

TORONTO STAFF REPORT

March 4, 2005

To: Etobicoke York Community Council

From: Acting Director, Community Planning, West District

Subject: Information Report
Application to amend the Etobicoke Zoning Code
1276 Islington Avenue
Sky Top Developments Ltd.
File Number: TA ZBA 2000 0001
Etobicoke-Lakeshore (Ward 5)

Purpose:

This report provides additional information regarding a site meeting and consultation process and recommends Council adopt the staff report of June 7, 2002 to amend the Etobicoke Zoning Code to permit the development of a 13 storey, 118 unit condominium apartment building, which is to be added to the property at 1276 Islington Avenue.

Financial Implications and Impact Statement :

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

It is estimated that the Development Charges for this project will be \$587,600.00. This is an estimate and the actual charge is assessed and collected upon issuance of the Building Permit.

Recommendations :

It is recommended that:

- (1) this report be received for information; and



- (2) Community Council adopt the recommendations of the staff report dated June 7, 2002.

Comments:

- (1) Background

On October 1, 2 and 3, 2002, City Council considered the Final Report (June 7, 2002) from the Director, Community Planning, West District, recommending approval of the subject application to permit the development of a residential apartment building containing 118 dwelling units. City Council deferred the application sine die and requested that:

- (i) the Director, Community Planning, West District submit a further report to Community Council following a site meeting and consultation with all interested parties, and such report to be considered with this matter at a continuation of the Public Meeting;
- (ii) the City Clerk provide appropriate notice for the continuation of the Public Meeting under the Planning Act in accordance with the regulations under the Planning Act; and
- (iii) the City Clerk forward a motion to City Council, said motion recommending that the cash-in-lieu of parkland payment be used to improve existing recreational facilities in the immediate area, specifically, to update the antiquated playground equipment in Tom Riley Park and to review the opportunity to install play equipment in the soon to be created park on Dundas Street West near Mabelle Avenue.

The staff report of June 2002, which is appended to this report for the information of Council, recommended approval of the application. Planning staff recommended that the development was appropriate on the basis of:

- (a) the proposed zoning amendment would permit residential intensification through the development of an in-fill condominium apartment building located within close walking distance of the Islington subway station, parkland, shops and services, thereby implementing one of the goals of the City Centre Secondary Plan;
- (b) the location of the property with respect to other high density developments in the immediate area (many of which have greater heights than the building proposed in this application) would provide no impacts of shadows or overlook on surrounding properties;
- (c) the siting of the proposed building on the lot provides no significant shadows on the primary windows of the existing apartment building on the lot; and
- (d) the new development would offer an opportunity to protect the rental tenure of the existing apartment building, as well as providing for a variety of improvements to the rental property without cost to the existing tenants.

(2) Proposal

There are no changes to the proposal, wherein the applicant seeks to construct a 13 storey, 118 unit condominium apartment building to be located just south of the existing 12 storey, 202 unit apartment building on the subject site. As discussed in the Final Report, the new building would be located on the portion of the site where the current parking for the existing building is provided. Parking for both the existing and proposed building would be provided in a new underground garage that would serve both buildings.

The following table provides a summary of information as provided by the applicant.

Site Area	1.06 hectares	2.61 acres
Number of units (existing)	202	
(proposed)	<u>118</u>	
(total)	320	
Density (existing)	190 units per hectare	77 units per acre
(proposed)	301 units per hectare	122 units per acre
Gross Floor Area (existing)	20 604 square metres	221,786 square feet
(proposed)	<u>9 340</u> square metres	<u>100,538</u> square feet
(total)	29 944 square metres	322,324 square feet
Floor Space Index (existing)	1.94	
(proposed)	2.81	
Building Coverage (existing)	19.1 percent	
(proposed)	24.3 percent	
Building Height (maximum)	41.0 metres (not incl. mech.)	134.5 feet
Parking (required)	411	
(proposed)	382	

(3) Community Consultation

Pursuant to Council's direction, a site meeting and consultation with interested parties was conducted on October 17, 2002. Those attending the meeting/consultation included the Ward Councillor, staff from Municipal Licensing and Standards (MLS), the property owner, and the tenant's representative.

The meeting generally identified the following matters requiring attention:

- (i) garbage on site;
- (ii) poor window closing mechanism;
- (iii) balcony repairs;
- (iv) poor lighting conditions in public areas; and
- (v) safety equipment deficiencies

The owner of the site has now completed the necessary repairs, except the balcony work, as identified by MLS. The property owner has advised MLS and Planning staff that the balcony repairs is in their 2005 budget and will be completed.

The initial community consultation meeting was held on November 15, 2001 and was attended by approximately 20 persons. The majority of attendees were residents of the existing rental apartment building on the site. Concerns generally revolved around protection of the rental tenure of the existing building, shadow impacts of the proposed building on the existing building and impacts on existing residents during the construction process including interim parking arrangements.

Conclusions:

Approximately 1.5 years has elapsed between Council's decision and the owner/developer advising staff that they wished to continue the processing of the application. It is staffs' understanding that the owner was dealing with the various matters requiring attention, as noted above. There are no changes to the initial proposal reviewed by Council in October 2002. The planning report of June 2002 concluded that:

- (a) an additional high density residential building is appropriate and would allow for residential intensification, thereby implementing one of the goals of the City Centre Secondary Plan;
- (b) the siting of the proposed building on the lot provides no significant shadows on the primary windows of the existing apartment building on the lot; and
- (c) the new development would offer an opportunity to protect the rental tenure of the existing apartment building, as well as providing for a variety of improvements to the rental property without cost to the existing tenants.

Accordingly, Planning staff recommend that this report be received for information, and that Council adopt the recommendations of the Final Report dated June 7, 2002.

Contact:

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Lou Moretto, MCIP, RPP
Acting Director, Community Planning
West District

List of Attachments:

Attachment 1: Final Report (June 7, 2002)

Attachment 1

June 7, 2002

To: Etobicoke Community Council

From: Director, Community Planning, West District

Subject: Final Report
Application to amend the Zoning Code
1276 Islington Avenue
Sky-Top Developments Ltd.
File Number: TA ZBA 2000 0001
Etobicoke-Lakeshore (Ward 5)

Purpose:

This report reviews and recommends approval of an application to amend the Etobicoke Zoning Code to permit the development of a 13 storey, 118 unit condominium apartment building to be added to the property at 1276 Islington Avenue.

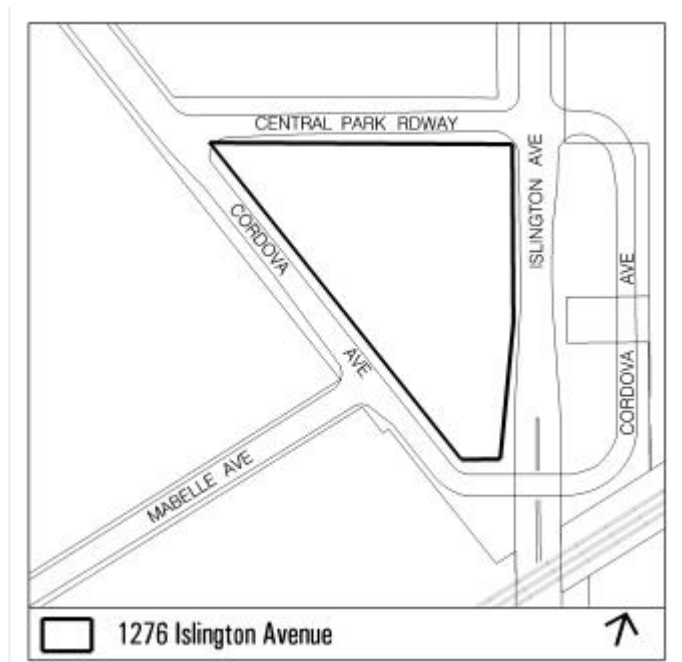
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Zoning Code for 1276 Islington Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required; and
- (3) before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement with the City regarding the provision of public benefits as set out in Attachment 5 of this report in



exchange for the increase in permitted building density on the property and that the Commissioner of Urban Development Services be authorized to report to Community Council or directly to City Council if necessary with the details of the Section 37 Agreement.

Background:

(1) Proposal

The applicant proposes to construct a 13 storey, 118 unit condominium apartment building to be located just south of the existing 12 storey, 202 unit apartment building on the site. The new building would be located on the south portion of the site where the parking for the current building is provided. Parking for both the existing and proposed building would be provided in a new underground garage to serve both the existing and proposed buildings. Vehicular access to the new building would be provided from Cordova Avenue and Central Park Roadway. The existing vehicular access from Islington Avenue is proposed to be closed. Pedestrian access to the site is proposed from Cordova Avenue, Central Park Roadway and Islington Avenue. The redevelopment of the site will also provide for new landscaping, walkways and outdoor amenity space for both the existing and proposed buildings. The first phase of construction would involve the development of an interim parking area for the existing building that would be located both on the surface and underground.

In addition to the apartment units, the proposed new building would provide a total of 394 square metres (4,242 square feet) of indoor amenity space located on the first floor. A total of 237 square metres (2,551 square feet) of outdoor amenity space would be provided adjacent to the proposed building. Table 1 provides a summary of information as provided by the applicant.

TABLE 1

Site Area	1.06 hectares	2.61 acres
Number of units (existing)	202	
(proposed)	<u>118</u>	
(total)	320	
Density (existing)	190 units per hectare	77 units per acre
(proposed)	301 units per hectare	122 units per acre
Gross Floor Area (existing)	20 604 square metres	221,786 square feet
(proposed)	<u>9 340</u> square metres	<u>100,538 square feet</u>
(total)	29 944 square metres	322,324 square feet
Floor Space Index (existing)	1.94	
(proposed)	2.81	
Building Coverage (existing)	19.1 percent	
(proposed)	24.3 percent	

Bedrooms	1 bedroom	48
	2 bedroom	70
	Total	118
Building Height (maximum)	41.0 metres (not incl. mech.)	134.5 feet
Parking (required)	411	
Parking (proposed)	382	

(3) Site History

The subject property was originally developed with a 194 unit rental apartment building constructed in 1964. Committee of Adjustment applications A-176/91 and A-29/92 permitted an increase in the number of units from 194 to 202.

(3) Site and Surrounding Area

The subject property is 1.06 hectares (2.61 acres) and located on the west side of Islington Avenue approximately 225 metres (740 feet) north of the Islington subway station. The property is triangular in shape and comprises the lands bounded by Islington Avenue to the east, Cordova Avenue to the west and Central Park Roadway to the north. The existing 12 storey building is located on the north-west portion of the property closest to Cordova Avenue and Central Park Roadway. A 317 square metre (3,412 square foot) enclosed hydro vault is located on the southern-most portion of the property. Vehicular and pedestrian access to the site is currently provided from each of the three surrounding streets. Parking for the existing building is located on the surface and in a below-grade garage.

Surrounding Uses:

North: 8 storey apartment building

South: T.T.C. commuter parking lot for Islington subway station

East: 14 storey apartment building

West: 36 storey apartment building

(4) Official Plan

The subject lands are currently designated Residential High Density in the City Centre Secondary Plan. The Plan provides for a variety of multiple residential uses including apartment houses. Densities in this location (within 300 metres of the Islington subway station) are permitted up to 247 units per hectare with a maximum floor space index of 3.0. The proposed new development would provide 301 units per hectare and a floor space index of 2.81. The Plan states that the densities expressed in units per hectare may fluctuate with unit size, however, the maximum floor space index may not be exceeded.

Building heights within the City Centre Secondary Plan are generally limited to eight storeys except at key locations where shadow, wind and other negative impacts are minimized, whereupon, a height limit of 66 metres (216 feet) may be permitted. The maximum height of the

proposed development is 41.0 metres (134.5 feet). The review of this proposal confirms that it conforms to the Official Plan.

The City Centre Secondary Plan is currently under review by staff. A detailed “Directions Report” regarding the development of a new Plan, was received by City Council at its meeting of October 2, 3, 4, 2001. Council endorsed the strategic direction of the report and authorized that the specific review of development applications within the Secondary Plan area be informed by the Directions Report. The direction of the new Secondary Plan will be to provide for re-investment and residential intensification to enhance the area as Etobicoke’s core. The new Secondary Plan and an implementing zoning by-law will be presented to Planning and Transportation Committee in the fall of 2002.

(5) Zoning Code

The subject lands are zoned Residential Fourth Density (R4) which permits a wide range of residential uses including apartment houses. Site specific by-laws (No. 13,715 and No. 13,852) and Committee of Adjustment decisions A-176/91 and A-29/92 provide the following special regulations in addition to those of the standard (R4) zone:

- (e) only one apartment house containing not more than 202 units may be permitted;
- (f) the maximum building coverage shall not exceed 15 percent of the lot area, and
- (iii) not more than 50 percent of the lot area may be used for building, parking areas and driveways.

(6) Site Plan Control

The lands are subject to site plan control. No application has been filed as of the date of this report.

(7) Reasons for Application

An amendment to the Zoning Code is required to permit a second apartment house on the subject site and to address general and site specific building setbacks, lot coverage and parking regulations.

(8) Community Consultation

A community consultation meeting regarding the application was held on November 15, 2001 and was attended by approximately 20 persons. The majority of attendees were residents of the existing rental apartment building on the site. Concerns generally revolved around protection of the rental tenure of the existing building, shadow impacts of the proposed building on the existing building and impacts on existing residents during the construction process including interim parking arrangements.

(9) Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

Comments:

(10) Planning Review

Staff have reviewed the zoning amendment application in relation to the policies of the City of Etobicoke Official Plan, the City Centre Secondary Plan and the comments raised at the Community Consultation Meeting.

(10.1) City of Etobicoke Official Plan

Notwithstanding the High Density Residential designation on the subject lands, Section 4.2.16 of the City of Etobicoke Official Plan stipulates that consideration of applications to amend the Etobicoke Zoning Code for redevelopment proposals within the High Density Residential designation are subject to the criteria outlined in Section 4.2.19 of the Official Plan. Staff have evaluated the proposal within the context of Section 4.2.19. The evaluation is appended to this report as Attachment No. 7.

(10.2) City Centre Secondary Plan

Both the existing and the proposed new Secondary Plan identify the area as the development focus for the Etobicoke community and aim to intensify the area to take advantage of the significant transportation infrastructure that currently exists.

The proposed development will provide an additional 118 apartment units on a site that is located just a 2 minute walk from the Islington subway station. Tom Riley Park is located across Islington Avenue from the site and nearby shopping is provided along Dundas Street to the north and the Clarica Centre at the corner of Islington Avenue and Bloor Street. In light of the property's location within easy walking distance of transportation, shopping and parks, intensification of the site fully implements the goals of the secondary plan.

(10.3) Community Concerns

(10.3.1) Retention of Rental Tenure

In accordance with the policies of the City of Etobicoke Official Plan, the retention of rental housing is an important priority. Many of the residents of the existing rental building on the site, expressed concern that there may be an attempt to convert the rental building to condominium or demolish the existing building and create new condominium units in the future. Conversion of rental housing would require an Official Plan amendment application and would

only be considered if apartment vacancy rates were greater than 2 percent. In this instance the property owner has agreed to enter into a Section 37 Agreement with the City to retain the units in the existing building as rental for a period of not less than 20 years.

(10.3.2) Impacts During Construction

The first phase of construction will develop both underground and surface parking for the existing tenants to replace the existing parking garage which will be demolished and replaced to construct the new condominium building. Subsequent phases will see all required parking for both buildings (with the exception of a few visitor spaces) developed underground such that parking requirements will be met at all times. To ensure that parking is provided in an orderly fashion, a parking management plan will be approved prior to the issuance of a building permit for the project.

To reduce the impacts of the construction process on existing tenants, the applicant will be required to submit a detailed construction management plan to the satisfaction of the City prior to the issuance of a building permit. This plan will detail hours of construction, construction vehicle entrances, equipment storage location, hoarding, piling and shoring locations as well as dust and debris control measures. In addition, the applicant will be required to provide notice to tenants regarding the schedule of significant construction activities that may alter their use of the premises.

(11) Required Site and Area Improvements

(11.1) Park Dedication

Due to the size of the property and its close proximity to Tom Riley Park, a cash-in-lieu of parkland dedication will be required in an amount of up to 0.5 ha per 300 units. Economic Development, Culture and Tourism staff will discuss specific requirements with the applicant that will be secured in the Section 37 Agreement.

(11.2) Roadway Improvements

Land dedications required with respect to this development include: a 3.44 metre road widening along Islington Avenue, a 2.0 metre road widening along Central Park Roadway, an 8.0 metre daylight corner rounding at Cordova Avenue and Central Park Roadway, and a 5.0 metre daylight corner triangle at the corner of Central Park Roadway and Islington Avenue.

(11.3) Sidewalk/Boulevard Improvements

Visitor parking stalls for the existing apartment building must be moved off of the municipal right-of-way and restored to the satisfaction of the City. The municipal sidewalk along Cordova Avenue must be extended across existing and proposed driveway entrances. The applicant will be required to install boulevard landscaping and impressed concrete feature strips to the satisfaction of Urban Development Services and Works and Emergency Services.

(11.4) Rental Property Improvements

The redevelopment of the site for the proposed condominium building offers an excellent opportunity to assist in implementing the Official Plan goals maintaining and improving existing rental accommodation that is in short supply across the City.

Improvements to the existing rental building can be determined through the development of a Rental Property Improvements Plan to be secured through a Section 37 Agreement. Items could include better outdoor amenity space, increased security measures, improved laundry facilities as well as any general maintenance and upkeep required to meet Building Codes and municipal property standards by-laws.

(12) Section 37 Agreement

Based on the request for a density that is beyond what is currently permitted by the existing zoning on the property, a Section 37 Agreement will be required. Items to be secured include: a public art contribution; improvements to the rental property; retention of the rental tenure of the existing building; right of first refusal for rental tenants who may wish to purchase a condominium unit, and a construction management plan to reduce the impacts of construction on the existing tenants. A list of the items to be secured is found in Attachment 5.

(13) Zoning By-law

The existing zoning on the property permits only the existing apartment building containing 202 units. An amending by-law for the property will be required to permit a second building on the lot. Exceptions to standard regulations will include a reduction in number of required parking spaces from 411 to 382, a reduction of the aisle width for visitor parking at the west side of the existing building, a reduction in lot area per dwelling unit, a reduction in the lot line setbacks, and an increase in height. A draft zoning by-law is appended as Attachment 6 to this report.

Conclusions:

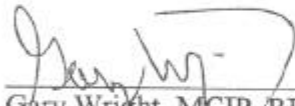
The proposed zoning amendment will permit residential intensification through the development of an in-fill condominium apartment building located within close walking distance of the Islington subway station, parkland, shops and services. Accordingly, the proposed development implements the direction and goals of the City Centre Secondary Plan.

Given the location of the property with respect to other high density developments in the immediate area (many of which have greater heights than the building proposed in this application) there will be no impacts of shadows or overlook on surrounding properties. The siting of the proposed building on the lot provides no significant shadows on the primary windows of the existing apartment building on the lot.

The proposed new development offers an opportunity to protect the rental tenure of the existing apartment building as well as provide for a variety of improvements to the rental property without cost to the existing tenants.

Contact:

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Gary Wright, MCIP, RPP
Director, Community Planning
West District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Elevations
- Attachment 3: Zoning
- Attachment 4: Application Data Sheet
- Attachment 5: Section 37 requirements
- Attachment 6: Draft Zoning By-law Amendment
- Attachment 7: Review of Section 4.2.19 of the City of Etobicoke Official Plan



Site Plan

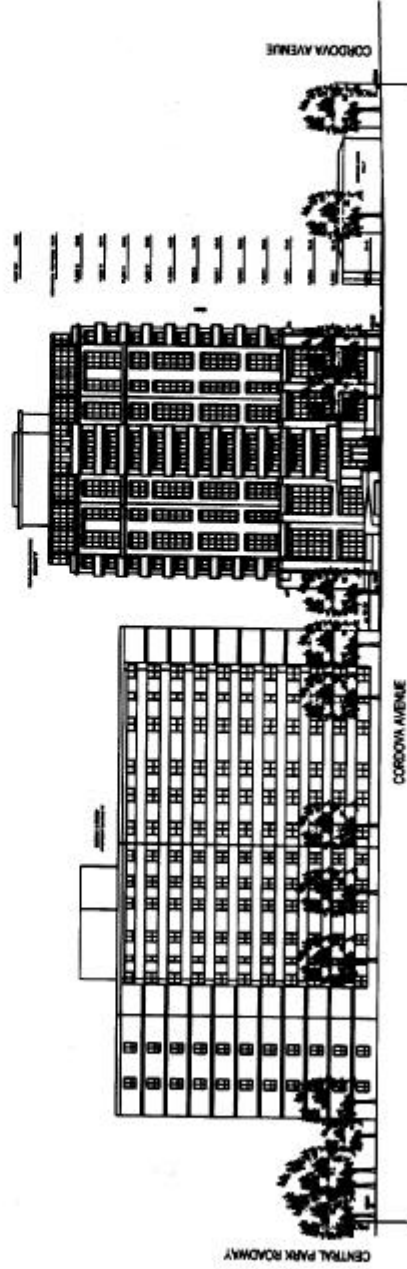
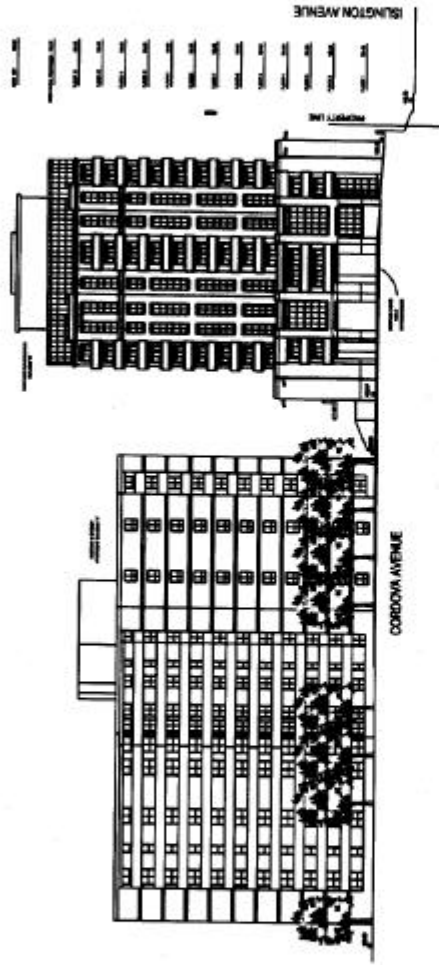
Applicant's Submitted Drawing

1276 Islington Ave

File TA ZBA 2000 0001

Not to Scale
June 11/2002

Attachment 1

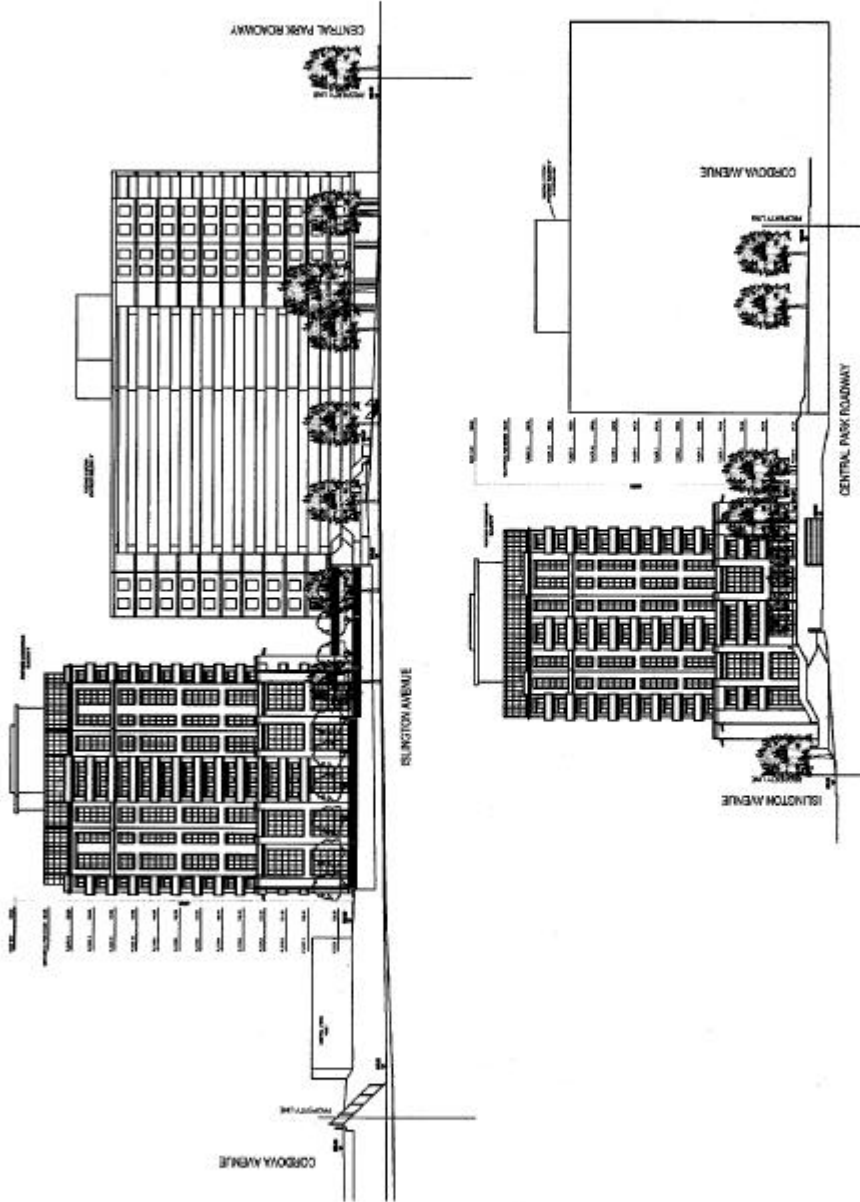


1276 Islington Ave

File TA ZBA 2000 0001

Elevations

Applicant's Submitted Drawing



Elevation

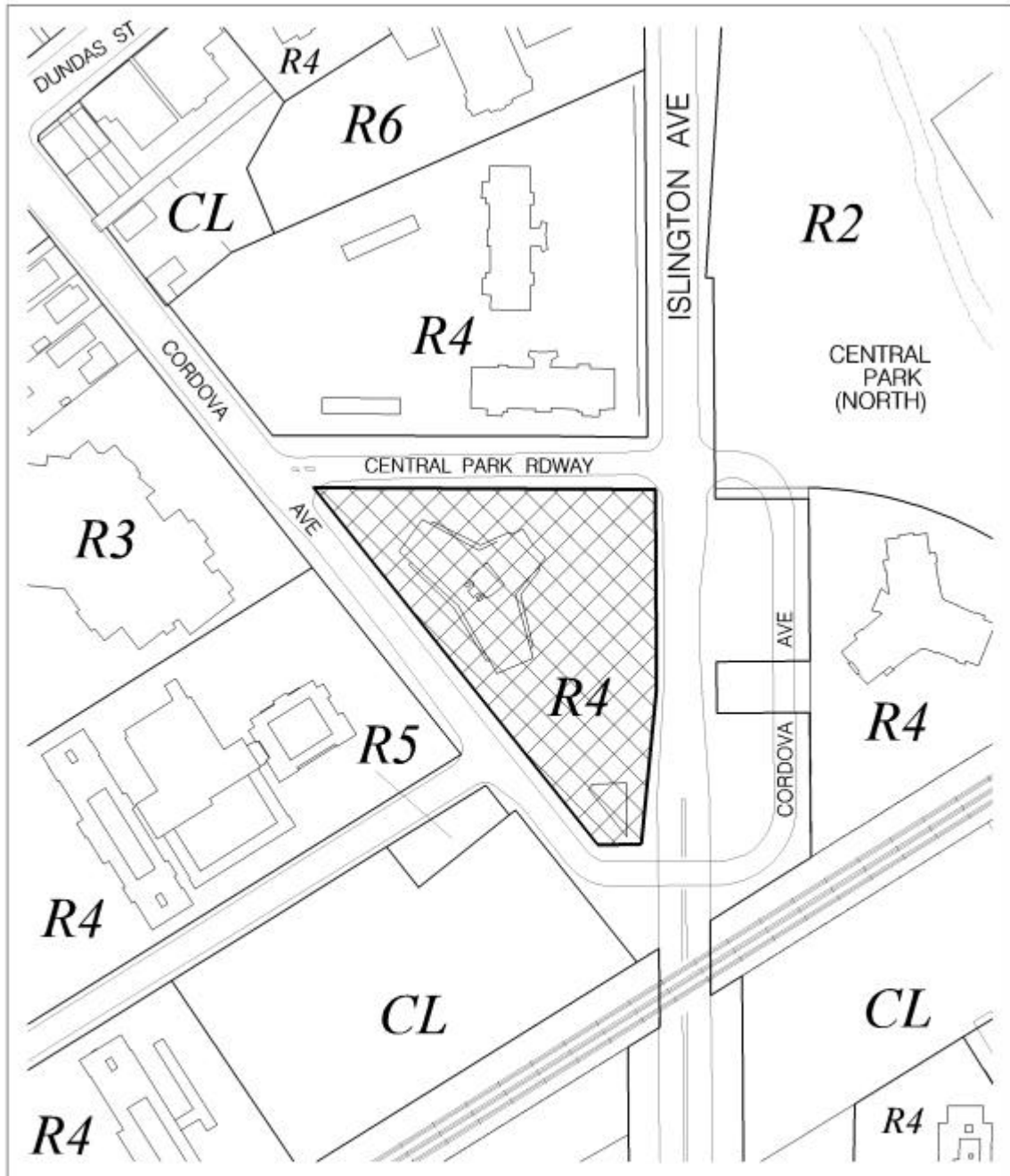
Applicant's Submitted Drawing

1276 Islington Ave

File TA ZBA 2000 0001

Not to Scale
June 11/2002

Attachment 2b




 **Toronto** Urban Development Services
Zoning

1276 Islington Avenue

File # TA ZBA 2000 0001B

R2	Second Density	CL	Commercial Limited
R3	Third Density		
R4	Fourth Density		
R5	Fifth Density		
R6	Sixth Density		

 **Attachment 3**
Not to Scale
Zoning By-law 11,737 as amended
Extracted 01/25/2001 - MJH

Attachment 4

APPLICATION DATA SHEET

Zoning By-law Amendment

Site Plan Approval:	Yes	File Number:	
Rezoning:	Yes	Application Number:	TA ZBL 2000 0001
O.P.A.:	No	Application Date:	12/22/2000
Municipal Address:	1276 Islington Ave		
Nearest Intersection:			
Project Description:	Proposed amendments to the Etobicoke Zoning Code to permit the development of an 11-storey seniors building, in conjunction with an existing 13-storey apartment building (and vault building).		
Applicant:	Agent:	Architect:	Owner:
TURNER FLEISCHER ARCHITECTS INC. 953A Eglinton Avenue East Toronto M4G4B5			SKY TOP DEV. INC. 120 Overbrook Place Downsview M3H4P8

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	High Density Res	Site Specific Provision:	Yes
Zoning District:	R4	Historical Status:	
Height Limit (m):	0	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	10637	Height:	Storeys:	13
Frontage:	138.52		Meters:	41
Depth:	133.41			
Ground Floor GFA:	866		Indoor	Outdoor
Residential GFA:	9340	Parking Spaces:	382	0
Non-Residential GFA:	0	Loading Docks:	2	
Total GFA:	29944	Loading Docks Type:		

**DWELLING
UNITS**

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	48
2 Bedroom:	70
3+ Bedroom:	0
Total Units:	118
Total Proposed Density:	2.81

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA:	9340	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

COMMENTS

Planner:	Lee, Patrick	Phone:	(416) 394-8238
Area:	District - A	Planning Office:	Toronto - West (TA)

Attachment 5

Section 37 Requirements

The following requirements are to be incorporated into the Section 37 Agreement (or other appropriate agreements as determined by the City Solicitor) in consultation with appropriate City staff.

1) **Road Widenings**

The applicant agrees to dedicate the following property to the City:

- (a) a 2.0 metre road widening along Central Park Roadway,
- (b) an 8.0 metre daylight corner rounding at Cordova Avenue and Central Park Roadway, and
- (c) a 5.0 metre daylight corner triangle at the corner of Central Park Roadway and Islington Avenue.

2) **Boulevard/Streetscape Improvements**

- (a) The applicant agrees to design and construct to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services area boulevard/streetscape improvements.
- (b) The design details, location and timing of construction of the boulevard/streetscape improvements shall be to the satisfaction of the Commissioners of Works and Emergency Services and Urban Development Services and set out in the Section 37 Agreement.

3) **Park Dedication**

The applicant will be required to provide cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

4) **Public Art Contribution**

The applicant agrees to provide to the City a public art contribution of \$25,000 to be used for area public art works.

5) **Rental Tenure**

The applicant agrees to retain the rental tenure of the existing units on the property for a period of not less than 20 years.

6) Rental Property Improvements

The applicant agrees to make improvements to the existing rental apartment building and associated facilities as set out in a Rental Property Improvements Plan to the satisfaction of the Commissioner of Urban Development Services.

7) Right of First Refusal

Tenants in the existing rental building will be given right of first refusal to purchase a unit in new condominium building.

8) No Above-Guideline Rent Increases

The applicant agrees to not apply for above-guideline rent increases for any of the works related to the Rental Property Improvements Plan including any work related to the development of the new condominium building and related facilities.

9) Construction Management Plan

The Owner agrees to submit a Construction Management Plan to the satisfaction of the City which will have tenant input with respect to matters including:

- a) construction hours
- b) parking arrangements
- c) dust abatement

10) Tenant Notification

The Owner agrees to provide regular notification to the tenants regarding construction events including any changes to parking and access.

11) Parking Management Plan

The Owner agrees to provide a parking management plan to the satisfaction of the Commissioner of Works and Emergency Services to ensure that appropriate levels of on-site parking are provided throughout the construction process.

12) School Board Notice

- (a) The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.

- (b) The applicant also agrees, if required to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

13) Mitigation Requirements

- (a) The applicant shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission.
- (b) The applicant shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.

14) Environmental Assessment

The owner be required to satisfy the City with respect to the environmental condition of the site, including any lands to be conveyed to the City.

Attachment 6

Draft Zoning By-law

CITY OF TORONTO

BY-LAW NO. _____-2002

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to certain lands bounded by Islington Avenue, Cordova Avenue and Central Park Roadway, known municipally as 1276 Islington Avenue

The Council of the City of Toronto HEREBY ENACTS as follows:

1. That the Zoning Map referred to in Section 320-5, Article II of the Zoning Code, is reaffirmed as Residential Fourth Density (R4) Zone as shown on Schedule “A” attached hereto.
2. Notwithstanding the provisions of the Zoning Code, a temporary sales office may be erected on the lot shown on Schedule “A”, and no setbacks shall be required for such temporary sales office.
3. Notwithstanding the provisions of the Zoning Code, and provided there is compliance with the provisions of Sections 4 and 5 herein, the following provisions shall apply to the lot described in Schedule “A” attached hereto:

Definitions

- 3.1 The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this by-law. For the purposes of this by-law the following definitions shall apply:
 - 3.1.1 Gross Floor Area – shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded:

Mechanical Floor Area, indoor Recreational Amenity Areas to a maximum of 1.5 square metres per dwelling unit; storage lockers and bicycle storage areas the floor of which is below finished ground level; unenclosed balconies and any hydro or utility vaults or buildings;
 - 3.1.2 Ground Floor Area shall mean the total area of the first floor of a building above grade, measured between the outside faces of the exterior walls but shall not include any podium or parking garage raised above grade.

- 3.1.3 Height - shall mean, the vertical distance between the finished grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, parapets, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 6 metres above the height limit otherwise applicable to the said building;
- 3.1.4 Lot – shall mean the lands described in Schedule “A” annexed hereto, including any lands conveyed to the municipality for road widening purposes;
- 3.1.5 Mechanical Floor Area – shall mean a room or enclosed area, including its enclosing walls within a building or structure above or below Established Grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (including elevator shafts, but not escalators) or telecommunications equipment that serves only such building;
- 3.1.6 Parcel “A” shall mean the lands shown as Parcel “A” on Schedule “B” attached hereto.
- 3.1.7 Parcel “B” shall mean the lands shown as Parcel “B” on Schedule “B” attached hereto.
- 3.1.8 Recreational Amenity Area – shall mean a common area or areas which are provided for the exclusive use of residents of a building for recreational or social purposes.

Permitted Uses

- 3.2 No building or structure shall be erected or used on the Lot, except for the following uses: Apartment Buildings, Senior Citizen Apartment Buildings, nursing homes, Day Nurseries, Recreational Amenity Areas, temporary sales office with associated parking, pedestrian walkways, fencing and hoarding.
- 3.2 Accessory uses and structures, including any of the accessory uses and structures permitted under Section 320.66.E of the Zoning Code, covered ramps, exterior stairs, garbage enclosures, stair enclosures, gatehouses, ventilation shafts and hydro or utility vaults or buildings shall be permitted on the Lot.

General

- 3.3 The provisions of Section 320-67 of the Zoning Code shall not apply.

Gross Floor Area

3.4 The maximum Gross Floor Area permitted shall be as follows:

3.4.1 Parcel "A": 20,700 square metres

3.4.2 Parcel "B": 9,400 square metres

Height

3.5 No portion of the building or structures erected or used on the Lot shall have a Height greater than the following:

3.5.1 Parcel "A": 35.0 metres

3.5.2 Parcel "B": 41.0 metres

Setbacks

3.6 No building or structure within the Lot shall be located other than in accordance with the following:

3.6.1 Parcel "A":

Setback from the lot line abutting Islington Avenue: 40.0 metres

Setback from the lot line abutting Central Park Roadway: 11.5 metres

Setback from lot line abutting Cordova Avenue: 10.5 metres

3.6.2 Parcel "B"

Setback from the lot line abutting Islington Avenue: 0.5 metres

Setback from the lot line Cordova Avenue: 9.5 metres

3.6.3 The minimum setback between a building on Parcel "A" and a building on Parcel "B" shall be 18 metres.

3.7 Notwithstanding the foregoing, the following provisions shall apply;

3.7.1 any portion of any building or structure which is located below the finished ground level, and any ramps related to an underground garage, may be located outside of the setbacks indicated in Sections 3.6.1 and 3.6.2;

3.7.2 building elements including, but not limited to roof eaves, window sills, guard rails, solariums, chimney breasts, balustrades and cornices may project outside of the setbacks indicated in Sections 3.6.1 and 3.6.2 by not

more than 0.5 metres, except that bay windows and balconies may project not more than 1.8 metres outside the above-noted setbacks provided there is no encroachment onto the municipal right-of-way ; and,

- 3.7.3 permitted accessory structures, canopies, wheelchair ramps, exterior stairs, parapets, railings related to underground parking structures, ramps related to an underground parking structure, vents, temporary sales office, fences, safety railings, decks, patios, retaining walls and other landscape features shall be permitted outside of the setbacks indicated in Sections 3.6.1 and 3.6.2 and shall be exempt from any provisions with respect to setbacks.

Ground Floor Area

- 3.8 The maximum ground floor area of a building shall be as follows:

- 3.8.1 Parcel “A”: 1,750 square metres.

- 3.8.2 Parcel “B”: 900 square metres

Parking Structures

- 3.9 No exterior walls of a portion of a building containing a parking area shall be located above the immediately adjacent finished ground level on the Lot except a wall facing Central Park Roadway that is located a minimum of 55 metres from the Central Park Roadway lot line.

Parking

- 3.10 Notwithstanding the provisions of Section 320-18.B and Section 320-76.G of the Zoning Code, parking shall be provided in accordance with the following:

- 3.10.1 Parcel “A”

- at a rate of 1.0 spaces per dwelling unit, plus 0.2 spaces per dwelling unit designated for visitors.

- 3.10.2 Parcel “B”

- at a rate of 1.06 spaces per dwelling unit, plus 0.21 spaces per dwelling unit designated for visitors.

- 3.10.3 The provisions with respect to a minimum amount of surface visitor parking contained in Section 320-18.B.(2)(a)[4] shall not apply.

- 3.10.4 Notwithstanding the provisions of Sections 3.10.1 and 3.10.2 the parking required for Parcels “A” and “B” may be located outside of their respective parcels provided that the parking is located within the lands shown on Schedule “A”.

- 3.10.5 Notwithstanding the provisions of Section 320-18A, the minimum access driveway width for surface visitor parking spaces adjacent to Cordova Avenue shall be 5.0 metres.

Section 37 Agreement

4. The owner of the Lot shall provide to the City of Toronto the following facilities, services and matters:

Road Widenings

The applicant agrees to dedicate the following property to the City:

- (a) a 2.0 metre road widening along Central Park Roadway,
- (b) an 8.0 metre daylight corner rounding at Cordova Avenue and Central Park Roadway, and
- (c) a 5.0 metre daylight corner triangle at the corner of Central Park Roadway and Islington Avenue.

Boulevard/Streetscape Improvements

- (a) The applicant agrees to design and construct to the satisfaction of the Commissioners of Urban Development Services and Works and Emergency Services area sidewalk and streetscape improvements.
- (b) The design details, location and timing of construction of the boulevard/streetscape improvements shall be to the satisfaction of the Commissioners of Works and Emergency Services and Urban Development Services and set out in the Section 37 Agreement.

Park Dedication

The applicant will be required to provide the cash-in-lieu of parkland equivalent of up to 0.5 hectares per 300 units to the satisfaction of the Commissioner of Economic Development, Culture and Tourism.

Public Art Contribution

The applicant agrees to provide to the City a public art contribution of \$25,000 to be used for area public art works.

Rental Tenure

The applicant agrees to retain the rental tenure of the existing units on the property for a period of not less than 20 years.

Rental Property Improvements

The applicant agrees to make improvements to the existing rental apartment building and associated facilities as set out in a Rental Property Improvements Plan to the satisfaction of the Commissioner of Urban Development Services.

Right of First Refusal

Tenants in the existing rental building will be given right of first refusal to purchase a unit in new condominium building.

No Above-Guideline Rent Increases

The applicant agrees to not apply for above-guideline rent increases for any of the works related to the Rental Property Improvements Plan including any work related to the development of the new condominium building and related facilities.

Construction Management Plan

The Owner agrees to submit a Construction Management Plan to the satisfaction of the City which will have tenant input with respect to: construction hours, parking arrangements and dust abatement.

Tenant Notification

The Owner agrees to provide regular notification to the satisfaction of the Commissioner of Urban Development Services to the tenants regarding construction events including any changes to parking and access.

Parking Management Plan

The Owner agrees to provide a parking management plan to the satisfaction of the Commissioner of Works and Emergency Services to ensure that appropriate levels of on-site parking are provided throughout the construction process.

School Board Notice

- (a) The applicant agrees to provide the Toronto District School Board and the Toronto Catholic District School Board with appropriate notice of its intention to apply for building permits.
- (b) The applicant also agrees, if required, to install on-site signage and insert warning clauses in offers of purchase and sale, advising purchasers that students may be accommodated outside the area.

Mitigation Requirements

- (a) The applicant shall incorporate appropriate mitigation measures to address the comments of Canadian Pacific and the Toronto Transit Commission.
- (b) The applicant shall include warning clauses in all Purchase and Sale and/or Lease Agreements, respecting the concerns expressed by Canadian Pacific and the Toronto Transit Commission, if deemed necessary.

Environmental Assessment

The owner be required to satisfy the City with respect to the environmental condition of the site, including any lands to be conveyed to the City.

- 5. The owner of the Lot enters into an Agreement with the City of Toronto, pursuant to Section 37 of the Planning Act, to secure the facilities, services and matters referred to in Section 4 herein and such Agreement is in a form satisfactory to the City and is registered on title to the Lot as a first priority, subject only to the fee interest in the Lot.

Miscellaneous

- 6. By-laws 13,715 and 13,852 are hereby repealed
- 7. None of the provisions of the Zoning Code shall apply where they conflict with this by-law.
- 8. Notwithstanding any severance, partition, or divisions of the Lot, the provisions of this By-law shall apply to the whole of the Lot as if no severance, partition or division occurred.
- 9. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this by-law by adding the following to Section 324.1, Table of Site Specific By-laws;

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____ - 2002	Lands bounded by Islington Avenue, Central Park Roadway and Cordova Avenue.	To provide for site specific development standards with respect to Section 37 of the <i>Planning Act</i> to permit a new residential development consisting of a maximum of 20,700 square metres of gross floor area.
_____, 2002		

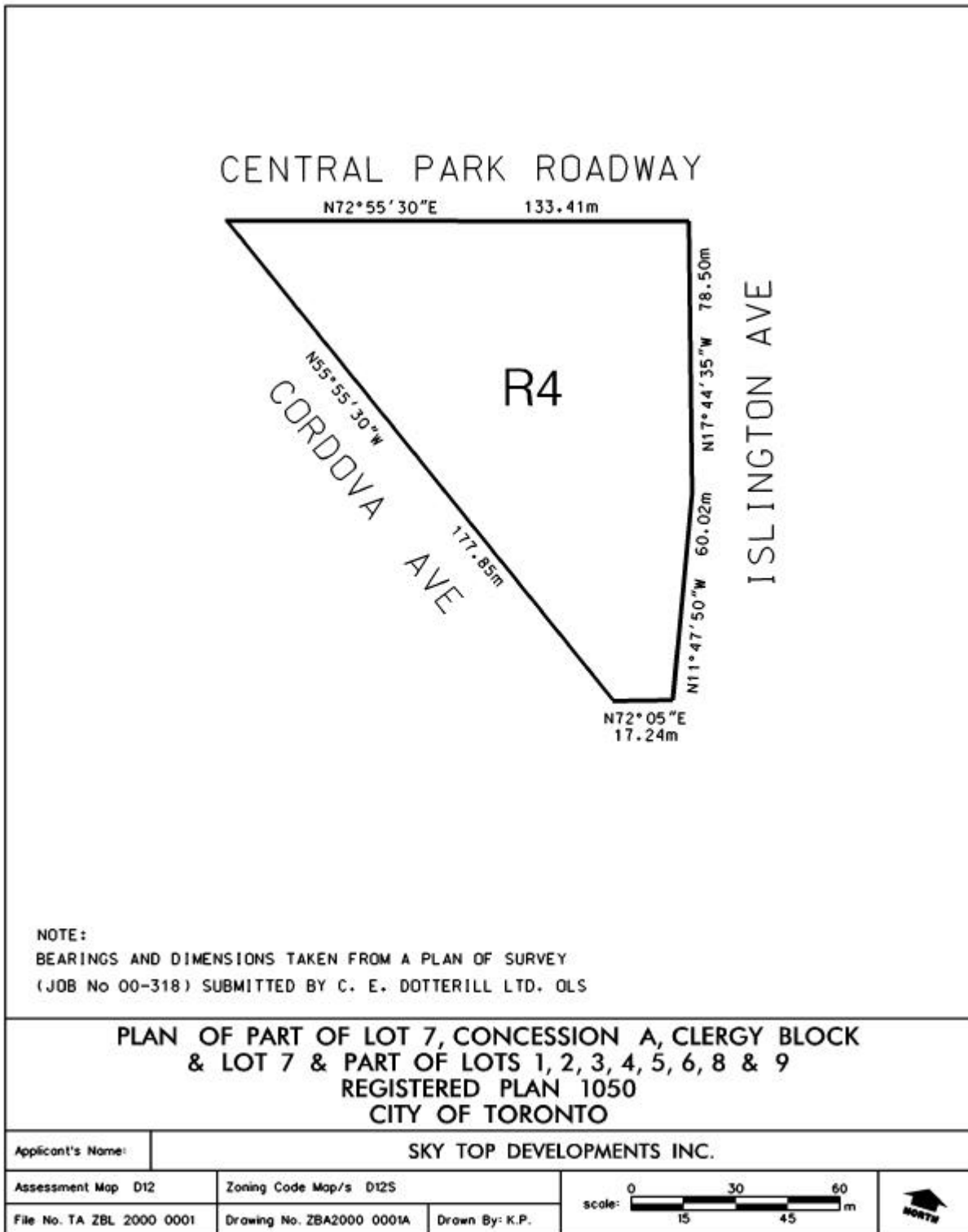
ENACTED AND PASSED this day of A.D. 2002.

CASE OOTES,
Deputy Mayor

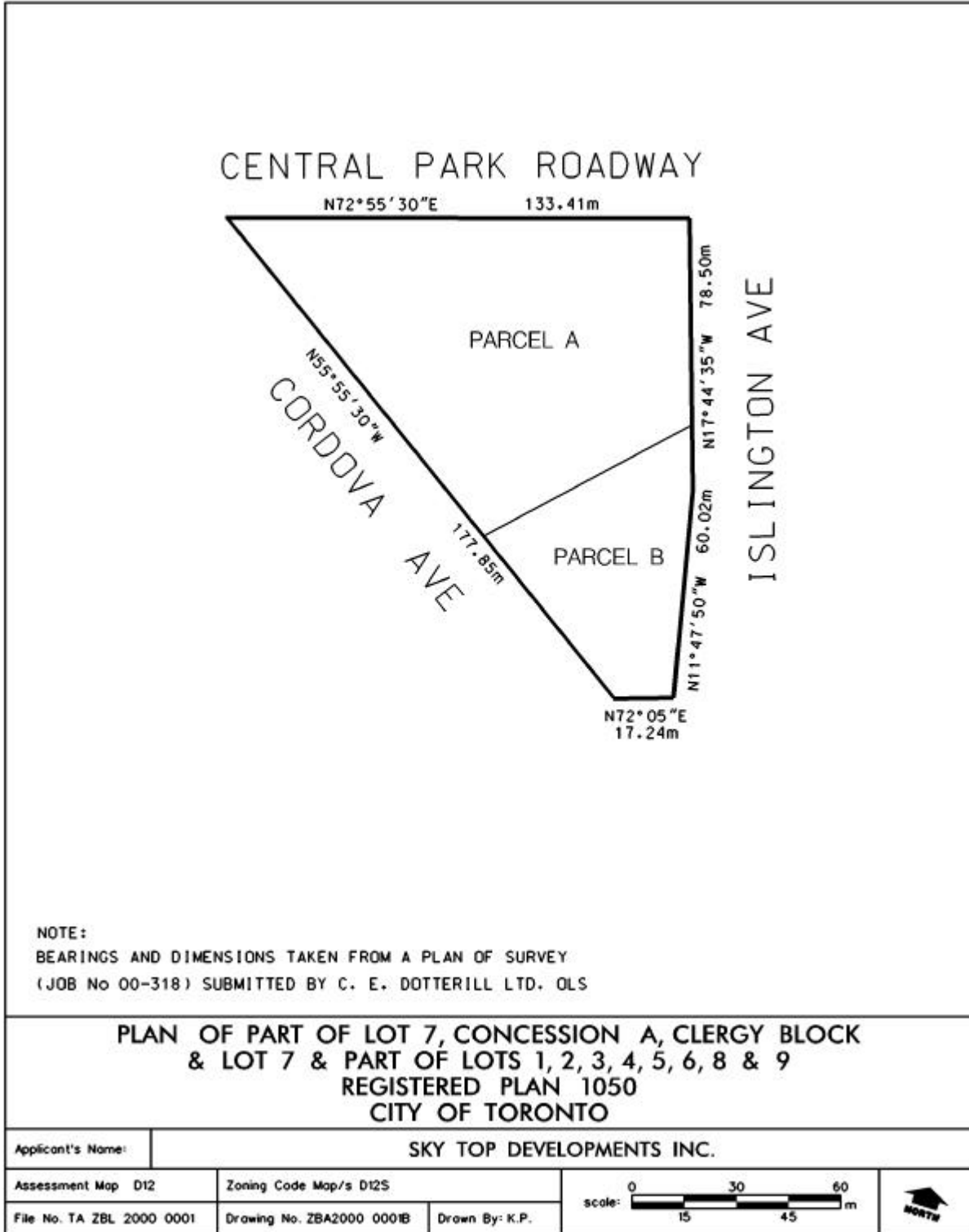
ULLI S. WATKISS
City Clerk

(Corporate Seal)

Toronto Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW



Attachment 7

Official Plan Criteria for Considering
Redesignations and Rezoning to High Density Residential
(Section 4.2.19)

a) the proximity of the site to retail facilities, or to other Medium or High Density Residential designations

The site is within walking distance to Bloor Street and the Islington Village retail area along Dundas Street. It provides a wide range of retail and service commercial uses which serve residents of the surrounding area and would benefit from the additional patronage of new residents in the residential development proposed for the subject site.

Since the site is within the identified City Centre area, one of Etobicoke's principle concentrations of high density housing, it is of course in close proximity to a significant node of High Density Residential designations and development.

b) the adequacy of local social and educational services

Four schools are found in close proximity to the site. Although capacity for new students is somewhat restricted, opportunities for future expansion are possible. Area schools include: Islington Junior Middle School on Cordova Avenue and Etobicoke Collegiate Institute on Montgomery Road which are within a short walking distance, as is Our Lady of Sorrows separate elementary school on Montgomery Road. St. Gregory separate elementary school is located approximately 2 kilometres west on Mattice Avenue.

The proposed development would be located within an established residential community with a wide range of community services available including Tom Riley Park, places of worship, local health care facilities, seniors facilities, and a library.

c) the level of accessibility and the proximity of the site to collector roads, arterial roads, transit and expressways, and the capacity of those facilities.

The City Centre enjoys the highest degree of public transportation accessibility of any location in Etobicoke, as well as an excellent arterial road system. All of the roads providing access to the site are classified as collector or arterial roads:

- C Islington Avenue, Dundas Street and Bloor Street are all important arterial roads, classified as metropolitan arterials in the Official Plan of the former Municipality of Metropolitan Toronto. Both Bloor Street and Dundas Street have interchanges with Highway 427, thereby giving easy vehicular access to the provincial highway system. Islington Avenue enjoys similar connections via interchanges with Highway 401 to the north, and QEW (Gardiner Expressway) to the south.

- The area is served by an exceptional variety of public transit, including the Bloor-Danforth subway, the Milton-Union Station GO Rail commuter service, and a number of Toronto and Mississauga bus routes converging on nearby rapid transit stations:

C Islington subway station is only a two minute walk from the site. Bus routes on Burnhamthorpe Road and on Islington Avenue are among those radiating from Islington Station.

- d) *The suitability of the site in terms of size and shape to accommodate the proposed density including on-site parking, appropriate landscaped open space and recreational facilities.*

The subject site contains sufficient additional property to permit the development of the additional building including indoor and outdoor amenity space as well as all required parking. In addition to on-site amenities, the subject site is within 200 metres of Tom Riley Park, a large “District Park” that provides a wide range of active and passive recreation uses. The redevelopment of the site will also offer an opportunity to improve vehicular access and provide a range of site and building improvements for the existing rental building on the site.

- e) *the desire to provide a range of dwelling types and building heights on sites of sufficient size as indicated in Section 2.2.6*

In order to broaden the range of dwelling types in the City, particularly more medium density and medium-rise residential development, Section 2.2.6 requires that development of sites of one hectare or more outside Secondary Plans be encouraged to provide a range of building heights and dwelling types within the development.

Although this provision does not apply to the site as it is within the City Centre Secondary Plan area and is less than one hectare in size, the proposed development would provide a medium-rise building to add diversity to the many high rise apartment buildings that are in the 20 to 35 storey range that are located to the west of the site.

- f) *the effect of increased traffic, so that no undue adverse impacts are created for local residential streets*

Consulting traffic engineers for this application, have undertaken studies and prepared a traffic impact report. The report concludes that there will be no significant impact on roadway levels-of-service and will not adversely affect local streets in the area.

- g) *the effect of the height and form of the development so that no undue adverse impacts in terms of overshadowing or loss of amenity are created for existing residential buildings on site and for neighbouring residential uses.*

The applicant has submitted shadow studies that indicate that the only shadows cast by the new building on the existing building during the spring and fall equinox will be on the southeast portion of the building during the morning hours. This portion of the building

does not contain any living room windows or balconies and hence will not greatly reduce the level of sunlight into the units. Given the location of the proposed building with respect to other area properties, many of which possess buildings of greater height, there will be limited impacts of shadows or overlook

- h) the relationship of the site to nearby lower density residential uses, if any, in view of the desire to provide a gradual transition in height and density wherever possible, or other buffering measures.*

The subject site is situated on a triangular shaped lot that is bounded by municipal roads on all three sides. Properties adjacent to the subject lands are all developed for high density residential uses. The height of the proposed building is similar or lower than surrounding properties.

- i) the degree to which the site is proximate or exposed to significant open space amenities such as valleylands or the waterfront*

The site is located almost directly across from Tom Riley Park which includes the Mimico Creek valley. The schools in the area also provide open space areas, many of which allow for community access to their outdoor recreational space and facilities.

- j) the ability to meet the housing targets in Section 2.2.*

The proposal will assist in meeting the targets and other housing objectives of the Plan, particularly through its ability to provide new housing units and assist in the preservation of the existing rental stock.

- k) the desire to stay within the population ranges outlined in Sections 2.2.1 and 2.2.2*

The subject proposal will not adversely affect the identified population ranges.

- l) the ability of the proposal to address crime prevention and personal safety through urban design, having specific regard to the application of Crime Prevention Through Environmental Design (CPTED) principles as outlined in Appendix VI*

The subject proposal will provide a new building to be located where a parking lot is currently situated. The new development will provide additional surveillance as well as the opportunity to provide better pedestrian connections between the upper and lower portions of the site that are not currently well connected. Other CPTED principles would be incorporated in the detailed stages of site plan approval and building design.