

Clause embodied in Report No. 3 of the North York Community Council, as adopted by the Council of the City of Toronto at its meeting held on April 16, 17 and 18, 2002.

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**Final Report - Application to Amend the Zoning By-law -
TB ZBL 2001 0011 - Hullmark Developments Ltd. -
78 Harrison Garden Boulevard - Blocks 8 & 9,
Plan 66M-2354 and Part 1, Plan 64R-16328 -
Ward 23 - Willowdale**

(City Council on April 16, 17 and 18, 2002, adopted this Clause, without amendment.)

The North York Community Council after considering the deputations and based on the findings of fact, conclusions and recommendations contained in the report (February 11, 2002) from the Director, Community Planning, North District, Urban Development Services, and for reasons that the proposal is an appropriate use of lands, recommends that the application submitted by Hullmark Developments Limited be approved, subject to the conditions outlined in the aforementioned report.

The North York Community Council reports having held a statutory public meeting on February 26, 2002 and that notice was given in accordance with the Planning Act.

The North York Community Council submits the following report (February 11, 2002) from the Director, Community Planning, North District, Urban Development Services:

Purpose:

The purpose of this report is to make final recommendations regarding a Zoning By-law Amendment application by Hullmark Developments Ltd. This application will permit former MTO lands to be incorporated into a proposed residential development in the Wittington subdivision, to increase the total permitted gross floor area in the subdivision to accommodate density associated with these former MTO lands, to permit a corresponding increase in the total number of dwelling units, and to permit a density incentive for a proposed private recreation centre.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

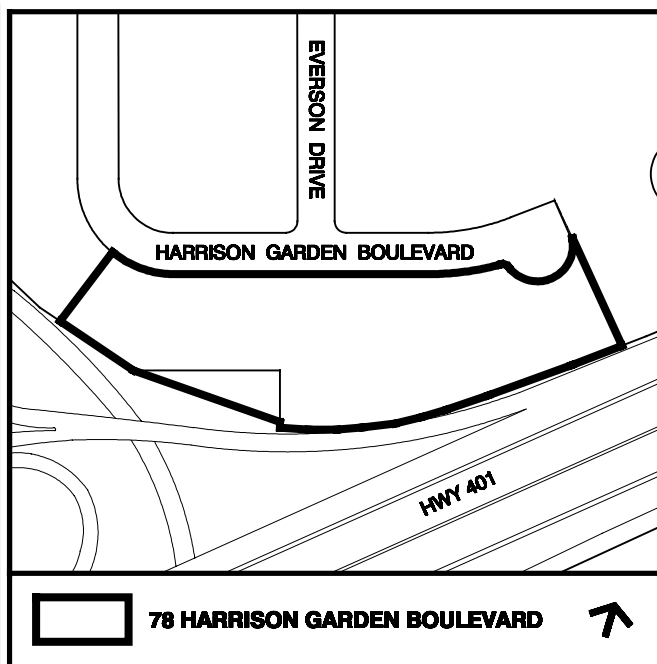
- (1) amend the Zoning By-law substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10.
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
- (3) Before introducing the necessary Bills to City Council for enactment, the owner is required to:
 - (a) enter into a Section 37 Agreement to implement the matters as noted in the draft by-law included as Attachment 10.

Related Application

Baghai Development Limited filed two zoning by-law applications (Files TB ZBL 2001 0006 and TB ZBL 2001 0017) for Blocks 4 and 5 in the Wittington subdivision and for 34 Avondale Avenue. These applications will permit the transfer of density and the relocation of the Elihu Pease House from 34 Avondale Avenue to Blocks 4 and 5 in the Wittington Subdivision (Plan 66M-2354), will permit a portion of currently permitted non-residential gross floor area in the Wittington Subdivision to be used for either non-residential or residential purposes and will increase the total number of dwelling units permitted in the subdivision to 2,611. A Public Meeting on these applications was held before North York Community Council on January 30, 2002. North York Community Council approved the Final Report and City Council will consider these recommendations at their meeting to be held on February 13, 14 and 15th, 2002.

Proposal

Hullmark Developments Limited (Tridel) are proposing to develop the subject lands in two phases with two residential condominium buildings, 29 and 31 storeys in height respectively, with a total of 715 residential units. A private recreation centre, linking the two residential buildings, is also proposed. Phase 1 of the development consists of an apartment dwelling with 334 residential units and the recreation centre. Phase 2 consists of the second apartment dwelling with 381 residential units.



The subject lands are comprised of Blocks 8 and 9, Plan 66M-2354 (Wittington Subdivision) and a triangular parcel of adjacent surplus land acquired from the Ministry of Transportation (MTO) and previously part of the Highway No. 401 road allowance.

The current zoning permits residential development on Blocks 8 and 9. An application for a zoning by-law amendment has been submitted in order to permit the former MTO lands to be incorporated into the development and used for residential purposes; to increase the total permitted gross floor area in the subdivision to accommodate 2,682 square metres (28,878 square feet) of density attributed to the MTO surplus lands; and to increase the total number of dwelling units in the subdivision (45 additional units).

In addition, Hullmark is also seeking a density incentive in accordance with the policies of the Official Plan, as it relates to the proposed private recreation centre use. The recreation centre is proposed to contain, among other amenities, an indoor swimming pool and whirlpool, weight and aerobics room, billiards room, bowling alley and library room.

Site and Surrounding Area

Construction of the proposed development on the site has commenced. Blocks 8 and 9 are part of the Wittington Properties Limited Subdivision (Plan 66M-2354) located at the south-east corner of Yonge Street and Avondale Avenue and abutting the north side of Highway No. 401. A Subdivision Agreement is in effect on the subject lands. Blocks 8 and 9 are 17,673.09 m² in lot area (1.77 ha) and have 245 metres of lot frontage on the south side of Harrison Garden Boulevard. The surplus MTO lands are 1,073.11 m² (0.1 ha) in lot area.

Abutting uses are as follows:

North: Across from the subject lands, on the north side of Harrison Garden Boulevard, are two development blocks:

- Block 7 which has been approved for two apartment dwellings, 10 and 14 storeys in height, with a total of 255 dwelling units (Baghai Development Ltd.– currently under construction);
- Blocks 3 and 18 which has been approved for 394 townhouse dwelling units (Urbancorp. – currently under construction).

South: Highway No. 401

East: Existing multiple residential development on Oakburn Place.

West: Block 6 which has been approved for two apartment dwellings, 24 and 29 storeys in height, with a total of 500 dwelling units (Menkes Spectrum Residences Inc. – currently under construction).

Official Plan

(i) Wittington Subdivision, Plan 66M-2354

The subject lands are designated Downtown Mixed Use –3 (DMU-3) on Schedule 2 to Map C.1 of the former City of North York Official Plan. Detailed policies are set out in Part D.1 of the Plan - North York Centre Secondary Plan. Commercial, institutional, public parks, recreational and residential uses are permitted within this designation. A maximum density of 2.5 F.S.I. (Map D.1.4 Downtown Density Limits) is assigned to the entire subdivision.

In addition, the subdivision is also subject to Site Specific Policies (12.16) as shown on Map D.1.10. In brief, these policies recognize these lands as a gateway to North York Centre and establish principles for the comprehensive redevelopment of these lands.

(ii) Density Incentives

Section 3.3 Density Incentives of the North York Centre Secondary Plan permits incentives for the provision of specific uses and facilities. The gross floor area of private recreational uses accessory to a residential use is exempted from the calculation of density up to a maximum of 1.5 square metres per dwelling unit. Council shall secure the provision and maintenance of such facilities by appropriate legal agreements.

(iii) Transportation Policies

Section 7.2.0 of the Official Plan states that any change in use on undesignated lands, currently serving a transportation and/or public utility function, to a use not permitted by the Zoning By-law, shall require designation by official plan amendment to the appropriate land use district. An official plan amendment is not required in this instance since the surplus MTO lands are proposed to be zoned and used for residential purposes.

Zoning By-law

In accordance with the Official Plan density limits of 2.5 FSI, the existing zoning permits a total gross floor area of 211,797 m² for residential uses and a total gross floor area of 46,450 m² for non-residential uses on the entire subdivision lands. A total of 2000 dwelling units is permitted.

Blocks 8 and 9, Plan 66M-2354 are located within the C1(66) zone. The former MTO lands are no longer required for transportation purposes and through the provisions of the Zoning By-law are deemed to be zoned C1. A zoning by-law amendment is required in order to incorporate the C1(66) zone provisions on to these lands.

Community Consultation

A Community Consultation meeting for the Wittington proposal (see related application) was held on June 13, 2001. By Council motion, an expanded notification area was directed in consultation with the Ward Councillor. Along with the proponents, the meeting was attended by

Councillor Filion and City Planning and Transportation staff. Approximately 35 members of the public were in attendance. The following issues and concerns were discussed:

- Overview of the planning processes and approvals which have occurred to date including the current Official Plan policies and zoning permissions, the subdivision approval process and various site plan approvals within the subdivision;
- Specific development plans for Blocks 4 and 5;
- Traffic plans and improvements for the Yonge Street/Avondale Avenue area;
- Traffic implications for the area;
- Need to update the current traffic certification for the subdivision.

In consultation with the Ward Councillor, it was determined that adequate information was provided at this meeting and that no Community Consultation was required on this application.

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.

Technical Services Division, Works & Emergency Services (Attachment 5) advise that they have no objections to the zoning application.

Transportation Services Division, Works & Emergency Services (Attachment 6) advise that traffic certification for zoning criteria is accepted.

Policy & Development Division, Parks, Economic Development, Culture & Tourism (Attachment 7) advise that no further parkland dedication is required for the development.

Public Health, Fire Services and Municipal Licensing and Standards have indicated that they have no objection or comments.

The Toronto District School Board (Attachment 8) indicates the need to post signs and include warning clauses in all offers of purchase and sale of residential units noting sufficient accommodation may not be locally available for all students.

Toronto Transit Commission (Attachment 9) request the City limit the parking to a ratio of 1.1 spaces per unit, including visitor spaces.

Comments:

Density Incentive:

The proposed private recreation centre qualifies for a density incentive in accordance with the policies of the Official Plan. This incentive was not sought in the original zoning application for the entire Wittington site. Based on 715 dwelling units, a maximum of 1072.4 m² of gross floor area of the private recreation centre is exempted from the calculation of gross floor area for the entire site. The site plan submission indicates that the recreation centre, including pedestrian links and lobby, is 2,543.23 m² in gross floor area. A Section 37 Agreement will be required in order to secure this facility. This agreement shall be executed prior to Bills being enacted by Council and will be registered on title.

MTO Surplus Lands:

Wittington Properties Limited was required, as a condition of subdivision approval, to make satisfactory arrangements with the Ministry of Transportation for the disposition of adjacent surplus lands owned by the Ministry of Transportation. In keeping with this condition, Wittington acquired the surplus parcel adjacent to Blocks 8 and 9 and subsequently conveyed all three parcels to Hullmark Developments Ltd. The request to place the former MTO lands into the same zone as Blocks 8 and 9 will permit these lands to be incorporated into the subdivision and to be used for residential development.

Site Plan Control:

The proposed development lands (Block 8 & 9) are subject to site plan control. Individual site plan applications submitted on each of the development blocks within the plan of subdivision are subject to urban design guidelines (Master Concept Plan) which are registered on title as part of the subdivision agreement. A concurrent site plan application (File: TB SPC 2001 0058) has been filed and is currently in circulation. Technical and urban design matters will be addressed through this process as they have for all developments within this subdivision to date. Accordingly, site plan approval is not required prior to the consideration of any bills for Council enactment.

Traffic Certification:

A Traffic Certification Report has been prepared by Read, Voorhees & Associates Limited. The report concludes that the proposed zoning by-law amendment, which will permit an additional 45 residential units in the subdivision, and specifically on Blocks 8 and 9, is supportable and that the amount of traffic generated is very minor and that no measurable traffic impact is expected elsewhere on the road system.

Works and Emergency Services, Transportation Services Division, have stated that the Traffic Certification is acceptable.

Conclusions:

This report recommends approval of this application to amend the zoning by-law. The zoning proposal is consistent with the land use and density policies of the North York Centre Secondary Plan.

This report also recommends that prior to by-law enactment, a Section 37 agreement be executed relating to the density incentive associated with the private recreation centre.

Contact:

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Attachment 10:

Draft Zoning By-law Amendment

Authority: North Community Council Report No. , Clause No. , as adopted by City of Toronto Council on , 2002.

CITY OF TORONTO

Bill No.

BY-LAW No. _____

To amend City of North York By-law No. 7625 in respect of lands known as Blocks 8 and 9, Plan 66M-2354 and Part 1, Plan 64R-16328

WHEREAS authority is given to Council by Sections 34 and 37 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*;

AND WHEREAS the Official Plan of the former City of North York contains provisions relating to the authorization of increases in density of development;

AND WHEREAS pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c.P. 13, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, R.S.O., c.P. 13, as amended, authorize increases in the density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and matters as set out in the By-law;

AND WHEREAS subsection 37(3) of the *Planning Act*, R.S.O. 1990, c.P. 13, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in the height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

AND WHEREAS the owner of the lands hereinafter referred to have elected to provide the facilities, services and matters and hereinafter set forth;

AND WHEREAS the increase in density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the By-law, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by the one or more agreements between the owner of such lands and the City of Toronto;

AND WHEREAS the City of Toronto has required the owner of the aforesaid lands to enter into one or more agreements having been executed dealing with certain facilities, services and matters in return for the increase in density in connection with the aforesaid lands as permitted by this By-law;

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

1. Schedules “B” and “C” of By-law No. 7625 are amended in accordance with Schedule 1 of this By-law.
2. Section 64.20-A(52) RM6(52) of By-law 7625 of the former City of North York is amended by adding the following clauses after 64.20-A(52)(j)(x) and before 64.20-(52)(k):

“Density Incentive (xi) 1,072.5 m² attributable to the provision of private indoor recreational
Private Recreational Use space accessory to a residential use, provided that such gross floor area is used on Blocks 8 and 9, Plan 66M-2354 only.

Surplus MTO Lands (xii) 2682.8 m² attributable to surplus MTO lands legally described as Part 1 on Plan 64R-16328.”

3. Section 64.20-A(52) RM6(52) of the former City of North York is amended by deleting clause 64.20-A(52)(k) and replacing it with the following:

“(k) Residential Units

The maximum number of dwelling units shall be 2,656 units, of which a minimum of 611 dwelling units shall be located on Blocks 4 and 5, Plan 66M-354 and a minimum of 45 dwelling units shall be located on Blocks 8 and 9, Plan 66M-2354.”

4. Section 64.20-A(52) RM6(52) of By-law 7625 of the former City of North York is amended by adding the following clause after 64.20-A(52) RM6(52)(w):

“Section 37 (x) In order to permit the density incentive permitted under subsection Agreement - 64.20-A(52)(j)(xi), the owner of Blocks 8 and 9, Plan 66M-2354, at their expense, shall enter into an agreement pursuant to Section 37 of the Blocks 8 and 9, Plan 66M-2354 Planning Act and to the satisfaction of the City, to secure the provision of a private recreation centre with a minimum gross floor area of 1072.5 m².”

5. Schedule RM6(52) of By-law 7625 of the former City of North York is amended by adjusting the boundary to include the lands being zoned C1(66) in accordance with Schedule 1 of this By-law.
6. Schedule C1(66) of By-law 7625 of the former City of North York is amended by adjusting the boundary to include the lands being zoned C1(66) in accordance with Schedule 1 of this By-law.
7. Schedule C1(66) of By-law 7625 of the former City of North York is amended by adjusting the line delineating the “14m M.T.O. minimum yard setback from Highway No. 01 Property Line” to coincide with the new boundary of Schedule C1(66) established by Section 6 above.

ENACTED AND PASSED this ____ day of _____, A.D. 2002

Mayor

City Clerk

(Attachments 1 – 9, and Schedule “1” to Attachment 10, referred to in the foregoing report, were forwarded to all Members of the North York Community Council with the agenda for its meeting on February 26, 2002; and copies thereof are on file in the office of the City Clerk, North York Civic Centre).

Mr. Elio Zoffranieri, appeared before the North York Community Council in connection with the foregoing matter, on behalf of the applicant.