

TORONTO STAFF REPORT

December 18, 2002

To: Etobicoke Community Council

From: Director, Community Planning, West District

Subject: Final Report
Application to Amend the Etobicoke Zoning Code
1137-1141 Royal York Court
File Number: TA ZBL 2001 0002
Owner: Princess Garden Management
Etobicoke Centre (Ward 4)

Purpose:

This report reviews and recommends approval of an application to amend the Zoning Code to allow an infill 17 storey terraced apartment building at 1137-1141 Royal York Court.

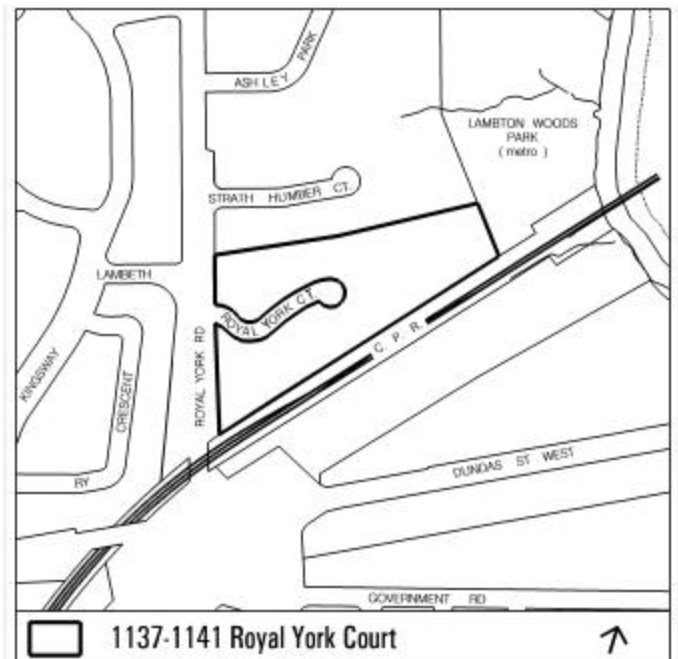
Financial Implications and Impact Statement :

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 the former City of Etobicoke substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
- (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 to ensure that: rental increases in the existing rental building will not be for the improvements to the lands or construction of the new building; tenants facing the new building will be given an allowance to purchase window coverings for privacy purposes; warning clauses regarding noise will be inserted in purchase and sale agreements and rental agreements; and the tenants in the existing rental building will have access to the ground floor amenity space of the proposed building should it be rental tenancy; and
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to enter into an agreement with the City respecting transportation improvements on Royal York Road and Royal York Court, and a sidewalk on Royal York Court, and any other services deemed necessary by Works and Emergency Services.

Background:

(1) Proposal

The applicant originally proposed to build a 21-storey apartment building located on the same lot as an existing 301 unit, 10-storey, rental apartment building and later revised this to 19-storeys. City Planning staff requested that the proposed building be reduced to a 17-storey terraced apartment building. The owner has agreed to this but new plans have not been submitted (see Attachments 1 and 2 – Site Plan and Elevations). Parking for the proposed building will be located underneath that building.

TABLE 1: PROJECT STATISTICS

<u>Description</u>	<u>Original Proposal</u>	<u>Revised (Agreed to) Proposal</u>
Lot Area	8 344.1 m ²	8,344.1 m ²
Gross Floor Area	20 860 m ²	19,220 m ²
Floor Space Index	2.5	2.3
Units per Hectare	270	230
Number of Units	224	191
Tenant Parking Spaces	321	268
Visitor Parking Spaces	45	40
Height	19 storeys	17 storeys

(2) Site History

Two site specific by-laws govern the site. The first allowed the original development of a 288 unit, 10-storey, apartment building on site. The second allowed the number of units to be increased to the existing 301 units. The existing buildings were constructed in the early 1960's.

(3) Site and Surrounding Area

The site is north of Dundas Street west, on the east side of Royal York Road, accessed by Royal York Court. The curved 10-storey rental apartment building is situated on the north side of the lot. Above grade parking garages abut the south lot line, adjacent to a Canadian Pacific Railway line. A circular swimming pool is near the east side of the lot and a number of informal trails lead into the Humber River valley. The rest of the site is covered with mature trees and landscaping.

The site is surrounded by the following uses:

- North: detached 2-storey houses on the north side of the existing 10-storey apartment buildings
- South: elevated CPR rail line
- East: Humber River Valley
- West: detached 2 storey houses with rear yards and mature landscaping backing onto Royal York Road

(4) Official Plan

(4.1) Existing Official Plan

The in-force Etobicoke Official Plan designates the site as “High Density Residential” with a maximum floor space index of 2.5 and net density between 70 and 185 units per hectare. The combined floor space index of both existing and proposed buildings is 1.58. The proposal on its own will have a floor space index of 2.28. The combined units per hectare is 147 for both proposed and existing buildings. If the site were severed the density would be 230 units per hectare which is over the maximum allowed in the Plan. The use and the density comply with the Official Plan as long as the proposed building area is not severed. A number of criteria outlined in Section 4.2.19 are used to evaluate intensification in High Density Residential Areas that exceed the maximum densities set out in the Zoning Code. These are discussed in the Appendix 6 of this report.

(4.2) New Official Plan

The new Toronto Official Plan that was adopted by Council on November 28, 2002, is not yet in full force and effect, however the policies of this Plan must also be considered. The site is designated as an Apartment Neighbourhood area. Permitted uses include: apartment buildings, parks, local institutions, cultural and recreational facilities, and small scale commercial uses that serve the needs of area residents.

The proposal conforms with Section 4.2.2 in the Land Use Chapter of the new Plan by stepping down the building towards a lower scale neighbourhood, minimizing shadow impacts, framing the edge of the street, having comfortable wind conditions, and meeting the infill policies in Section 4.2.3. The proposal also conforms to the Tall Buildings policies in Chapter 3, (Section 3.1.3) of the new Plan.

The site is beside the Natural Heritage area of the Humber River. The proposal meets the policies of the Natural Environment Section of the Plan and will be further implemented at the site plan approval stage.

(5) Zoning Code

The existing Site Specific by-laws allow the existing uses, density, number of units, location of buildings and parking garages on site. The proposed development is located on an area designated for parking and accessory uses, and will exceed the maximum density, therefore it requires a rezoning.

(6) Site Plan Control

A Site Plan Control application is required but has not yet been submitted. Planning issues that will be resolved at the Site Plan Control stage are discussed in the Comments section of this report.

(7) Reasons for Application

The site specific by-laws limit development on the site to the existing buildings and parking garages. These zoning by-laws must be amended to allow the construction of the proposed 17-storey apartment building.

(8) Community Consultation

A Community Consultation meeting was held on May 23, 2001. Due to the interest shown by the tenants, and the number of issues presented, a Working Committee was established that reviewed the proposal in greater detail and made suggestions for improvement. Four Working Committee meetings were held on June 13, 2001, July 3, 2001, July 23, 2001 and May 15, 2002. The issues centred on increased traffic and safety, parking, better landscaping, tree preservation, impacts on tenants and the surrounding community, shadowing on existing building, pedestrian level wind study, noise from the rail line, increased rents, and benefits to tenants.

(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) Height and Density

The original proposal was for a 21-storey tiered building. Through community consultation and meetings with the Working Committee, the proposed building was considered too high and overwhelmed the existing 10-storey building. The higher building also created more shadow and uncomfortable pedestrian level wind conditions than a lower building. The developer has now proposed a 17-storey stepped back building on the same footprint.

The revised proposal eliminates the shadowing on the existing building during the spring and fall equinoxes. It is further improved by tiering the building from the 11-storey level and reducing the height to 17-storeys.

The density has been reduced slightly with the reduction of height. The number of units has been reduced from 224 to 191 and the number of required parking spaces has also decreased.

(11) Traffic Volume and Safety

This issue was of prime consideration to the tenants of the existing rental building on site. The largest concern was safety at the intersection and timing to turn left onto Royal York Road from Royal York Crescent during morning rush hour and turns during other peak times. A traffic light was suggested as a solution by the residents, however Works and Emergency Services – Traffic Planning/R-O-W Management suggested several intersection improvements that would aid traffic flow and safety.

A southbound left turn storage lane on Royal York Road at Royal York Court and a separate westbound right and left turn storage lanes on Royal York Court were the main components required by Traffic Planning. Prior to the enactment of the Zoning By-law, the owner is required to enter into an agreement with the City respecting these improvements and service connections

A number of other improvements to curbs, sidewalks, and vehicle circulation were listed and stormwater and solid waste management studies were also required at the site plan approval stage.

(12) Landscaping and Site Planning

Improved walkways, lighting and a construction management plan will be required at Site Plan Approval stage. The preferences of the Working Committee participants have been noted.

Additional surface parking is proposed on the east boundary, adjacent to the Humber River valley. The valley slope is steep at this point and has already suffered some erosion. In order to minimize surface run-off from additional pavement so close to the valley, planning staff is recommending that the parking not be expanded in this area. The 11 parking spaces proposed for this area can be accommodated in the new above-grade or underground garages.

(13) Noise and Vibration

The proposed apartment building is located 48 metres north of the Canadian Pacific Rail line. There are high speed switches on the railway line directly south of the proposed site. Currently the volume of rail traffic is 17 freight and 10 passenger cars per day, and 30 freight cars at night. This totals 57 trains per day. These volumes are expected to increase to 69 trains per day by 2011. The sounding of train whistles is restricted through this area.

Road traffic was also considered, and when combined with rail traffic, the noise levels exceed the Ministry of Environment Guidelines by 35 percent during the day and 87 percent overnight. The biggest noise problem is from the rail traffic. The Noise and Vibration Impact Study recommends the following to reduce noise levels inside the proposed apartment building:

- (a) central air conditioning;
- (b) brick or masonry cladding on building exterior;
- (c) windows must achieve a specified minimum sound transmission class rating; and
- (d) warning Clauses are recommended to inform future tenants of the residual sound level excesses.

These measures will be required as part of the Section 37 agreement that will be registered on title. Section 37 of the Planning Act allows the City to ask for increased facilities, services, community benefits, or other matters in exchange for increased height or density that is greater than the zoning by-law would permit.

The owner will also be required to inform the residents of the new building of the warning clauses.

(14) Preserving Existing Rental Units

The existing 301 rental units on site will remain rental. There was some concern that the improvements to the landscaping and construction of the new building would result in rent increases to the existing units. The new Official Plan Section 5.b requires that with significant new development on sites where existing rental units will be kept, any needed improvements and renovations to the existing rental housing will have no pass-through of such costs in the rents to the tenants.

Existing rental units on the south side of the building currently do not have other tall buildings near them and, as a result, many of the tenants have not put up privacy curtains. The owner has agreed to provide an allowance for window coverings so that the tenants do not have all of this expense arising from the development of the new building.

The above will be implemented through a Section 37 agreement.

(15) Public Benefits

An attempt was made to find additional amenity space or other public benefit for the tenants in the existing rental building. Currently the only amenity spaces are outdoors and there is no other area in the building to create new amenity space. There will be improvements to the existing landscaping but no significant change. The proposed new building will have indoor amenity space and this was offered as space that the rental tenants could also use. The Section 37 agreement will secure this benefit for the rental tenants.

Conclusions:

The revised plans address the issues raised by the community and planning staff. The infill development of a 17-storey apartment tower is an appropriate development for the site and meets the policies of the in-force and new Official Plans. A Section 37 agreement will secure the on-site amenities for existing residents, warn new residents of noise from the rail line, and ensure that the rental tenants are not paying for the proposed improvements to the site. The details of landscaping, intersection improvements, etc. will be further refined at Site Plan Approval stage. Staff recommend that the zoning by-law amendment be approved.

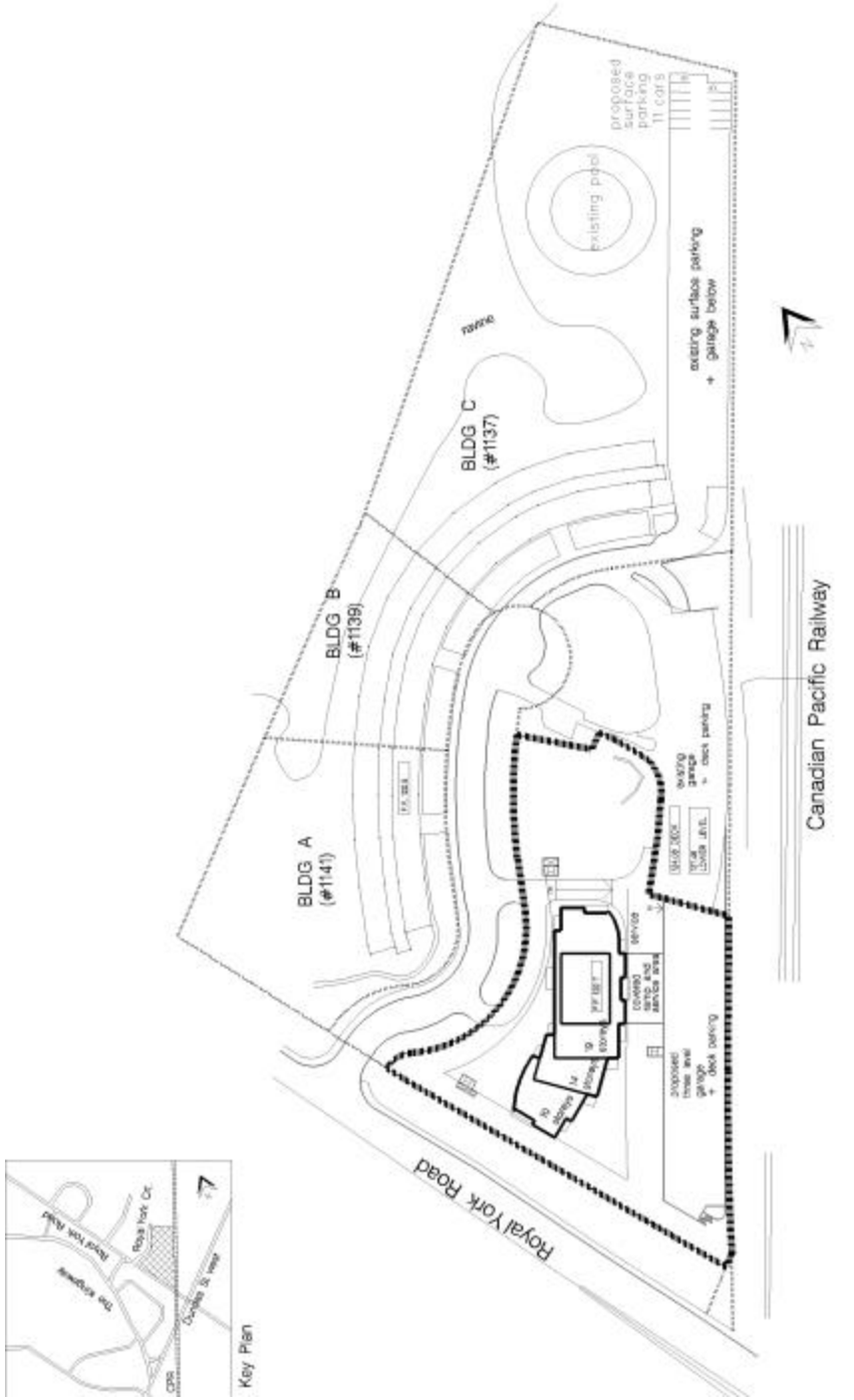
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Gary Wright, MCIP, RPP
Director, Community Planning
West District

List of Attachments:

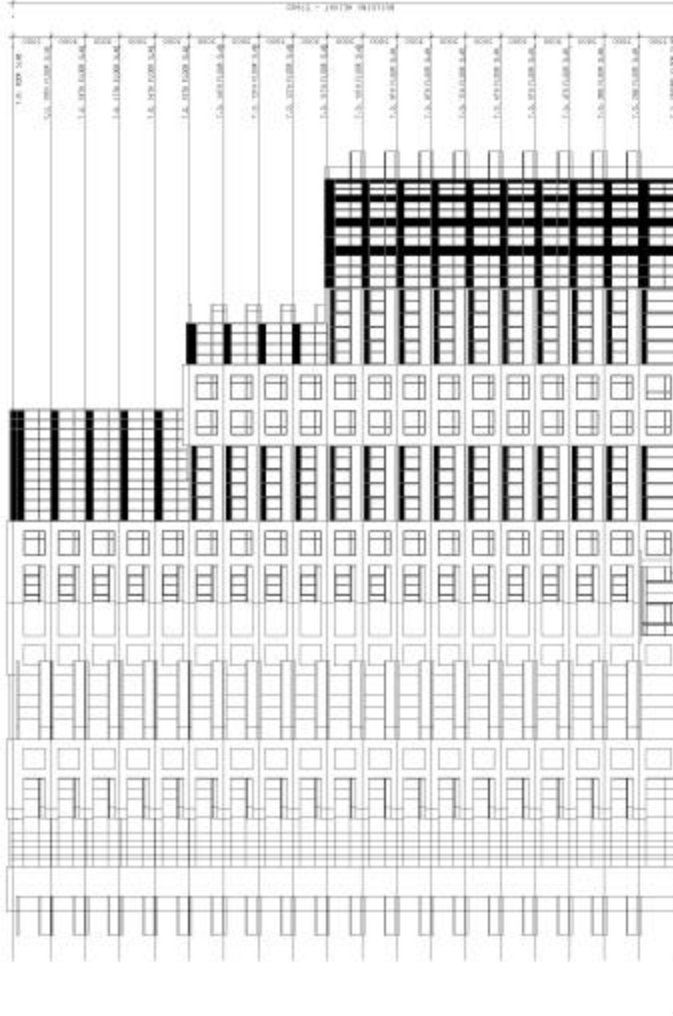
Attachment 1:	Site Plan
Attachment 2a-d:	Elevations
Attachment 3:	Zoning Map
Attachment 4:	Application Data Sheet
Attachment 5:	Draft Zoning By-law Amendment
Attachment 6:	Conformity with the Etobicoke Official Plan Policies



Not to Scale
Dec 12/2002
Attachment 1

1137-1141 Royal York Court
File # TA ZBA 2001 0002

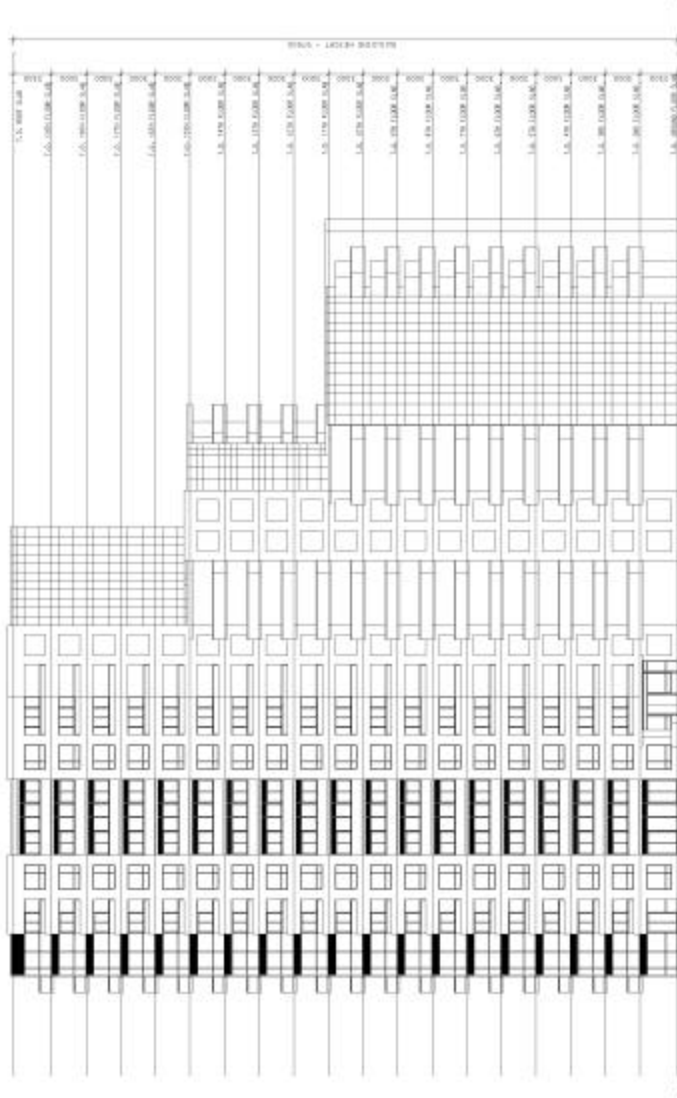
Site Plan
Applicant's Submitted Drawing



northwest

Net to Scale
Dec/12/2002
Attachment 2a

Elevation
Applicant's Submitted Drawing
1137-1141 Royal York Court
File # TA ZBA 2001 0002



northeast

Elevation

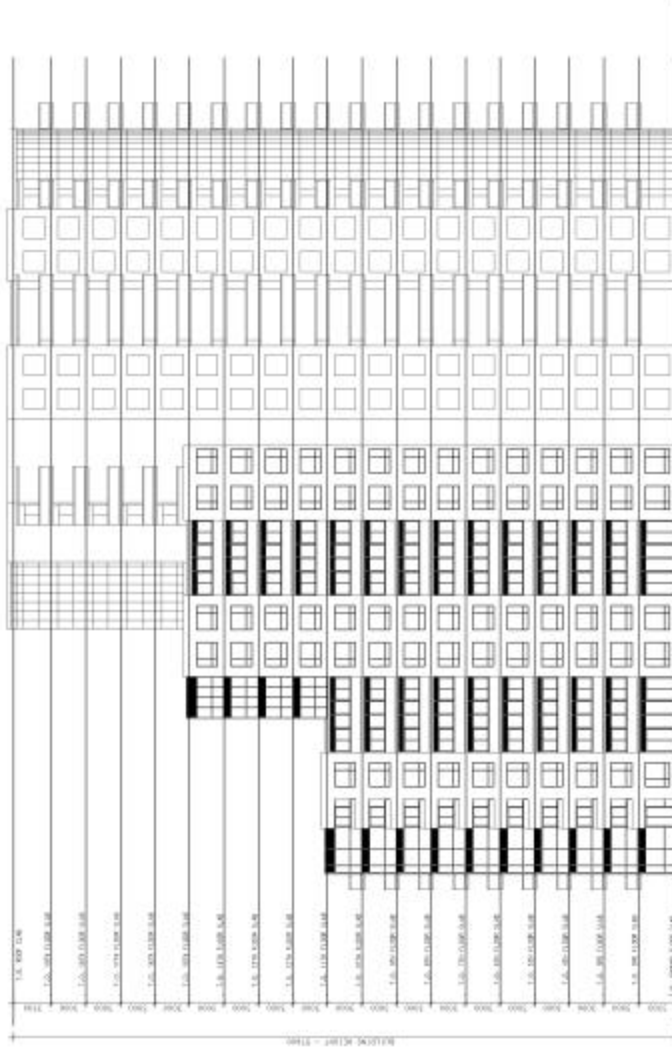
1137-1141 Royal York Court

Applicant's Submitted Drawing

File # TA ZBA 2001 0002

Not to Scale
Dec 11/2/2002

Attachment 2b

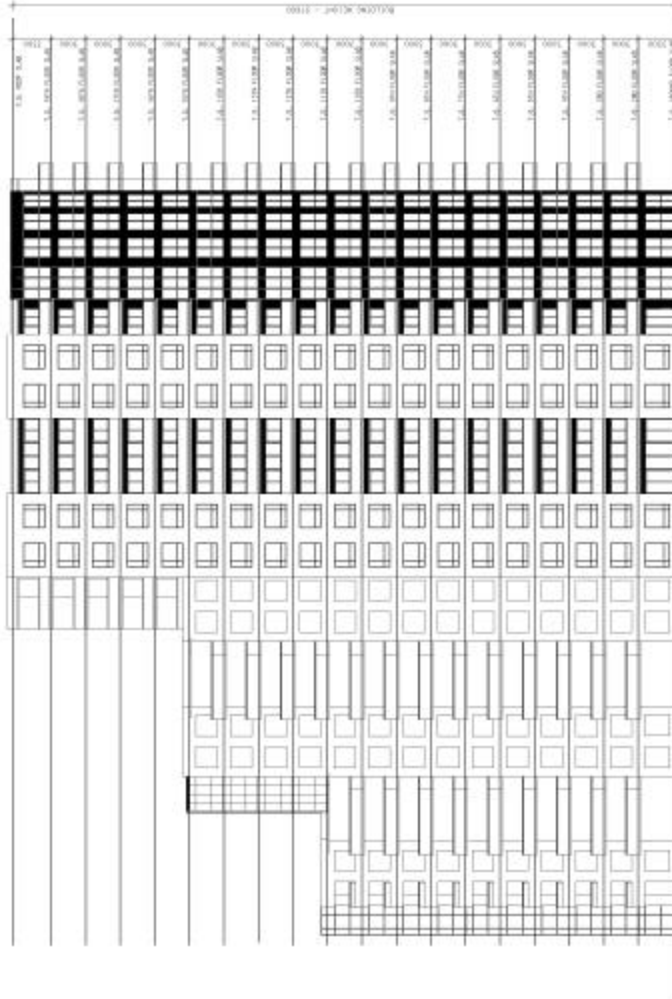


southwest

Not to Scale
Dec/12/2002
Attachment 2C

1137-1141 Royal York Court
File # TA ZBA 2001 0002

Elevation
Applicant's Submitted Drawing

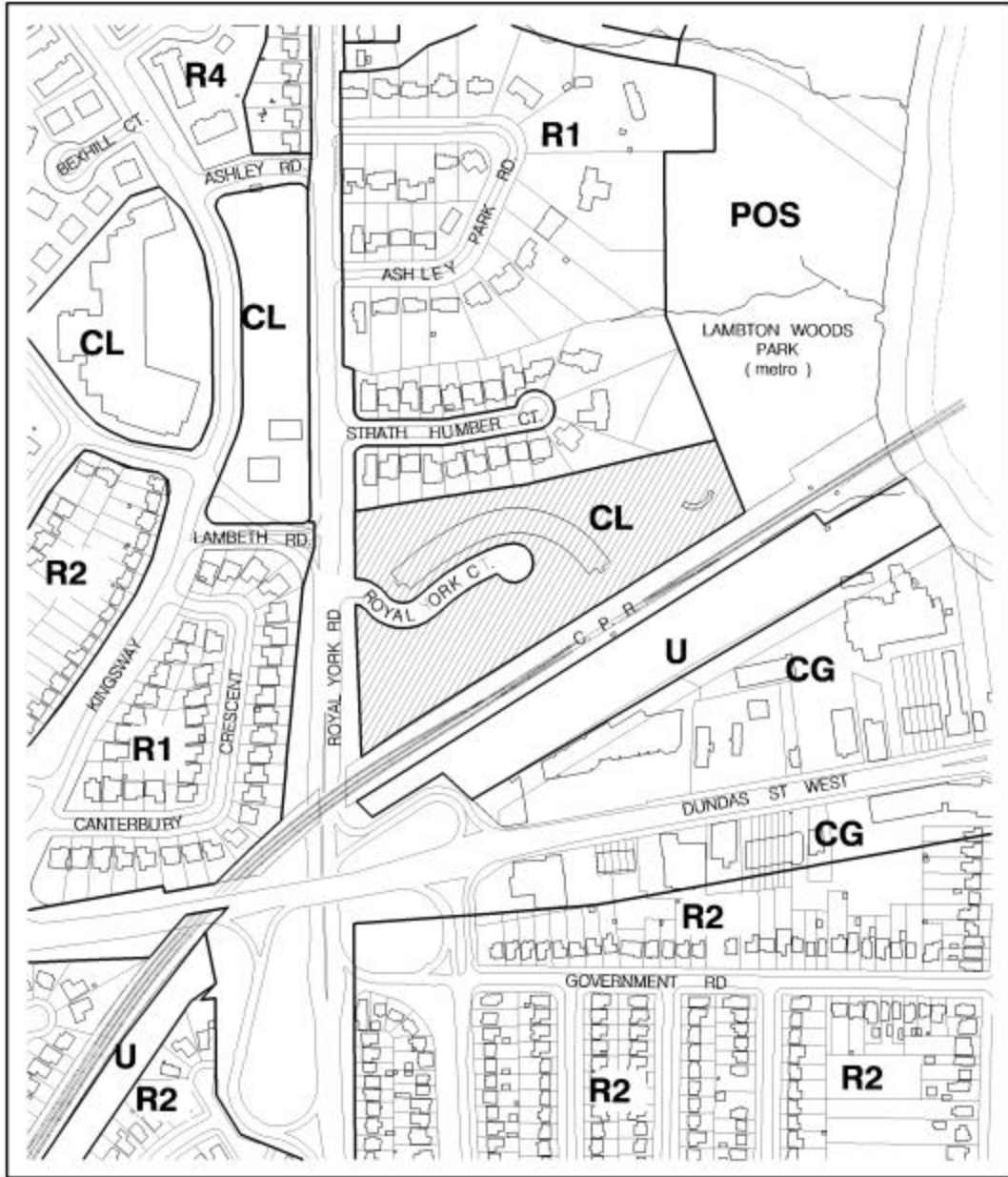


southeast

Not to Scale
Dec/12/2002
Attachment 2d

1137-1141 Royal York Court
File # TA ZBA 2001 0002

Elevation
Applicant's Submitted Drawing



Toronto Urban Development Services
Zoning

1137-1141 Royal York Court

File # TA ZBA2001 0002

R1	First Density	POS	Private Open Space
R2	Second Density	U	Utilities
R3	Third Density	CL	Commercial Limited
R4	Fourth Density	CG	Commercial General

↑ **Attachment 3**

Not to Scale
 Zoning By-law 11,737 as amended
 Extracted 23/04/01 - KP/JM

ATTACHMENT 4: APPLICATION DATA SHEET

Zoning By-law Amendment

Site Plan Approval:	No	File Number:	
Rezoning:	Yes	Application Number:	TA ZBL 2001 0002
O.P.A.:	No	Application Date:	03/27/2001
Municipal Address:	1139 Royal York Ct 1137 Royal York Ct 1141 Royal York Ct	Revised Date:	09/23/2002
Nearest Intersection:	east side of Royal York Rd. at Royal York Crescent		
Project Description:	Proposed amendments to the Etobicoke Zoning Code to permit the development of a 17-storey, 191-unit apartment building with 3-level garage and deck parking in addition to an existing apartment building		

Applicant:	Agent:	Architect:	Owner:
PAUL W. RYCROFT, LAND DEVELOPMENT CONSULTANT			PRINCESS GARDENS MANAGEMENT
25 Sable Street Toronto M6M3K8			25 Sable Street Toronto M6M3K8

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation:	High Density Residential	Site Specific Provision:	BI 13,401, BI 2468
Zoning District:	CL	Historical Status:	
Height Limit (m):	14 metres	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area:	33518.4	Height: Storeys:	17						
Frontage:	161.345	Meters:	54.8						
Depth:	306.324								
Ground Floor GFA:	1,260	Parking Spaces:	268	Indoor	Type	Outdoor	Type	Off Site	Leased
Residential GFA:	19,220 m2	Loading Docks:	0					0	0
Non-Residential GFA:	0		0						
Total GFA:	52,958		0						

PROPOSED DWELLING UNITS

Tenure Type:	Rental
Rooms:	0
Bachelor:	0
1 Bedroom:	41
2 Bedroom:	141
3+ Bedroom:	9
Net Proposed Units:	191 Existing Units: 301
Total Units:	492
Net Proposed Density:	2.28 Total Density: 1.58

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Net Residential GFA:	18,970	
Total Residential GFA:	53,208	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

Attachment 5

Draft Zoning By-law

Authority: Etobicoke Community Council Report No. , Clause No. , as adopted by Council of the City of Toronto at it's meeting held on 2003.

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. - 2003

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code, as amended by By-laws 13,401 and 2468, with respect to certain lands located on the east side of Royal York Road, south of Royal York Court, municipally known as 1137, 1139 and 1141 Royal York Court.

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.p.13, as amended, to pass this by-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. Notwithstanding the provisions of Chapter 320 of the Zoning Code, By-law 13,401 and By-law 2468, nothing shall prevent the development one apartment building and related parking on the area identified as Part 2 on Schedule "B" attached hereto, subject to the following conditions:
 - a) A maximum building height of 17 storeys shall be permitted on the lands shown on Part 2 in Schedule "B" attached hereto;

- b) The minimum building setbacks on Part 2 shall not be less than the measurements shown on Schedule "B" attached hereto, and shall be measured from the main walls of the apartment building;
 - c) The residential development on the lands shown as Part 2 on Schedule "B" shall not exceed a maximum permitted gross floor area of 18,970 square metres.
 - d) A minimum of 1.2 parking spaces shall be provided for each dwelling unit and an additional 0.2 parking spaces per dwelling unit shall be provided for visitors.
 - e) All parking spaces must be provided on the existing surface parking lot and existing and proposed surface and underground garages. The existing surface parking lot on the eastern boundary shall not be increased in size.
2. Nothing in this by-law will prohibit the additional use of a temporary sales centre on the lands shown as Part 2 on Schedule "B".
3. Where the provisions of the by-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this by-law shall apply.
4. Chapter 324, Site Specifics, of the Etobicoke 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 located on the east side of Royal York Road and south of Royal York Court known as 1137,1139,& 1141 Royal York Court

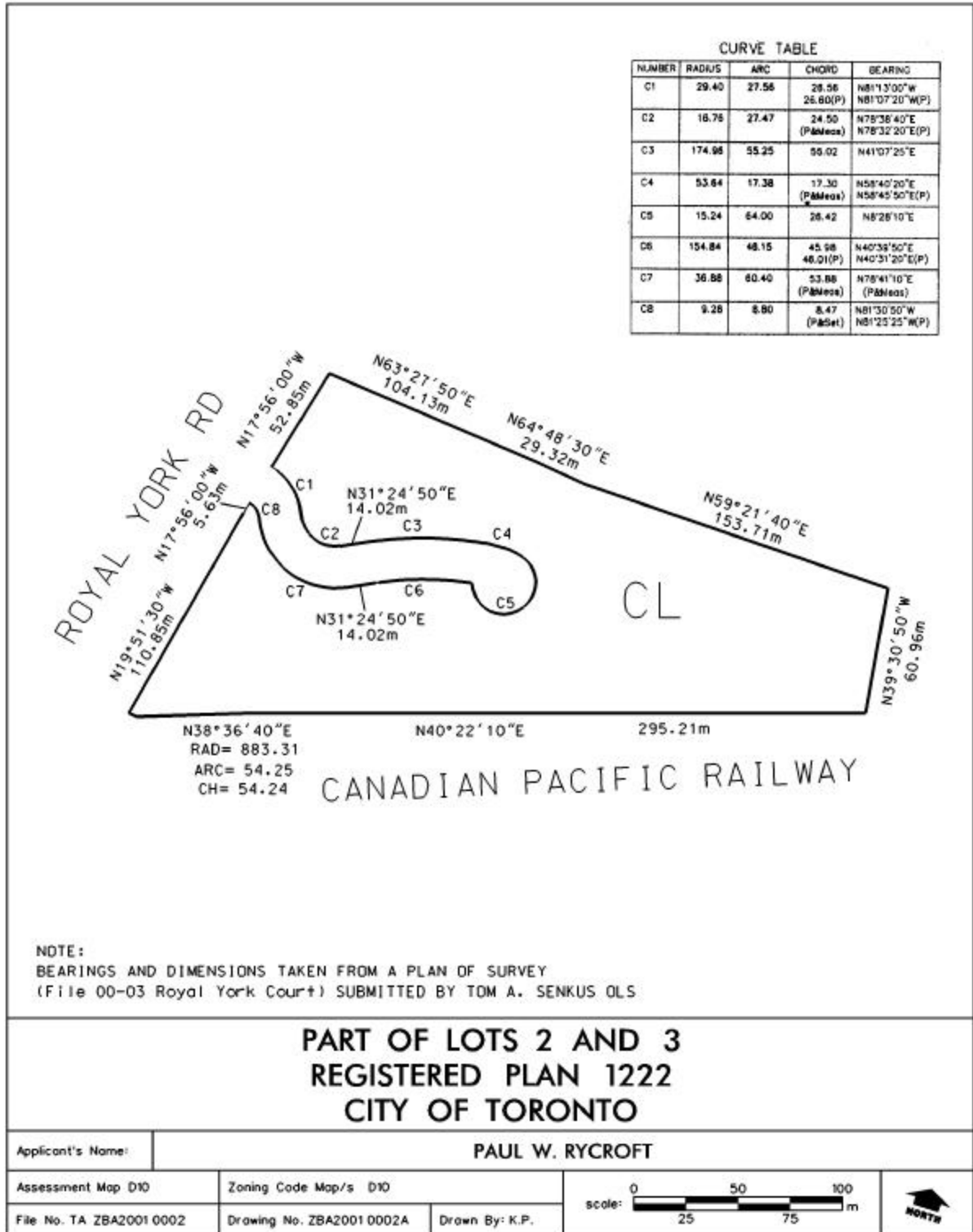
To amend site specific by-laws 13,401 and 2468 to permit a 17-storey apartment building with site specific standards

ENACTED AND PASSED this day of A.D. 2003.

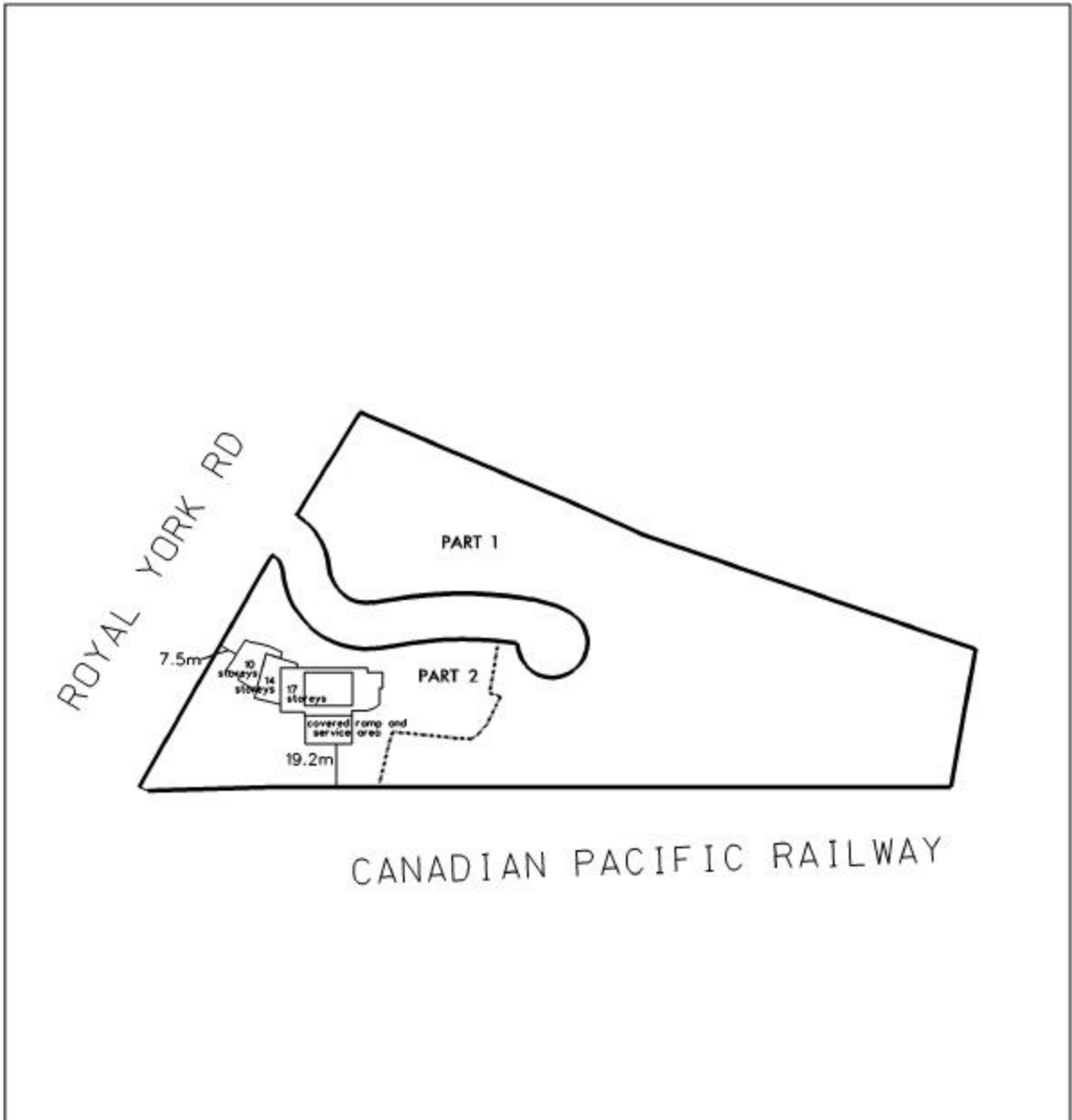
Mayor

City Clerk

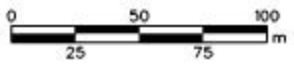
TORONTO Schedule 'A' BY-LAW



Toronto Schedule 'B' BY-LAW



**PART OF LOTS 2 AND 3
REGISTERED PLAN 1222
CITY OF TORONTO**

Applicant's Name:		PAUL W. RYCROFT	
Assessment Map D10	Zoning Code Map/s D10		scale:  m
File No. TA ZBA2001 0002	Drawing No. ZBA2001 0002B	Drawn By: K.P.	



Attachment No. 6
Conformity with the Etobicoke Official Plan Policies

The Official Plan for the former City of Etobicoke requires that any proposals to amend the Zoning Code for High Density Residential designations be subject to criteria set out in Section 4.2.19 of the Official Plan. The proposal meets the criteria as follows:

- a. *The proximity of the site to retail facilities or other High Density Residential designations.*

Humbertown Plaza is to the west and north of the site, as are a number of apartment buildings in a High Density Residential area, centring around The Kingsway and Anglesey Boulevard. There is also a shopping area on Dundas Street West, east of Royal York Road. The site has existing high density residential buildings on it.

- b. *The adequacy of local social and educational services.*

There are a number of schools, churches and other social services for the existing residential areas.

- c. *The level of accessibility to collector roads, arterials, etc., and the capacity of those facilities.*

A Traffic Impact Study, prepared by Cansult Limited, was reviewed by the Works and Emergency Services Department. The Department concurred with the study's conclusion that the proposal can be accommodated on the surrounding road network without significant impact on roadway levels-of-service. A number of conditions were imposed that improved the intersection of Royal York Road and Royal York Crescent. These will be secured at site plan approval stage.

- 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 entire site is 3.35 hectares. The proposed development shifts the above grade parking garages on the west side of the site further south and replaces them with the proposed apartment building. Parking for the new building is located underground. The Works and Emergency Services Department has determined that there is adequate parking for the development.

The proposal does add parking to the surface lot on the east side of the site. Planning staff has indicated that this parking is immediately adjacent to the Humber River valley and should not be extended to avoid more storm surface run-off and erosion. This will be addressed at Site Plan Approval stage.

The site is already heavily landscaped with mature trees and shrubs. A tree preservation plan has been submitted to indicate what trees will be saved or removed. The proposed building will eliminate some trees, however new planting is proposed to replace them. Additional planting is also required to ameliorate some of the pedestrian level wind conditions. These details will be secured through the Site Plan Approval process.

Recreational facilities for the existing building are in the form of informal trails to the Humber River valley and a unique round outdoor pool at the east-end of the site. There are no indoor recreational facilities for the rental building.

The proposed building will have an outdoor recreation area located on the south-west side of the building. A fitness centre and recreation space on the first floor will be adjacent to and accessible from the outdoor space. The details of these spaces will be reviewed and secured during the Site Plan Approval process. These indoor recreational facilities will be available to the tenants in the existing buildings. A Section 37 agreement will secure this right.

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.

Section 2.2.6 indicates that sites larger than one hectare proposed for new residential development provide a range of heights and dwelling types. The whole site is larger than one hectare and the heights are varied. The dwelling types are proposed to be rental apartments with one or two bedroom units.

f. The effect of increased traffic, so that no undue adverse impacts are created for local residential streets.

The site is located on an arterial road and small local road. There is no possibility of infiltration onto other residential streets from this location. The traffic impact study indicated that the existing road network could accommodate the new development.

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

The original proposal provided for a tiered 21-storey building on the same site as the existing 10-storey building. The community, local councillor and planning staff indicated that this height was not acceptable as it increased the impact of shadow on the existing apartment building on site, and decreased pedestrian level comfort at the entrance to the proposed building and at several other locations on the lot.

The proposal was revised to a 19-storey tiered building and further revised to 17-storeys. The latter reduces the shadow and pedestrian level wind impacts of the proposal.

There is no impact on the residential uses to the west or on Strath Humber Court.

- 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 newest plan provides that transition and the height will be reduced to 17-storeys.

- 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 close to the Humber River valley, however the proposed development parcel is far from the slope. The impact on the valley lands with respect to stormwater run-off, erosion or overlook will be minimal. A stormwater management plan will be required at Site Plan Approval stage.

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

This section anticipates a growing population and the need to provide more housing to accommodate it. The addition of a maximum of 191 more units will help to achieve that goal.

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

The ranges are from 280,000 to 324,000. The former City of Etobicoke is currently beneath the maximum cap.

- l. The ability of the proposal to address crime prevention and personal safety through urban design.*

The safety issues have been reviewed. The location and overlook of the building will provide increased surveillance over the entire site. Levels of lighting and specific landscaping will be further reviewed at Site Plan Approval stage.