

1955 to 1985 Yonge Street, 3 Belsize Drive and 18 to 22 Millwood Road – OPA, Rezoning and Rental Demolition Applications – Final Report

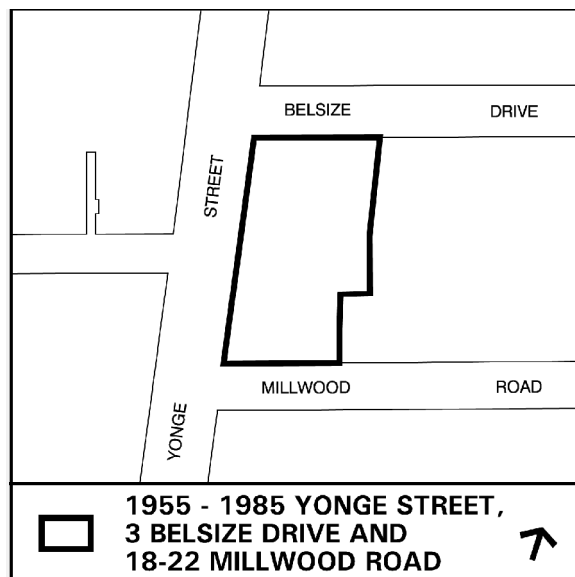
Date:	July 23, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	09-191738 STE 22 OZ & 10-112302 STE 00 RH

SUMMARY

This application was made on December 28, 2006 and subsequently revised most recently on April 14, 2010 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to amend the Official Plan as it pertains to a portion of the site at 3 Belsize Drive and to amend the Zoning By-law for the entire site at 1955-1985 Yonge St., 3 Belsize Dr. and 18-22 Millwood Rd. These amendments and a permission to demolish the existing rental apartments on site would allow the construction of the proposed 8-storey mixed use building with retail at grade and 206 residential units including 33 rental replacement units.

The City Planning Division is recommending approval of the proposed development and the application for a permit to demolish the residential rental units under Municipal Code 667 based on its location on an *Avenue* and on its planning and design attributes which include:



- (a) the proposed residential units are comprised of a mix of tenures (condominium and rental apartment units) and a mix of unit sizes ranging from bachelor to 3 bedroom units;
- (b) the proposed development provides a transition in scale and density as it steps down from the Yonge Street mixed use corridor to the low density neighbourhood to the east;
- (c) the proposed development maintains adequate sunlight for residents in abutting neighbourhoods and at pedestrian level on Yonge Street;
- (d) the applicant's Avenue Segment Review (as adopted by staff) indicates that incremental redevelopments of the same general scale (but as modified in the future by the Mid-Rise Performance Standards) within the identified Avenue Segment will not negatively impact the neighbourhood to the east;
- (e) the proposed new commercial bays on Yonge Street would provide updated retail and service space which would attract new commercial and employment activity to the area;
- (f) the inclusion of grade-related units on Belsize Drive assist in the integration of the proposed building into the neighbourhood to the east;
- (g) the site is within a block of the Davisville subway station and has excellent transit connections to most points within the City;
- (h) the site is on Yonge Street with close proximity to retail, service and entertainment facilities and places of employment; and
- (i) the Section 37 benefits that would be secured as a result of approval and construction of this development including; the replacement of all 33 existing rental apartment units with new rental units of equivalent size within the new building and funding for either or both the Neshama Accessible Playground at Oriole Park and the new park which is to be developed south of the TTC bus barns at Yonge Street and Eglinton Avenue West.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 3 Belsize Drive portion of the site at 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road, substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 9 to the July 23, 2010 report of the Director of Community Planning, Toronto and East York, District.

2. City Council amend Zoning By-law 438-86 as amended, for the lands at 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the July 23, 2010 report of the Director of Community Planning, Toronto and East York, District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Prior to the introduction of the Bills in City Council, City Council require the owner of the lands at 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road (subject of this report) to enter into an Agreement under Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - a. a payment of \$435,000.00 of which \$100,000.00 will be payable prior to the introduction of the Bills in City Council and the remaining \$335,000.00 will be payable prior to the issuance of the first building permit. Such payment will be directed to the Planning Act Reserve Fund to be used for the construction and associated costs of the Neshama Accessible Playground at Oriole Park or for the purchase, design and construction of a new park on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West;
 - b. the provision and maintenance on the site of not less than 33 new replacement rental dwelling units, comprising 18 one-bedroom units and 14 two-bedroom units and 1 three-bedroom unit which units shall generally be of the same type and size as in the buildings existing on the lot at the date of enactment of the by-law amendment, of which at least 27 shall have affordable rents and 6 shall have rents no higher than the mid-range rents, and tenant relocation assistance for tenants in the existing buildings in accordance with more detailed terms as set forth in the draft by-law attached as Attachment 10 to the final rezoning report from City Planning dated July 23, 2010.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- c. incorporation in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for the development's Yonge Street, Belsize Drive and Millwood Road elevations as part of the Site Plan Approval process.

5. City Council require that before the issuance of any building permit, including foundation permit, the applicant shall enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.
6. City Council require the owner to, as part of site plan approval, provide and maintain an irrigation system including an automatic timer for the proposed trees within the public road allowance to the satisfaction of the General Manager of Parks, Forestry and Recreation.
7. City Council require that before introducing the necessary Bills to City Council for enactment, the site servicing review submitted and date stamped on July 6, 2010 be reviewed and accepted by the Executive Director of Technical Services.
8. City Council approve the application to demolish the 33 existing residential units located at 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of rental housing:
 - a. the owner shall provide and maintain thirty three (33) residential rental units on the subject site for a period of at least 20 years, comprising 18 one-bedroom and 14 two bedroom units and 1 three-bedroom unit, of which at least 27 shall have affordable rents and 6 shall have rents no higher than mid-range rents;
 - b. the owner shall provide tenant relocation assistance including the right to return to a replacement rental unit for the eligible tenants to the satisfaction of the Chief Planner and Executive Director, City Planning Division and as further detailed in the draft by-law attached as Attachment 10 to the final rezoning report from City Planning dated July 23, 2010;
 - c. the owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in (a) above and as described in the draft zoning by-law amendment (refer to Attachment 10: Draft Zoning By-law Amendment) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division; and
 - d. the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 33 replacement rental units, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands to be released only upon the owner obtaining the necessary approvals including the zoning by-law amendment.

9. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue preliminary approval to the application under Municipal Code Chapter 667 after the satisfaction of the conditions in Recommendation 8, and after the Official Plan and Zoning By-law amendments referred to in Recommendations 1 and 2 have come into full force and effect.
10. City Council authorize the Chief building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 9.
11. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval referred to in Recommendation 9, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and
 - b. should the owner fail to complete the new building within the time specified in condition (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
12. Authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 and Section 111 Agreements.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for rezoning was originally submitted in 2006. A preliminary rezoning report was sent to Community Council and a community consultation meeting was held in the neighbourhood in 2007. At that time, the applicant was requested to make design revisions to the project. The applicant was also advised (at that time) that an Official Plan amendment would be required to allow the proposed mixed use building to extend into a *Neighbourhoods* designation (3 Belsize Drive). The applicant submitted revised plans and an application for an Official Plan amendment for circulation in 2009.

City Council, at its meeting of July 6, 7 and 8, 2010 adopted the recommendations of the Planning staff report as amended by the accompanying supplementary report. Recommendations included a direction to planning staff to use the “Mid-Rise Performance Standards” contained in Section 3 of the report entitled “Avenues and Mid-Rise Buildings Study (May 2010)” in the evaluation of all new and current mid-rise development proposals on the Avenues and in the implementation of future Avenue studies so that the Avenues ‘vision’ can be realized more quickly and effectively. Staff are to use the mid-rise standards for an approximate 2-year monitoring period.

This application, originally submitted in 2006, pre-dates Council’s adoption of the Mid-Rise study. However, staff in its evaluation and analysis of this proposed development, has endeavoured to guide the design according to the emerging performance standards of that study as well as the existing Official Plan policies which they support.

ISSUE BACKGROUND

Proposal

The proposed development consists of a mixed use building which is 8-storeys on Yonge Street stepping down to 6 to 4 to 3-storeys on Belsize Drive and stepping to 6 and to 4-storeys on Millwood Road. The development is proposed to contain commercial uses at-grade facing Yonge Street and a maximum of 206 apartment units of which 33 will be rental replacement units. Tenants in the existing buildings proposed for demolition will have the right to return to one of the replacement rental units, and will receive extended notice and financial assistance with the relocation.

A total of 199 parking spaces are proposed. The parking spaces will be allocated as follows: 138 for condominium residents; 21 for condominium visitors; 22 for rental apartment residents; 4 for rental apartment visitors and 14 spaces for the building’s retail customers. For further statistical information refer to the Application Data Sheet found at Attachment 8 of this report.

Site and Surrounding Area

The site consists of the full block of the east side of Yonge Street from Belsize Drive on the north end and Millwood Road to the south. The site includes No. 3 Belsize Drive and 18 – 22 Millwood Road.

The site is currently occupied by a number of 1 to 3 storey buildings with street-related commercial uses facing Yonge Street and 21 existing but unoccupied rental apartment units in the upper storeys. Existing retail uses include independent retail stores, Rogers Video and the TD Canada Bank in a free-standing building at the corner of Yonge Street and Millwood Road.

The following uses abut the site:

North 2 to 3-storey mixed use buildings with retail or service commercial uses at grade;

South	LCBO retail store and 2 to 3-storey mixed use buildings with at-grade retail uses;
East	single detached and semi-detached houses, house form buildings converted to offices; and
West	mixed use (commercial/residential) and single use commercial buildings with retail at-grade. A 10-storey (35.6 metre plus 3.7 metre mechanical penthouse) mixed commercial/residential building at a density of 5.7 times the lot area is proposed at the southwest corner of Yonge Street and Glebe Road West.

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.

Where demolition of rental housing is proposed, among other matters, Section 2(h) of the *Planning Act* addresses the orderly development of safe and healthy communities, and Section 2(j) focuses on the adequate provision of a full range of housing.

Section 1 of the PPS calls for the wise management of change and support for strong, liveable and healthy communities. Section 1.4.3 requires that planning authorities provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents, by establishing targets for the provision of housing affordable to low and moderate-income households and permitting and facilitating all forms of housing.

Section 3.1 of the Growth Plan states that “In the case of housing, there is an underlying societal need for affordable housing in many municipalities that is heightened by growth pressures.”

Official Plan

The site (with the exception of 3 Belsize Drive) is designated *Mixed Use Areas*. No. 3 Belsize Drive is designated *Neighbourhoods* (Attachment 6: Official Plan).

The *Mixed Use Areas* designation permits a range of commercial, residential and institutional uses in single use or mixed use buildings.

i) Mixed Use Areas – Section 4.5

The Official Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within *Mixed Use Areas* particularly those *Mixed Use Areas* which abut *Neighbourhoods* designations. Criteria are found in Section 4.5.2 of the Plan and include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and their visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

ii) Neighbourhoods – Section 4.1

The *Neighbourhoods* designation which applies to 3 Belsize Drive permits lower scale residential buildings and small scale stores and shops serving the needs of the area residents. Lower scale residential buildings in *Neighbourhoods* designations include detached and semi-detached houses, duplexes, triplexes, townhouses and interspersed with walk-up apartments that are 4-storeys or less. A mixed commercial/residential building would not be permitted in a *Neighbourhoods* designation. An Official Plan amendment is required.

iii) Avenues – Section 2.2.3

The site is also located on a street that is identified as an 'Avenue' on Map 2 of the Official Plan. The applicant has submitted an Avenue Segment Review as is required by

Section 2.2.3 of the Official Plan for sites which are located on *Avenues* that have not been subject of an Avenue Study. The applicant's Avenue Segment Review is discussed in the Comments section of this report.

iv) Built Form – Section 3.1.2

The Official Plan also includes policies that are aimed at ensuring that the built form of new developments fits within the context of their surrounding area. Policies with which this development must comply are found in Sections 3.1.2.3 to 3.1.2.6.

Section 3.1.2.3 contains policies that require that new development will be massed to fit harmoniously into its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- providing for adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas.

v) Housing – Section 3.2.1

The Official Plan provides for a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods. The City has well-established practices for the protection of rental housing in the case of redevelopment. Applicants proposing to demolish 6 or more residential rental units (except where all rents are above mid-range) are required to replace the rental units with the same number, size and type of rental housing units and maintain them with rents similar to the rents of existing units on the site. Specifically, Official Plan Policy 3.2.1.6 states:

“New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless:

- a. all of the rental housing units have rents that exceed mid-range rents at the time of application, or
- b. in cases where planning approvals other than site plan are sought, the following are secured:

- i) at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
 - ii) for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
 - iii) an acceptable tenant relocation and assistance plan addressing the right to return or occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship, or
- c) in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents."

The factors to be considered for a healthy rental market include whether there have been significant net gains in the supply of rental housing, if the overall rental apartment vacancy rate for the City has been at or above 3 percent for the preceding four consecutive years, and if the proposal may negatively affect the supply or availability of rental units, affordable units or units suitable for families, either in the City or in a neighbourhood of the City.

vi) City of Toronto Act, Section 111

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The By-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, approval of related planning applications, such as a rezoning, should be conditional upon the applicant receiving a Section 111 permit. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the approval or refusal of a Section 111 permit are not subject to appeal to the Ontario Municipal Board.

If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and section 33 of the *Planning Act* is also required.

vii) Yonge-Eglinton Secondary Plan

The site is also regulated by the Yonge-Eglinton Secondary Plan. Section 2.4 of the Secondary Plan includes policies aimed at reinforcing the stability of *Neighbourhoods* and at minimizing conflicts between buildings and uses in *Mixed Use Areas* and abutting lower density *Neighbourhoods* in terms of land use, scale and vehicular movement.

Section 2.7 of the Secondary Plan also contains policies aimed at protecting *Neighbourhoods* from overshadowing of buildings in *Mixed Use Areas*, securing a transition in height and scale from developments in *Mixed Use Areas* to *Neighbourhoods* and aimed at requiring developments on *Mixed Use* lands that project into *Neighbourhoods* to be of a height and scale which is consistent with those of the residential buildings of the abutting *Neighbourhoods*.

Section 6.1 of the Secondary Plan requires that a compatible relationship of uses exists between uses located in *Mixed Use Areas* and the residential uses in adjacent residential developments. Section 6.1 also encourages that access points, the relationship of new developments to the sidewalk and the location of proposed building walls, fences and trees enhance the quality of the streetscape.

Map 21-1 of the Yonge-Eglinton Secondary Plan relies on the *Mixed Use Areas* designation of the subject lands shown on Map 17 of the Official Plan. Therefore, no amendment to the Yonge-Eglinton Secondary Plan is necessary.

Zoning

The site is primarily zoned MCR T3.0 C2.0 R2.5 with a small portion at 3 Belsize Drive zoned as R2 Z0.6 (Attachment 7: Zoning).

The MCR zoning classification permits residential uses including apartment buildings, retail, service and office commercial uses. The permitted building height for the MCR zoned portion is 16 metres.

The R2 zoning of 3Belsize Drive permits residential uses including apartment buildings. No retail is allowed as-of-right. The permitted building height for the R2 zoned part of the site is 9.0 metres.

Site Plan Control

The proposed development is subject to site plan control. An application has been submitted and this report recommends that the owner enter into a site plan agreement with the City prior to the issuance of any building permit, including foundation permit. The owner has applied the City's Green Development Standards to the design of the proposed development.

Reasons for Application

The proposed construction of an 8-storey, 31.7 metre high plus 5.5 metre mechanical penthouse mixed commercial-residential building at a total density (residential plus

commercial) of approximately 5.1 times the lot area exceeds the height permission of 16 metres and the total allowable mixed use density of 3.0 times the lot area within the MCR zoning.

Section 8(3) Part II of By-law 438-86 requires a minimum setback of 7.5 metres from an 'R' zone. A portion of the proposed building (at 3 Belsize Drive) is set back from 0.43 to 4.0 metres to the 'R' zone. A portion of the proposed building (at 22 Millwood Road) is set back approximately 0.5 metres from the 'R' zone.

Section 8(3) 4(c)(ii & iii) of By-law 438-86 requires; that the west face of the proposed building (on its Yonge Street frontage) must be contained within a 45 degree angular plane which is to intersect a line drawn 16 metres above grade at the west property line, and that the east face of the proposed building also fit within a 45 degree angular plane which is to intersect with the building wall at 10 metres above the 7.5 metre setback line from the 'R' zone. The proposal does not completely comply with these requirements.

Section 4(12) of By-law 438-86 requires 412 square metres of outdoor amenity space. The proposal is providing 132 square metres.

Additional areas of non-compliance are included in the draft by-law (Attachment 10).

Community Consultation

A community consultation meeting was held on May 15, 2007. The meeting was attended by approximately 50 persons. The proposed zoning amendment and rental demolition application were discussed at the meeting (although at that time the proposal did not include 18 – 22 Millwood Road).

Comments and issues raised by the residents in attendance at the meeting as well as comments received by planning staff subsequent to the meeting, have been discussed with the applicant and revisions to the original plans were subsequently made.

Concerns expressed by residents included:

- increased traffic which was thought could occur on Belsize Drive as a result of the parking and loading access which was proposed to be from Belsize Drive at that time;
- building height on Yonge Street. The original application was for 9-storeys along the Yonge Street elevation;
- building height on Belsize Drive. The original application proposed stepping down to 6-storeys on Belsize Drive at which point the building would meet a 2-storey house in a *Neighbourhoods* designation. This was not considered an appropriate transition in height; and

- rear setback of the 6-storey portion of the building on Belsize Drive is less than the 7.5 metres required by the by-law.

Subsequently, other properties were added to the lands subject of this development proposal including 2 additional rental housing buildings, bringing the total number of rental units affected by the proposal to 33. Under Municipal Code 667, notification was sent to all tenants of the occupied buildings on the subject lands for a community consultation meeting held on July 12, 2010. None of the tenants of the occupied buildings attended that meeting.

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

Compliance with the Provincial Policy Statement and Provincial Plans

This application supports the 2005 Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application also complies with the policies of the PPS that support intensification and require new development to be directed to appropriate locations for growth.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development complies with the above policies and other relevant policies of the Provincial Policy Statement and Plans by: intensifying the residential use of the site; making efficient use of the existing infrastructure; providing a mix of residential unit sizes and tenures (condominium and rental replacement units) and by being within a short walk of the Yonge-Davisville subway station and other surface TTC routes.

The proposed development also meets the policies of the Provincial Growth Plan. The Growth Plan promotes increasing intensification of the existing built-up area with a focus on areas of the City such as major transit station areas. The site is one block from the Yonge-Davisville subway station and is within the Yonge Street corridor which is designated a 'Higher Order Transit Corridor' on Map 4 of the Official Plan. Section 2.2.5.1 of the Growth Plan requires that the planning of such areas strive to achieve:

- increased residential and employment densities that support and ensure the viability of existing and planned transit service levels; and
- a mix of residential, office, institutional and commercial development wherever appropriate.

The proposed development will increase residential and commercial employment densities in an area with easy access to public transit.

The provision of replacement rental housing with affordable and mid-range rents, the right of tenants to return to similar units at similar rents and the provision of tenant relocation assistance is consistent with the Provincial Policy Statement and the Growth Plan. The proposal ensures that the new development which is largely comprised of condominium tenure is not at the expense of the existing rental housing stock. Tenants are not forced to leave their community and the continued provision of affordable housing is ensured, thereby contributing to the full range of housing by tenure and affordability.

Land Use

The proposed mixed commercial-residential uses conform to the land uses which are permitted for the site, with the exception of 3 Belsize Drive which is designated and zoned primarily for residential uses, by the Official Plan and Zoning By-law.

The proposed Official Plan amendment will have the effect of straightening the designation line between *Mixed Use Areas* and *Neighbourhoods*. It extends the *Mixed Use Areas* designation by one lot into what is currently *Neighbourhoods*. No commercial uses are proposed nor will they be allowed in this area of the plan. At this point (at 3 Belsize Drive), the building has stepped down to 3-storeys, the first two (storeys) of which are grade-related townhouse units thereby providing a natural progression to the lower density neighbourhood that it abuts.

The proposed, new grade-related commercial bays fronting onto Yonge Street would provide updated retail and service space which would attract new commercial uses to the area. Residential condominiums and rental apartments are proposed in a in a mid-rise built form in a major transit corridor area and an area of easy access to employment, services, retail stores and entertainment.

Avenue Segment Study

The site is located on an area of Yonge Street that is identified as an 'Avenue' on Map 2 of the Official Plan. Avenues are corridors along major streets, where re-urbanization is generally anticipated. Avenue Studies are intended to precede major development proposals for redevelopment on these streets. An Avenue Study has not been completed for this section of Yonge Street.

However, Section 2.2.3.3(b) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study being completed subject to a review of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater neighbourhood.

Section 2.2.3.3(b) of the Official Plan sets out the conditions of the review. The review, among other things, is to:

- i) include an assessment of the impacts of the development of the entire Avenue segment at a similar form, scale and intensity if feasible, appropriately allowing for distinguishing circumstances;
- ii) consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact an adjacent *Neighbourhoods* area; and
- iii) consider whether the proposed development is supportable by available infrastructure.

The Plan contemplates that there will be development proposals such as this where, the proposal exceeds the height and density limit as specified in the Zoning By-law and where the proposed building has the potential to set a precedent for the form and scale of reurbanization along the Avenue. In such cases, the proposal will not be allowed to proceed prior to the completion of an Avenue study unless the applicant's Avenue Segment Study demonstrates that subsequent redevelopment of the entire Avenue segment will have no adverse impacts within the existing and planned context.

The applicant's Avenue Segment Study identified the Avenue Segment as the lands within Soudan Avenue on the north, the Belt Line Trail on the south, the eastern limit of the *Mixed Use Areas* designation on the east and the Yonge subway line open cut on the west. Staff have accepted the applicant's study area boundaries as an accurate area of development influence.

The applicants Avenue Segment Study found that:

- i) given that one of the goals of the Official Plan is to reurbanize the City's Avenues at a faster rate than is currently occurring and given that well-designed mid-rise developments are an appropriate form of reurbanization of Avenues which abut stable low density neighbourhoods, the proposed development is an appropriate built form for the east side of this Yonge Street Avenue segment.

In addition, it is anticipated that the proposed development typology, as would be modified by the recently adopted performance standards of the Mid-Rise Study, will serve as an example of an appropriate type of development for other soft sites in the segment study area particularly on the east side of Yonge Street.

- Distinguishing circumstances of other soft sites within the Segment may dictate taller or lower buildings of higher or lower densities;
- ii) incremental redevelopments of the general scale (as modified by the newly adopted mid-rise policies) within the entire Segment will not negatively impact the adjacent *Neighbourhoods* area to the east; and
 - iii) the existing and planned infrastructure will be able to accommodate the proposed development.

Avenues and Mid-Rise Buildings Study

The Avenues and Mid-Rise Buildings study and staff reports as adopted by Council on July 6, 7 and 8, 2010, focussed on tools and performance standards which are intended to encourage well-designed mid-rise buildings on the *Avenues* located along the edges of some of Toronto's stable neighbourhoods at a faster rate than is currently happening.

The performance standards contained in that study are intended to be used as tools to implement the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and neighbourhood stability. The performance standards give guidance about the size, shape and quality of mid-rise buildings and are intended to support the policies of Section 2.3.1 (Healthy Neighbourhoods) of the Official Plan. This section of the Plan states that development in *Mixed Use Areas* that are adjacent or in proximity to *Neighbourhoods* should:

- i) be compatible with those *Neighbourhoods*;
- ii) provide gradual transition in scale and density, as necessary to achieve the objectives of the Plan through the stepping down of new buildings towards and the setting back of new buildings from the *Neighbourhoods*;
- iii) maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- iv) attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

While the Mid-Rise Performance Standards were not available for the evaluation of this proposal, staff guided the design of the development to follow the Official Plan policies (listed above) which the performance standards are intended to support.

Density, Height, Massing

The proposed development provides transition in scale and density between the mixed commercial/residential uses on Yonge Street and the neighbourhood to the east by stacking its height and density on the Yonge Street arterial and transitioning down to the low density neighbourhood that it abuts.

The development is 8-storeys (on Yonge Street) with a total density of 5.1 times its lot area and a height of 31.7 metres (excluding the mechanical penthouse). The building steps down in height (and density) from 8 to 6 to 4 and finally to 3-storeys where it meets the residential neighbourhood (on Belsize Drive) which contains single detached and semi-attached houses of similar heights (refer to Attachment 3: North Elevation).

Fitting new developments which are located in mixed use areas that abut residential neighbourhoods into angular planes is a method of ensuring an appropriate transition from areas of higher to lower densities. In this case, the proposed building has a u-shaped footprint, the longest span of which runs north-south along the Yonge Street frontage. This portion of the building has a setback of over 32 metres from the residential zone to the east and fits within the 45 degree angular plane as projected over the site from 13 metres above the east property line.

Particular attention with respect to the building design was given to the Belsize Drive extension of the u-shaped building. It is here that the proposed building meets the low density residential uses to the east. The building steps down to 3-storeys at this point on Belsize Drive to be more in line with existing building (house) heights on the street.

A portion of the building is notched out at its eastern extremity to accommodate the 45 degree angular plane as drawn at the intersection of the property line and Belsize Drive. The building at this point has an approximately 4.0 metre setback from the residential property line to the east and a 7.5 metre setback above the 3rd floor. The building would generally fit within the plane as drawn from this point on the plan. However, small portions of the roof of the 5th and 8th floors would penetrate the angular plane.

The Millwood Road extension of the proposed building would not fit within the 45 degree angular plane. However it does not abut a residential use at this property line. The building, as it extends eastwards along Millwood Road, transitions down from 8 to 6 to 4-storeys with an approximately 0.4 metre setback to the residential zone on Millwood Road. The proposed building would replace two 3-storey walk-up apartments which are currently at this location on Millwood Road. The adjacent house form building to the east is a converted to office use.

The building's front façade on Yonge Street includes an expression line of approximately 0.8m above the first floor retail and a full stepback of 2.1 metres above the seventh floor. The expression line and stepback serve to: interrupt the building mass on Yonge Street; reduce shadow impacts on the public realm (sidewalk), and help to reduce the pedestrian's overall perception of building height.

Sun and Shadow

With respect to sun and shadow, the Official Plan requires that new development in mixed use areas maintains adequate light for residents of abutting neighbourhoods. A design performance standard for mid-rise buildings is that the building envelope should allow for a minimum of 5 hours of sunlight on the arterial sidewalks between March 21st

and September 21st. As a method of striving to meet or exceed this minimum a development may step the upper floors of the building back from the street.

This development rises to 92.5% of the Yonge Street right-of-way (or 25.0 metres) and then steps back 2.1 metres. The setback would not fit within a 45 degree angular plane but it is sufficient to achieve sunlight on both the east and west sidewalks on Yonge Street from approximately 12:18 p.m. onwards during the months of March through September. Shadowing between March 21st and September 21st does not begin to fall on the neighbouring houses to the east on Belsize Drive and Millwood Road until approximately 3:18 p.m. and would allow reasonable access to sunlight for the existing homes in the area.

Traffic Impact, Access, Parking

Section 2.2 of the Official Plan, “Structuring Growth in the City: Integrating Land Use and Transportation,” states that future growth within Toronto will be directed to areas (such as this) which; are well served by transit and the existing road network, have properties with redevelopment potential and which provide appropriate parking and site access with no significant impact on existing traffic flow or pedestrian safety. The Official Plan further requires (in Section 2.3.1) that a new development does not negatively impact current neighbourhood traffic patterns so as to not significantly diminish the residential amenity of abutting neighbourhoods.

a) Traffic Impact

A Transportation Impact Study was provided by the applicant. The study was reviewed and accepted by the City’s Transportation Services Division.

Based on the following findings, the study concludes that the site is well-suited for the proposed mixed commercial-residential development from a transportation perspective:

- the proposed development including commercial and residential units are projected to add a total of 68 a.m. peak hour trips (24 inbound and 44 outbound) and 66 p.m. peak hour trips (42 inbound and 24 outbound);
- the changes in overall delays at the signalized intersection of Yonge Street and Belsize Drive as a result of the construction of the proposed development are not expected to add more than one second during both peak hours. A one second or less delay is imperceptible to motorists; and
- there is not expected to be any turning movement conflicts between the site driveway and Imperial Street.

b) Access and Loading

The Mixed Use section of the Official Plan includes policies (Section 4.5.2) which are intended to regulate the design and functioning of the vehicular access to the site. Policies include a requirement for new development to locate and organize: vehicular

parking and access, and service areas and utilities to minimize their impact on the property and on surrounding properties.

Vehicular access to the site is proposed to be via a two-way driveway leading from Yonge Street to; the underground garage ramp, the at-grade loading area, and the small surface parking area. The underground garage ramp, the loading facility and the surface parking would be located within an internal courtyard on site and not immediately visible to the 3 bordering streets. This arrangement of parking access and loading facilities complies with the policies of Section 4.5.2 (Mixed Use) of the Official Plan.

Sections 3.1.2.2(a) & (b)) of the Built Form section of the Official Plan encourages shared service areas including public and private lanes and to consolidate access points which minimizes the number of driveways that cross a public sidewalk. Restrictive Exception 12 (2)119(viii) of By-law 438-86 requires that access to a lot zoned MCR T3.0 C2.0 R2.5 containing a retail use in *Yonge-Eglinton* is restricted to Yonge Street.

The proposed development complies with the By-law requirement to take its access from Yonge Street. With respect to the Built Form policies of the Official Plan, as a full block mixed-use development, all retail stores and services in the block would have a single consolidated vehicular access crossing the sidewalk an arrangement which is acceptable in this case. Should this application have incorporated less than the full block, more than one access request may have been anticipated (with future development applications). Planning staff would not generally support an application which could lead to multiple access driveways that cross the mixed-use arterial sidewalk.

The proposed driveway is generally positioned in the same location on Yonge Street as is the existing driveway that accesses the Roger's Video Store parking lot. It is slightly off-set (approximately 6 metres to the north) with the intersection of Imperial Street on the west side of Yonge Street. The applicant's consultant has looked at the potential for impact on the functioning of this intersection (Yonge Street and Imperial Street) by the proposed development. Their conclusions, as accepted by the City's Transportation Services staff, are:

- the traffic generated by the proposed development will not have any noticeable impact on the traffic operations of the Yonge Street and Imperial Street intersection during the weekday morning and afternoon peak hours; and
- neither opposing inbound nor opposing outbound left turn movements to or from the proposed development's driveway and Imperial Street will conflict with each other.

As a result, there are no operational concerns with the 6 metre off-set location of the proposed site driveway in relation to Imperial Street or with the existing traffic flow on Yonge Street.

Servicing

The applicant has submitted a stormwater management report and site servicing plan, and a site grading and drainage plan in support of the proposed development to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 206 residential units on a site of 0.4254 hectares (4,254 m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.2746 hectares (2,746 m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.0425 hectares (425 m²).

The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act R.S.O. 1990, c.P. 13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication that would be of usable size and the site would be fully encumbered with a below-grade parking garage.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Streetscape

Section 4.5.2(f) of the Official Plan requires that new development within *Mixed Use Areas* provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section also requires new developments to locate and mass buildings to frame the edge of streets. The front wall of a mixed use, mid-rise building is generally expected to be built to the front property line unless there is a setback required by the zoning by-law or unless the existing sidewalk width is insufficient.

In this case, By-law 438-86 does not require a front setback from Yonge Street and the existing sidewalk is sufficiently wide (approximately 4.9 metres) to allow the applicant to construct continuous irrigated tree pits containing 10 new street tree plantings at the curb edge. The building does have a 0.3 metre setback from the front property line thereby

allowing a total sidewalk area of 5.2 metres which will provide a safe, attractive and comfortable pedestrian environment.

Toronto Green Standard

The City's Green Development Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development has been designed to achieve 27 minimum and 14 enhanced targets for a total of 41 out of 63 targets. Some of the targets that are proposed to be met include:

- the primary entrances of the proposed development are within 200 metres of a transit stop;
- bicycle parking meets 0.75 spaces per dwelling unit;
- secure bicycle storage for long term parking;
- stormwater on-site retained to the same level of annual volume of overland runoff allowable under pre-development conditions;
- all runoff retained on the site from small design rainfall events (typically 5 mm);
- rainwater collected, treated (if necessary) and used for flushing toilets/urinals, irrigation, or other appropriate uses;
- at least 50% of non-hazardous construction and demolition debris salvaged or recycled;
- 70% of fixtures are Energy Star compliant; and
- light coloured building materials installed for 75% of the roof.

Tenure

Of the total of 206 proposed residential units, 33 are to be replacement rental units and 173 are to be residential condominiums. A draft plan of condominium will need to be submitted for approval.

Rental Housing

The 33 existing rental units include apartments over stores and separate walk-up apartment buildings. The units are mostly 1 and 2 bedroom apartments, though there is a single 3 bedroom apartment, and the sizes of the units range from small to generous. All but the 12 units in the 2 Millwood Ave apartment buildings have been vacant for some time. There are no common facilities in the existing rental housing buildings, with the exception of a laundry room.

The new replacement rental housing will be provided as rental housing, located within a section of the proposed mixed-use and condominium building. The rental component

represents an improvement over the condition and facilities of the existing rental housing. It will have its own lobby and mail room, as well as a laundry room and indoor amenity multi-purpose room. Bicycle parking, underground car parking and storage lockers will also be provided. The proposed unit mix replicates the existing unit mix: 18 one-bedroom and 14 two-bedroom apartments as well as 1 three-bedroom apartment. The unit sizes are very similar and in some cases larger than what is currently provided.

The City's typical practices will be reflected in the proposed Tenant Relocation and Assistance Plan: extended notice to vacate for demolition, the right to return for all tenants to the same unit type, with eligible tenants entitled to return at similar rents, a moving allowance for each required move during relocation, and additional financial assistance to help with the costs of alternative accommodation while the replacement rental housing is being built. This latter assistance will be varied to recognize the length of tenure and any special needs tenants. The City-approved assistance plan is in addition to provisions in provincial legislation.

The applicant's proposal and the City's standard practices for the length of rental tenure of the replacement rental units and restrictions on rent increases will be secured through the zoning by-law and Section 37 provisions, as well as with a Section 111 agreement pursuant to Municipal Code 667 and the City of Toronto Act. Staff support these rental housing provisions of the applicant's proposal, which maintain the intent of the Official Plan and the City's by-law on demolition and conversion of rental housing, and are consistent with established City practices for similar applications.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, replacement rental apartment units).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments (excepting non-profit developments) with a gfa of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

In this case, the gross floor area of the proposed development is increased by 9,965.4 square metres or 6,975.4 square metres when deducting the gfa of the rental replacement

apartment units. At 31.7 metres the proposed building is significantly higher than the 16.0 metres that is permitted.

Based on the estimated land value of the proposed density increase excluding the rental replacement gross floor area, this applicant has agreed to a contribution of \$435,000.00 to be deposited to the Planning Act Reserve Fund. The funds will be secured in the Section 37 Agreement for the construction and other associated costs of the Neshama Accessible Playground to be built within Oriole Park to the south and west of the site or for the purchase, design and/or construction of a new park on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West.

Section 5.1.1.6(h) of the Official Plan authorizes Section 37 funds to be used to secure the replacement of existing rental housing in accordance with the Housing Policies (Section 3.2.1 of the Plan).

This applicant is to provide 33 new replacement rental dwelling units comprised of 18 one-bedroom, 14 two-bedroom units and 1 three-bedroom unit. Twenty seven of the replacement rental units will have affordable rents and 6 will have mid-range rents and will be subject to more detailed requirements as set out in the draft by-law (Attachment 10).

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. the securing of architectural plans, elevations and landscape drawings and the submission of 1:50 scale elevation drawings for the Yonge Street, Belsize Drive and Millwood Road elevations, illustrating materials and finishes to the satisfaction of the Chief Planner and Executive Director, City of Toronto Planning Division.

Development Charges

It is estimated that the development charges for this project will be \$736,893.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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SIGNATURE

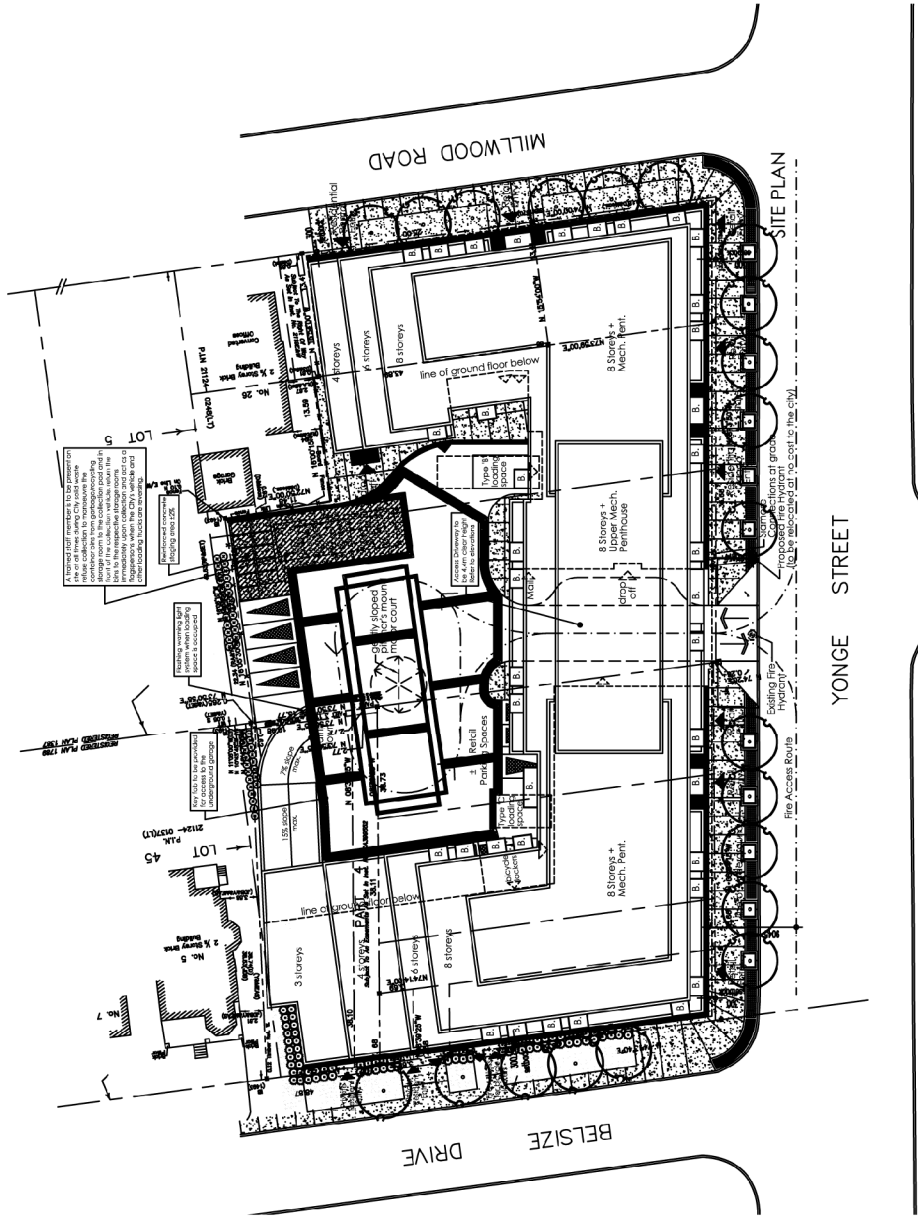
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: East Elevation
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Official Plan
Attachment 7: Zoning
Attachment 8: Application Data Sheet
Attachment 9: Draft Official Plan Amendment
Attachment 10: Draft Zoning By-law Amendment

Attachment 1: Site Plan

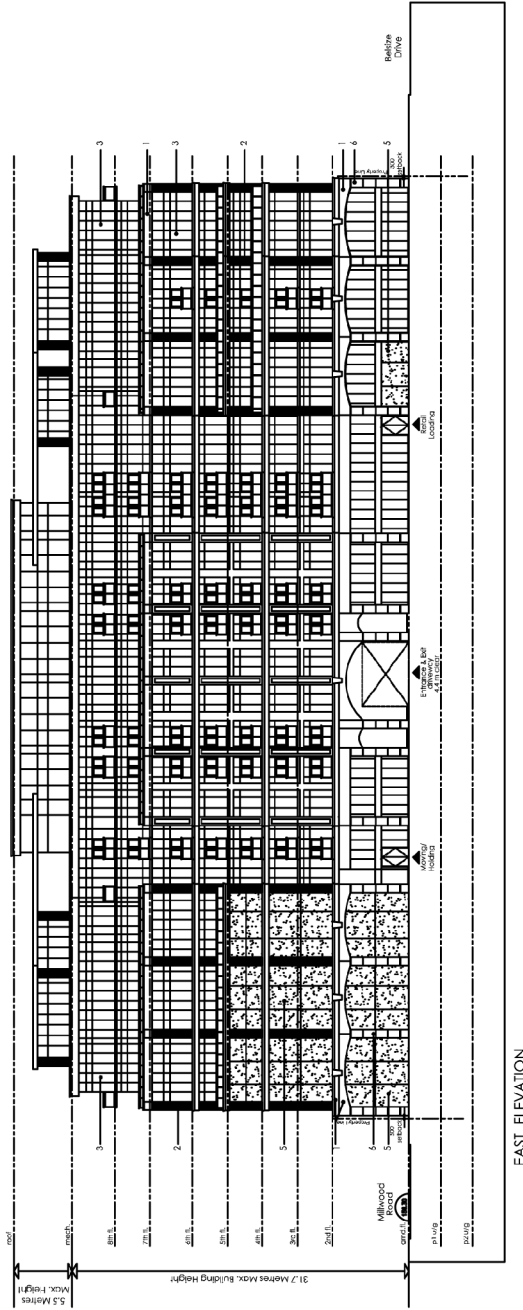


Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 07/13/2010

1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

File # 09_191738

Attachment 2: East Elevation



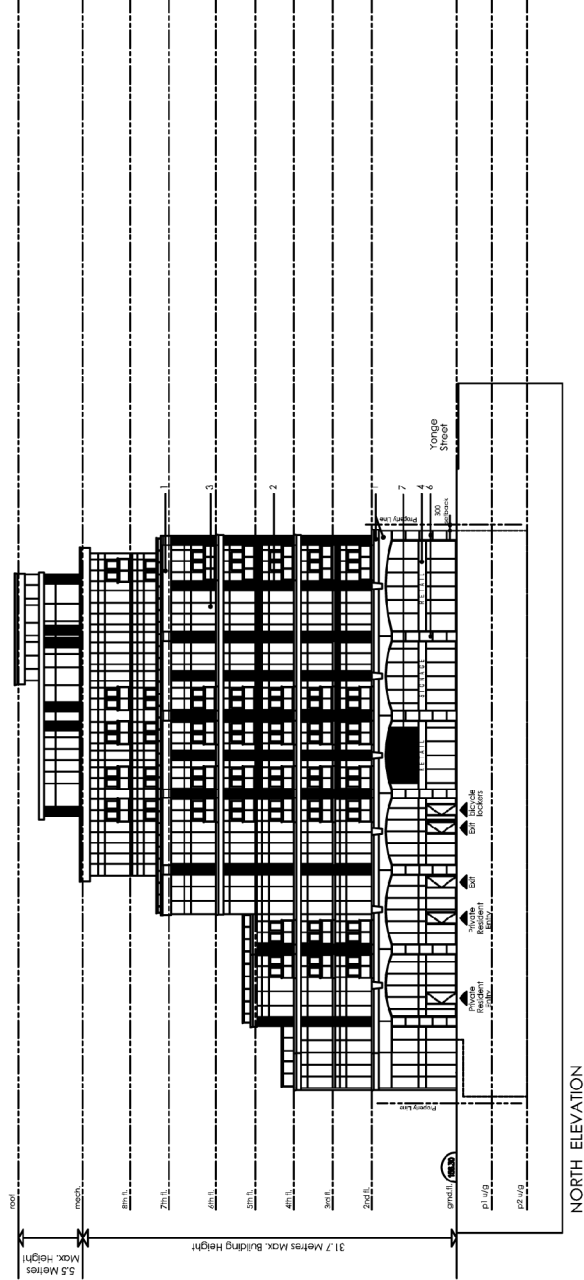
Elevation 1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

Applicant's Submitted Drawing

Not to Scale
07/13/2010

File # 09_191738

Attachment 3: North Elevation



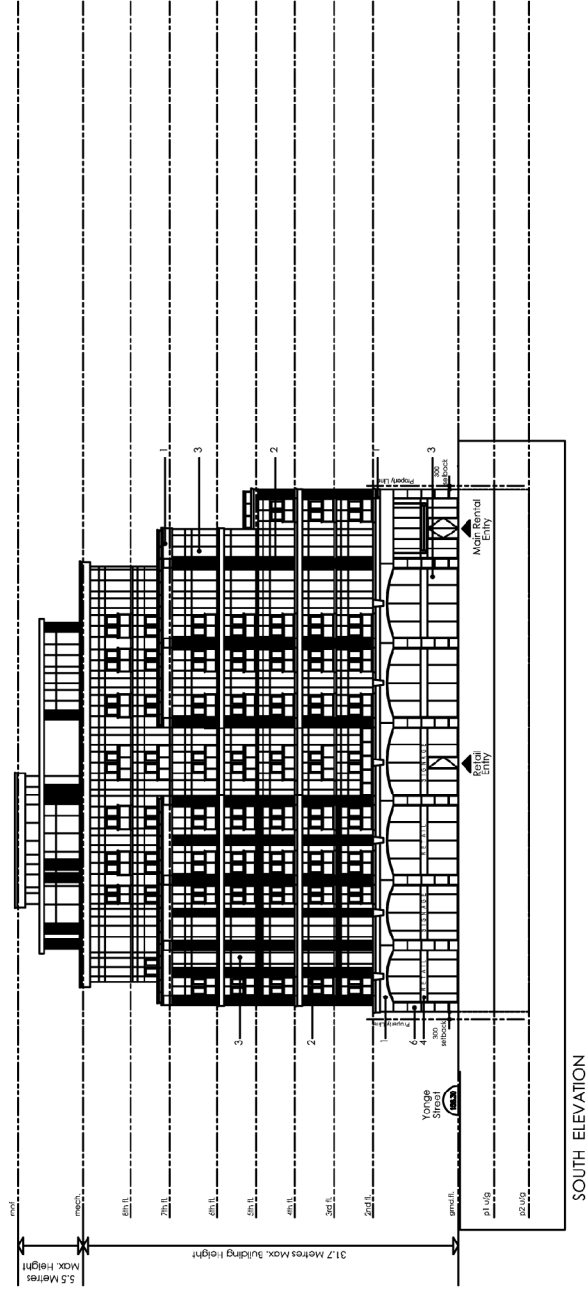
Elevation 1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

Applicant's Submitted Drawing

Not to Scale
07/13/2010

File # 09_191738

Attachment 4: South Elevation



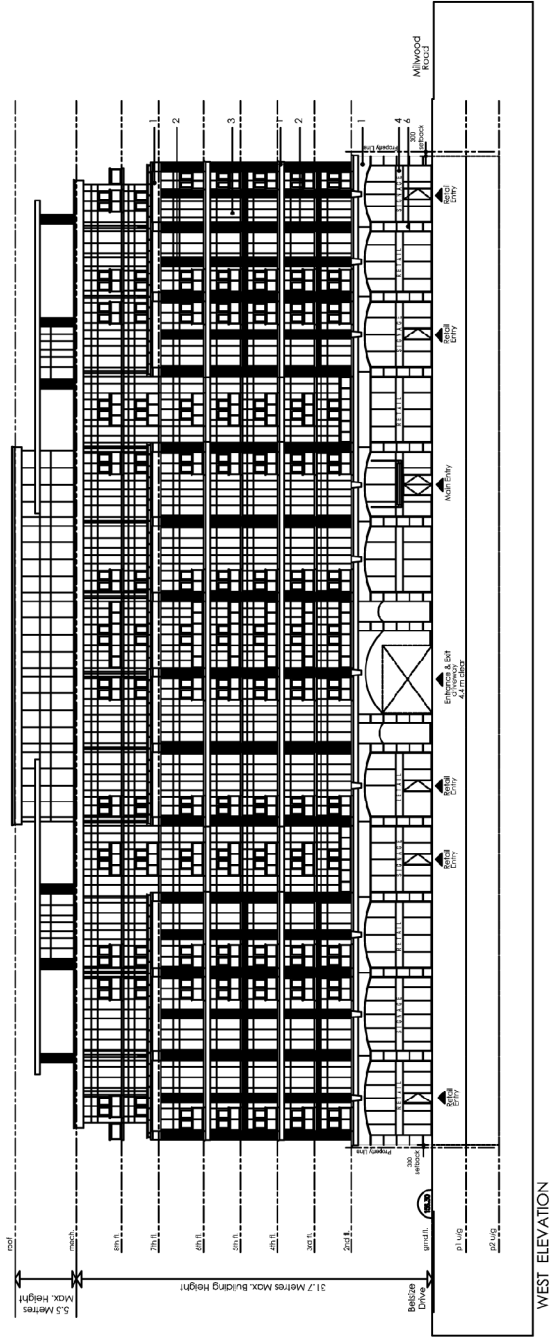
Elevation 1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

Applicant's Submitted Drawing

Not to Scale
07/13/2010

File # 09_191738

Attachment 5: West Elevation



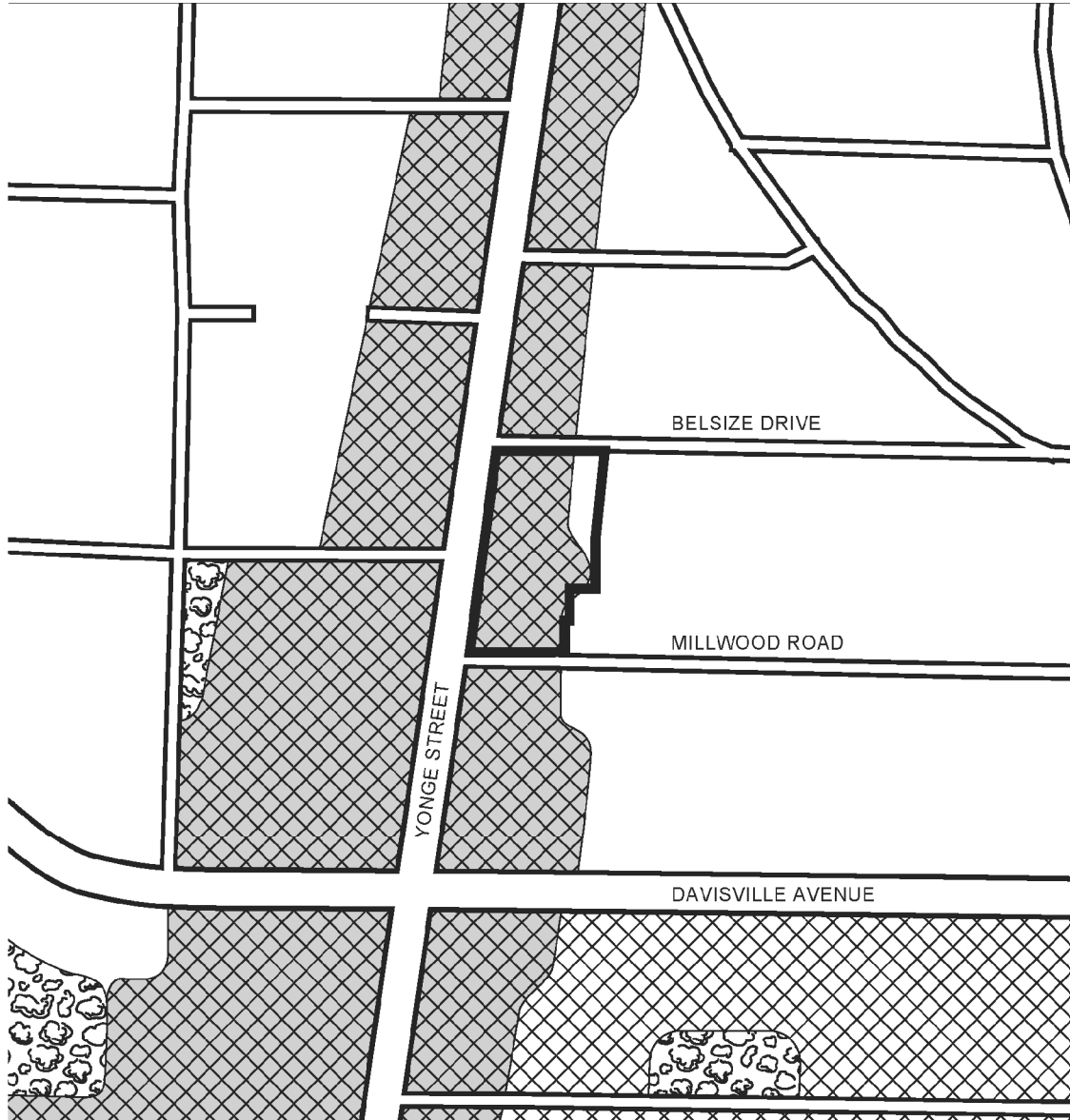
Elevation 1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

Applicant's Submitted Drawing

Not to Scale
07/13/2010

File # 09_191738

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

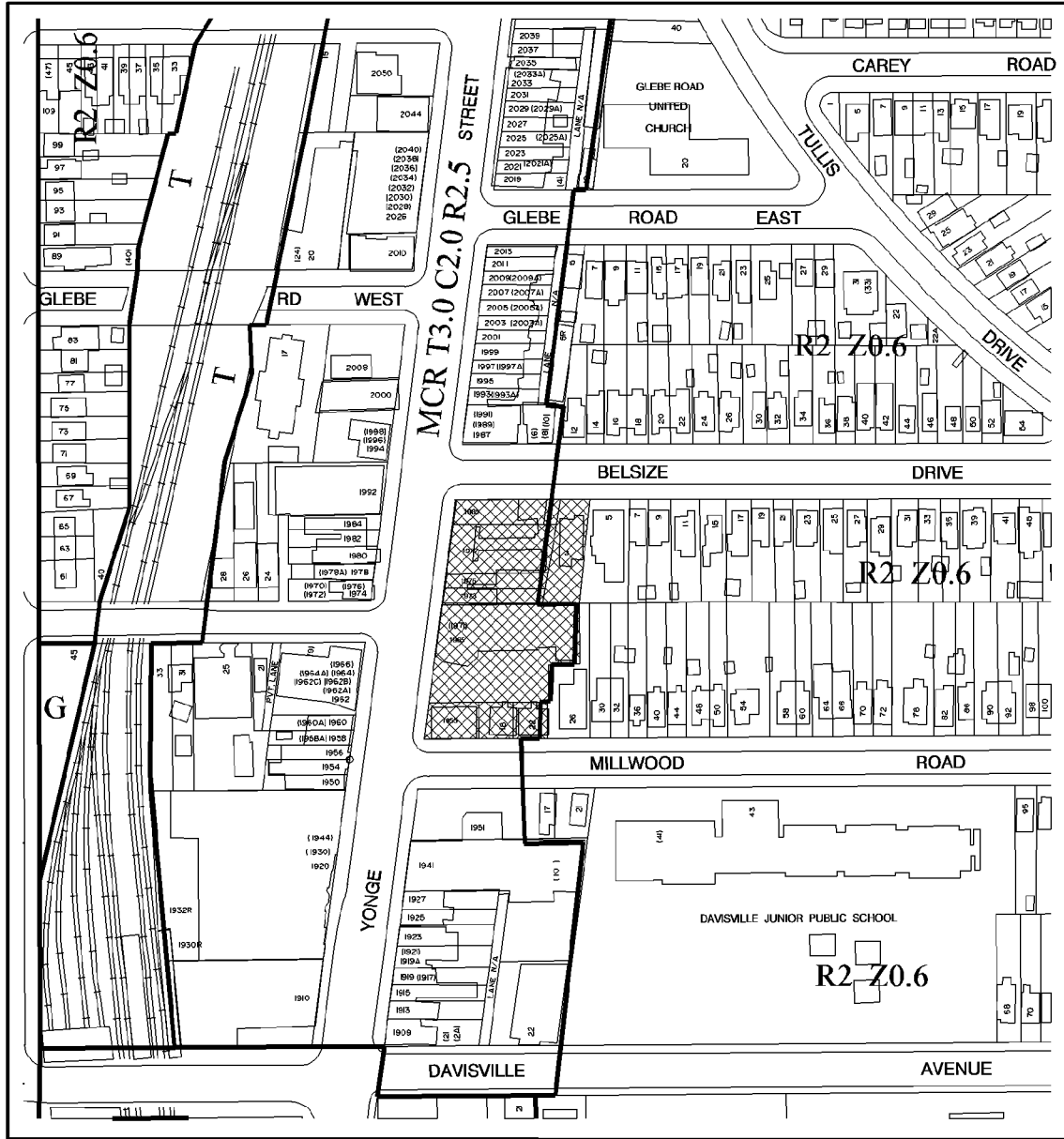
1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

File # 09_112006

- | | |
|--|--|
|  Site Location |  Parks & Open Space Areas |
|  Neighbourhoods |  Parks |
|  Apartment Neighbourhoods | |
|  Mixed Use Areas | |


 Not to Scale
 07/13/2010

Attachment 7: Zoning



1955 - 1985 Yonge Street, 3 Belsize Drive & 18 - 22 Millwood Road

Zoning

File # 06_199913

- G Parks District
- R2 Residential District
- MCR Mixed-Use District
- T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/13/2010 - JC

Attachment 8: Application Data Sheet

Application Type	Official Plan Amendment	Application Number:	09 191738 STE 22 OZ
Details	OPA, Standard	Application Date:	November 26, 2009
Municipal Address:	1955 – 1985 YONGE ST., 3 BELSIZE DR. & 18 – 22 MILLWOOD RD.		
Location Description:	PL 1789 PT LTS 44 & 45 **GRID S2208		
Project Description:	Official Plan and Zoning By-law amendments for the subject lands indicated above. Scope of project: Proposed replacement of existing mixed-commercial units with a mixed-use development; retail at grade, residential units above (206 dwellings) of which 33 are for rental replacement purposes in a 8-storey building stepping to 6, to 4 to 3-storeys on Belsize and stepping to 6 and to 4-storeys on Millwood.		

Applicant:	Agent:	Architect:	Owner:
Sherman - Brown - Dryer - Karol		Graziani & Corazza Architects Inc.	Kilbarry Holdings Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas / Neighbourhoods	Site Specific Provision:	
Zoning:	MCR T3.0 C2.0 R2.5, R2 Z0.6	Historical Status:	
Height Limit (m):	16, 9	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	4254	Height:	Storeys:	8
Frontage (m):	88.91		Metres:	31.7
Depth (m):	48.87			
Total Ground Floor Area (sq. m):	2285			Total
Total Residential GFA (sq. m):	19,834		Parking Spaces:	200
Total Non-Residential GFA (sq. m):	1042		Loading Docks	3
Total GFA (sq. m):	21,660 (including indoor amenity areas)			
Lot Coverage Ratio (%):	53.7			
Floor Space Index:	5.1			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	20,750	0
Bachelor:	7	Retail GFA (sq. m):	1042	0
1 Bedroom:	128	Office GFA (sq. m):	0	0
2 Bedroom:	70	Industrial GFA (sq. m):	0	0
3 + Bedroom:	1	Institutional/Other GFA (sq. m):	0	0
Total Units:	206			

Attachment 9: Draft Official Plan Amendment

Authority: Toronto and East York Community Council. Item ____ (or Report No. ____, C; Clause No. ____) as adopted by Council on ____, 2010

Enacted by Council: _____, 2010

CITY OF TORONTO BY-LAW No. _____, 2010

To adopt Amendment No. 137 to the Official Plan for the City of Toronto respecting a portion of the lands in the block north of Millwood Road, south of Belsize Drive and east of Yonge Street

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*;

1. the attached Amendment No. 137 to the Official Plan is hereby adopted pursuant to the *Planning Act*, R.S.O. 1990, c.P. 13, as amended.

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

SANDRA BUSSIN
Speaker

ULI WATKISS
City Clerk

The following text and schedule constitute Amendment No. 137 to the Official Plan for the City of Toronto.

OFFICIAL PLAN AMENDMENT

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

1. Map 17, Land Use Plan, is amended by redesignating a portion of the lands on the block bounded by the east side of Yonge Street, Belsize Drive and Millwood Road from *Neighbourhoods* to *Mixed Use Areas* as shown on the attached Map.

CITY OF TORONTO BY-LAW NO. xxx-2010

Authority: Toronto and East York Community Council Item – as adopted by City of Toronto Council on _____, 2010

Enacted by Council: _____, 2010

To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting a portion of the lands known municipally in the year 2010 as 1955-1985 Yonge Street, 18 and 22 Millwood Road, & 3 Belsize Drive.

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*;

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in 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 or matters; and

WHEREAS the owner of the lands has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2 with respect to ‘*height*’, “*lot*” and “*grade*” and Sections 4(2)(a); 4(3)(a); 4(4)(b); 4(12); 6; 8(2) 11(iv); 8(3) Part I 1; 8(3) Part I 3(a); 8(3) Part II 1(b)(ii); 8(3) Part II 4; 8(3) Part IV; 8(3) Part XI 1; 8(3) Part XI 2(ii); 12(2) 63; 12(2) 118; 12 (2) 119; 12 (2) 270; and 12 (7) of Zoning By-law No. 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of one *mixed use building* containing both residential and non-residential uses on the *lot*, provided that:
 - (a) The *lot* consists of those lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 22,000 square metres inclusive of indoor *residential amenity space*, provided:
 - (i) the *residential gross floor area* on the *lot* does not exceed 20,800 square metres;
 - (ii) the *non-residential gross floor area* does not exceed 1,200 square metres; and
 - (iii) the maximum number of *dwelling unit(s)* on the *lot* shall be 206.
 - (c) the *height* of any *mixed-use building* or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Map 2;
 - (d) the following *mixed-use building* elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the heights shown on Map 2:
 - (i) elevator shafts and associated equipment, mechanical equipment, chimney stacks or other heating, cooling or ventilating equipment, window washing equipment, cornices, canopies, ornamental elements, landscaping elements including planters and trellises, parapets, railings, guardrails, stairs, and stair enclosures may exceed the maximum *height* limits as shown on Map 2 by no more than 5.5 metres;
 - (e) no portion of any *building* or *structure* erected on the *lot* above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2, with the exception of the following:
 - (i) Canopies and awnings are permitted outside the heavy lines shown on Map 2;

- (ii) Balconies, terraces, lighting fixtures, ornamental elements, parapets, trellises, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, underground garage ramps and landscape features may extend beyond the heavy lines shown on the attached Map 2;
- (f) windows for dwelling units shall be permitted at a minimum setback of 0.3 metres from the east *lot* line;
- (g) not less than 700 square metres of indoor *residential amenity space* shall be provided for the exclusive use of the residents of the building;
- (h) not less than 70 square metres of the 700 square metres of indoor *residential amenity space* not including the common laundry facilities shall be provided for the exclusive use of the residential rental apartments;
- (i) the *indoor residential amenity space* shall be permitted to be located in non-contiguous rooms, provided at least one such room contains a kitchen and washroom;
- (j) not less than 132 square metres of outdoor *residential amenity space* shall be provided on the *lot*;
- (k) the minimum required number of parking spaces that shall be provided and maintained on the *lot* to serve the residential component of the project in accordance with the following ratios:

<i>bachelor units</i>	0.5 space per dwelling unit
<i>1-bedroom units</i>	0.5 space per dwelling unit
<i>2-bedroom units</i>	0.85 space per dwelling unit
<i>3-bedroom units</i>	1.0 spaces per dwelling unit
<i>visitors</i>	0.12 space per dwelling unit

- (l) the maximum number of *parking spaces* that shall be permitted to be provided and maintained in a surface parking area within 7.5 metres of an 'R' district on the *lot* to serve the non-residential component of the project shall be 13 spaces.

2. Pursuant to Section 37 of the *Planning Act*, the *heights* and *density* of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the *owner* of the *lot* of the facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 2 of this By-law.

3. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter or the payment of any monetary contribution as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
4. None of the provisions of By-law No. 438-86 shall apply to prevent a *sales office* on the *lot* as of the date of the passing of this By-law.
5. Notwithstanding any future severance of the *lot*, this by-law shall apply to the entire *lot* as if no severance had occurred.
6. Definitions:

For the purposes of this By-law and subject to Section (a) below, the terms set forth in italics shall have the same meaning as such terms have for the purposes of By-law No. 438-86, as amended except that the following definitions shall apply:

- (i) *sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of the sale of *dwelling units* to be erected on the *lot*;
- (ii) *height* means the vertical distance between *grade* and the highest point of the roof, building or structure, as shown on Map 2, exclusive of any elements described in 1(c)(i) herein up to a maximum of 5.5 metres to the top of the mechanical penthouse roof slab;
- (iii) “*lot*” means those lands outlined on Schedule 1 attached hereto;
- (iv) “*grade*” means 156.3 metres Canadian Geodetic Datum;

ENACTED AND PASSED this _____ day of _____, 2010.

Appendix 1 to Attachment 10 - Zoning By-law Amendment

Appendix “1” Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the *owner* of the *lot* at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- (1) the *owner* shall pay to the *City* a payment of \$435,000.00 of which \$100,000 will be payable prior to the introduction of the Bills in *City Council* and the remaining \$335,000.00 will be payable prior to the issuance of the first building permit. Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law and the date of payment. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of the Neshama Accessible Playground at Oriole Park and/or for the purchase, design and construction of lands for a new park facility on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West.

- (2) the owner shall provide and maintain not less than 33 new replacement rental dwelling units *on the lot*, comprising at least 27 affordable rental *dwelling units* and 6 rental *dwelling units* with rents no higher than mid-range rents, which units shall generally be of the same type and size as in the buildings existing on the *lot* at the date of enactment of this by-law, to the satisfaction of the *City’s* Chief Planner and Executive Director, *City Planning Division*, subject to the following:
 - (a) the replacement rental dwelling units shall comprise 18 one-bedroom units, 14 two-bedroom units and 1 three-bedroom unit;

 - (b) the replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units; and

- (c) the 33 replacement rental *dwelling units* shall be ready and available for occupancy no later than the date by which not more than 60% of the other *dwelling units* erected on the *lot* are available and ready for occupancy.
- (3) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 27 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.
- (4) owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 6 replacement rental *dwelling units* with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as (3) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type.
- (5) rents charged to tenants occupying a replacement rental *dwelling unit* at the end of the 10-year period set forth in (3) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (2(b)) with a phase-in period of a least three years for rent increases.
- (6) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in (4) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.
- (7) the owner shall provide, prior to the introduction of bills in City Council, and implement a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each eligible tenant at 18 to 22 Millwood Road the right to return to a replacement rental unit, assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant, with provisions for special needs tenants.

The following matter is recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

- (8) the owner shall incorporate in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for the development's Yonge Street, Belsize Drive and Millwood Road elevations.

The *owner* of the *lot* shall enter into and register on title to the *lot* and on title to the lands known municipally in 2009 as 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road one or more agreements with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix.