings. While apartment buildings are not the most frequently occurring building type on Dale Avenue, they do occupy a considerable portion of frontage along the south side of the street and contribute to the existing physical character. It should be noted that the existing apartment buildings on Dale Avenue pre-date the Official Plan and the South Rosedale HCD.

Setbacks and Landscaped Open Space

While the existing front yard setbacks of properties along Dale Avenue are all generous and provide ample green space within the front yards, there is some variety with these setbacks, specifically along the south side of the street. The proposed building has been designed in two halves with the west half of the building located 6.7 metres from Dale Avenue at its closest, in line with the front yard setback of the nearby apartment at 1A Dale Avenue. The east half of the building is located 10.6 metres from Dale Avenue at its closest.

The proposed side yard setbacks are consistent with the pattern of side yard setbacks in the neighbourhood. Furthermore, the proposed 3.6-metre gap between the two halves of the building breaks up the building wall length and simulates the typical separation distance between two detached houses, each with a side yard setback of 1.8 metres. The applicant proposes to provide landscape screening in the west side yard where the west elevation would be more visible from the public realm.

The proposed rear yard setback provides space for private outdoor amenity spaces for ground floor units and a sufficient buffer to the renaturalized ravine lands. No portion of the building and only small portions of some of the ground floor patios will encroach into the 10-metre stable-top-of-bank setback zone. A fence will be required along the rear lot line to prevent residents from going beyond the stable top-of-bank.

Heritage

All three properties that make up the subject site are located in the South Rosedale HCD and categorized as "C" rated buildings. The demolition of a heritage building and erection of a new structure requires the approval of City Council under section 42 of the *Ontario Heritage Act*. The South Rosedale HCD Study states that demolition of buildings in the "C" category is "generally considered appropriate only if the proposed replacement building...is equally able or more able to contribute to the heritage character of the district and is acceptable under these guidelines and the zoning by-law."

The Heritage Impact Assessment (HIA) submitted with this application addresses the criteria within the District Study for demolition of "C" rated buildings and new

construction. Heritage consultant Phil Goldsmith Architect reviewed the characteristics of the properties and concluded that the three existing 1-storey buildings at 5, 7 and 9 Dale Avenue are not consistent with the characteristics of South Rosedale and do not make a significant contribution to the context. The HIA concludes that the proposed building with its low height, broken and offset form, detailing which interprets traditional residential buildings and material pallet which is consistent with the character of South Rosedale, achieves the objectives set out in the District Study. The heritage consultant also opines that there are no other locations within the South Rosedale area that provide a similar opportunity for development given the uniqueness of the three adjacent buildings that are inconsistent with the context in an area as variable in form and scale as this and that this should not be considered a precedent for other projects in South Rosedale.

HPS staff has assessed the proposal in terms of its compliance with the guidelines as set forth in the South Rosedale HCD Study, and have given consideration to the HIA submitted by the applicant in support of the application. HPS staff has also considered the landscape setting, scale, massing, and height of the existing "C" rated houses on the development site along with the other contributing properties on Dale Avenue in its review of the proposal.

The report from the Director, Urban Design dated June 13, 2018 concludes that the proposal to demolish the "C" rated properties at 5, 7, and 9 Dale Avenue and replace them with a new 4-storey building is not consistent with the South Rosedale HCD Guidelines. HPS staff is of the opinion that, based on the statements of heritage character found in the Study, the proposed building, though thoughtfully conceived, well-designed and desirable in most other contexts is not of equal or better heritage character than the existing properties, largely from the perspective of streetscape heritage character. The report explains that the current experience of the subject properties as viewed from Dale Avenue is that of three detached single storey houses in their landscape setting. The proposal for a single building with a footprint that extends across the assembled properties and with a height of 4-storeys will have a significant visual impact on the landscape setting when viewed from the street and will negatively affect the HCD's park-like setting, a fundamental component of the streetscape heritage character.

In addition, HPS staff is of the opinion that 7 Dale Avenue was classified in error as a category "C" rated building. At the time of the HCD coming into force, it was unknown that Architect Gordon Sinclair Adamson had designed the property or that the eminent landscape firm, Dunington-Grubb, had prepared the original landscape design. The report from the Director, Urban Design dated June 13, 2018 recommends that the Study be revised to reflect this new information and that the rating of the property be elevated to a "B" rated building. Demolition of "B" rated buildings is not supported within the HCD.

Traffic Impact, Access, Parking, Loading

Traffic Impact

The applicant's transportation consultant, WSP Canada Group, prepared an updated Transportation Impact Study, Traffic Operations, Loading and Site Circulation Assessment Report dated August 23, 2017. In this study the consultant estimates that the

proposed development will generate a net of 15 and 17 two-way trips during the AM and PM peak hours, respectively. Given this level of trip generation, the consultant concludes that the projected site traffic will have minimal impacts on area intersections, and therefore, can be acceptably accommodated on the adjacent road network. Transportation Services staff agree with the consultant's conclusion.

Access and Circulation

Vehicular access to the underground parking garage and loading space is proposed via a 7.2-metre wide private driveway from Dale Avenue. The access driveway widens to provide access to a circular driveway (motor court) with an access ramp to the underground parking garage and a vehicular pick-up/drop-off area in front of the lobby entrance. The access ramp to the underground is shown as having a maximum slope of 15%, with 2.0 metre transition areas of a maximum slope of 7.5% at the top and bottom of the access ramp. Transportation Services has advised that the access ramp is required to have a maximum slope of 15% with transition areas at the top and bottom of the ramp having maximum slopes of 7.5% for minimum distances of 3.5 metres and requires revision.

Vehicular Parking

The proposal includes a total of 52 residential parking spaces and 5 visitor parking spaces within an underground parking garage. The proposed parking meets the requirements of Zoning By-law 569-2013, which requires 26 residential parking spaces and 5 visitor parking spaces. However, the proposed parking does not meet the requirements of Zoning By-law 438-86, which requires 83 residential parking spaces and 7 visitor parking spaces. Transportation Services Staff have determined that the proposed parking supply is acceptable.

In the event that the LPAT allows the appeal, additional comments pertaining to the layout of the proposed parking supply, including but not limited to, ingress/egress and the physical separation of the resident and non-resident parking spaces, will be provided through the review of the Site Plan Application (File No. 17 235833 STE 27 SA).

Bicycle Parking

Zoning By-law 569-2013 requires a minimum of 1.0 bicycle parking spaces for each dwelling unit, allocated as 0.9 long-term bicycle parking space per dwelling unit and 0.1 short-term bicycle parking space per dwelling unit. A total of 27 bicycle parking spaces are proposed with 24 long-term spaces for residents of the building and 3 short-term spaces for visitors. The total of 27 bicycle parking spaces meets the requirements of the Zoning By-law.

Loading

Under Zoning By-law 569-2013, a loading space is not required for the proposed development as there are under 31 dwelling units proposed, however, the applicant has indicated that a Type 'B' loading space will be provided within the underground parking garage.

Staff have reviewed the vehicular manoeuvring diagrams provided in the updated Transportation Impact Study, Traffic Operations, Parking, Loading and Site Circulation Assessment Report, prepared by WSP Canada Group and dated August 23, 2017. The diagrams indicate that vehicles will be able to access the site, the underground parking garage and the proposed loading space in an acceptable manner.

The diagrams indicate that loading vehicle drivers will be required to perform back-up manoeuvres at the bottom of the access ramp to and from the loading space. In order to improve vehicular and pedestrian safety in the immediate area, the development will be required to provide a vehicular warning system at the top and bottom of the access ramp that informs drivers entering or exiting the garage that trucks are manoeuvring at the bottom of the access ramp by way of flashing signals. In the event that the LPAT allows the appeal, this will be secured through the review of the Site Plan Application (File No. 17 235833 STE 27 SA).

Servicing

Functional Servicing, Stormwater Management and Hydro-Geological Reports prepared by WSP Group Canada and dated August 23, 2017 have been reviewed by Staff and require further revisions to satisfy Engineering and Construction Services and Toronto Water. Required revisions include, but may not be limited to: demonstrating compliance with the requirements for new development connecting to combined sewers; clarifying how groundwater will be managed during construction; and confirming the need for a Sanitary Discharge Agreement. These issues are listed in memorandums from Engineering and Construction Services dated October 17, 2017 and March 15, 2018.

Solid Waste

In accordance with the requirements set out in Chapter 844 of the Municipal Code, "Waste Collection, Residential Properties" and the "City of Toronto Collection of Toronto Requirements for Garbage, Recycling and Organics Collection Services for New Developments and Re-Developments", this residential development is eligible for multi-unit residential curbside collection services on Dale Avenue, with shared carts for all residents for garbage, recycling and organics.

The submitted plans indicate that private waste collection will take place and in that regard, the project provides a Type 'B' loading space and a staging and collection pad and chutes for front end collection. Where a development site is eligible for City refuse collection such as is the case with this site, private collection of waste is not encouraged. The applicant should revise their plans to demonstrate the necessary requirements for multi-unit residential curbside collection.

Natural Heritage

The site backs onto a well vegetated and steep valley slope that forms part of the Rosedale Valley Ravine. This rear portion of the site has several overlapping natural heritage designations. The site is located within the City's Natural Heritage System (NHS) as depicted on Map 9 of the Official Plan; subject to the provisions of the City of Toronto Municipal Code, Chapter 658 Ravine & Natural Feature Protection; and situated

within the TRCA Regulation Limit and Terrestrial Natural Heritage System. The forested valley slope is also mapped as an Environmentally Significant Area (ESA) as depicted on Map 12 of the Official Plan.

The upper portion of the slope is used as an extension of the rear yard amenity space for the existing dwellings. Various sections above and below the top of bank of the valley slope have been modified with retaining walls, patios, stairs, small cabanas and an in-ground swimming pool.

As per TRCA policy, new development is not permitted within the Natural System identified as being a 10-metre buffer from the Long Term Stable Top of Slope (LTSTOS), stable toe of slope, regulatory floodplain, meander belt and any contiguous natural features or areas (dripline). TRCA policies also recognize that, where technically feasible and appropriate, innovative design approaches may be considered to address site constraints and accommodate development while still meeting current regulatory requirements. The Official Plan also requires that development will be set back at least 10 metres from the top-of-bank of valleys, ravines and bluffs.

The applicant has consulted with TRCA staff regarding the proposal. TRCA staked the dripline of contiguous natural features on May 21, 2015. A Geotechnical Slope Stability Assessment was also required to determine the location of the LTSTOS line on-site. TRCA staff agree with the analysis and determination of the LTSTOS line. The dripline and the LTSTOS line are accurately depicted on the survey and plans provided.

The majority of the proposed development will be set back more than 10 metres from the stable top of slope and does not encroach within the staked dripline. However, at the southeast side of the property the proposed development, in the form of portions of ground floor patios, will only be located 7 metres from the stable top of bank and 1 metre from the dripline. TRCA can consider a reduced buffer in this location as the extent of the encroachment is minor and a larger buffer will be provided on the southwest side of the property from the stable top of bank (approximately 24 metres). In this way, the aerial loss of buffer land area is compensated for elsewhere along the buffer strip and the total area is the same as if a 10-metre buffer had been provided for along the entire valley reach.

In addition to the setbacks provided, the proposal also includes a significant restoration component. This restoration will involve stabilizing the valley slope by burying, removing or maintaining existing structures located within the valleylands. It also includes re-naturalization through the removal of invasive species and planting of native vegetation within the buffer area and on the valley slope.

The work within the NHS and ESA is limited to the removal of existing hard features such as gabion baskets, stone steps, stone retaining walls, timber retaining walls, and an in ground swimming pool, and restoration of these lands.

As a result of this restoration work, the applicant proposes the removal 19 trees protected under the City of Toronto Municipal Code, Chapter 658 Ravine & Natural Feature Protection (RNFP) along with 20 to 25 tree injuries within the area regulated by the ravine by-law. Typical RNFP compensation ratios are as follows: 3 to 1 for trees greater than 10 centimetres diameter at breast height (dbh), 1 to 1 for trees less than 10 centimetres dbh, and 1 new tree for every 25 square metres of lost growing space. A Ravine Stewardship Plan has been submitted and is under review.

Given these circumstances, TRCA and RNFP staff support the Official Plan Amendment for a portion of the development for ground floor patios to be located within the 10-metre buffer from the stable top of bank. Staff request that all lands below the limits of development (approximately 4,973 square metres) be restored and re-naturalized with native trees and shrubs and that the lands below the developable table land or "Limit of the Residential Zone" be re-designated as *Natural Areas* in the Official Plan, re-zoned with an "Open Space – Natural Zone" zoning category and be conveyed into public ownership for its long term protection. The applicant has agreed to convey the lands to the City should approval of the development be granted.

Tree Preservation

The applicant submitted an Arborist Report, prepared by WSP, dated August 2, 2016, revised August 23, 2017 in support of their application.

The report indicates that there are 12 trees that meet the criteria for protection under the City of Toronto Municipal Code, Chapter 813 Articles III (Private Tree by-law). The development proposes the removal of five privately-owned trees that meet the criteria for protection under the City of Toronto's Private Tree By-law with the remaining seven trees retained and protected. The privately-owned trees proposed for removal include: two trees that are located within the hedge row of European Beech trees along the shared lot line between 7 and 9 Dale Avenue; one tree located behind the front yard garage at 9 Dale Avenue; one tree located to the east side of the northeast corner of 7 Dale Avenue; and one tree located between the eastern driveway entrance and the northeast corner of 5 Dale Avenue. Urban Forestry staff require the planting of 15 new trees to replace the five private trees proposed for removal.

The report indicates that there are seven City-owned street trees which are protected under the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law). The development proposes the removal of one City-owned street tree with a 23 centimetre bdh Red Oak in good health that is located where the proposed driveway would go. The remaining six trees would be retained and protected. Urban Forestry staff require the planting of one new tree to replace the one City-owned tree proposed for removal. The applicant is proposing three new street trees.

Open Space, Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this

application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is not in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

As specified in Chapter 415, Article III of the Toronto Municipal Code, development sites that are outside a Parkland Acquisition Priority Area require a dedication rate of 5% applied to the residential use. The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Amenity Space

The applicant is required to provide a minimum rate of 2.0 square metres per dwelling unit of both indoor and outdoor amenity space as per Zoning By-law 438-86 and Zoning By-law 569-2013.

The proposed building contains 278 square metres of indoor amenity space on level P1 which represents a rate of 10.7 square metres per dwelling unit. Despite being located below grade, staff are satisfied with the proposed indoor amenity space given the substantial size of the space. The proposal does not include any common outdoor amenity space. The applicant should explore the possibility of providing a common outdoor amenity space.

Family-Sized Units

New residential developments are encouraged to provide a minimum of 25% large units, 15% of the total unit count in the form of 2-bedroom units and 10% in the form of 3-bedroom units or larger units as per the Growing Up Guidelines. The applicant is currently proposing 85% of the total residential units as 2-bedroom and 15% as 3-bedroom units.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 2 of the Toronto Green Standard. Tiers 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 2 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 2 of the TGS. The site specific zoning by-law will secure performance measures for various Tier 2 development features, including, but not limited to, the following:

- Cycling Infrastructure, such as providing secure bicycle parking on the P1 level;

- Automobile Infrastructure, such as physical provision for future electric vehicle charging; and
- Storage and Collection of Recycling and Organic Waste, such as two waste chutes, one dual sorter for garbage and organic waste and the second dedicated to recycling will be provided.

Other applicable TGS performance measures can be secured through the Site Plan Approval process.

Conclusion

The proposal has been reviewed against the policies of the *Planning Act*, PPS (2014), the Growth Plan (2017), the Toronto Official Plan and the South Rosedale Heritage Conservation District. Staff are of the opinion that the proposal does not have regard for matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the PPS, and does not conform with the Growth Plan with respect to heritage matters. Further, the proposal is not in keeping with the intent of the Official Plan, particularly as it relates to Heritage policies, and does not meet the South Rosedale Heritage Conservation District guidelines.

As such, City Planning staff recommends that Council direct the City Solicitor, together with appropriate City staff, to attend the LPAT to oppose the applicant's appeal.

CONTACT

Kevin Friedrich, Planner
Tel. No.: (416) 338-5740
E-mail: Kevin.Friedrich@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

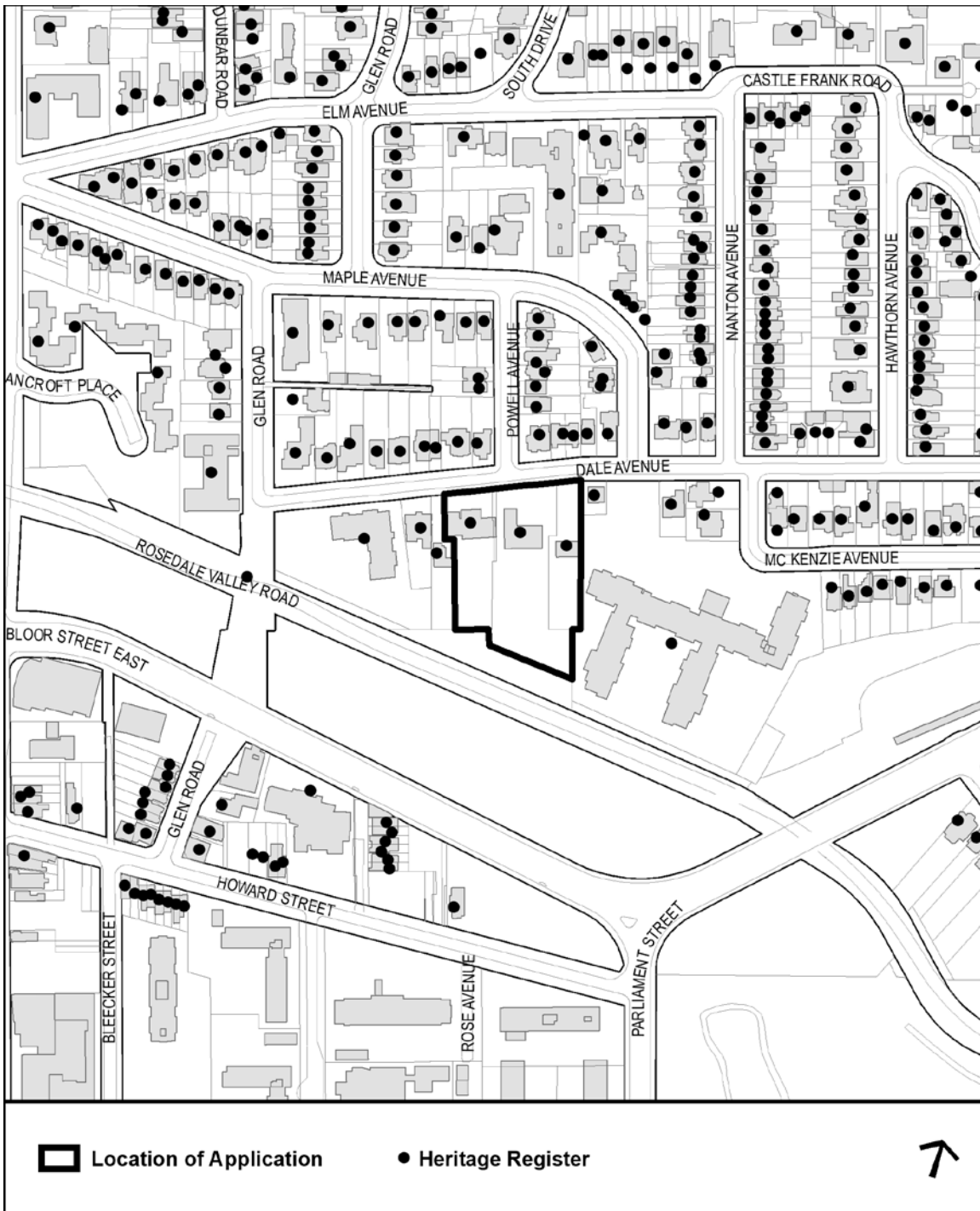
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ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: Context Plan
Attachment 4: Site Plan
Attachment 5: North Elevation

Attachment 6: South Elevation
Attachment 7: West Elevation
Attachment 8: East Elevation
Attachment 9: Perspectives
Attachment 10: Official Plan Map
Attachment 11: Existing Zoning By-law Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 5, 7 and 9 Dale Avenue **Date Received:** August 5, 2016

Application Number: 16 202229 STE 27 OZ

Application Type: OPA / Rezoning

Project Description: A 4-storey residential building with 26 dwelling units, 27 bicycle parking spaces, 52 residential vehicle parking spaces and 5 visitor vehicle parking spaces, and to permit rear ground floor patios to be constructed within the 10-metre setback from the top-of-bank of Rosedale Valley Ravine. The three existing heritage designated buildings would be demolished.

Applicant

Walker Nott Dragicevic
Associates Ltd

Owner

Dale Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	N
Zoning:	RD (f15.0; d0.6) (x1438)	Heritage Designation:	Y
Height Limit (m):	10	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 4,411 Frontage (m): 91 Depth (m): 100

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,994	1,994
Residential GFA (sq m):			7,923	7,923
Non-Residential GFA (sq m):			0	0
Total GFA (sq m):				
Height - Storeys:			4	4
Height - Metres:			13.98	13.98
Lot Coverage Ratio (%): 45.2		Floor Space Index:	1.8	

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	7,923	7,923
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			26	26
Other:				
Total Units:			26	26

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				22	4
Total Units:				22	4

Parking and Loading

Parking Spaces: 57 Bicycle Parking Spaces: 27 Loading Docks: 1

CONTACT:

Kevin Friedrich, Planner
(416) 338-5740
Kevin.Friedrich@toronto.ca

Attachment 4: Site Plan



5, 7 & 9 Dale Avenue

Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 05/28/2018

File # 16 202229 STE 27 0Z

Attachment 5: North Elevation



5, 7 & 9 Dale Avenue

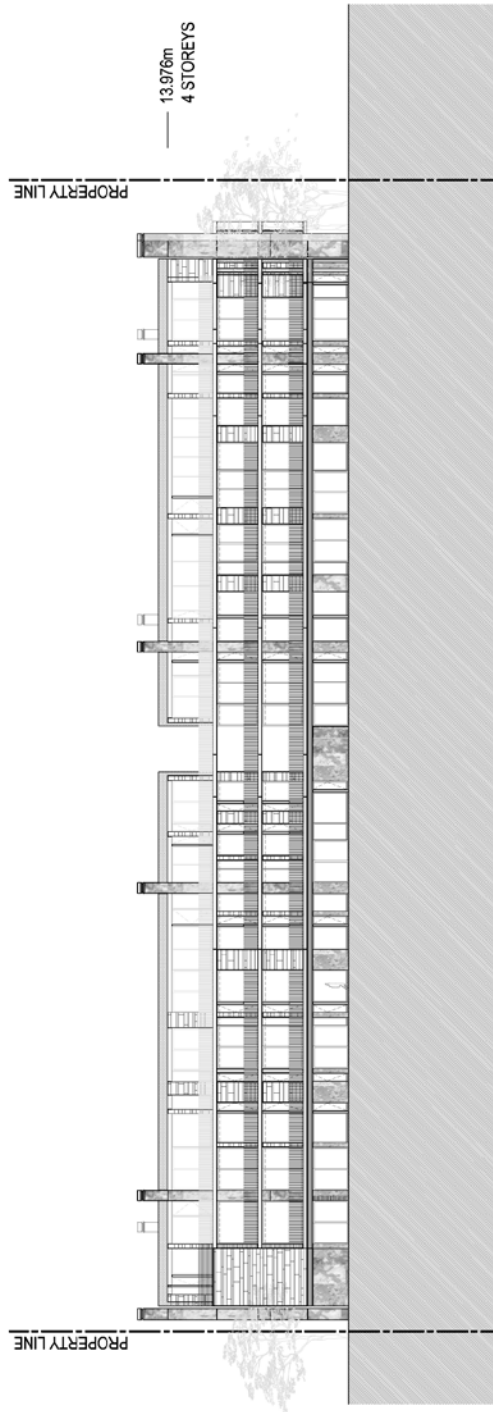
File # 16 202229 STE 27 0Z

North Elevation

Applicant's Submitted Drawing

Not to Scale
05/28/2018

Attachment 6: South Elevation



North Elevation

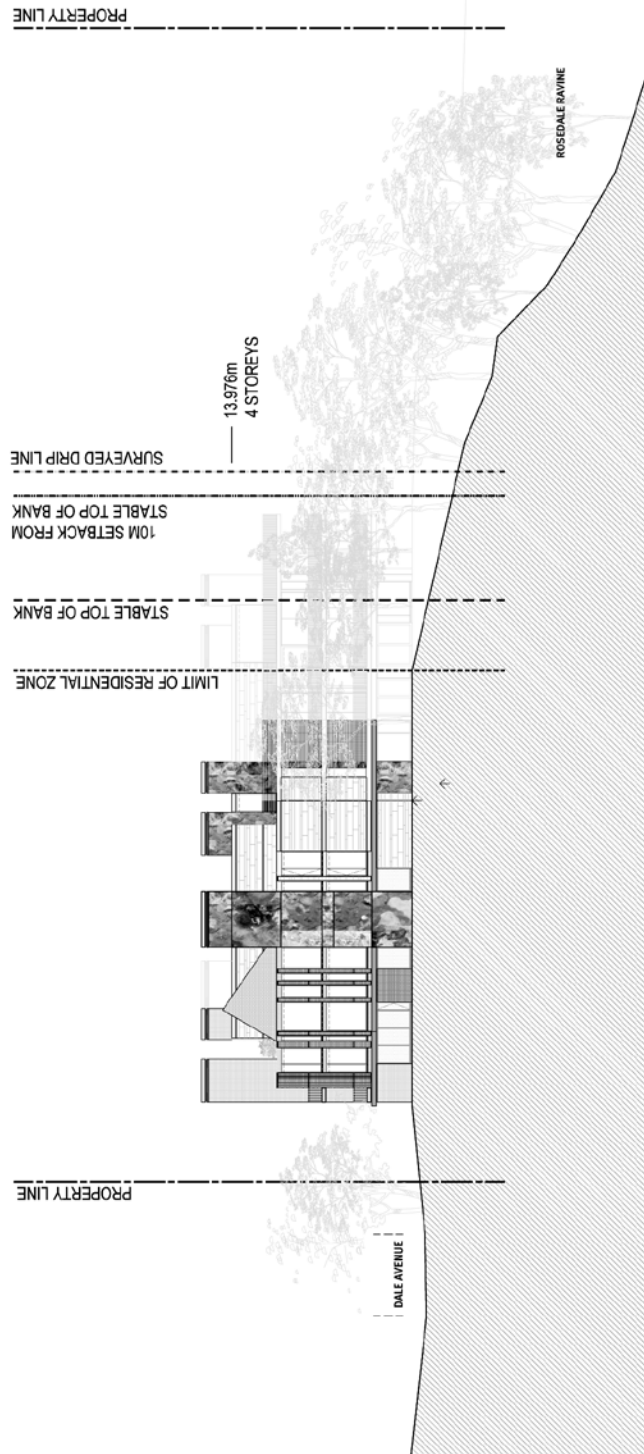
Applicant's Submitted Drawing

Not to Scale
05/28/2018

5, 7 & 9 Dale Avenue

File # 16 202229 STE 27 0Z

Attachment 7: West Elevation



5, 7 & 9 Dale Avenue

File # 16 202229 STE 27 02

West Elevation
 Applicant's Submitted Drawing
 Not to Scale
 05/28/2018

Attachment 8: East Elevation



5, 7 & 9 Dale Avenue

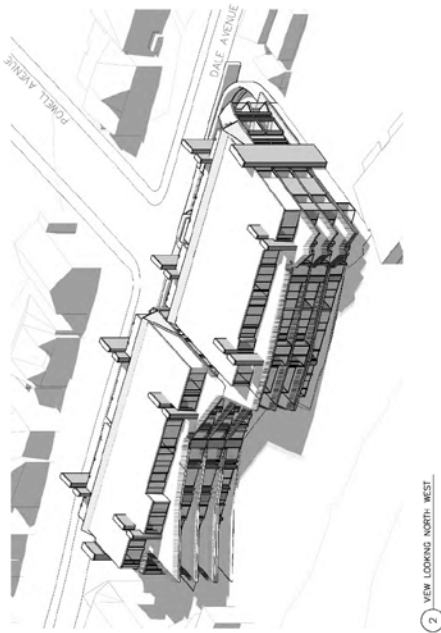
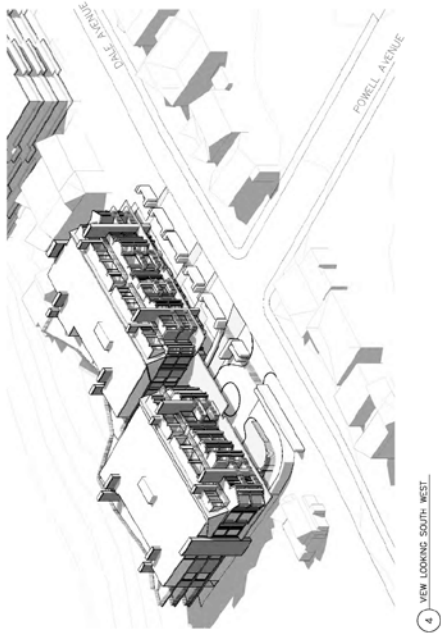
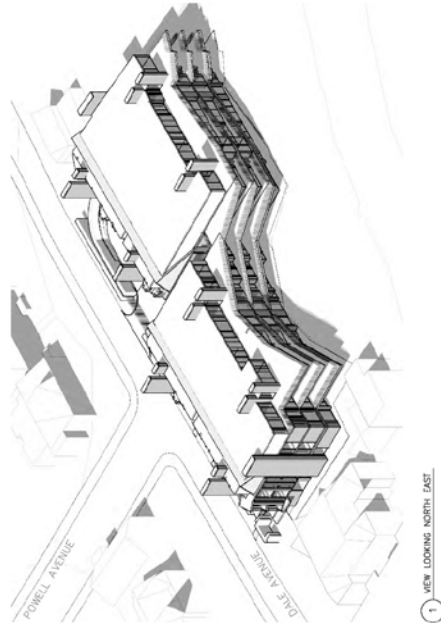
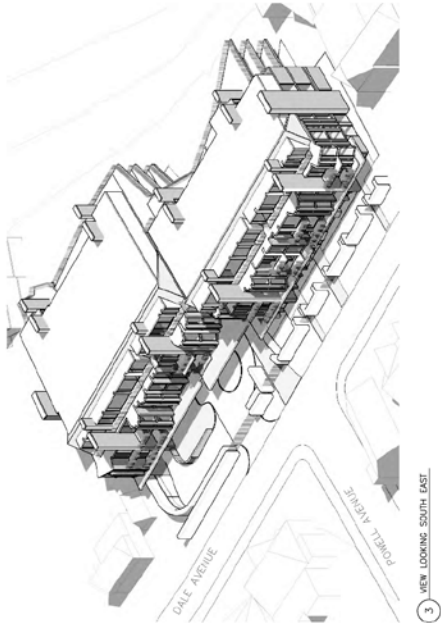
File # 16 202229 STE 27 02

East Elevation

Applicant's Submitted Drawing

Not to Scale
05/28/2018

Attachment 9: Perspectives



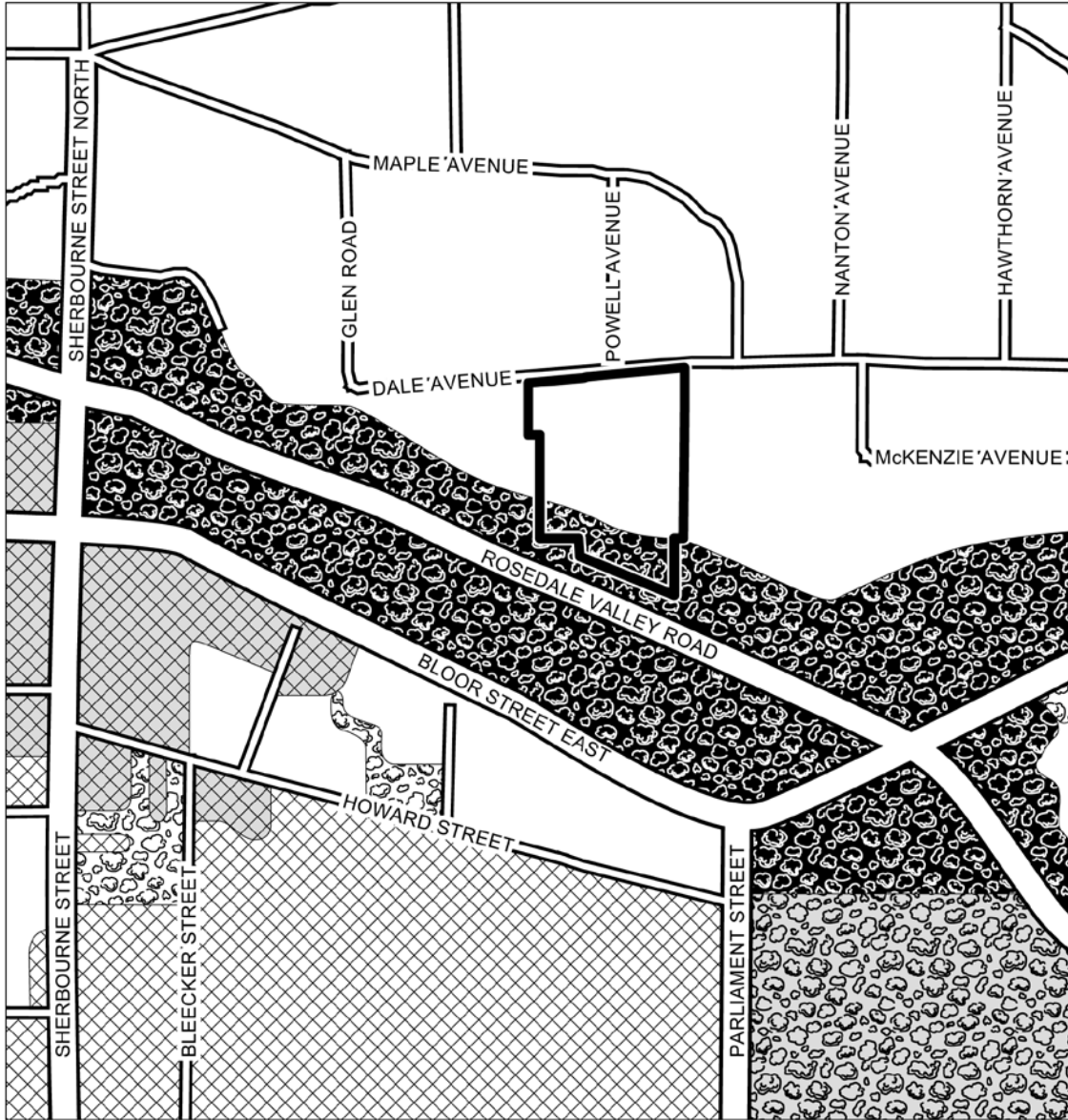
5, 7 & 9 Dale Avenue

File # 16 202229 STE 27 02

Perspectives
Applicant's Submitted Drawing

Not to Scale
05/30/2018

Attachment 10: Official Plan Map



TORONTO
Official Plan Land Use Map #18

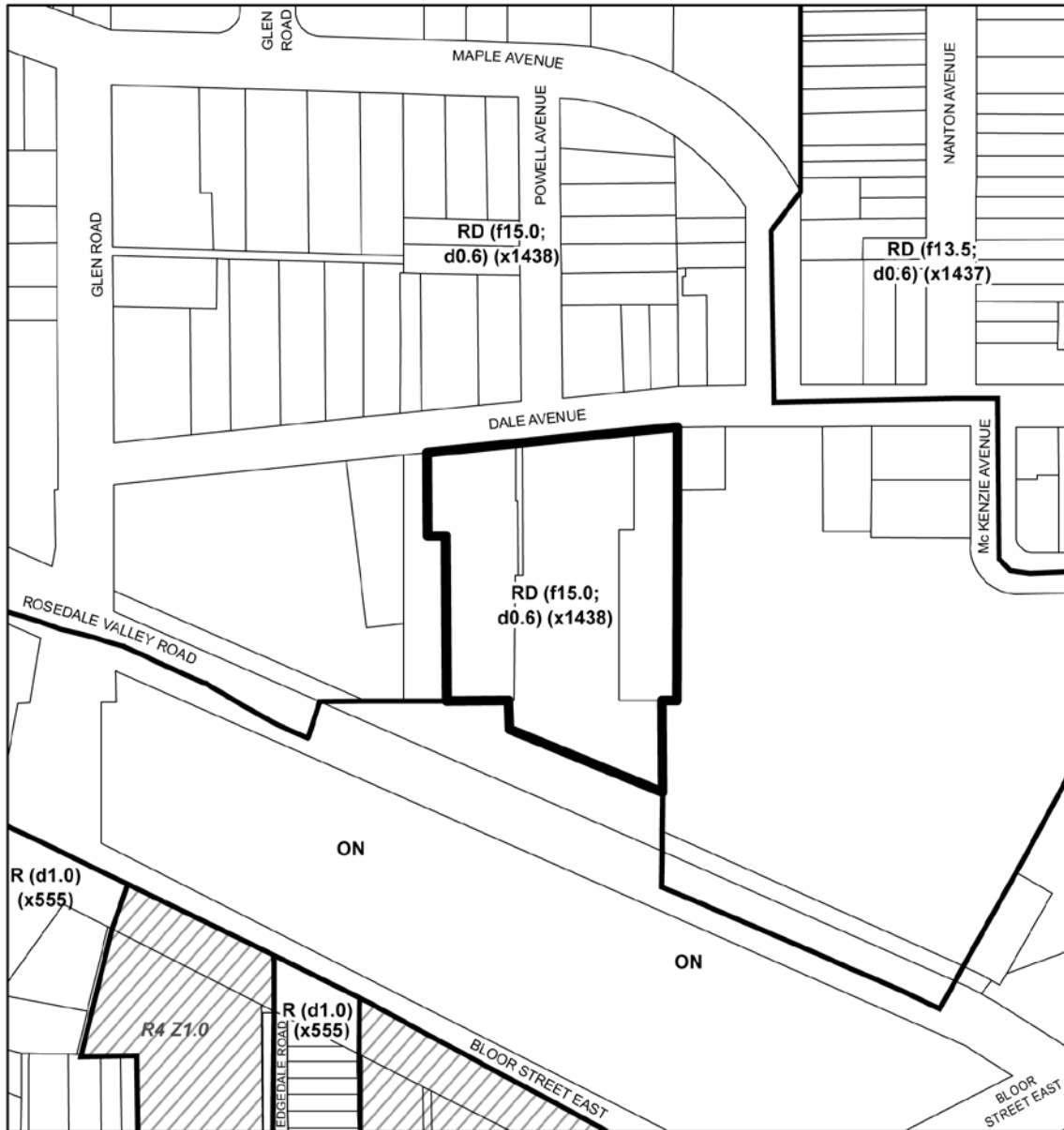
5, 7 & 9 Dale Avenue

File # 16 202229 STE 27 0Z

	Location of Application		Parks & Open Space Areas
	Neighbourhoods		Natural Areas
	Apartment Neighbourhoods		Parks
	Mixed Use Areas		Other Open Space Areas


 Not to Scale
 05/28/2018

Attachment 11: Existing Zoning By-law Map



Zoning By-law 569-2013

5, 7 & 9 Dale Avenue

File # 16 202229 STE 27 OZ

- Location of Application
- R** Residential
- RD** Residential Detached
- ON** Open Space Natural

- See Former City of Toronto By-Law No. 438-86
- R4** Residential District

Not to Scale
 Extracted: 05/25/2018