

**228 Wilson Avenue – Zoning By-law Application  
– Final Report**

<b>Date:</b>	July 21, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	11 324675 NNY 16 OZ

**SUMMARY**

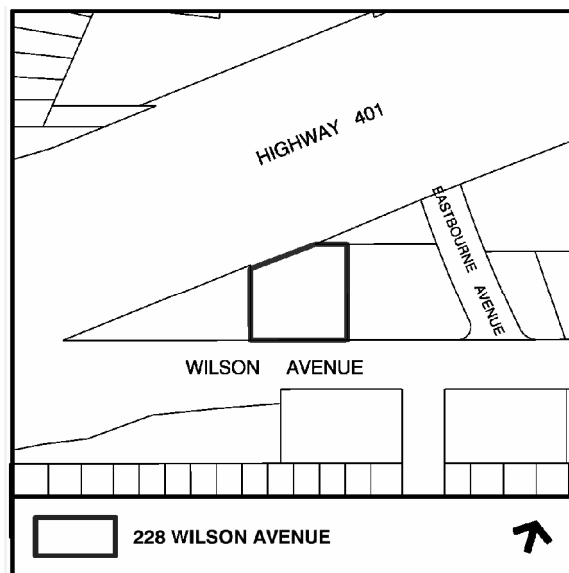
The application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a 17-storey (57 metre) condominium apartment building at 228 Wilson Avenue. The building will contain a total of 108 dwelling units which includes four 2-storey townhouses type units fronting Wilson Avenue. There are 130 parking spaces proposed within a 5 level below grade parking garage. Access to the site would be provided from a driveway off Wilson Avenue at the east end of the site.

This report reviews and recommends approval of the application to amend the North York Zoning By-law 7625 and permit a 17-storey apartment building at 228 Wilson Avenue.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend former City of North York Zoning By-law 7625 for the lands at 228 Wilson Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6.
2. City Council authorize the City



Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

3. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
  - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
    - i. Prior to issuance of an above grade building permit the owner shall provide a financial contribution in the amount of \$325,000.00 to be used for capital improvements to Old Orchard Park and for streetscape improvements in the vicinity of the site, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
  - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
    - i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting of October 26 and 27, 2009.
    - ii. The owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director of Engineering and Construction Service in consultation with the Chief Planner and Executive Director City Planning.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At its meeting on February 14, 2012 North York Community Council (NYCC) considered the Preliminary Report for this Zoning By-law Amendment application. Community Council directed that City Planning staff schedule a community consultation meeting together with the Ward Councillor and that notice for the public meeting be given according to regulations of the *Planning Act*.

The Preliminary Report is available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY13.21>

## **ISSUE BACKGROUND**

### **Proposal**

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a 17-storey condominium apartment building 57 metres in height. Proposed are a total of 108 residential dwelling units including four 2-storey townhouses type units fronting Wilson Avenue forming part of a 4-storey base building. The townhouse type units would all be two bedroom units, while the apartment unit mix includes: 26 one bedroom, 24 one bedroom + den, 47 two bedrooms, 3 two bedrooms + den, 5 three bedrooms, and 3 three bedrooms + den. Unit sizes would range from approximately 56 m<sup>2</sup> (602 ft<sup>2</sup>) to 141 m<sup>2</sup> (1,517 ft<sup>2</sup>). The development includes 52 m<sup>2</sup> (560 ft<sup>2</sup>) of outdoor amenity space and 479 m<sup>2</sup> of indoor amenity space on the 2<sup>nd</sup> and 3<sup>rd</sup> levels which consists of a games room, party room, pool and fitness room.

The 4-storey base portion of the building is proposed to have a 0 metre setback along the west and east property lines, a 3.0 metre setback from Wilson Avenue, a 14 metre setback from Highway 401 to the first floor garbage room with the remainder of the building setback 17 metres from Highway 401. The tower portion would have a floor plate of 702 m<sup>2</sup> (7,556 ft<sup>2</sup>) on levels 5-6 and the remainder of the tower would have a floor plate of approximately 609 m<sup>2</sup> (6,555 ft<sup>2</sup>). The tower would be setback 3 metres from the west property line, a minimum of 3.8 metres from the east property line on levels 5 and 6 stepping back to 7.7 metres on level 7 and above, 17 metres from the rear property line and approximately 6 metres from Wilson Avenue. The proposed gross floor area for this project is 10, 995 m<sup>2</sup> resulting in a floor space index of 5.74.

There are 130 parking spaces proposed within a 5 level below grade parking garage. Vehicular access to the site would be from a driveway off Wilson Avenue at the east end of the site and pedestrian access would be from a mid-building entrance on Wilson Avenue. A total of 82 bicycle parking spaces are proposed with 48 spaces at grade and 34 spaces below grade. The loading area and ramp to the parking garage are located at the northeast end of the building.

### **Site and Surrounding Area**

The subject property has an area of 1,916 m<sup>2</sup> (20,624 ft<sup>2</sup>) with a frontage of 45.7m (150 ft) and is located on the north side of Wilson Avenue, south of Highway 401 and west of Avenue Road. The site is currently occupied by a one-storey brick Toronto Hydro building that has been decommissioned.

The area contains a mix of residential, institutional and commercial uses as follows:

North: MacDonal Cartier Highway (Highway 401) runs along the entire length of the property. There is an existing noise attenuation wall along this property line.

East: On the north side of Wilson Avenue immediately to the east is the City of Toronto Armour Heights Pumping Station (226 Wilson Avenue), further east are two 3-

storey residential apartment buildings (222 and 220 Wilson Avenue) and the Temple Sinai Congregation Synagogue (210 Wilson Avenue). There are a number of residential buildings with the tallest approximately 18-storeys in height at Wilson Avenue and Ridley Boulevard and Avenue Road.

South: Across Wilson Avenue to the south between Avenue Road and Highway 401 are a number of 3-5-storey residential apartment buildings. South of these buildings are low density residential dwellings.

West: A Ministry of Transportation (MTO) property with no structures on it. Further west is the Wilson Avenue underpass beneath Highway 401.

### **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. 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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The subject site is designated *Apartment Neighbourhoods* on Map 16 (Land Use Map) of the Official Plan. Lands designated *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. All land uses provided for in the *Neighbourhoods* designation are also permitted in *Apartment Neighbourhoods*.

Development in *Apartment Neighbourhoods* will:

- Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan;
- Locate and mass new buildings so as to adequately limit shadow impacts on properties;
- Locate and mass new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;

- Include sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- Locate and screen services areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- Provide ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- Provide buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with disabilities.

Other relevant policies were used to review this development proposal including those in the “Public Realm” and “Built Form” sections of the Plan.

The Toronto Official Plan is available on the City’s website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The subject lands at 228 Wilson Avenue were excluded from the new City of Toronto Zoning By-law 569-2013. The subject site is zoned One-Family Detached Dwelling Third Density Zone (R3), by former City of North York Zoning By-law No. 7625. The R3 zoning permits detached dwellings with a maximum height of 8.8 metres on lots having a minimum frontage of 18 metres and a minimum lot area of 690 m<sup>2</sup>. A variety of recreational and institutional uses are also permitted within this zone.

The site is also subject to the height restrictions related to the former Downsview Airport, now operated by Bombardier Aerospace, as imposed by Schedule 'D' (Airport Hazard Map). The Schedule imposes a maximum building and structure height of 60.96 metres on the subject property.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

## **Site Plan Control**

A site plan control application has been submitted with the subject rezoning application and is currently under review.

## **Reasons for Application**

The amendment to the Zoning By-law is required to permit the proposed residential apartment building and to implement appropriate performance standards to regulate the proposal. Such performance standards include: height, density, setbacks, parking, landscaped open space and amenity areas.

## **Community Consultation**

A community consultation meeting was held by City Planning on May 2, 2012 and approximately 20 members of the public attended along with the applicant, their consultant team, and the Ward Councillor.

The following issues were raised at the community consultation meeting:

- Residents felt that the building was too high and dense. Some suggested 4-storeys like along the south side of Wilson Avenue or 5-6 storeys would be more appropriate;
- Concerns over area traffic and potential cars filtering into neighbourhood to the south, adequate vehicular parking on site and safety issues for cars trying to turn in and out of the development site;
- Tall building could create adverse wind conditions on existing neighbourhood to the south and on proposed open space area to the north of the building;
- Concerns raised if proposed building material would result in reflection or glare on cars on Highway 401 and neighbourhood to the south;
- Concerns over if there would be any shadow impact;
- The proposed building would take away sky views of nearby residents and proposed balconies would result in privacy and overlook issues for the residential neighbourhood to the south;
- Residents were split on whether the building fit with the local architecture and character of area;
- Open space along north end of building was poorly designed; and
- Car noise from Highway 401 negatively impacting residents in the proposed building and car noise from residents of the new building impacting the existing neighbourhood.

The local Councillor hosted a second community meeting on July 17, 2014 and approximately 13 members of the public attended along with the applicant, their consultant team, Planning staff and the Ward Councillor. The purpose of this meeting was to update residents on the changes made to the proposal since the last community consultation meeting and provide residents a chance to ask questions and provide comments prior to the Statutory Public Meeting. Issues raised by residents at this meeting were in keeping with the issues raised at the previous meeting in May 2012 with

building height, density and area traffic being the most important. An additional issue raised was concern over how this building would impact sightlines for vehicles when they were turning out from Clyde Avenue and Allard Avenue onto Wilson Avenue.

### **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 proposal is consistent with the PPS and the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal allows for the development of an underutilized site within an *Apartment Neighbourhoods* designation.

### **Land Use**

The triangular area bounded by Highway 401, Avenue Road and Wilson Avenue, plus the majority of properties fronting on the south side of Wilson Avenue are all designated *Apartment Neighbourhoods*. The south side of Wilson Avenue consists of a number of 3-5 storey walk-up apartment buildings and the north side of Wilson Avenue generally consists of larger apartment buildings up to 18 storeys. As you move from Avenue Road east to west along the north side of Wilson Avenue the properties generally get smaller in area as you approach the Highway 401 underpass.

The subject development site has a Ministry of Transportation (MTO) property located directly to the west (no municipal address) that is vacant and required by the MTO for access, maintenance and for underground utilities. There are no structures on the MTO property and it remains as a grassed and treed site. The property to the east of the subject site is also publicly owned and is the City of Toronto's Armour Heights Pumping Station (226 Wilson Avenue). The pumping station consists of a one-storey brick building with landscaped yards.

Planning staff have had discussions with both the MTO and Toronto Water and both public agencies have advised that the properties are required in the long term and will not be developed. The subject development site is distinctive in that it has landscaped public lands located on either side that are to remain in public ownership for the foreseeable future.

The proposed land use is consistent with the Official Plan *Apartment Neighbourhoods* designation, with other existing residential apartment land uses within the area and compatible with the public lands to the east and the west of the site.

## **Height and Density**

The site is subject to the height restrictions related to the former Downsview Airport, now operated by Bombardier Aerospace, as imposed by Schedule 'D' (Airport Hazard Map). The proposal has been circulated to Bombardier who through their review of the proposal have advised that the all inclusive maximum height permitted at this location is 238.80 metres above sea level or 57 metres above grade including all structures, rooftop mechanical equipment, antennae, satellite dishes and design features. The proposal complies with the maximum height required by Bombardier. The draft Zoning By-law (Attachment 6) contains provisions to limit the maximum height.

The north side of Wilson Avenue includes a number of taller apartment buildings located between Wilson Avenue and Highway 401 including 265 Ridley Boulevard (18 storeys), 271 Ridley Boulevard (14 storeys), 268 Ridley Boulevard (17 storeys), 262 Ridley Boulevard (8 storeys) and 2200 Avenue Road (16 storeys). Smaller apartment buildings from 3-5 storeys fronting along the south side of Wilson Avenue from 225 Wilson Avenue to 193 Wilson Avenue provide transition to the lower scale single family neighbourhood to the south. The proposed building height is appropriate and fits within this neighbourhood.

The proposed development contains a 4 storey base building approximately 13.4 metres in height, which includes 2-storey townhouses type units, apartment units, lobby and main entrance, and amenity areas. The south side of the base building is defined with the tower stepped back 3 metres from the base building which is setback 3 metres from the property line. The 4-storey base building is in keeping with the 3-5 storey buildings fronting on the south side of Wilson Avenue.

The subject development site is distinctive in this area in that it has public lands located on either side that are to remain in public ownership for the foreseeable future. The development site works in conjunction with the adjacent public properties resulting in an apartment building that is setback from any nearby development and provides for an overall less intense form of development along the west end of the Apartment Neighbourhoods designation. The height, density, and built form results in an appropriate development that fits this location. Given the unique context of this site, the proposed density at 5.74 times the lot area is appropriate.

## **Neighbourhood Compatibility**

The proposal includes a 4-storey base building that is consistent in scale with the 3-5 storey walk-up apartments on the south side of Wilson Avenue. Additionally, the proposal has been revised to include more brick along the base building which is also consistent with building materials for the walk-up apartments south of Wilson Avenue. The base building includes four 2-storey townhouse type units and the building maintains the low-rise residential character of Wilson Avenue. In contrast, the north side of the building is a more modern and sleek design that is predominately viewed by vehicles travelling along Highway 401. The proposed building fits within the local character of the area.



The proposal meets the overall intent and purpose of the City-wide Tall Building Guidelines as the proposal: base building frames the edge of the street and fits harmoniously within its existing context; scale and height of the base building fits the existing context of neighbouring building heights at the street and respects the scale and proportion of adjacent streets; floorplate is 702 m<sup>2</sup> (7,556 ft<sup>2</sup>) on levels 5-6 and the remainder of the tower approximately 609 m<sup>2</sup> (6,555 ft<sup>2</sup>), whereas the tall building guidelines recommend a maximum of 750 m<sup>2</sup>. The proposal provides acceptable wind and shadow impacts, is located in a prominent location along Highway 401 and the top of the tower is designed in a manner that makes an appropriate contribution to the quality and character of the skyline.

As typical with apartment building developments adjacent to Highway 401, vehicle noise from Highway 401 will impact the proposed building. In order to minimize noise impact from Highway 401, noise mitigation measures will be included that include: central air-conditioning for dwelling units, upgraded façade components including windows and walls, shallower balconies, and warning clauses within agreements of purchase and sale. The building itself will act as a noise barrier between Highway 401 and the residential homes directly to the south of the building reducing noise.

### **Shadow, Sun and Wind**

The applicant submitted a shadow impact study for the development and staff were satisfied with the level of shadowing that would occur on other nearby properties and streets. As the site is located on the north side of Wilson Avenue the majority of the shadowing would occur on Highway 401 with some shadowing on the properties to the west and east of the proposed site. The single family homes and 3-5 storey walk-up apartments to the south of Wilson Avenue would not be impacted by shadows.

Residents had concerns that the proposed building materials would cause reflection or glare on cars travelling along Highway 401 and on residential homes to the south of Wilson Avenue. The proposed building materials are non-reflective and would not result in reflection or glare. The site plan application is still under review and materials to be used on the building will be non-reflective and secured as part of the site plan process.

The applicant submitted a wind study with their application and staff were satisfied that wind impacts would be acceptable. The building is designed with a number of stepbacks and canopies that would limit any wind impacts. The site plan application is still under review and staff will ensure that the design of the building and landscape continues to minimize any wind impacts. The single family homes to the south of the proposed development are located a sufficient distance away where they would not be impacted by wind.

### **Overlook, Privacy and Sky View**

The proposed development includes balconies along the south side of the building and does include a large 5<sup>th</sup> floor terrace. Residents were concerned that this would create overlook and privacy issues for the residential apartments and single family homes to the south. The proposed development site is located on the north side of Wilson Avenue and

is separated from the 3-5 storey apartments on the south side of Wilson Avenue by the right-of-way which is 27 metres. The backyards of the single-family homes to the south are approximately 60 metres away from the proposed development site. The upper level of the towers would have greater views of the larger area, however, the tower component is setback an additional 6 metres from the street line separating the residential areas to the south by an even greater distance. The proposed development is situated a sufficient distance away from other residential properties and as a result there would not be any adverse impacts with respect to overlook, privacy or sky views. Staff will review the 5<sup>th</sup> floor terrace as part of the site plan process and look to minimize any impacts through detailed design and landscaping elements.

### **Traffic Impact, Access and Parking**

The applicant's traffic engineering consultant submitted a Transportation Impact Study which estimates that the project will generate approximately 41 and 49 two-way trips during the a.m. and p.m. peak hours, respectively. The traffic generated from the proposed development is not expected to have a significant impact on the area and as a result, Transportation Services staff have accepted the findings of the report.

The site will be accessed from a single driveway off Wilson Avenue located along the eastern edge of the property. This driveway will provide access to both the loading area and underground parking ramp. All loading will be done on site with loading vehicles entering and exiting the site in a forward motion. The provision for a loading space has been secured as part of the draft Zoning By-law found at Attachment 6. Transportation Services staff have reviewed the proposal with respect to vehicles accessing the site and any potential obstruction of site lines resulting from vehicles travelling eastwards from under Highway 401 along Wilson Avenue. Additionally, staff reviewed the impact of this development on site lines for vehicles travelling north along Clyde Avenue and Allard Avenue when turning onto Wilson Avenue. Transportation Services staff are satisfied that there are not any site line issues for vehicles as a result of this development.

The project proposes a total of 130 parking spaces within 5 levels of below grade parking of which 22 parking spaces are dedicated for visitors. Based on the current unit count and configuration a minimum of 127 parking spaces are required to be provided. The parking requirement for the project is governed by the applicable parking provisions contained in the former City of North York general Zoning By-law No. 7625. However, the new City of Toronto Zoning By-law 569-2013 was adopted in April 2013 with updated parking requirements for developments. The parking provisions contained in this By-law have been accepted by staff on recent development projects, where appropriate, as the associated parking standards are based on more recent information when compared to the former City of North York general Zoning By-law. As a result, the proposed parking supply is satisfactory provided that parking for this project is required to be provided in accordance with Zoning By-law 569-2013 as per the table below. The draft Zoning By-law found at Attachment 6 secures these parking rates.

<b>Parking Requirements for Project Use</b>	<b>Scale</b>	<b>Minimum Parking Rate</b>	<b>Min. # of Spaces Required</b>
Residential Condominium			
1 Bedroom	50 units	0.9 spaces per unit	45
2 Bedrooms	50 units	1.0 spaces per unit	50
3 Bedrooms	8 units	1.2 spaces per unit	9.6
Visitors	108 units	0.2 spaces per unit	21.6
<b>Grand Total</b>		<b>127</b>	

The project also proposes a total of 82 bicycle parking spaces. The ground floor includes 31 bicycle parking spaces within a room inside the building and 17 spaces outside by the main entrance to the building along Wilson Avenue. A bicycle storage room with 34 spaces is also located on below grade parking level 1. The bicycle parking rates proposed are 0.6 occupant bicycle parking spaces per dwelling unit and 0.15 visitor bicycle parking spaces per dwelling unit. The bicycle parking space rates are secured as part of the draft Zoning By-law (Attachment 6).

### **Servicing**

The applicant has submitted a Site Servicing and Grading Plan, a Functional Servicing Report and Stormwater Management Report in support of the application. Engineering and Construction Services staff have reviewed the plans and reports and have accepted the findings that the existing municipal infrastructure is adequate to service the proposed development, subject to revisions which will be addressed as part of the site plan review.

### **Amenity Areas and Open Space**

The development proposal includes a 52 m<sup>2</sup> (560 ft<sup>2</sup>) outdoor amenity area at the northwest end of the building. The area is a patio covered by a canopy with a number of tables. To the north of the patio area is a large landscaped open space rear yard of 14 metres between the building and Highway 401. This 14 metre area is a minimum Ministry of Transportation (MTO) buffer that has to be maintained. Some residents felt that this buffer area was poorly designed, however, it can only be used for the purposes of a passive outdoor open space. This area which is approximately 640 square metres, can be used by residents as outdoor amenity space but must be maintained open and unobstructed should the MTO require access. The MTO buffer area has not been secured as amenity space as part of the draft Zoning By-law beyond the requirement for a 14 metre setback.

The development also includes a total of 479 m<sup>2</sup> (5,156 ft<sup>2</sup>) of indoor amenity space. The second floor has two separate rooms with a party room and a games room, while the third floor has a pool and fitness room with change room facilities. The outdoor and indoor amenity areas are appropriate and have been secured as part of the draft Zoning By-law (Attachment 6).

Both the applicant and City staff have had discussions with MTO about potentially using the adjacent MTO site for landscaping purposes. MTO has advised that additional landscaping would not be permitted as they require unobstructed access to this property and there are underground utilities. The proposed development at 228 Wilson Avenue includes a 1.5 metre walkway along the north end of the property within the MTO 14 metre buffer. Staff will continue discussions with MTO to explore the possibility of connecting the 1.5 metre walkway at the proposed site with the adjacent MTO lands and the Armour Heights Pumping Station lands. Public access over the applicant's lands can be secured at the site plan stage. This could provide access to the landscaped MTO 14 metre buffer allowing for pedestrian trails or dog walk areas. Additionally, staff can explore the potential to provide additional landscaping on the pumping station lands should the pedestrian connection be feasible.

### **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 the area with 0.8 – 1.56 hectares of parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is not subject to the Alternative Parkland Dedication By-law, but is subject to a 5% residential parkland dedication rate through the City Wide Parkland Dedication By-law no 1020-2010.

The applicant has submitted an application to construct a 17-storey residential condominium building having 108 residential units and 4 townhouse type units within a site area of 0.1915 hectares (1.915m<sup>2</sup>). At the parkland dedication rate of 5% as specified in By-law 1020-2010, the parkland dedication would be 0.0095 hectares (95m<sup>2</sup>).

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The parkland dedication for the subject site is too small to be functional. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the *Planning Act*, and is required as a condition of the building permit application process.

### **Site Plan**

As noted above, the applicant has also submitted a Site Plan Control Application. During the site plan process design improvements to the podium will be reviewed. High quality materials and architectural detailing that enhance the pedestrian realm are encouraged and will be reviewed. Utilities will be placed to minimize impact on front landscaped setbacks of townhouse like units and landscape emphasis is encouraged throughout the project. Other matters to be reviewed through the site plan process include: ensuring for non-reflective building materials; minimizing wind impacts; public access over walkway; revisions to servicing and grading plans; and landscaping on terraces.

## **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Cycling Infrastructure, conduits for electric vehicles, and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures such as landscaping will be secured through the Site Plan Approval process.

## **Section 37**

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The city's opportunity to utilize Section 37 is through an implementing Zoning By-law permitting a height and/or density increase for a specific development.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan and addresses the built form policies of the Plan.

As a result of discussions with the local Councillor, the applicant and Parks staff, Planning staff are recommending a Section 37 contribution of \$325,000.00 for capital improvements to Old Orchard Park and for streetscape improvements in the vicinity of the site. Improvements to the Park include, but are not limited to: removal of old play structures and replacing them with new play structures, additional play structures and general Park improvements. Streetscape improvements include: Wilson Avenue adjacent to the site and the City ROW on the east side of the pumping station.

Staff are recommending the following community benefits to be secured in the Section 37 agreement:

1. Prior to issuance of an above grade building permit the owner shall provide a financial contribution in the amount of \$325,000.00 to be used for capital improvements to Old Orchard Park and for streetscape improvements in the vicinity of the site, with such amount to be indexed upwardly in accordance with the Statistics Canada Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

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

1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
2. The owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director of Engineering and Construction Service in consultation with the Chief Planner and Executive Director City Planning.

## **Conclusion**

City Planning recommends that Council approve the Zoning By-law Amendment application. The proposal allows for the development of an underutilized site within an *Apartment Neighbourhoods* designation. The proposed 17-storey building is consistent with both the Official Plan *Apartment Neighbourhoods* designation and other existing residential land uses within the area. The proposal meets the intent of the Tall Building Design Guidelines and the height, density, and built form results in an appropriate development that fits this location. The recommended Zoning By-law Amendment is included in Attachment 6 to this report.

## **CONTACT**

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## **SIGNATURE**

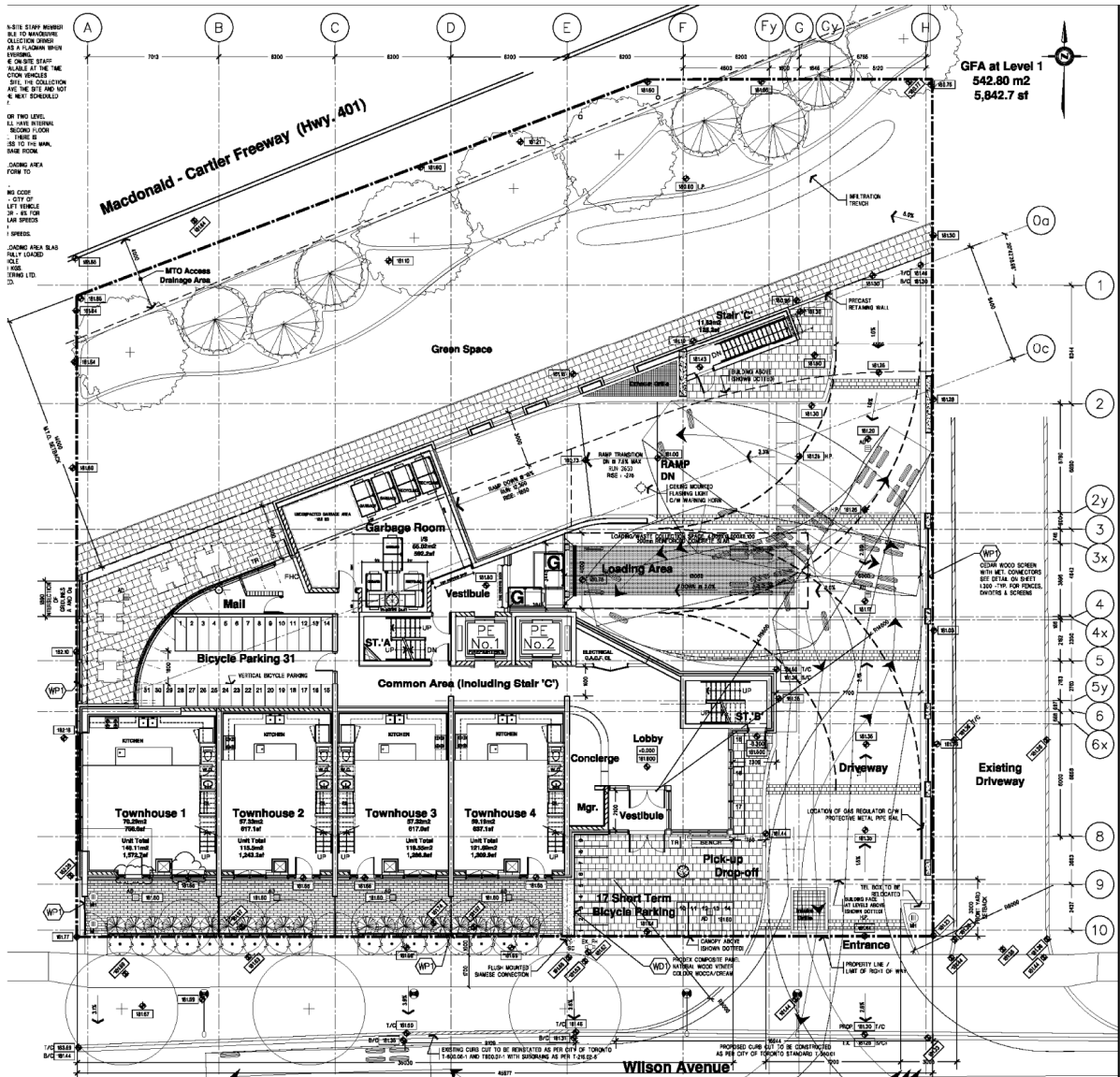
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Allen Appleby, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2A-D: Elevations  
Attachment 3: Official Plan  
Attachment 4: Zoning  
Attachment 5: Application Data Sheet  
Attachment 6: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

Applicant's Submitted Drawing

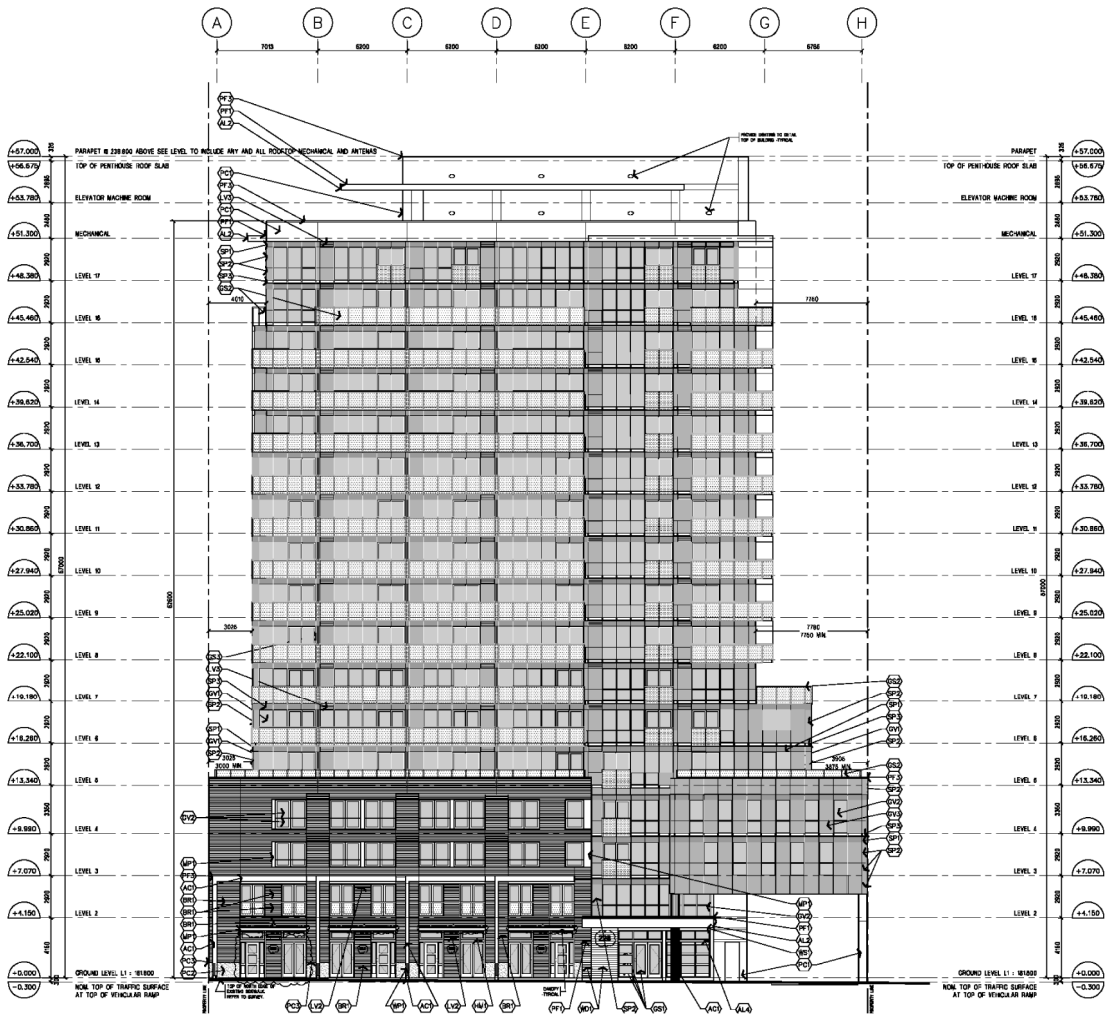
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07/10/2014

## 228 Wilson Avenue

File # 11 324675 NNY 16

## Attachment 2A: South Elevation



### South Elevation

**Elevations**

**228 Wilson Avenue**

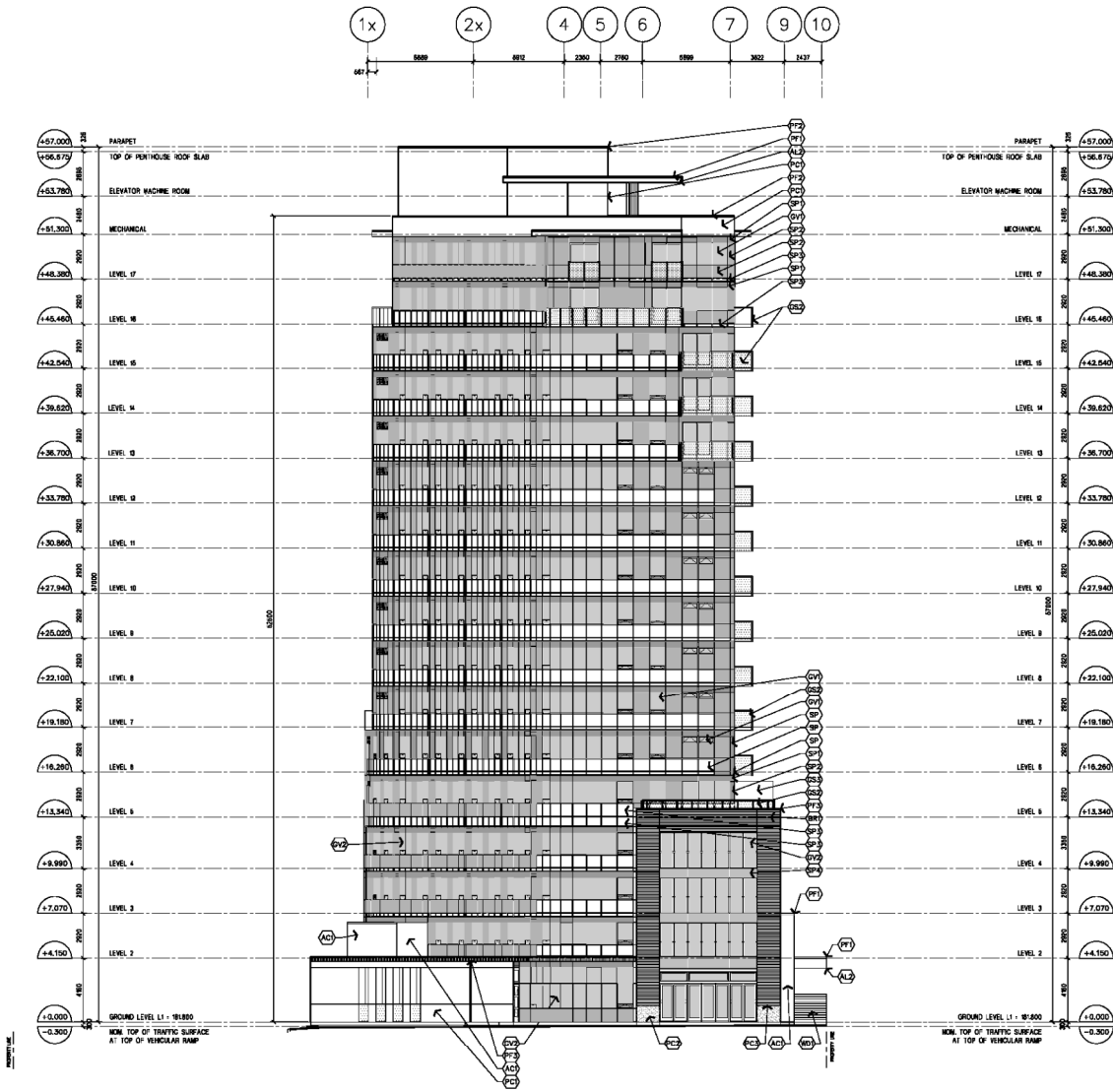
Applicant's Submitted Drawing

Not to Scale  
07/10/2014

File # 11 324675 NNY 16



# Attachment 2B: West Elevation



## West Elevation

### Elevations

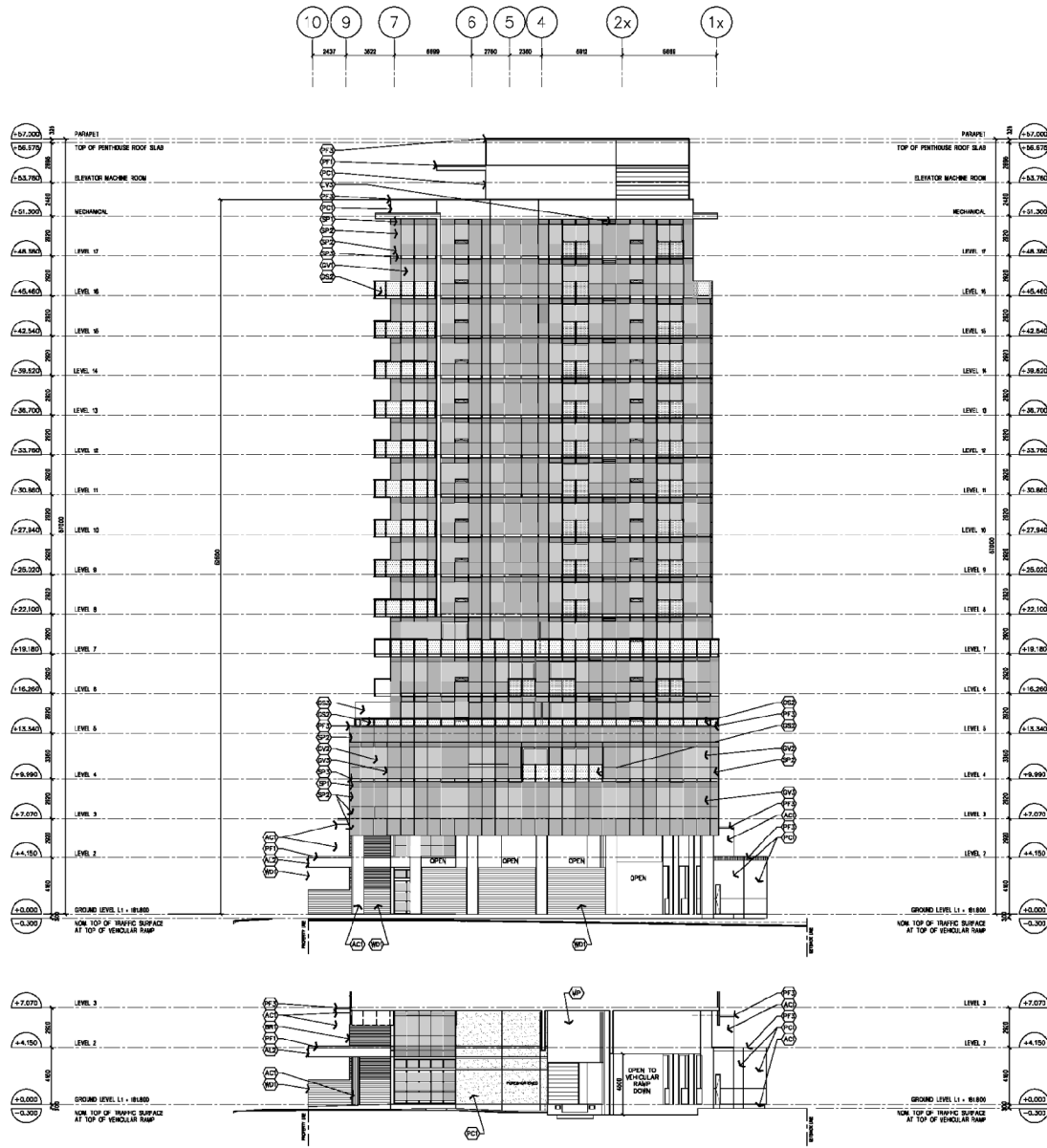
Applicant's Submitted Drawing

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07/10/2014

### 228 Wilson Avenue

File # 11 324675 NNY 16

# Attachment 2C: East Elevation



East Elevation

## Elevations

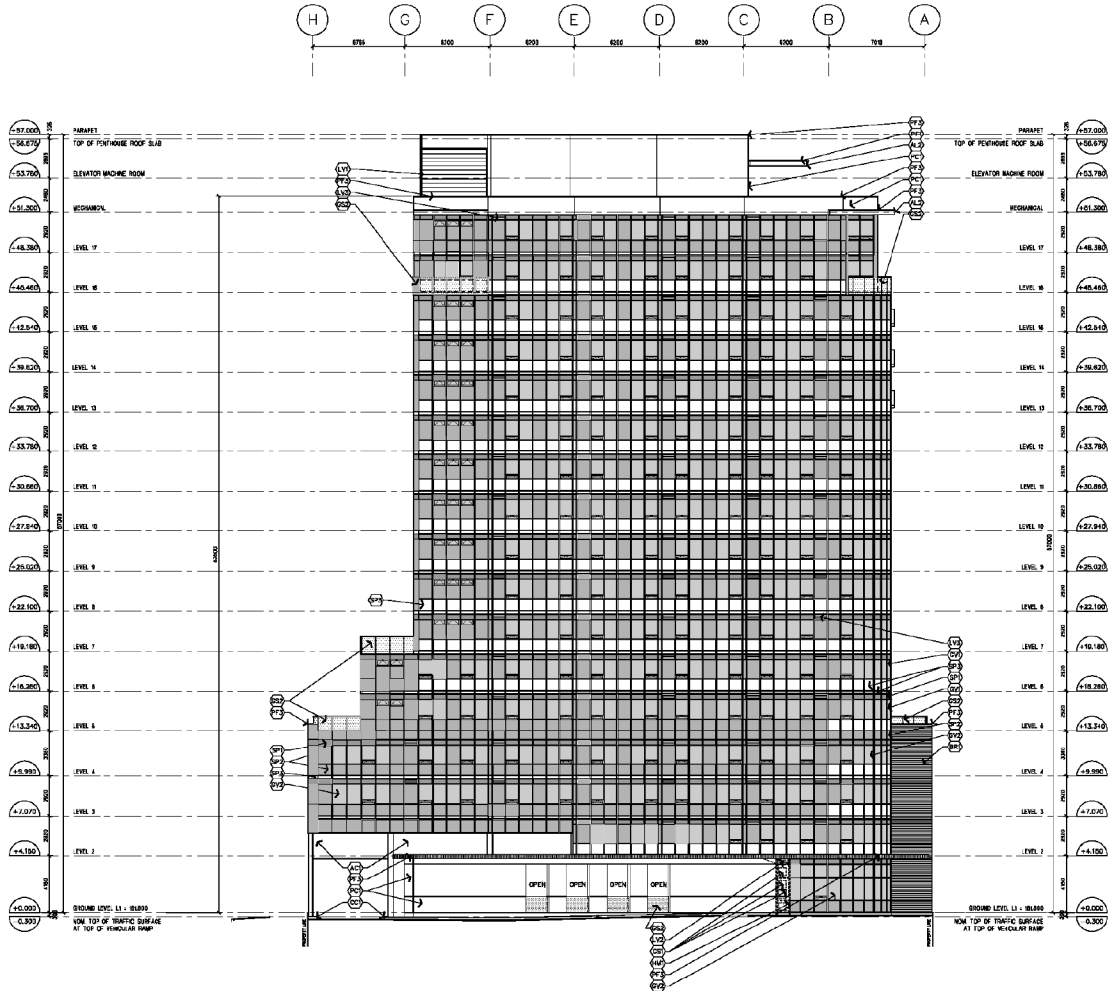
Applicant's Submitted Drawing

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07/10/2014

228 Wilson Avenue

File # 11 324675 NNY 16

## Attachment 2D: North Elevation



### North Elevation

#### Elevations

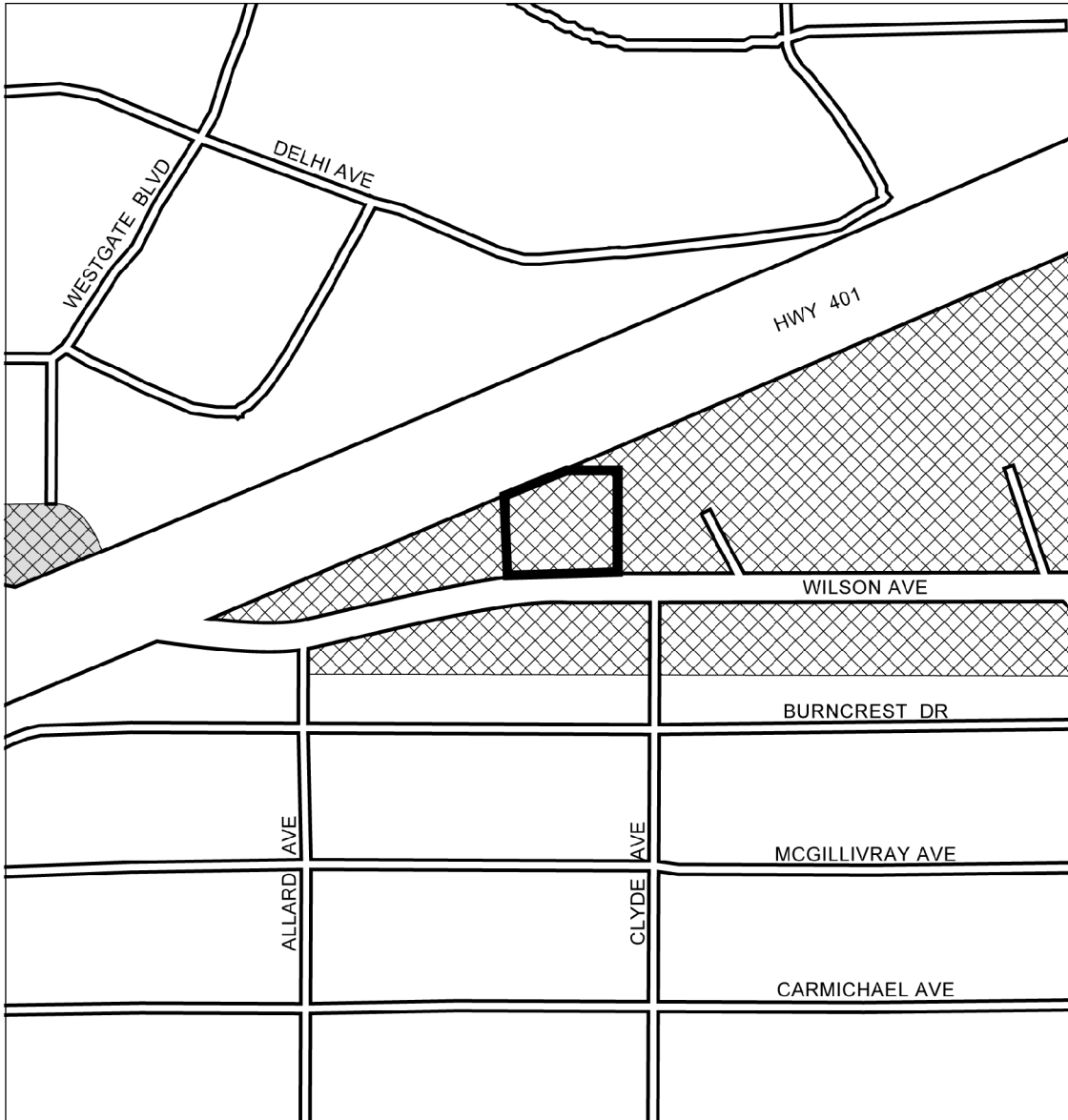
Applicant's Submitted Drawing

Not to Scale  
07/10/2014

#### 228 Wilson Avenue

File # 11 324675 NNY 16

### Attachment 3: Official Plan



**TORONTO** City Planning  
**Official Plan**

**228 Wilson Avenue**

File # 11 324675 NNY 16

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas

  
 Not to Scale  
 01/03/2012

# Attachment 4: Zoning



228 Wilson Avenue  
File # 11 324675 NNY 16

R3 One-Family Detached Dwelling Third Density Zone  
R4 One-Family Detached Dwelling Fourth Density Zone  
R6 One-Family Detached Dwelling Sixth Density Zone  
R7 One-Family Detached Dwelling Seventh Density Zone  
NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

RM4 Multiple-Family Dwellings Fourth Density Zone  
RM5 Multiple-Family Dwellings Fifth Density Zone  
RM6 Multiple-Family Dwellings Sixth Density Zone



Not to Scale  
Zoning By-law 7625  
Extracted 01/03/2012

## Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	11 324675 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	December 12, 2011
Municipal Address:	228 WILSON AVE		
Location Description:	PLAN 2044 LOT 638 PT LOTS 639 AND 640 **GRID N1601		
Project Description:	<p>The application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a 17-storey (57 metre) condominium apartment building at 228 Wilson Avenue. Proposed are a total of 108 dwelling units which includes four 2-storey townhouse type units fronting Wilson Avenue. There are 130 parking spaces proposed within a 5 level below grade parking garage. Access to the site would be provided from a driveway off Wilson Avenue at the east end of the site.</p>		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
IBI Group			2281060 ONTARIO INC

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R3	Historical Status:	
Height Limit (m):	8.8, 0, 0	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1915.8	Height:	Storeys:	17	
Frontage (m):	45.74		Metres:	57	
Depth (m):	34.24				
Total Ground Floor Area (sq. m):	965.7				<b>Total</b>
Total Residential GFA (sq. m):	10994.1		Parking Spaces:	130	
Total Non-Residential GFA (sq. m):	0		Loading Docks	1	
Total GFA (sq. m):	10994.1				
Lot Coverage Ratio (%):	50.4				
Floor Space Index:	5.74				

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	10994.1	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	50	Industrial GFA (sq. m):	0	0
3 + Bedroom:	8	Institutional/Other GFA (sq. m):	0	0
Total Units:	108			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Vanessa Covello, Planner</b>
	<b>TELEPHONE:</b>	<b>416-395-7104</b>

## **Attachment 6: Draft Zoning By-law Amendment**

Authority: North York Community Council Item 34.84 as adopted by City of Toronto Council on August 25, 26 and 27, 2014.

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-20~**

**To amend former City of North York Zoning By-law No. 7625, as amended,  
with respect to the lands municipally known as,  
228 Wilson Avenue**

**WHEREAS** Council of the City of Toronto has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, to pass this By-law;

**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** the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

**WHEREAS** pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

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

**WHEREAS** the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

**WHEREAS** the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 7625, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

- 1.** Schedules "B" and "C" of Zoning By-law No.7625 of the former City of North York are amended in accordance with Schedules "1", Schedule "RM6(231)" and Schedule "3" attached to this By-law.

2. **Section 64.20-A EXCEPTIONS TO RM6 ZONE (MULTIPLE-FAMILY DETACHED DWELLINGS SIXTH DENSITY ZONE)** of By-law 7625 is amended by adding the following subsection:

**64.20-A (231) RM6 (231)**

**DEFINITIONS**

(a) For the purposes of this exception, the following definitions will apply:

- i. For the purposes of this exception, “**apartment house dwelling**” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system, or any combination thereof.
- ii. **Established Grade** shall mean the geodetic elevation of 181.8 metres above sea level.
- iii. **Bicycle Parking Space** means an area used for parking or storing a bicycle.
  - (i). A **bicycle parking space** must comply with the following minimum dimensions:
    - (a) A minimum length of 1.8 metres; minimum width of 0.6 metres; and minimum vertical clearance from the ground of 1.9 metres.
  - (ii). A **bicycle parking space** if placed in a vertical position on a wall, **structure** or mechanical device must comply with the following minimum dimensions:
    - (a) A minimum length or vertical clearance of 1.9 metres; minimum width of 0.6 metres; and minimum horizontal clearance from the wall of 1.2 metres.
  - (iii). If a **stacked bicycle parking space** is provided, the minimum vertical clearance for each **bicycle parking space** is 1.2 metres.
  - (iv). Vertical Clearance of a Bicycle Parking Area - An area used to provide **bicycle parking spaces** must have a minimum vertical clearance of:
    - (a) 2.4 metres if it is a **stacked bicycle parking space**; and 1.9



metres in all other cases.

- iv. **Bicycle Room** shall mean an indoor space that is designed and equipped for the purpose of parking and securing bicycles.
- v. **Stacked Bicycle Parking Space** means a horizontal **bicycle parking space** that is positioned above or below another **bicycle parking space** and equipped with a mechanical device providing floor level access to both bicycle parking spaces.

#### **PERMITTED USES**

- (b) In addition to the uses permitted in the RM6 Zone, an “**apartment house dwelling**” shall include, in addition to dwelling units having access only from an internal corridor system, ground level dwelling units having access directly from the outside or from an internal corridor system, or any combination thereof.

#### **EXCEPTION REGULATIONS**

##### **(c) Lot Area and Lot Frontage**

The minimum lot area shall be 1,915 m<sup>2</sup> and the minimum lot frontage shall be 45 metres.

##### **(d) Number of Dwelling Units**

The maximum number of residential dwelling units shall be 108.

##### **(e) Gross Floor Area**

The maximum gross floor area shall not exceed 11,000 m<sup>2</sup>.

##### **(f) Lot Coverage**

The maximum lot coverage for all buildings and structures shall be 51%.

##### **(g) Yard Setbacks and Projections**

- i. The minimum yard setbacks shall be as shown on Schedule RM6 (231).
- ii. Notwithstanding Section 6(9) of the former City of North York Zoning By-law 7625, and except where a heavy line on Schedule RM6(231) is contiguous with a boundary line of the site, nothing shall prevent canopies and balconies from projecting a maximum of 1.5 metres into the required setback.

**(h) Building Height**

- i. The maximum building height, measured from established grade, shall not exceed the maximum height in metres and storeys as shown on Schedule RM6(231).
- ii. No portion of the building shall be permitted to extend beyond the maximum building height of 57 metres above established grade or beyond the geodetic elevation of 238.8 metres above sea level.
- iii. The maximum building height in (h)ii above includes all buildings and structures, such as but not limited to: mechanical rooms, antennae, satellite dishes, ornamental elements, architectural/design elements, parapets, railings, stairs, stair enclosures and window washing equipment.

**(i) Recreational Amenity Area**

- i. Provide a minimum of 52 square metres of outdoor recreational amenity area.
- ii. Provide a minimum of 479 square metres of indoor recreational amenity area

**(j) Vehicle Parking**

- i. Provide parking in accordance with the following minimum requirements:
  - (i). Bachelor Units (up to 45m<sup>2</sup>): 0.8 spaces per unit;
  - (ii). Bachelor Units (more than 45m<sup>2</sup>): 1.0 spaces per unit;
  - (iii). 1-Bedroom Units: 0.9 spaces per unit;
  - (iv). 2-Bedroom Units: 1.0 spaces per unit;
  - (v). 3-Bedroom and greater Units: 1.2 spaces per unit; and
  - (vi). Visitor Spaces: 0.2 spaces per unit.
- ii. Residential parking spaces above the minimum requirements shall be provided with roughed-in conduits for electric vehicles.

**iii. Loading**

Provide a minimum of one loading spaces that is a minimum of 4.0 metres wide, 13.0 metres long and has a minimum vertical clearance of 6.1 metres.

**(k) Bicycle Parking**

- i. A minimum of 0.6 occupant bicycle **parking spaces** per dwelling unit shall be provided and a minimum of 0.15 visitor **bicycle parking spaces** per dwelling unit shall be provided.
- ii. Provide a minimum of 48 bicycle parking spaces at grade.
- iii. Provide a minimum of 17 bicycle parking spaces no more than 30 metres from the main pedestrian entrance to the apartment building along Wilson Avenue.
- iv. A bicycle parking space may not be located on a balcony or in a storage locker.

**(l) Waste and Recycling**

Provide a minimum 55 square metre room for garbage, storage and collection of recycling and organic waste.

**(m) Provisions Not Applicable**

The provisions of Sections 15.6 and 15.8(a).

**(n) Division of Land**

The provisions of this By-law shall apply collectively to this land as shown on Schedule "1" attached to this By-law, notwithstanding its future division into two or more parcels.

**3. Section 37 Provisions**

- (a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule 3 hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

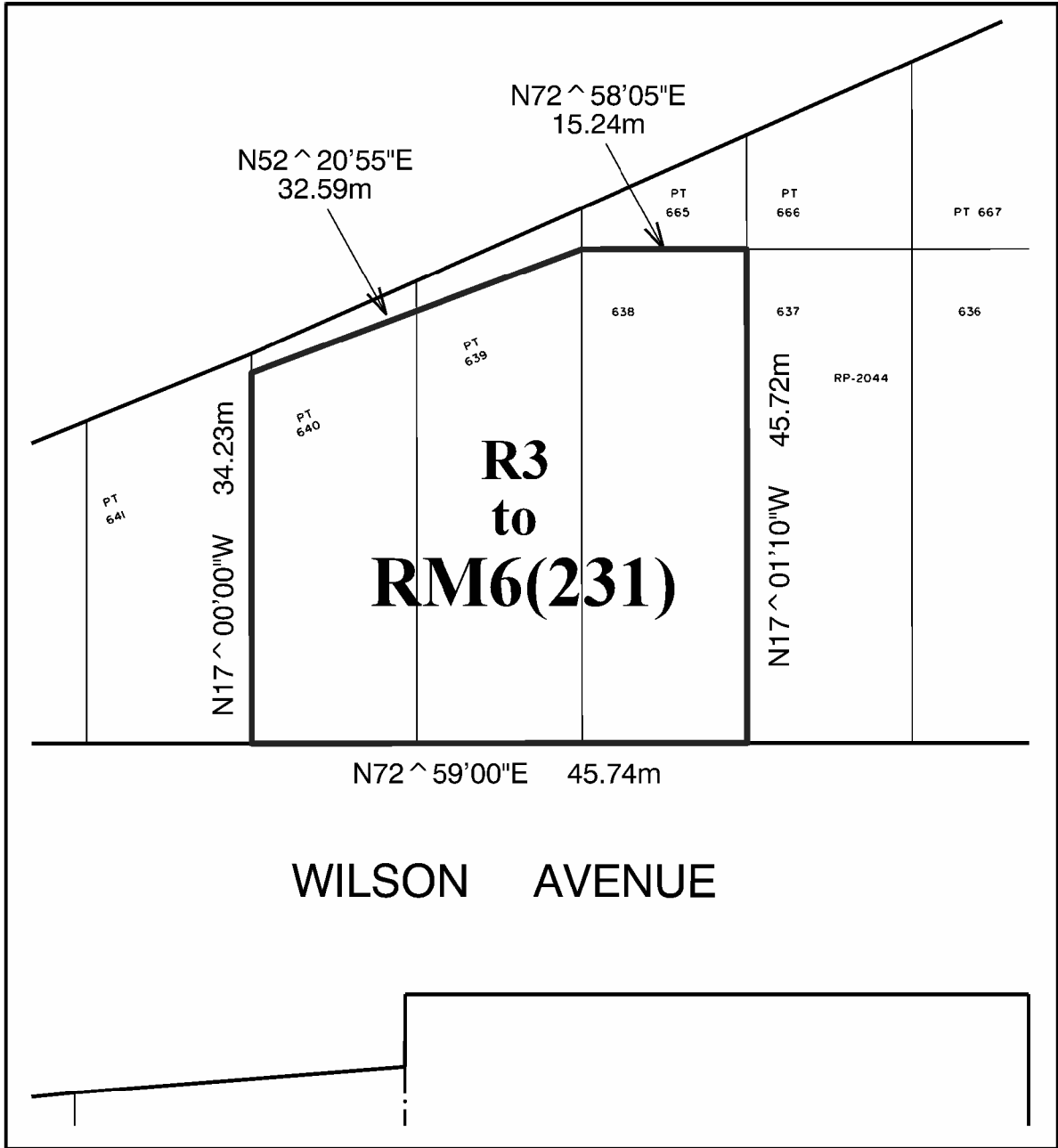
- (b) Where Schedule "3" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
  - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule "3" are satisfied.
4. 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.

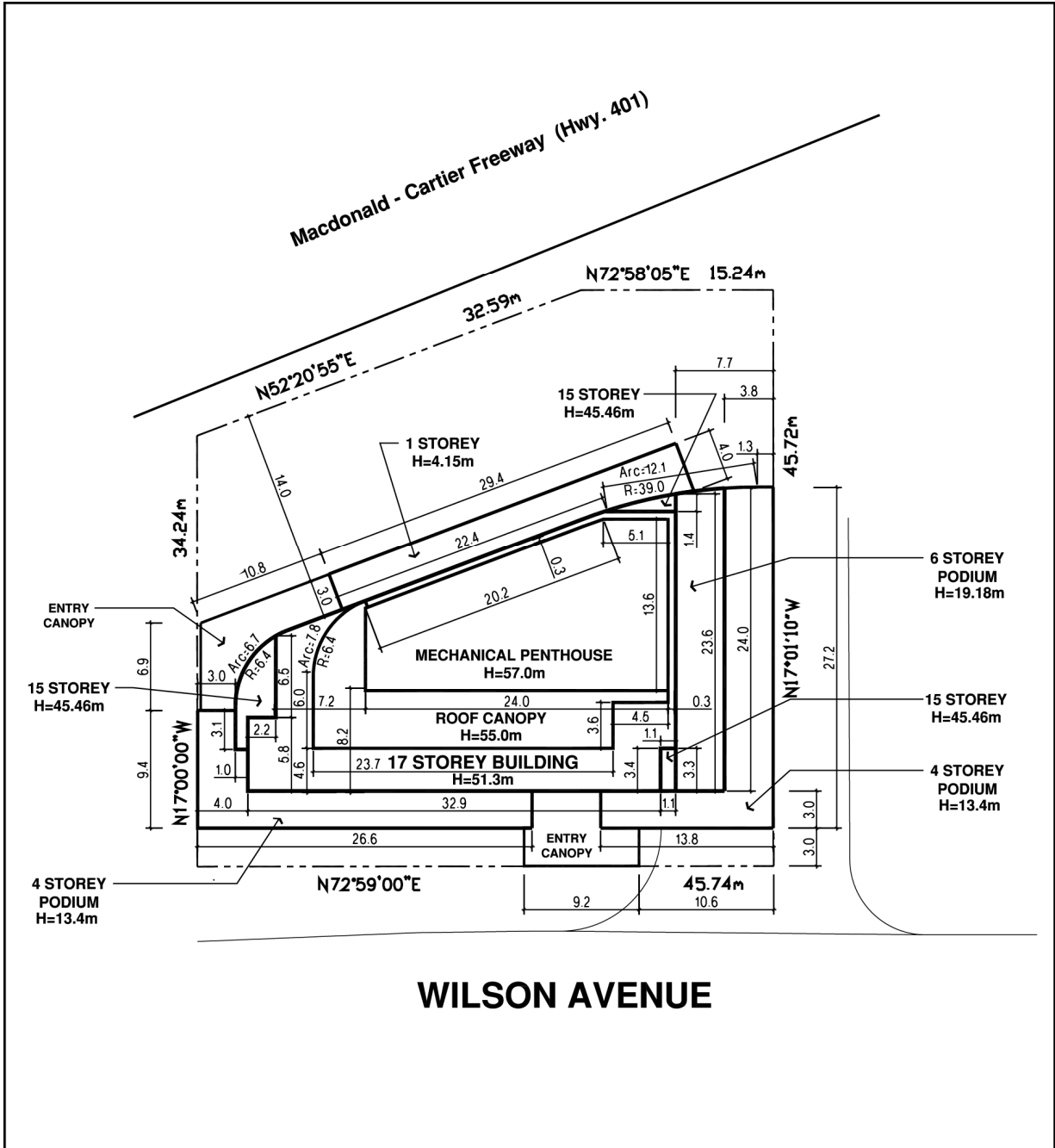
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

FRANCIS NUNZIATA,  
Speaker

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)





From Applicant's Drawings

File # 11\_324675

Date: 07/17/2014  
 Approved by: J. A.

↑  
 Not to Scale

## Schedule 3

### Section 37 Provisions

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule "1" in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

- (1) Prior to issuance of the first building permit including excavation or demolition permits the owner shall submit and implement a Construction Management Plan and Neighbourhood Communication Strategy, to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director City Planning.
- (2) Prior to issuance of an above grade building permit the owner shall provide a financial contribution in the amount of \$325,000.00 to be used for capital improvements to Old Orchard Park, for streetscape improvements in the vicinity of the site. Improvements to the Park include, but are not limited to the removal of old play structures and replacing them with new play structures, additional play structures and general Parks maintenance improvements. Streetscape improvements include improvements to Wilson Avenue adjacent to the site and the City right-of-way on the east side of the pumping station.
- (3) The financial contribution referred to in subsection (2) shall be indexed upwardly in accordance with the Statistics Canada [Non-Residential or Apartment Building-] Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
- (4) To support the development of the lands the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.