

# STAFF REPORT ACTION REQUIRED

# 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Avenue

# Official Plan Amendment, Zoning By-law Amendment and Site Plan Applications – Final Report

Date:	July 27, 2010	
То:	North York Community Council	
From:	Director, Community Planning, North York District	
Wards:	Ward 23 – Willowdale	
Reference Number:	07 288764 NNY 23 OZ and 07 288769 NNY 23 SA	

# SUMMARY

This application was made on December 21, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes a residential apartment building of 7 storeys, 128 units and a

density of 2.95 times the area of the lot on the five residential lots at 17, 19, 21, 23 Clairtrell Road and 391 Spring Garden Avenue.

The proposal meets the goals of the Official Plan and Sheppard East Subway Corridor Secondary Plan, and guidelines in the Clairtrell Area Context Plan. The proposed Zoning By-law Amendment locates a midrise building with setbacks and step backs that provide an appropriate transition to the adjacent low density neighbourhood.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.



# RECOMMENDATIONS

#### The City Planning Division recommends that:

- 1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 10.
- 2. City Council amend Zoning By-law No. 7625 substantially in accordance with the draft Zoning By-law Amendment in Attachment No. 11.
- 3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required to implement the intent of this report.
- 4. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the *Planning Act* to provide the following services, facilities or matters:
  - a. indoor recreational amenity area up to a maximum of 255  $m^2$
  - b. a monetary contribution equal to the market value corresponding to a maximum of 2,884 m<sup>2</sup> additional gross floor area as determined by the Director of Real Estate which shall be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan.
- 5. Before introducing the necessary Bills to City Council for enactment, require that the Site Plan Notice of Approval Conditions have been issued, which among other matters, will provide for:
  - a. a shared driveway access with the lands east of the subject site (municipally know as 393-403 Spring Garden Avenue) also proposed to be redeveloped, and
  - b. a 3 metre wide publicly accessible pedestrian walkway at the south end of the site and conveyance of an easement in favour of the City.
- 6. City Council approve, in principle, the draft Site Plan Notice of Approval conditions set out in Attachment 13.
- 7. City Council delegate back to the Chief Planner or his designate the authority to issue the Notice of Approval Conditions and final Site Plan approval generally in

accordance with Attachment 13 and that final Site Plan Control Approval not be issued until the amending Zoning By-law is in effect.

#### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

The application was received on December 21, 2007 and on May 6, 2008 North York Community Council adopted Planning staff's recommendations in the Preliminary Report on the Official Plan and Zoning Amendment and Site Plan applications, and further directed that City Planning staff request the applicant to revise their proposal to conform to the Official Plan, and that staff report to North York Community Council on whether or not this has occurred by October 2008 at the latest.

In November 2009 a revised application from the new owner of the lands was received, and at its meeting on January 12, 2010 North York Community Council amended and adopted the report recommendations to schedule a community consultation meeting on the revised submission.

# **ISSUE BACKGROUND**

# Proposal

The proposed 128-unit and 7-storey residential apartment building is on the site of five consolidated lots on the southeast corner of Clairtrell Road and Spring Garden Avenue. The lands have a total area of approximately 0.4 hectares (4,289 m<sup>2</sup>). With the proposed building of 12,652 m<sup>2</sup> in gross floor area the resulting density is 2.95 times the area of the lot.

The proposed Site Plan is shown in Attachment 1. The building is setback at least 2.8 metres from the Spring Garden Avenue property line, and 2.1 to 3.7 metres from Clairtrell Road. The proposed building has 7 storeys and, not including the centrally located rooftop mechanical room, is 23.1 metres in height. The 5 storey portion of the building extends along the Spring Garden Avenue frontage with the 6<sup>th</sup> floor and 7<sup>th</sup> floors stepped back approximately 15 metres from Spring Garden Avenue. This enables a large roof top amenity area to be at the north portion of the 6<sup>th</sup> floor level. Stepbacks of approximately 3 metres at the south end of the building also provide for private terraces on the 4<sup>th</sup> and 6<sup>th</sup> floors. Smaller stepbacks from the Clairtrell Road frontage at the 4<sup>th</sup> and 6<sup>th</sup> floor also provide for private terraces on the west façade. Building elevations are in Attachments 2 and 3.

The main pedestrian entrance is from the Clairtrell Road sidewalk in conjunction with the ground floor central lobby, lounge and private recreational amenity room at the north east corner of the building. A new public pedestrian walkway is proposed along the entire southern property line extending eastward from Clairtrell Road. The publicly accessible walkway is also connected to a second private walkway that extends northwards along the east side of the site to a rear courtyard.

Vehicular access from Spring Garden Avenue is proposed to be located at the eastern edge of the site. The driveway accesses a passenger drop-off and pick-up area, a loading area, and ramp to 180 below grade parking spaces. An at-grade bicycle parking room and moving room are adjacent to this rear courtyard area. The driveway also provides access to the development site to the immediate east.

Attachment 9 provides detailed project data.

# Site and Surrounding Area

Located in the quadrant north and west of the Sheppard Avenue West and Bayview Avenue, the subject corner property has 51 metres of frontage on Spring Garden Avenue and 94 metres on Clairtrell Road.

The largely rectangular lot slopes from the low point at the northeast corner of the site towards the high point at the southeast corner. The lands are currently occupied by 5 detached houses that have been approved to be demolished for the development.

Land uses surrounding the site are:

- North: St. Gabriel's Catholic School and single detached houses on the north side of Spring Garden Avenue
- South: the Church of the Incarnation and three storey townhouses on Clairtrell Road
- East: single detached houses with a proposal currently also under review for a 7-storey 153-unit residential apartment building
- West: three storey townhouses on the west side of Clairtrell Road

# **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, protection of natural systems. 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**

The subject property has a dual designation under the City of Toronto Official Plan. The majority of the lands front onto Clairtrell Road and are designated *Apartment Neighbourhoods*. The small easternmost portion of the site which fronts onto Spring Garden Avenue has a *Mixed Use* Areas designation. See Attachment 5.

Apartments are permitted uses in *Apartment Neighbourhoods* and development in these areas is to, among other matters provide a transition between areas of different development intensity through setbacks and stepbacks towards adjacent *Neighbourhoods*. Development in *Apartment Neighbourhoods* is to also adequately limit shadow impacts on adjacent *Neighbourhoods*. In *Mixed Use Areas*, a broad range of residential and commercial uses are permitted in single or mixed use buildings. In addition to also providing a transition to, and adequately limiting shadow impacts on the adjacent *Neighbourhoods* development in these areas is to, among other matters: provide an attractive pedestrian environment; have access to schools and parks; take advantage of nearby transit services; and, provide good site access and adequate supply of parking.

# Sheppard East Subway Corridor Secondary Plan

As part of a 'key development area' associated with the Bayview subway station, the Secondary Plan includes policies specific to transit-supportive development in the Teagarden Court/Mallingham Court/Clairtrell Road Area.

The Secondary Plan indicates that this area is to be redeveloped primarily with residential uses. The portion of the subject land that is designated *Mixed Use Areas* is permitted a density of 3 times the lot area. A maximum of 2 times the lot area is permitted on the majority of the subject lands which are designated *Apartment Neighbourhood* (Attachment 6). The Secondary Plan encourages comprehensive land assembly to help achieve the maximum permitted density and includes density incentives (e.g. private recreational uses, public community centre and social facility). The Secondary Plan supports co-ordination of development applications so as to limit impacts on neighbouring residential uses, and notes that particular attention be given to shadow impacts from development on the south side of Spring Garden Avenue on the St. Gabriel's school yard to the north.

# **Clairtrell Area Context Plan**

The Sheppard East Subway Corridor Secondary Plan indicates that development is to be subject to an approved 'Context Plan' for blocks within key development areas. The Clairtrell Area Context Plan is a general development guideline for the area and provides a framework for evaluating development applications on such matters as: structure of streets, parks and open space; building massing and height; parking and servicing; and transportation demand management. The Context Plan encourages the Secondary Plan's density objectives to be achieved through comprehensive development.

The Context Plan encourages residential buildings with landscaped private open spaces to face and connect to the Clairtrell Road and Spring Garden Avenue street edge and sidewalks. Pedestrian/vehicle conflicts are to be minimized through reductions in driveway curb cuts, and at the south end of the subject lands the Plan conceptually identifies a pedestrian connection to the subway through a publicly accessible mid-block 'Pedestrian Link' (Attachment 7).

In terms of building massing and height, the Context Plan outlines generalized building types and heights in storeys and metres (Attachment 8). The subject lands are in an area of "Grade Related to Mid Rise Buildings" of 6 storeys and 20 metres high. The guideline supports building setbacks sufficient for front yard landscaping and to achieve an appropriate transition to adjacent stable residential areas. Grade related buildings include townhouses such as those located on the west side of Clairtrell Road abutting the existing low density residential area. Mid-rise buildings are to frame the streets and open spaces, include lobbies and amenity areas and grade related residential units that support the adjacent public realm, and include a well-defined 8 to 12 metre (2 storey) base building component.

The Context Plan guidelines support parking lots and service areas that have limited visual impact on the public realm and reduced conflicts with pedestrian circulation. The plan encourages maximizing soft landscaped areas, for example through underground parking, reduced curb cuts, and shared parking and servicing areas,. Transportation Demand Management tools such as bicycle parking are encouraged to support transitriding households.

# Zoning

The lands are zoned One Family Detached Dwelling Third Density (R3), which permits single detached dwellings.

# Site Plan Control

The local Councillor has requested that all Site Plan applications in his Ward be bumped up. Therefore this report recommends that the Site Plan Control Application be approved in principle, as noted in the draft conditions of Site Plan Approval in Attachment 13.

# **Reasons for Application**

The proposed amendment to the Secondary Plan is to enable the density increase to be provided in return for a monetary contribution equal to the market value of the additional gross floor area, with the monetary contribution to be used towards the cost of constructing and equipping a public community centre and/or social facility.

An amendment to the Zoning By-law is required to implement the provisions of the Secondary Plan and establish detailed land use and built form provisions and other standards for the development.

# **Community Consultation**

Community Consultation Meetings were held on June 25, 2008 and March 11, 2010. The comments from the community have been considered in the review of this project, and largely fell into one of two broad categories:

-that the building is too big, tall and out of character with the area and/or should strictly adhere to the Secondary Plan and Context Plan density and heights limits; and

-that the area can't handle the additional traffic from the proposed development.

In addition, staff met individually with the landowners/applicant for the proposed development to the immediate east, the Church representatives to the south, the residents of Teagarden Court, and the house on the southwest corner of Bayview and Spring Garden Avenues.

# **Agency Circulation**

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

# COMMENTS

# **Provincial Policy Statement and Provincial Plans**

The proposed development is consistent with the PPS. It utilizes development standards that support an efficient use of land and existing infrastructure. The proposal facilitates pedestrian connections to the transit system and increased use of bicycles. It proposes the redevelopment of lands in an area that the City's Official Plan identifies as appropriate for intensification.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe by accommodating growth in an intensification area, increasing density in a major transit station area, and establishing a pedestrian and bicycle link to a transit station.

# Density, Height, Massing

The result of blending permitted densities in the *Apartment Neighbourhood* and *Mixed Use Areas* designations is a total overall density permission of 2.22 times the area of the subject lands or 9,513 m<sup>2</sup>. The proposed density of 12,652 is 3,139 m<sup>2</sup> or one-third greater than the density permitted prior any density transfers or incentives. The Secondary Plan indicates that the permitted densities are intended to support the subway facility, and further indicates that densities are defined by built form and urban design objectives, community resources, infrastructure capacity and the need to address potential impacts on stable land uses and areas within and beyond the Secondary Plan boundaries.

The proposed Zoning By-law Amendment (Attachment 11) implements the built form and urban design objectives of the Official Plan, Secondary Plan and Context Plan. The building setbacks from Spring Garden Avenue and Clairtrell Road provide sufficient room for a streetscape of grade-related units with landscaped front yards. The north-south orientation of the smaller and narrower 6<sup>th</sup> and 7<sup>th</sup> floors provide reduced shadow impacts as does the setback of approximately 15 metres from Spring Garden Avenue and 3.7 metres from a portion of Clairtrell Road. The mechanical room is centrally located on the roof and stepped back approximately an additional 20 metres from Spring Garden Avenue and 5 metres from Clairtrell Road. This combination of building setbacks and stepbacks effectively achieve the same design intent and street proportion as the generalized 6 storey/20 metre height guideline in the Clairtrell Area Context Plan. More specifically, the building elevations are articulated to generally implement a one-to-one height to street width ratio and not exceed a 45 degree angular plane as measured from both the west side of Clairtrell Road and north Side of Spring Garden Avenue. This is because at a height of 23.7 metres, the 7<sup>th</sup> floor is setback at least 3.7 metres from the 20 metre wide Clairtrell Road right-of-way. The result is that the proposed setbacks and step backs of the mid-rise built form adequately limit shadow impacts on the adjacent *Neighbourhoods* designation, and provide an effective transition from the Bayview subway station development node to the lands designated *Neighbourhoods* to the west in the form of townhouses, and north and west in the form of the single detached houses and St. Gabriel's school yard. The site plan process will provide the further opportunity to secure the detailed articulation of the building in terms of roof overhangs and canopies.

In terms of community resources and infrastructure capacity, Section 4 of the Secondary Plan encourages comprehensive land assembly to help achieve the maximum permitted density. While other smaller sites in the block have not redeveloped at their full permitted density, the proposed development includes a larger and logical development site consolidated from the detached houses on the east side of Clairtrell Road within the 'Bayview Node'. The result is that higher densities can be achieved without creating negative impacts that may be associated from either incompatible heights and/or set backs. Given that the appropriate height, set backs and massing have been incorporated into the zoning by-law, the resulting proposed density of 2.95 times the area of the lot is acceptable.

The Secondary Plan's density policies enable lands designated both *Mixed Use Areas* and *Apartment Neighbourhoods* to utilize Section 37 density transfers and incentives. While the Plan does specify maximum densities, there is no limit on the density incentive that may be achieved. The Secondary Plan indicates that incentives are to be assessed on the basis of individual development applications and implications on built form, infrastructure and public benefit. As noted above, the proposed built form is appropriate. As well, no infrastructure deficiencies have been identified through the review of the proposed development. In terms of public benefits, the current list of available public benefits in the Secondary Plan includes among other items, parkland, roads and road widenings, private recreational uses, community centres, places of worship, and social facilities. While these sometimes large scale facilities can provide considerable community benefits and density increases on larger sites, they can also be more difficult to achieve on a small site like the subject lands without having associated land use impacts. It is appropriate in this instance to consider how an off-site community benefit can otherwise be secured through the development process.

The development proposes a recreation amenity area of approximately 255 m<sup>2</sup>. This benefit is already included in the list of available density incentives in Section 4.3.3. of the Secondary Plan and when deducted from the proposed density increase of 3,139 m<sup>2</sup> leaves a remaining 2,884 m<sup>2</sup> of potential density incentive. The proposed Official Plan Amendment enables a monetary contribution to be made that is equal to the market value of this increase in density. The Director of Real Estate has recommended a rate of \$48

per square foot as the market value for the additional density (Attachment 12). The proposed site-specific Official Plan Amendment and Zoning By-law specify that this Section 37 monetary contribution be used towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Secondary Plan.

# Sun, Shadow, Wind

A sun/shadow study was completed for the proposed development, and as noted above, indicated that the proposed building set backs, step backs and heights minimize shadowing of the lands in the Neighbourhood to the west and in particular on the school yard lands on the north side of Spring Garden Avenue. During the spring and fall equinoxes there is no shadow impact on the sidewalk and properties on the north side of Spring Garden Avenue including St. Gabriel's School, and no impact on the townhouses on the west side of Clairtrell after 10AM. A review of pedestrian wind conditions found the intended use of the site to be appropriate, and the final site plan review and approval will address specific areas for increasing pedestrian comfort by providing a large canopy at the main residential entrance on Clairtrell Road, and landscaping and parapets on the north and south terraces.

# Traffic Impact, Access, Parking

Traffic certification for the proposed development has been found to be acceptable. Also in keeping with the Secondary Plan policies to facilitate traffic flow and reduce pedestrian conflicts by minimizing driveway access points, the development is designed to accommodate a shared driveway access with a contemplated development proposal at 393-403 Spring Garden Avenue. The shared access requirement is to be secured through site plan conditions that will also require registration of necessary private easements satisfactory to the Executive Director Technical Services.

Motor vehicle parking spaces for 160 residents and 20 visitors are provided in two below grade levels. The parking reduction from the original 195 spaces has been found acceptable in light of the close proximity to the subway. In terms of Transportation Demand Management Measures to further reduce automobile use, bicycle parking is being provided in the form of 12 bicycle parking spaces in an at-grade bicycle room, and 93 below grade bicycle parking spaces.

# Loading/Servicing

The proposed loading space is at the eastern edge of the site and located away from potential pedestrian areas and public streetscape. The garbage and recycling room are located within the building in the first level of underground parking to minimize any impacts on publicly accessible areas and neighbouring properties. The details of the solid waste and recycling operations, including associated landscaping and screening, will be secured through the site plan approval process.

# Parkland/Open Space

The site is in a parkland priority area of the Official Plan and the Alternative Parkland Dedication Rate By-law 1420-2007 applies. At the alternative rate of 0.4 hectares per 300 units the parkland dedication would be 0.1706 hectares or 40% of the net site area. As a cap of 10% applies, the required parkland dedication is 0.0429 hectares or 429 m<sup>2</sup>. As a park of this size would be small and difficult to maintain Parks, Forestry and Recreation staff recommend that parkland dedication be fulfilled through a cash-in-lieu payment via certified cheque with the actual amount to be determined at the time of issuance of the building permit.

Landscaped areas are located primarily in the front yard setbacks on Clairtrell Road and Spring Garden Avenue and in relation to the pedestrian walkways on the south and east sides. Private landscaped patios are associated with all grade related units, with those facing Clairtrell Road being directly connected to the public sidewalk. Private roof terraces are provided for units facing the west and south overlooking the pedestrian walkway. A large landscaped amenity area is located on the 6<sup>th</sup> floor at the north end of the building with benches, trellises and raised planters. The details of these amenities will be secured through approval of the Site Plan.

# Streetscape/Pedestrian Realm

Pedestrian access to the main lobby entrance is appropriately connected to the sidewalk on Clairtrell Road. The sidewalk on Clairtrell Road is located close to the curb within the boulevard to match the streetscape developed to the south of this site. The development also provides for a 1.9 metre paved walkway within a 3 metre wide east-west parcel along the entire south end of the site to provide part of a future pedestrian link from Clairtrell Road to Bayview Avenue in the future. It is expected that this link will be expanded to 6 metres wide and completed if and when the church lands to the south and east redevelop. Public access will be secured through an easement, and the treatment of landscaping, lighting and ground floor units with patios and windows overlooking the walkway will be finalized through the site plan process. A second pedestrian walkway and publicly accessible landscaped area connects and extends northwards from the public walkway along the entire east edge of the site through the central courtyard and adjacent recreational amenity area. It is expected that this pedestrian linkage may also link to a private/publicly accessible landscaped open space and pedestrian walkway on the south side of the adjacent development on Spring Garden Avenue.

# **Toronto Green Standard**

The complete Site Plan application was submitted in 2007 and is exempt from the requirements of the Toronto Green Standard. The zoning by-law and site plan application will nonetheless implement many of the Tier 1 Green Standard by providing for: reduced motor vehicle parking spaces; bicycle parking that includes an at-grade bike room; a midblock pedestrian connection to the subway station; canopies at the street to protect pedestrians from the weather; a heavily landscaped roof top amenity area; trees along both street frontages with shared access for the adjacent development; minimized hard surfaces and maximized landscaped areas with sufficient soil depths to achieve mature landscape planting; water balance and water quality protection; and, facilities for storage and collection of solid waste and recycling.

## **Development Charges**

It is estimated that the development charges for this project will be \$805,000. This is an estimate and the actual charge will be assessed and collected upon issuance of the building permit.

# CONTACT

Robert Gibson, Senior PlannerTel. No.416-395-7059Fax No.416-395-7155E-mail:rgibson@toronto.ca

# SIGNATURE

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

# ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2: North and South Elevations
- Attachment 3: East and West Elevations
- Attachment 4: Zoning
- Attachment 5: Official Plan
- Attachment 6: Sheppard East Subway Corridor Secondary Plan
- Attachment 7: Context Plan Public Realm Diagram
- Attachment 8: Context Plan Building Height and Structure Diagram
- Attachment 9: Application Data Sheet
- Attachment 10: Draft Official Plan Amendment
- Attachment 11: Draft Zoning By-law Amendment
- Attachment 12: Memorandum, Real Estate Division
- Attachment 13: Draft Site Plan Notice of Approval Conditions

Attachment 1: Site Plan



# Site Plan

# 17-23 Clairtrell Road and 391 Spring Garden Avenue

Applicant's Submitted Drawing Not to Scale 7

File # 07\_288764



### **Attachment 2: North and South Elevations**



### **Attachment 3: East and West Elevations**

**Attachment 4: Zoning** 



- R3 One-Family Detached Dwelling Third Density Zone
- R4 One-Family Detached Dwelling Fourth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

C1 General Commercial Zone O1 Open Space Zone

Not to Scale Zoning By-law 7625 Extracted 12/28/2007

#### **Attachment 5: Official Plan**





#### Attachment 6: Sheppard East Subway Corridor Secondary Plan

#### **Attachment 7: Context Plan Public Realm Diagram**



 Public Realm Diagram
 17-23 Clairtrell Road and 391 Spring Garden Avenue

 Not to Scale
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 O7/04/2010
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 File # 07 288764

# Attachment 8: Context Plan Building Height and Structure Diagram



Building Heights & Structure 17-23 Clairtrell Road and 391 Spring Garden Avenue

Not to Scale 7

File # 07\_288764

# Attachment 9: Application Data Sheet

CONTACT: PLANNER NA TELEPHONE		Robert Gibso (416) 395-705	on, Senior Pla 59	nner				
Total Units:	128		a •					
3 + Bedroom:	6 128	Institutional/	Other GFA (so	q. m):	0		0	
2 Bedroom:	49	Industrial GF			0		0	
1 Bedroom:	63	Office GFA			0		0	
Bachelor:	10 Retail GFA				0		0	
Rooms:	0	0 Residential 0		GFA (sq. m):		2	0	
Tenure Type:	TBD				Abov	ve Grade	<b>Below Grade</b>	
DWELLING UNITS		FLOOR A	REA BREAK	DOWN (1	upon pi	roject com	pletion)	
Floor Space Index:		2.95						
Lot Coverage Ratio (%):		57.8						
Total GFA (sq. m):		12652						
Total Non-Residential GFA	(sq. m):	• ·		Loading	Docks	1		
Total Residential GFA (sq. m):		12652		Parking	-		)	
Total Ground Floor Area (sq. m):		2162			Total			
Depth (m):		94.1						
Frontage (m):		35.6		Metres:		23.7		
Site Area (sq. m):		4289.68	Height:	Storeys:		7		
PROJECT INFORMATIO	Ν							
Height Limit (m):			Site Plan Control Area:		ea:	Y		
Zoning:	R3			Historical Status:		V		
-	Mixed Us		Areas		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			
PLANNING CONTROLS Official Plan Designation:	Anartmar	nt Neighbourhood/	Site Speci	fic Provisio	n.			
DI ANNING CONTROLS				PLANNERS			DEVELOPMENTS INC	
THE ROCKPORT GROUP	LEONA S	SAVOIE	KIRKOR ARCHITECTS &		ГS &	CLAIRTRELL		
Applicant:	Agent:		Architect:			Owner:		
Project Description:	Proposed	Proposed 7 storey apartment building with 128 units						
Location Description:	PLAN 43	885 PT LOTS 13 & 14	RP 64R3145 PART 1 **GRID N2304					
Municipal Address:	unicipal Address: 17-23 CL		3 CLAIRTRELL RD AND 391 SPRING GARDEN AVE					
Duans OF A & Ke20		coloning, Sundard	, ippi			Decem	1001 21, 2007	
Details	Rezoning	g Rezoning, Standard	Application Date:		<b></b>	Decem	ber 21, 2007	
Application Type	Official P	Plan Amendment &	Application Numb		nber:	07 288764 NNY 23 OZ		

#### **Attachment 10: Draft Official Plan 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 Adopt Amendment No. 135 to the Official Plan of the City of Toronto in respect of lands municipally known as 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue.

WHEREAS authority is given to Council under 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. Amendment No. 135 to the Official Plan of the City of Toronto in respect of lands located at the southeast corner of Clairtrell Road and Spring Garden Avenue, municipally known as 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue, consisting of the attached text, is hereby adopted.

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

SANDRA BUSSIN, Speaker (Corporate Seal) ULLI S. WATKISS City Clerk

#### AMENDMENT NO. 135

#### TO THE OFFICIAL PLAN OF THE CITY OF TORONTO IN RESPECT OF LANDS MUNICIPALLY KNOWN AS 17, 19, 21 AND 23 CLAIRTRELL ROAD AND 391 SPRING GARDEN AVENUE

The Official Plan of the City of Toronto is amended as follows:

#### Clause 1

Chapter Six, Section 9 (Sheppard East Subway Corridor Secondary Plan) is amended by adding a new Sub-Section 4.2.2.1(m) to Section 4.2 A, as follows:

"for the lands municipally known in the year 2009 as 17, 19, 21 and 23 Clairtrell Road and 391 Spring Garden Avenue, the City may accept a monetary contribution equal to the full market value of gross floor area in the Secondary Plan Area to a maximum gross floor area of 2,884 square metres to be used towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of this Secondary Plan. The maximum permitted gross floor area that may be achieved through any combination of density incentive, transfer or monetary contribution will be secured in an agreement pursuant to Section 37 of the *Planning Act* and in no case will exceed the permitted density of 2.2 times the lot area by more than 33 per cent or to a total maximum density of 2.95 times the lot area."

#### Attachment 11: Draft Zoning By-law Amendment

#### CITY OF TORONTO

#### BY-LAW No. xxx-2010

#### To amend the former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as 17-23 Clairtrell Road and 391 Spring Garden Avenue

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. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" attached to this By-law.
- 2. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

#### 64.20-A(193) RM6(193)

#### DEFINITIONS

- (a) For the purposes of this exception, the following definitions will apply:
  - (i) "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units, each unit having access either from an internal corridor system or direct access at grade, or any combination thereof.
  - (ii) "Established Grade" shall mean a geodetic elevation of 181.4 metres.
  - (iii) "Gross Floor Area" shall mean the total area of all of the floors of a building above or below established grade measured from the outside of the exterior walls, including indoor residential amenity space and locker areas, but excluding:
    - A. any floor area used for motor vehicle parking, including ancillary areas, ramps, and driveways;
    - B. any floor area used for mechanical equipment or elevators;

- C. any floor area used for stair enclosures providing access to the roof of the building or structure;
- D. the floor area of unenclosed terraces or balconies; and
- E. any floor area used for bicycle parking.
- (iv) "Lot" shall mean the lands zoned RM6(193) on Schedule "1".

#### PERMITTED USES

- (b) The only uses permitted on the lot are:
  - (i) an apartment house dwelling and accessory uses; and
  - (ii) a publicly accessible walkway.

#### **EXCEPTION REGULATIONS**

#### LANDSCAPING AND LOT COVERAGE

- (c) A minimum 1,300 m<sup>2</sup> of landscaping shall be provided on the lot. Landscaping may include paths, patios, walkways and existing natural treed areas, but shall not include driveways, ramps, lanes, or parking areas or any space beneath, within, or on top of the building.
- (d) The provisions of Section 15.8 (Landscaping) and Section 20-A.2.2 (Lot Coverage) shall not apply.

#### YARD SETBACKS AND SEPARATION DISTANCES

- (e) The minimum front, side, and rear yard setbacks for buildings and structures above Established Grade shall be as shown on Schedule RM6(193).
- (f) Despite paragraph (e) and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), each of the following structures shall be permitted to project into the setbacks shown on Schedule RM6(193):
  - (i) an architectural roof overhang feature may project horizontally a maximum of 2.0 m from the wall(s) to which it is attached;
  - (ii) a balcony may project horizontally a maximum of 2.0 m from the wall(s) to which it is attached;
  - (iii) a canopy may project horizontally a maximum of 2.3 m from the wall(s) to which it is attached; and

- (iv) an exterior stairway.
- (g) The provisions of Section 20-A.2.4 (Yard Setbacks) shall not apply to parking structures and structures associated thereto at or below Established Grade or to any portion of the building below Established Grade.
- (h) The provisions of Section 15.6 (Minimum Distance of Apartment House Dwellings from R and RM2 Zones) and Section 20-A.2.4.1 (Distance between Buildings and/or Portions of Buildings Forming Courts) shall not apply.

#### **GROSS FLOOR AREA AND MAXIMUM DWELLING UNITS**

- (i) Except as provided for in subsection (u) of this exception, a maximum gross floor area of  $9,513 \text{ m}^2$  shall be permitted.
- (j) The maximum number of dwelling units shall be 140.

#### **RECREATIONAL AMENITY AREA**

(k) A minimum of  $1.5 \text{ m}^2$  per dwelling unit of indoor recreational amenity area shall be provided for the use of all residents.

#### **BUILDING HEIGHT**

- (l) Notwithstanding Section 20-A.2.6 (Building Height):
  - (i) the maximum building height of any portion of the building or structure shall not exceed the height in metres above established grade shown for that portion of the building or structure on Schedule RM6(193).
  - (ii) enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule RM6(193) by a maximum 5.4 metres provided such enclosures are located within the areas shown as 'Mechanical Penthouse' on Schedule RM6(193).
  - (iii) stair enclosures providing access to the roof of the building may exceed the maximum building height shown on Schedule RM6(193) by a maximum of 4.2 metres.
  - (iv) roof top trellises and outdoor recreational and landscape features may exceed the maximum building height shown on Schedule RM6(193).
  - (v) A maximum of 7 storeys plus mechanical penthouse is permitted.

(m) Except as provided herein, Section 2(10) shall continue to apply.

### MOTOR VEHICLE PARKING

- (n) Motor Vehicle parking for residential uses within the lot shall be provided in accordance with the following:
  - (i) a minimum of 1.0 parking space per dwelling unit, of which 0.15 parking spaces per dwelling unit shall be for the use of visitors.
  - (ii) a maximum of 1.40 parking spaces per dwelling unit, of which
     0.15 parking spaces per dwelling unit shall be for the use of visitors.
- (o) The provisions of Sections 6A(8)(b), (c) and (d) (Parking Regulations for RM Zones other than RM2 Zones) shall not apply to parking spaces within parking structures located at or below established grade.

#### **BICYCLE PARKING**

- (p) Bicycle parking for residential uses within the lot shall be provided in accordance with the following:
  - (i) A minimum of 100 spaces in total of which a minimum of 10 spaces shall be in a bicycle room located on the ground floor.

#### LOADING

- (q) One loading space having minimum dimensions of 3.6 metres x 11.0 metres and a minimum vertical clearance of 4.2 metres shall be provided.
- (r) The provisions of Section 6A(16)(c) (Location of Loading Spaces) shall not apply to a loading space required by this By-law.

#### LAND DIVISION

(s) Notwithstanding any severance, partition, or division of the lot, the regulations of this exception shall continue to apply to the whole of the lot as if no severance, partition, or division occurred.

#### **INCREASED DENSITY/SECTION 37**

(t) Pursuant to Section 37 of the *Planning Act* R.S.O. 1990, c. P. 13, as amended, and subject to compliance with the provisions of this By-law, the increase in height and density authorized under subsection (u) of this exception is permitted in return for the provision by the Owner of the following facilities, services and matters to the City at the Owner's sole expense:

- (i) prior to issuance of a building permit the Owner shall submit by cash or certified cheque a monetary contribution equal to the market value corresponding to a maximum of 2,884 m<sup>2</sup> of additional gross floor area as determined by the Director of Real Estate which contribution will be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan.
- (ii) the Owner shall enter into one or more agreements with the City, pursuant to Section 37 of the *Planning Act* which are registered on title to the Lands by the City to secure:
  - A. a monetary contribution equal to the market value corresponding to a maximum of 2,884 m<sup>2</sup> of additional gross floor area as determined by the Director of Real Estate which contribution will be used at the discretion of the City towards the cost of constructing and equipping a public community centre and/or social facility as identified in Section 4.3.3. of the Sheppard East Subway Corridor Secondary Plan; and
  - B. The provision and maintenance by the Owner of indoor recreational amenity area up to a maximum of  $255 \text{ m}^2$ .

#### ADDITIONAL GROSS FLOOR AREA

- (u) Notwithstanding subsection (i) of this exception, additional gross floor area may be permitted on the lands zoned RM6(193) on Schedule '1' limited to the following:
  - (i) A maximum of 255  $m^2$  of indoor recreational amenity area; and
  - (ii) A maximum of 2,884  $m^2$  attributable to the payment specified in (t)(ii) above.
- 3. Section 64.20-A of By-law No. 7625 of the former City of North York is amended by adding Schedule RM6(193) attached to this By-law.
- 4. Except as provided herein, By-law No. 7625 of the former City of North York shall continue to apply.
- 5. Within the lands shown on Schedule "1" attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- (a) All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
- (b) All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

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

SANDRA BUSSIN, Speaker (Corporate Seal) ULLI S. WATKISS City Clerk



Part of Lot 7 R.P.3237. All of Lots 14, 15, 16 and Part of Lot 13 R.P. 4385, City of Toronto Krcmar Surveyors Ltd. 2010 Date: 07/07/2010 Approved by: R.G.

Not to Scale



Staff report for action-Final Report-17, 19, 21, 23 Clairtrell Road, 391 Spring Garden Avenue

Not to Scale

#### **Attachment 12: Memorandum, Real Estate Division**

# TORONTO

Joe Casali **Director of Real Estate** 

# Memorandum

**Real Estate Division** Metro Hall 55 John Street, 2nd Floor Toronto, ON M5V 3C6

DATE:	July 19, 2010	RECEIVED		
Ditt Li	5 dry 19, 2010	0 1 2010		
то:	Rob Gibson (By fax 416 395 7155)	JUL 2 1 2010		
	Senior Planner, Community Planning, Central Section	CITY OF TORONTO PLANNING		
FROM:	Brian Varner	CITY OF TORONTO PLANTIN NORTH YORK CIVIC CENTRE		
	Manager, Policy and Appraisals			
SUDIECT.	Purchase of Additional Section 27 Density			

#### SUBJECT: Purchase of Additional Section 37 Density 17-23 Clairtrell Road-Rockport Group

I refer to Rockport Group's application for additional density for this project.

Please be advised that Real Estate recommends a rate of \$48 per square foot (\$516.67 per square metre) of additional density as of the current date for settlement purposes with Rockport Group. The timing of payment of the additional density under Section 37, Planning Act is at the time of passing the zoning bylaw or very shortly thereafter. The rate of \$48 per square foot of density is effective for a period of 6 months from today. If the passing of the zoning bylaw occurs beyond this time period, the rate of \$48 per square foot of density will be indexed by the Toronto Real Estate Board Market Watch Index, subject to a minimum of not less than \$48 per square foot of density. Specifically, the rate of \$48 per square foot of density shall be adjusted, if necessary, by multiplying \$48 per square foot of density by a fraction, the denominator of which is the average of the 3 months of "Average Price of Single Family Dwelling for the GTA" published by the Toronto Real Estate Board (TREB Market Watch Index) preceding the month of this memorandum, which is \$439,742, and the numerator of which is the average of the 3 months of the TREB Market Watch Index preceding the passing of the zoning bylaw, provided however, in no event shall the density rate be less than \$48 per square foot of density.

If you require further information, please contact Peter Cheng at 416 338 5105.

Brian Varner, AACI Manager, Policy and Appraisals

Cc Joe Casali Paul Byrne (Fax: 416 395 7155) Valuation File

G:\fac\M101\staff\P Cheng\Sec37\2010\17-23 Clairtrell Road.doc

Plan Number	Plan Title	Author
		Date
SP-01	Site Plan & Statistics	Kirkor Architects & Planners
		Date stamped June 22, 2010
SP-12	East and West Elevations	Kirkor Architects & Planners
		Date stamped June 02, 2010
SP-13	North & South Elevations	Kirkor Architects & Planners
		Date stamped June 02, 2010
SP-03	P-1 Parking Plan	Kirkor Architects & Planners
		Date stamped June 22, 2010
SP-02	P2 Parking Plan	Kirkor Architects & Planners
		Date stamped June 22, 2010
SS-1	Site Servicing & Grading Plan	Kirkor Architects & Planners
		Date stamped June 02, 2010
L3	Ground Floor Planting Plan	Kirkor Architects & Planners
		Date stamped June 02, 2010

**Attachment 13: Draft Site Plan Notice of Approval Conditions** 

#### **DRAFT SITE-SPECIFIC PRE-APPROVAL CONDITIONS**

#### LEGAL

• Enter into a Site Plan Agreement with the City of Toronto.

### **CITY PLANNING**

- Revise Ground Floor Planting Plan (L3) to provide for a shared driveway access with the lands east of the subject site also proposed to be redeveloped (393-403 Spring Garden Avenue).
- Submit financial security in the amount of 75 percent of the value of the landscape improvements to the Director, Community Planning North York District in the form of a Letter of Credit or certified cheque to guarantee the provision of landscape development works as detailed on the approved Landscape Plans (L3).
- Submit to the Director of Community Planning North York District for review and approval prior to depositing in the Land Registry office a draft reference plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, showing as separate PARTS thereof of the lands for the public access walkway to be conveyed to the City.
- Submit a lighting plan for the public walkway to the satisfaction of the Director Community Planning North York District

- Prepare all documents and convey a surface easement to the City for public pedestrian access over the walkway as shown on the approved plans and drawings all to the satisfaction of the Director Community Planning North York District. Such lands are to be conveyed to the City for nominal consideration, and are to be free and clear of all physical and title encumbrances to the satisfaction of the Director of Community Planning and the City Solicitor.
- Indemnify the City and provide adequate insurance for the public access walkway, to the satisfaction of the Director of Community Planning North York District and the City Solicitor.

#### **TECHNICAL SERVICES – June 28, 2010**

- Revise plans to provide for a shared driveway access with the lands east of the subject site also proposed to be redeveloped (393-403 Spring Garden Avenue). Any maintenance or cost sharing agreements in connection with a private easement between landowners remain the sole responsibility of the property owners.
- Revise P1 and P2 Parking Plans to resolve substandard/proposed parallel parking spaces.
- Revise SP-01 by labelling driveway access curb radii.
- Revise the Site Plan in accordance with By-law No. 235-2001, Waste Collection, Residential Properties of the City of Toronto Municipal Code, and to meet the City of Toronto Requirements for Garbage and Recycling Collection from the Developments and Redevelopments, to provide for a 13 metre long by 4 metre wide loading area and meet the requirements for a convenient waste diversion system.
- Prior to commencement of City solid waste pick-up, provide a letter certified by a qualified Engineer that the structure can safely support a fully loaded collection vehicle weighing 35,000 Kilograms.
- Revise SP-01 to provide for the sidewalk to be constructed across the driveway, rather than the driveway across the sidewalk (City Standard T-350.01)
- Revise SP-01 to add note that new driveway curb and gutter is to be built per City Standard T-60.05-1.
- Revise Site Plan so sidewalks on Clairtrell and Spring Garden are 1.7 metres wide with the sidewalk on Spring Garden to be at the standard location of 1.0 metre

from the property line and the Clairtrell sidewalk to match with the location to the south.

- Revise the Site Servicing & Grading Plan according to the June 28, 2010 memo.
- Revise the Stormwater Management Report dated May 31, 2010 according to the June 28, 2010 memo.
- Revise the Functional Servicing Plan Addendum dated May 31, 2010 according to the June 28, 2010 memo.
- Revise the Landscape Drawings L-1-L7 dated June 1, 2010 to show locations and dimensions of all existing and proposed development related underground and above ground utility services and structures including municipal infrastructure within the City Right-of-Way.
- Revise all landscape plan references from "Unit Paving" or "Vehicular Unit Paving" to "Permeable Unit Pavers".
- Prepare all documents, pay all costs for registration and preparation of reference plan and convey to the City a 6.1 metre corner rounding at southeast corner of Spring Garden and Clairtrell.
- Deposit certified cheques or letters of credit for:
  - Reconstructing the Clairtrell sidewalk at an estimated cost of \$12,480.
  - Construction of the Spring Garden sidewalk at an estimated cost of \$5,980.
  - Provide a certified cheque for Engineering review fee of \$923.
  - Work to be constructed by the Owner after Site Plan Approval provided Owner contacts Technical Services to confirm location and has made application for necessary streetscaping permits.

#### BELL- December 4, 2009

• Confirm that sufficient wire-line communication/telecommunication infrastructure is currently available and will be made available, or demonstrate to the City that sufficient alternative facilities are available to enable at a minimum the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services)

### DRAFT SITE-SPECIFIC POST-APPROVAL CONDITIONS

The following conditions outlining the Owner's responsibility are for including in the final Site Plan Agreement:

#### CITY PLANNING

- Provide and maintain the landscaping for the lands in accordance with the approved landscape plan (L3) to the satisfaction of the Director, Community Planning North York District.
- Construct and maintain the public walkway on the site over Part 3 on Plan 66R-24920 as shown on the approved plans and drawings listed as Schedule X to this Agreement to the satisfaction of the Director of Community Planning North York District.
- Indemnify the City and provide adequate insurance for the public access walkway, to the satisfaction of the Director of Community Planning North York District and the City Solicitor.
- Install and maintain floodlighting on the site or on any building or structure thereon in accordance with the approved lighting plan to the satisfaction of the Director of Community Planning.

#### **TECHNICAL SERVICES**

- June 28, 2010 Memorandum.
- Driveway on City property graded downward towards roadway with a 2% to 6% slope.
- Remove all existing accesses, curb cuts, traffic control signs along development site frontage and reinstate within right-of-way, in accordance with City standards and to satisfaction of Executive Director Technical Services.
- Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with approved plans to the satisfaction of the Executive Director, Technical Services.
- Unless otherwise approved by the Executive Director, Technical Services and the Chief Planner, provide for a shared access driveway between the subject site and proposed development on the lands immediately adjacent to the east and municipally known as 393-403 Spring Garden Avenue as shown on approved the drawings.

- Prior to the earlier of registration of a plan of condominium related to the subject site or issuance of Notice of Approval Conditions related to the proposed development on 393-403 Spring Garden Avenue, obtain all necessary approvals and convey applicable easements related to the shared access driveway referred to in condition X above, or have provided for applicable easements in the condominium documents to the satisfaction of the Executive Director, Technical Services.
- All on-site driveways and parking areas to be surfaced and maintained with asphalt, concrete, or interlocking stone. More specifically, the Permeable Unit Pavers identified on the approved site servicing and grading plans and landscape plans are to be provided and maintained for the purpose of implementing the approved stormwater management report.
- Install and maintain appropriate signage and pavement markings on site such as but not limited to: Vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways to the satisfaction of the Executive Director, Technical Services.
- Enter into an encroachment agreement with Right-of-Way Management for the proposed concrete walkway at the main pedestrian entrance on Clairtrell Road.
- Driveways are to be flush on either side of the sidewalk for a minimum of 0.45 metres.
- Acknowledge that anything other than concrete sidewalks, trees and sod within untravelled portion of adjoining public highway are encroachments that must be installed, planted and maintained at Owner's expense including all landscape/streetscape features on approved plans and plant irrigation systems.
- All encroachments shall be permitted pursuant to a number of terms.
- Construct and maintain all facilities necessary to permit the City to collect solid waste and recyclable materials in accordance with By-law 235-2001, Waste Collection for Residential Properties.

#### BELL

• Provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

#### **CANADA POST**

• Supply, install and maintain a mail facility to Canada Post specifications in a central location that is readily accessible to occupants, Canada Post delivery personnel and persons with physical disabilities.