

**1705, 1717, 1719, 1743 and 1745 Avenue Road
City-initiated Zoning By-law Amendment
Final Report**

Date:	April 7, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	10 126278 NPS 00 OZ

SUMMARY

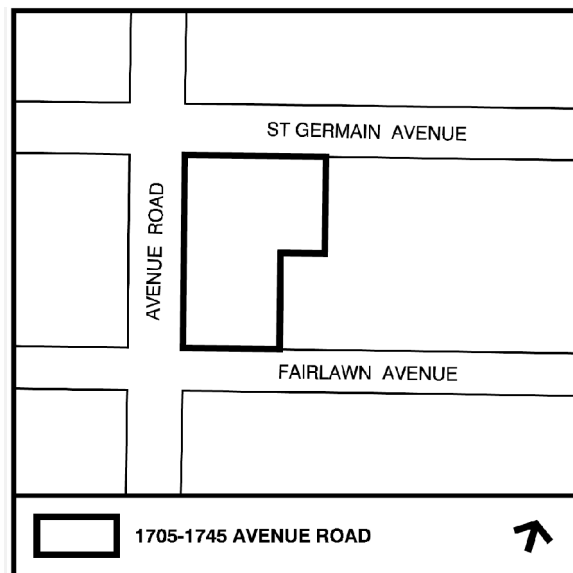
This City-initiated amendment is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This report responds to a request from City Council to amend the site-specific zoning that applies to lands located at 1705, 1717, 1719, 1743 and 1745 Avenue Road. The site is approved for a 6 storey, mixed used apartment building with non-residential uses at grade and 83 residential units above. This amendment would enable the reallocation of existing Section 37 funds towards special street signs to brand the local area as “The Upper Avenue” and local streetscape improvements and/or local parks and open space improvements as determined by the Chief Planner in consultation with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1107-2008(OMB) substantially in



- accordance with the draft Zoning By-law Amendment attached as Attachment No. 1.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
 3. City Council authorize the necessary City Officials to give effect to the reallocation of the Section 37 contribution as outlined in the draft Zoning By-law Amendment.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Applications to amend the former City of North York Official Plan and Zoning By-law 7625 were submitted in November 2004, and an implementing Site Plan Control application was submitted in 2005. The applicant appealed Council's failure to render a decision on the Official Plan and Rezoning applications and referred the Site Plan to the Ontario Municipal Board in May 2006. After significant community involvement, staff recommended that City Council approve the applications. At its meeting of September 25, 26 and 27, 2006, City Council refused the applications in their recommended form, and directed the City Solicitor to advise the Municipal Board of its desire for a lower building, subject to an appropriate contribution pursuant to Section 37 of the *Planning Act*. City Council's decision can be found at the following link:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060925/ny7rpt/cl078.pdf>

Prior to the commencement of a full hearing before the Municipal Board, the applicant and the City reached a settlement on the outstanding issues of height and density. The settlement was authorized by City Council at its meeting of February 5, 6, 7 and 8, 2007. The effect of the settlement reduced the height of the building to a 6 storey envelope and authorized the City Solicitor to secure a \$400,000 cash contribution secured with an Agreement registered on title pursuant to Section 37 of the *Planning Act*. The Agreement directed a portion of this contribution (\$250,000) towards site remediation and improvements to convert an abandoned TTC bus loop into a park at 1400 Avenue Road. The remainder of the contribution (\$150,000) was directed towards renovations to the Armour Heights Community Centre including, but not limited to mechanical, windows, mill work, finishes, fire alarms, security systems and fixtures.

On July 3, 2007, the Ontario Municipal Board issued Order 1841 allowing the Official Plan and Zoning By-law appeals and settled matters of the site plan referral to implement the settlement between the applicant and the City, and a separate settlement between the applicant and surrounding ratepayer groups. However, the Board withheld its final order on the Official Plan and Zoning By-law Amendments until it received revisions requested by the Order. On July 25, 2007, the Board issued an order enacting the Official Plan and

Zoning By-law Amendments. The Zoning By-law Amendment was enacted as City of Toronto By-law 1107-2008(OMB).

Avenue Road Avenue Study

At its meeting of April 25, 26 and 27, 2006, City Council authorized staff to undertake an *Avenue* study for the portion of Avenue Road between Lawrence Avenue West and Wilson Avenue. *Avenue* studies are provided for by the Official Plan to study a designated *Avenue* in close consultation with the community to develop zoning regulations and urban design guidelines to provide a framework for future growth. *Avenue* studies also can recommend initiatives for improvements to the public realm and other services.

The recommended implementation of the Avenue Road *Avenue* Study included an amendment to the former City of North York Zoning By-law to create a new zoning regime suited to this Avenue segment, an amendment to the Official Plan and former Toronto Zoning By-law to recognize an existing ravine park and urban design guidelines to guide development on the affected portion of Avenue Road. These recommended amendments and initiatives were approved by City Council at its meeting of November 30, December 1, 2, 4 and 7, 2009. A copy of the Decision Document can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2009/cc/decisions/2009-11-30-cc42-dd.htm>

During the public consultation phase of the Avenue Road *Avenue* Study, numerous open space and streetscape improvements were identified as desirable by local residents. One measure supported by residents and merchants was the branding of this portion of Avenue Road as the “The Upper Avenue”. As new street signs are introduced, there is an opportunity to include the words “The Upper Avenue” on the signs at a cost of between \$13,000 and \$14,000. The *Avenue* Study also recommended streetscape and public realm improvements along Avenue Road in appropriate locations, including the creation of small urban open spaces and parkettes.

ISSUE BACKGROUND

Proposal

The owner has provided the City with the \$400,000 cash contribution as required by the Section 37 Agreement and the building is under construction. However, prior to the payment of the funds, Federal Infrastructure money had been dedicated for the renovation of the Armour Heights Community Centre. At its meeting of October 26 and 27, 2009, Toronto City Council directed the Director of Community Planning, North York District to initiate the process to amend the site specific zoning to reallocate the portion of the Section 37 contribution originally secured for renovations to the Armour Heights Community Center.

It is proposed that the \$150,000 plus indexing funds, originally secured for renovations to the Armour Heights Community Centre be reallocated through an amendment to the site specific Zoning By-law and amendment to the Section 37 Agreement. A total of \$14,000 would be reallocated to implement the recommended street signage branding with “The Upper Avenue”. The remaining \$136,000, plus indexing funds, should it not be required for the Armour Heights Community Centre renovations would be reallocated towards local improvements to parks and open spaces, and streetscape enhancements.

Site and Surrounding Area

The 0.5 hectare site is located on the east side of Avenue Road between St. Germain Avenue and Fairlawn Avenue. The site has approximately 92m frontage on Avenue Road with a depth of 45m on the Fairlawn Avenue frontage and 67m on the St. Germain frontage. The approved mixed use mid-rise building is currently under construction on the site.

Surrounding land uses are as follows:

North: 1 and 2 storey commercial and retail uses, with limited commercial and residential uses on the second floors along the east side of Avenue Road, north of St. Germain Avenue.

East: Single detached residential dwellings along St. Germain Avenue and Fairlawn Avenue.

South: 1 and 2 storey commercial and retail uses, with limited commercial and residential uses on the second floors along the east side of Avenue Road, south of Fairlawn Avenue.

West: across Avenue Road, 1 and 2 storey commercial and retail uses with limited commercial and residential uses on the second floors.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council’s planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council’s planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

Section 5.1.1 of the Official Plan contains policies that address the appropriate use of Section 37 of the *Planning Act* to secure community benefits. Policy 5.1.1.1 provides for Zoning By-laws to be enacted that permit additional height and/or density for a use than is otherwise permitted in return for the provision of community benefits in the form of capital facilities. These facilities must bear a reasonable planning relationship to the development and have an appropriate geographic relationship to the development.

Policy 5.1.1.6 outlines which capital facilities or cash contributions towards specific capital facilities can be secured under Section 37 of the *Planning Act*. These include streetscape improvements to the public boulevard not abutting the site, but also local improvements identified through Community Improvement Plans, *Avenue Studies* or other implementation plans or strategies.

Zoning

The subject site is zoned RM6(170) by Site Specific Zoning By-law 1107-2008(OMB). This exception to the RM6 zone permits the construction of a 6 storey mixed use building with non-residential uses on the ground floor and residential uses above. The exception permits a maximum of 85 units and the building may not exceed 22m in height.

The site specific By-law also directs the owner and the City of Toronto to enter into an agreement pursuant to Section 37 of the *Planning Act*. This agreement secures a cash contribution of \$400,000 of which \$250,000 is directed to site remediation and improvements to convert the former Toronto Transit Commission bus loop at 1400 Avenue Road into a park and \$150,000 is directed to renovations of the Armour Heights Community Centre.

Site Plan Control

An amendment to the Site Plan Control agreement is not required to implement the proposed reallocation of Section 37 funds.

COMMENTS

The proposed City-initiated amendment to the site specific By-law is consistent with the Provincial Policy Statement (PPS) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposed amendment continues to support the intensification and development of the subject lands under the existing approval in a manner appropriate to the available infrastructure as provided for by the PPS. It also continues to direct intensification to an intensification corridor as required by the Growth Plan.

To give effect to the reallocation of the Section 37 funds, staff recommend the amendment to Zoning By-law 1107-2008(OMB) presented in Attachment 1. The City-initiated amendment does not alter any of the development standards or limits related to the building currently under construction.

The proposed reallocation of the funds meets the provisions of the Official Plan dealing with securing capital facilities under Section 37 of the *Planning Act*. The proposed reallocation would fund capital facilities with an appropriate geographic relationship to the subject site. Moreover, the community benefits to be funded arise from the recommendations of a City-initiated *Avenue Study* satisfying further provisions of the Official Plan as outlined in Policy 5.1.1.6.

CONTACT

Christian Ventresca, Planner
Tel. No. (416) 395-7129
Fax No. (416) 395-7155
E-mail: cventre@toronto.ca

SIGNATURE

Thomas C. Keefe, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Attachment 1: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~.,
as adopted by City of Toronto Council on ~, 2010

Enacted By Council: ~, 2010.

CITY OF TORONTO
BY-LAW No. ~-2010
To amend City of Toronto Zoning By-law 1107-2008 (OMB)
with respect to lands located at
1705, 1717, 1719, 1743 and 1745 Avenue Road

WHEREAS the Ontario Municipal Board pursuant to its Order No. 2085 issued July 25, 2007, determined to amend the former City of North York Zoning By-law No. 7625, as amended, with respect to lands municipally known as 1705, 1717, 1719, 1743 and 1745 Avenue Road; and

WHEREAS Zoning By-law No. 1107-2008(OMB) establishes zoning provisions for the lands and provisions for public benefits in accordance with Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, in exchange for the approved increase in height and density associated with the residential use of the lands; and

WHEREAS Toronto City Council, at its meeting on October 26 and 27, 2009 adopted a Motion requesting the Director of Community Planning, North York District, to initiate the process to amend Zoning By-law 1107-2008(OMB), as deemed necessary, to amend the provisions that apply to the subject lands with respect to the reallocation of Section 37 funds directed towards the renovation of the Armour Heights Community Centre; and

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. Clause 3 (a)(ii) of City of Toronto Zoning By-law 1107-2008(OMB), amending former City of North York By-law 7625, as amended, is deleted and replaced by the following:
 - “ii) \$14,000 is used for special street signs to brand the local area as “The Upper Avenue”, as set out in the Avenue Road Avenue Study; and

- iii) up to \$136,000 is used for either renovations to the Armour Heights Community Center or for local streetscape improvements and/or local parks and open space improvements as set out in the Avenue Road *Avenue* Study and as determined by the Chief Planner in consultation with the Ward Councillor.”

ENACTED AND PASSED this ~ th day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS
City Clerk

(Corporate Seal)