

1088 Progress Avenue – Official Plan Amendment & Rezoning Application – Final Report

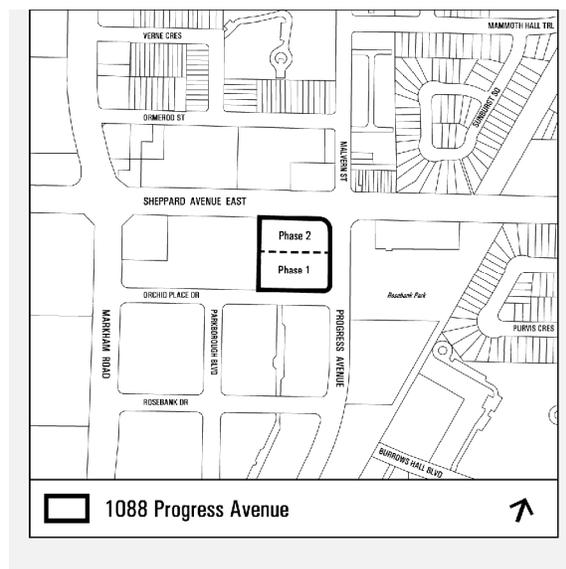
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| Date: | May 31, 2013 |
| To: | Scarborough Community Council |
| From: | Director, Community Planning, Scarborough District |
| Wards: | Ward 42 – Scarborough-Rouge River |
| Reference Number: | 07 279995 ESC 42 OZ |

SUMMARY

The proposed official plan and zoning by-law amendment application proposes to accommodate a 2-phase condominium development consisting of a total of 414 dwelling units in stacked townhouse and apartment building forms. Specifically, Phase 1 would consist of 105 stacked townhouses in 3 blocks that are 3 and 4-storeys in height on the southern portion of the subject lands and, Phase 2 would consist of 309 dwelling units in 2 apartment buildings of 13 and 18 storeys with ground floor commercial uses on the northern portion of the subject lands. The overall increase in the permitted density and height would be from 326 to 414 dwelling units and from 16 to 18-storeys. The subject lands are collectively known as 1088 Progress Avenue.

The proposal supports both existing and planned public transit infrastructure and provides an alternative residential built form in the immediate area. The proposed 2-phase development enables the City to secure Section 37 funds towards local park improvements in the community in each phase of development.

This report reviews and recommends approval of the application to amend the official plan and zoning by-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 1088 Progress Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 12 to report dated May 31, 2013.
2. City Council amend the Malvern Community Zoning By-law No. 14402, for the lands at 1088 Progress Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 13 to report dated May 31, 2013.
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. 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 which shall be registered on title and which shall secure financial contributions toward specific capital facilities as follows:
 - a) The provision of a cash payment of \$242,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto (from the date the zoning by-law comes into full force and effect) payable to the City of Toronto, as follows:
 - i. \$60,000 payable prior to the issuance of the first building permit on the southern parcel (Part A) towards capital improvements to the courtyard at Burrows Hall Park; and
 - ii. \$182,000 payable prior to the issuance of the first building permit on the northern parcel (Part B) towards capital improvements associated with the baseball diamonds at Neilson Park and facilities associated with the tennis courts at Major Abbas Ali Park (formerly McLevin Park).

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject property is the remaining residential block to be developed within a plan of subdivision, bounded by Sheppard Avenue East, Markham Road, Milner Avenue and Progress Avenue. The associated official plan amendment for the subdivision provided for an overall density of 1600 residential units. On October 30, 1998, City Council amended the applicable zoning by-law to implement the official plan amendment for the subject property which allocated a maximum of 326 residential units out of the maximum

permitted 1600 residential units to the subject property. The contemplated development on the subject lands at that time envisioned three buildings of 10, 14, and 16 storeys connected by a one-storey podium.

In 1993, the former City of Scarborough entered into a Tripartite Agreement with the Chinese Cultural Centre of Greater Toronto and C.M.S. Investments Inc. (a previous owner of the subject lands), for the development of the Chinese Cultural Centre, Burrows Hall Community Centre & Neighbourhood Library (the “Community Complex”) located at the southeast corner of Sheppard Avenue and Progress Avenue.

The Tripartite Agreement requires the owner, the City of Toronto, and the Chinese Cultural Centre to jointly provide parking for the entire Community Complex. Specifically, the Tripartite Agreement states that 21.5% of the total parking spaces required for the Community Complex are to be provided on the subject lands. This requirement for parking is also contained within the site specific zoning provisions for the subject lands and states that a minimum of 60 parking spaces are to be provided to serve the Community Complex. The agreement acknowledges that the owner’s share of the parking can be provided on an interim basis on an at-grade gravel parking facility prior to development of their site. The Agreement also obligates the owner of the subject lands to undertake and be responsible for all costs regarding the construction, paving, and if necessary, the replacement, operation, maintenance and repair of the allocated 60 parking spaces in the underground parking garage as part of the development or, in a parking structure in conjunction with commuter facilities on lands to the west of Progress Avenue.

On November 26, 27, 28, 2002, Council approved an amendment to the parking requirements for the Community Complex to permit a reduction of the overall parking requirement from 5 parking spaces/100 square metres of gross floor area to a minimum requirement of 156 parking spaces to be provided for all uses except schools. The required 156 spaces are in addition to the 60 parking spaces required on the subject lands. At that time, it was also noted that should the vacant lands south of the Community Complex owned by the Toronto Catholic School Board (TCDSB) be declared surplus to their needs, additional on-site parking on these lands may provide a future opportunity for parking. To date, the TCDSB has not declared their lands surplus.

ISSUE BACKGROUND

Proposal History

The original development proposal submitted in 2007 contemplated three condominium apartment buildings consisting of 464 units with a two-level, below-grade parking structure and some ground level parking adjacent to the loading facilities. A preliminary report was prepared for this initial proposal to Scarborough Community Council in April 2008, however, the owner subsequently requested that the matter be withdrawn from the Community Council meeting in order to reconsider the proposal.

In May 2010, the owner submitted a revised development scheme comprised of 2 phases. Phase 1, located on the southern portion of the subject lands, proposed 104, 4-storey, stacked townhouses with one level of underground parking. Phase 2, located on the northerly portion of the subject lands, proposed 3 development options consisting of either: 76 stacked townhouse units; a 155-unit, 8-storey residential apartment building with 868.61 square metres of ground floor commercial space; or, 2 residential apartment buildings of 15 and 18- storeys on a podium with a total of 280 units and 1,010 square metres of ground floor commercial space. The overall number of dwelling units of both Phase 1 and the 3 options in Phase 2 resulted in overall residential unit totals of 180, 259 or 384 units, respectively.

In 2012, the owner sold the property to Empire Pace (1088 Progress) Limited. The new owner is proposing a development similar to the previous owner's 2- phase development and as such, is advancing the submitted official plan and rezoning amendment application. With regards to the site plan application, the owner has filed a new site plan application primarily in support of the first phase of development. The second phase is shown conceptually as the owner has not fully determined the details of the second phase.

Current Proposal

The current proposal, submitted in October 2012, contemplates a 2 phase development. Phase 1, consists of a 105-unit stacked townhouse development within 3 blocks of 3 and 4-storey units above a one-storey underground parking garage on the southern 0.56 hectares (1.38 acres) of the subject lands. The lower 2 levels of dwelling units would be single-storey units while the upper units would be 2-storey, back-to-back dwelling units. For those dwelling units with frontages on Orchid Place Drive, there would be a 1-storey lower level unit with a 2-storey unit above.

Access to the development would be from both Progress and Sheppard Avenues, with access to the underground parking being from Orchard Place Drive. A total of 130 parking spaces are provided which includes 21 parking spaces for visitors.

Each unit would have private amenity space provided by either a patio or balcony for the lower level units or a private rooftop patio for the upper level 2-storey units. A common outdoor amenity area/children's play area is also proposed within the development.

Phase 1 would also involve the relocation of the existing surface parking area, located currently on the southern portion of the lands to the northern portion of the lands, west of the sales office. The surface parking area would continue to contain the 60 parking spaces for the Chinese Cultural Centre as well as 6 parking spaces for the sales office. The parking area would serve as a temporary or interim parking area until Phase 2 is constructed.

Phase 2, located on approximately the northerly 0.37 hectares (0.92 acres) of the subject lands, is conceptual at this time. It contemplates 2 residential towers of 13 and 18-storeys above a 3-storey podium for a total of 309 dwelling units. A total of 350 parking spaces would be provided in 4 levels of underground parking, of which 60 parking spaces would

be designated for the Chinese Cultural Centre on the first parking level. Approximately 1000 square meters of ground floor commercial uses are also proposed.

The proposed 2-phase development is shown by Attachments 1, 2, and 3, with Attachment 4 providing an aerial depiction of the overall development scheme. Attachments 5, 6 and 7 provide elevations of the 3 proposed stacked townhouse blocks in Phase 1. Specific details for the subject proposals are contained in Attachment 11, Application Data Sheet.

Site and Surrounding Area

The subject property is 0.93 hectares (2.3 acres) and is bounded by 3 streets: Sheppard Avenue East, Progress Avenue, and Orchid Place Drive. The property is vacant except for an interim surface parking lot serving the Chinese Cultural Centre on the east side of Progress Avenue and a temporary sales office for the proposed residential development. Sheppard and Progress Avenues have bus service, with bus stops located in front of the subject lands on both streets.

Surrounding Land Uses:

North: Multiple-family dwellings, apartment buildings ranging between 6 to 13-storeys and a commercial plaza

West: Vacant city-owned land and a gas station at the corner of Markham Road and Sheppard Avenue. Apartment buildings of 16-storeys occur to the southwest.

East: The Chinese Cultural Centre, Burrows Hall Community Centre & Branch Library, and Rosebank Park to the southeast

South: Multiple-family dwellings of 3-storeys

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The subject lands are designated Apartment Neighbourhoods within the Toronto Official Plan, Map 22 – Land Use Plan. Apartment Neighbourhoods provide for apartment

buildings, parks, local institutions, cultural and recreational facilities, and small-scale retail, service, and office uses that serve the needs of area residents. Uses provided for within the Neighbourhoods designation are also permitted. These uses include lower scale buildings such as detached and semi-detached houses, duplexes, triplexes, townhouses and interspersed walk-up apartments up to 4-storeys. Development in Apartment Neighbourhoods will contribute to the quality of life by such means as: locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks or a stepping down of building heights; locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind condition; locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and, providing indoor and outdoor recreation space for building residents.

The lands are subject to Site and Area Specific Policy No.117 which establishes limits on the maximum density and number of units within the area, provides for future rapid transit stations, encourages a variety of building heights, established a maximum building height, and provides conditions in establishing recreational, cultural facilities and offices. This Policy specifically allows a maximum of 18 storeys and an allocated maximum of 326 residential units out of the maximum permitted 1600 residential units subject to this Policy on the subject lands.

The Built Form policies specify that new development be located and organized to fit within its context and to frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces from the development. New developments are to locate and organize vehicular parking, vehicular access and service areas and utilities to minimize their impact on the property and on surrounding properties to improve the safety and attractiveness of adjacent streets, parks and open spaces. New developments are to be massed to fit harmoniously into their existing planned context and to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

The Housing policies support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

The Official Plan identifies Sheppard Avenue East as part of the City's transportation infrastructure on Map 5, Surface Transit Priority Network to support growth. The Sheppard East Light Rail Transit (LRT) is part of the regional transit plan (The Big Move). In the Greater Toronto Area, the transit plan is overseen by Metrolinx. The Sheppard East LRT and the Scarborough RT extension are part of this transit plan and it has been endorsed by both Metrolinx and City Council. The Sheppard LRT line is proposed to extend from the Don Mills Subway Station to Conlins Road and is proposed to be completed by 2021. An LRT stop is proposed at Sheppard Avenue, east of the subject lands. The Scarborough RT extension is proposed to be extended to Sheppard Avenue with the Sheppard East Station to be located immediately east of the Chinese Cultural Centre below the LRT stop. This line is proposed to be completed by 2020.

The Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Official Plan.

Zoning

The subject lands are zoned Apartment Residential (A) and Neighbourhood Commercial (NC). The Apartment Neighbourhood (A) Zone permits Apartment Buildings, Day Nurseries, and Group Homes. Ancillary uses include Private Home Daycares.

The Neighbourhood Commercial (NC) Zone permits Day Nurseries and Neighbourhood Commercial Uses. Neighbourhood Commercial Uses include retail commercial uses serving the adjacent residential neighbourhood and includes one or more of the following uses: automobile service stations, banks, personal service shops, restaurants (where food is prepared for consumption within a building) and retail stores. By Exception No. 36, financial institutions, offices, and parking for the uses on Block 7, Registered Plan 66M-2300 (location of the Community Complex) are also permitted. The Exception also prohibits automobile service stations, retail stores (which include the preparation of food for consumption off-premises), and restaurants.

The zoning by-law also restricts the maximum permitted height on the subject lands to 16 storeys and the overall density to 326 residential units. The zoning by-law requires that a minimum 60 parking spaces be provided on the subject lands for uses on Block 7, Registered Plan 66M-2300 (location of the Chinese Cultural Centre). Permitted commercial uses are also restricted to a maximum gross floor area of 2323 square metres.

On May 9, 2013, City Council adopted the new harmonized Zoning By-law No. 569-2013. This application was received and complete prior to May 9, 2013, and as such, the subject lands are not part of the new zoning by-law.

Site Plan Control

A site plan control application (07 279999 ESC 42 SA) was submitted with the original submission of the Official Plan and rezoning application. Since then, with the change in property ownership, a new site plan application (12 269606 ESC 42 SA) was submitted dealing more specifically with the southern portion of the subject lands and conceptually with the northern portion.

Reasons for Application

The purpose of the official plan amendment is to amend the provisions of Area Specific Policy 117 to increase the maximum number of units allocated to the subject lands. In this case it is to permit a total of 414 units or an increase of 88 residential units on the subject site.

The purpose of the rezoning application is to amend the performance standards within the Malvern Community Zoning By-law to increase the maximum building height from 16 to

18 storeys, to increase the maximum permitted units on the site from 326 to 414, to add permission for the stacked townhouse use and to provide for an additional commercial permission to provide for a coffee shop. Other specific development standards to support the proposed development are also required.

Community Consultation

A community consultation meeting was held on April 18, 2011 and was attended by 5 members of the public. A further information meeting by Councillor Cho was held on May 10, 2011 and was attended by 17 members of the public. The issues that were raised at these meetings included: the increase in traffic in the area, parking, school capacity, and the density of the development.

The applicant, Councillor Cho and planning staff also met with representatives of the Chinese Cultural Centre who expressed concerns regarding the required parking for their use on the subject property. The concerns included: the continued access to the parking lot during the construction of Phase 1, managing illegally parked vehicles, ensuring an adequate parking supply to serve both the sales office and the Centre, provision of lighting, maintenance of the temporary parking area, lighting, site plan approval/agreement for the temporary parking area, and the absence of any on-site parking for the Centre during the construction of Phase 2.

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 subject proposal introduces a stacked townhouse built form to the immediate area and represents an efficient use of land and resources. The proposed development promotes a mix in the housing built form and land use intensification of lands that are adjacent to Sheppard Avenue East and Progress Avenue which support the public infrastructure investment of the planned Sheppard LRT and the Scarborough RT extension. The proposal is consistent with the Provincial Policy Statement.

The proposal represents intensification that is transit supportive, and provides housing, community benefits, and commercial uses to serve the existing community. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The subject lands are designated as Apartment Neighbourhoods in the Official Plan which provides for larger scale developments such as apartment buildings, but also provides for the low-scale residential uses, including walk-up apartments of 4-storeys provided by the Neighbourhoods designation. Small-scale commercial uses that serve the

needs of area residents are also provided for in Apartment Neighbourhoods. In this case, the zoning by-law permits apartment buildings up to 16-storeys and commercial uses such as banks, personal service shops, financial institutions, offices, and retail stores (excluding retail stores that include the preparation of food for consumption off-premises) up to a maximum gross floor area of 2323 square metres. The zoning by-law prohibits uses such as restaurants.

The proposed stacked townhouse blocks are located on the southern portion of the subject lands. The stacked townhouse blocks, which range in height from 3 and 4-storeys, are an apartment building form similar to 4-storey walk-up apartment buildings provided for by the Official Plan. The proposed stacked townhouse blocks also contribute to a mix of built forms to achieve a range of housing opportunities within the development and a transition in height to the existing neighbourhood.

Small-scale commercial uses that serve the needs of area residents are also provided for in the Official Plan. While the zoning by-law does not permit restaurants or food related take-out stores, the proposed coffee shop use would be small in size and would provide a convenience to future residents as well as to the patrons of the community centre, library and cultural centre located on the east side of Progress Avenue. Limiting the use to only a coffee shop would preclude other type of food-related uses from establishing within the ground floor of the apartment building(s). Limiting the size of the coffee shop use to 140 square metres in the proposed zoning by-law would limit the scale of the use especially when it is included within the total gross floor area maximum of 2323 square metres for permitted commercial uses on the subject lands. The proposed stacked townhouse and coffee shop uses are provided for in the Official Plan and are considered appropriate uses, with the restrictions noted. As such, the proposed Zoning By-law Amendment (Attachment 13) would add permissions for multiple-family dwellings on the Phase 1 lands and provide for the coffee shop use and its restrictions on the Phase 2 lands.

Density and Height

Site and Area Specific Policy No. 117 provides for a maximum overall residential density of 1,600 residential units 326 of which are allocated to the subject lands. This Policy allows a maximum of 18-storeys and encourages a variety of building heights. While the existing zoning by-law restricts the height for apartment buildings to a maximum height of 16-storeys, the proposed building height of 18-storeys is provided for in Site and Area Specific Policy No. 117. The proposed increase in density is for an additional 88 residential units which would be accommodated within the allowable 18-storeys provided for in the Official Plan.

The proposed 13 and 18-storey apartment buildings are located on the northern portion of the lands adjacent to Sheppard Avenue, a major arterial road served by public transit and a planned higher order public transit expansion (Sheppard East LRT), while the proposed 3 and 4-storey stacked townhouses are proposed on the southern portion of the subject lands adjacent Orchid Park Drive, a local road. The portion of the stacked townhouse blocks fronting onto Orchid Place Drive are 3-storeys and are located across from 3-storey townhouses located on the south side Orchid Place Drive. The 2-phase

development provides a transition between different development intensity and scale from Sheppard Avenue to Orchid Place Drive.

Planning staff consider the proposed density and height appropriate given the location of the subject lands adjacent to Sheppard and Progress Avenues, proposed higher order transit, as well as the proximity of the proposal to commercial shopping, community facilities, and direct accessibility to major roads such as Markham Road and Highway 401. The proposed Official Plan Amendment (Attachment 12) would increase the permitted density on the subject lands to allow a maximum of 414 residential units. To ensure that the scale of development is maintained and to provide density which would benefit from and support the existing public transit and the planned public transit expansion, the proposed Zoning By-law Amendment would also contain a provision requiring a minimum of 13 storeys and a maximum of 18 storeys for the Phase 2 lands.

Streetscape and Design

The proposed stacked townhouses have been designed to provide main entrances to the lower level dwelling units from the inner "courtyards" so as to provide grade-related entrances from the street frontages. All parking is located within an underground parking structure and the loading area is located internal to the development in order to provide landscaped amenity adjacent to Progress Avenue and Orchid Park Drive. Outdoor amenity spaces for the residents are provided by patios along Orchid Park Drive for the ground related dwelling units, patios within the "courtyards" and rooftop gardens for the upper dwelling units. Proposed minimum setbacks for the proposed buildings and underground parking structure, and maximum allowable canopy and porch projections have been incorporated into the proposed zoning by-law to provide for the proposed development. Matters such as landscaping details would be part of the site plan approval process.

As the applicant has not finalized the development for Phase 2, a further site plan application would be required in the future. Further review of Phase 2 would be reviewed in conjunction with the Tall Building Design Guidelines. In the interim however, the Phase 2 lands would contain the existing sales office and would also contain the relocated parking area for the Chinese Cultural Centre. Site details for this interim phase would be reviewed as part of the site plan approval process and would review matters such as landscaping requirements along Sheppard Avenue to minimize the appearance of the parking area from the street, and pedestrian walkway connections from the parking area to the sales office to accommodate pedestrian connection to serve the Chinese Cultural Centre. These matters and others would form part of the site plan approval process for Phase 1 development and conceptually to the Phase 2 proposal.

Traffic Impact

The submitted traffic and parking report has been reviewed and its findings are generally acceptable in terms of the proposal having minimal traffic impacts on future traffic operations and key intersections in the area. Traffic was a concern expressed by area residents. There will be traffic improvements required as part of the proposed development on the subject lands. These improvements include intersection

improvements at Sheppard and Progress Avenues in terms of providing a centre median within Sheppard Avenue, west of Progress Avenue, to ensure that the driveway entrance to Sheppard Avenue from the subject property operates as a right-in, right-out. There will be associated modifications required as part of the median construction such as the re-alignment of the left turn lane on Sheppard Avenue on the east side of Progress Avenue, and to the pavement markings, curbing and signage.

Other traffic modifications include traffic signal timing modifications along Markham Road and financial securities for the potential future installation of traffic signals at Markham Road and Rosebank Drive, if warranted once both development phases are built. Otherwise, should the signals not be warranted once both Phase 1 and 2 are completed, the financial securities would be refunded. The proposed traffic improvements and modifications will be secured through conditions of the site plan approval process.

Parking

Parking for Phase 1 is proposed at a minimum parking rate of 1.2 parking spaces per dwelling unit, of which 0.2 parking spaces per dwelling unit would be for visitor parking. In this case, a minimum of 126 parking spaces would be required of which 21 parking spaces would be for visitors. A total of 130 parking spaces are proposed within the underground parking garage, of which 21 parking spaces would be for visitors. As such, an adequate parking supply can be accommodated on Phase 1 for the proposed stacked townhouse proposal.

Parking for Phase 2 is proposed that the minimum parking standards contained within the new harmonized zoning by-law for the City, By-law 569-2013, enacted by City Council on May 9, 2013. The parking rates proposed are appropriate for the proposed 2-phased development on the subject lands and have been incorporated into the draft Zoning By-law Amendment.

The existing zoning by-law requiring the owner of the subject lands to provide a minimum of 60 parking spaces for the Chinese Cultural Centre on the subject lands will remain. These parking spaces are depicted on the Attachments 2 and 8, the latter being the first level of underground parking in Phase 2. In order for Phase 2 to proceed once the details have been finalized, the applicant would need to provide the appropriate and required parking spaces.

Moreover, the existing requirement for the 60 parking for the Chinese Cultural Centre referred to in the 1993 Tripartite Agreement would continue to be enforced.

Transportation Planning staff have also recommended that a minimum rate for bicycle parking of a minimum of 0.5 spaces per dwelling unit be imposed. As such, the bicycle parking rate has been incorporated into the proposed draft Zoning By-law Amendment.

Access

Access to the subject lands is proposed from a right-in, right-out driveway from Sheppard Avenue to Progress Avenue. This driveway would serve Phase 1 but also provide access to the parking lot which would serve to provide parking for the existing temporary sales office on the property and the Chinese Cultural Centre. This access driveway would continue to serve both proposed phases of development once completed. Access to the underground parking garage for Phase 1 would be accommodated by an access driveway from Orchid Place Drive.

During the interim phase when Phase 2 is under construction, access to Phase 1 would be continue to be from Progress Avenue and Orchid Place Drive, however the access to Sheppard Avenue would cease until Phase 2 is completed. The driveway from Progress Avenue would require temporary modifications during the interim phase in order to accommodate a 6 metre driveway entirely on the Phase 1 lands and to provide for temporary on-site turnaround area to accommodate a garbage truck and loading. These modifications are illustrated on Attachments 2 and 3.

Servicing

The applicant has submitted a Storm Water Management and Functional Servicing Report which has been reviewed by Development Engineering staff. The report details the requirements for Phase 1 and concludes that the proposal will be appropriately accommodated by the existing infrastructure. Adequate sewer capacity exists to service both phases of the proposed development. A detailed review of the stormwater management for Phase 2 however will be reviewed as part of the site plan application for Phase 2 when this portion of the development advances.

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 the local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 + 2.99 hectares of local parkland per 1,000 people. The subject site is located in the second highest 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 is proposing to construct 105 stacked townhouses within a site area of 0.9294 hectares (9,294m²). At the parkland dedication rate of 5% as specified in By-law 1020-2010, the parkland dedication would be 0.04647 hectares (464.7m²).

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.

Community Issues

Residents had raised concerns with traffic and parking. These matters have been addressed through the review of the submitted technical reports by respective staff. The proposed traffic improvements to area intersections and modification to the traffic signal timing to support the proposed 2-phase development will be secured through the site plan approval process. An adequate parking supply has been provided for the Phase 1 development and the appropriate parking rate has been incorporated into the draft zoning by-law. Parking for Phase 2 will be provided at a parking rate now contained in the harmonized zoning by-law recently adopted by City Council and the specific parking supply will be determined once the development scheme has been advanced and finalized by the applicant. The proposed increase in density is considered acceptable in this case given the location and context of the subject lands, as well as its potential to support existing and planned public transit. In terms of school capacity, the Toronto District School Board requires warning clauses in offers of purchase and sale agreements that students may be accommodated outside the area. The Toronto Catholic District School Board has not provided comments.

Many of the issues raised by the Chinese Cultural Centre can be addressed through the site plan process for the Phase 1 development, which include the provision for an interim, at grade gravel parking lot. The Tripartite Agreement obligates the owner of the subject lands to provide an interim parking lot as well as to accommodate parking for the Cultural Centre within an underground parking garage. The applicant agrees to fulfil the obligations contained in the agreement. As for other matters raised such as lighting for the interim parking lot, these will be discussed further with the applicant in finalizing the site plan approval.

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. Since the subject application was submitted in 2007 the Toronto Green Standard's Tier 1 is not a requirement but recommended. Staff have secured standards for bicycle parking in the proposed zoning by-law.

In the associated site plan application which primarily deals with Phase 1 of the proposed development, the applicant will be required to meet Tier 1 of the TGS. TGS performance measures will be secured through the Site Plan Approval process and performance measures such as the storage and collection of recycling and organic waste, water efficient landscaping, planting of native species and a cool roof will be secured.

Section 37

Opportunities to provide community benefits either on-site or in close proximity to the site have been reviewed as part of the application in exchange for the proposed increase in height and density. These community benefits to which the owner has agreed to provide, include improvements to 3 parks in the Malvern Community in the total amount

of \$242,000. The monies are proposed to be secured in specified allocations for each development phase. The draft zoning by-law includes provision to secure these funds.

Specifically the community benefits recommended to be secured in the Section 37 agreement are as follows:

1. Burrows Hall Park for capital improvements to the pavement surface of the courtyard in the amount of \$60,000;
2. Neilson Park for capital improvements to 2 baseball diamonds for fencing, a batting cage, and the ball diamonds in the amount of \$102,000; and,
3. Major Abbas Ali Park (formerly McLevin Park) for improved lighting to the tennis courts and provision of a new storage shed in the amount of \$80,000.

Conclusions

The proposed 2-phase development scheme is consistent with the Official Plan policies and advances residential construction on lands that have remained vacant. The application provides for appropriate development that is transit supportive and continues to recognize the required parking for the Chinese Cultural Centre as required by both the existing zoning by-law and the 1993 Tripartite agreement. The increase in density enables the City to secure Section 37 benefits to improve 3 parks in the Malvern Community. It is recommended that the application be approved.

CONTACT

Sylvia Mullaste, Planner
Tel. No. (416) 396-5244
Fax No. (416) 396-5265
E-mail: Mullaste@toronto.ca

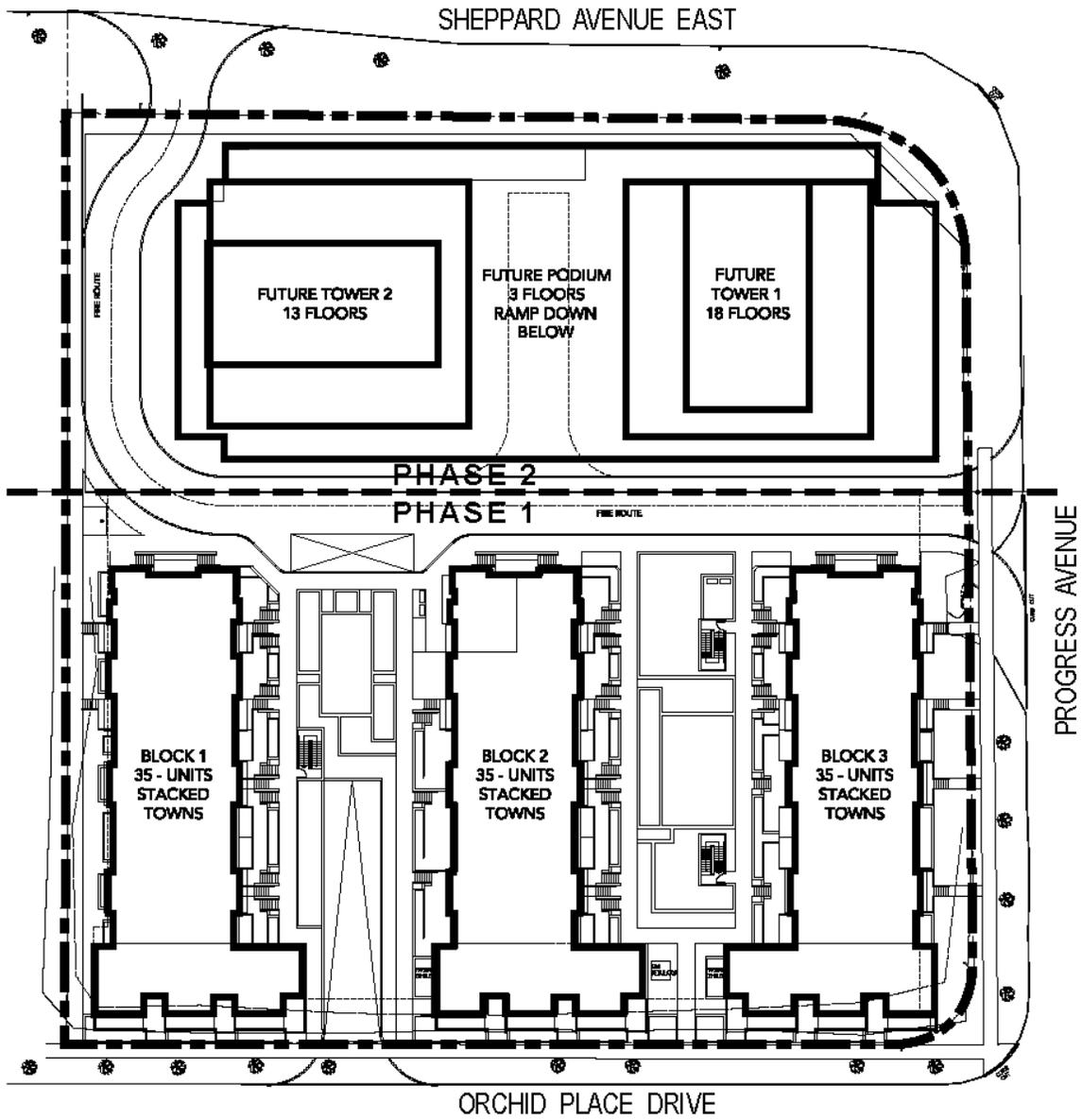
SIGNATURE

Raymond David, Director
Community Planning, Scarborough District

ATTACHMENTS

- Attachment 1: Site Plan – Phase 1 and 2
- Attachment 2: Site Plan – Phase 1
- Attachment 3: Site Plan – Phase 2 in Construction
- Attachment 4: Aerial Phase 1 and 2
- Attachment 5: Elevations – Block 1
- Attachment 6: Elevations – Block 2
- Attachment 7: Elevations – Block 3
- Attachment 8: Underground Parking – Phase 1 and 2
- Attachment 9: Zoning
- Attachment 10: Official Plan
- Attachment 11: Application Data Sheet
- Attachment 12: Draft Official Plan Amendment
- Attachment 13: Draft Zoning By-law Amendment

Attachment 1: Site Plan – Phases 1 and 2



Site Plan - Phases 1 and 2

1088 Progress Avenue

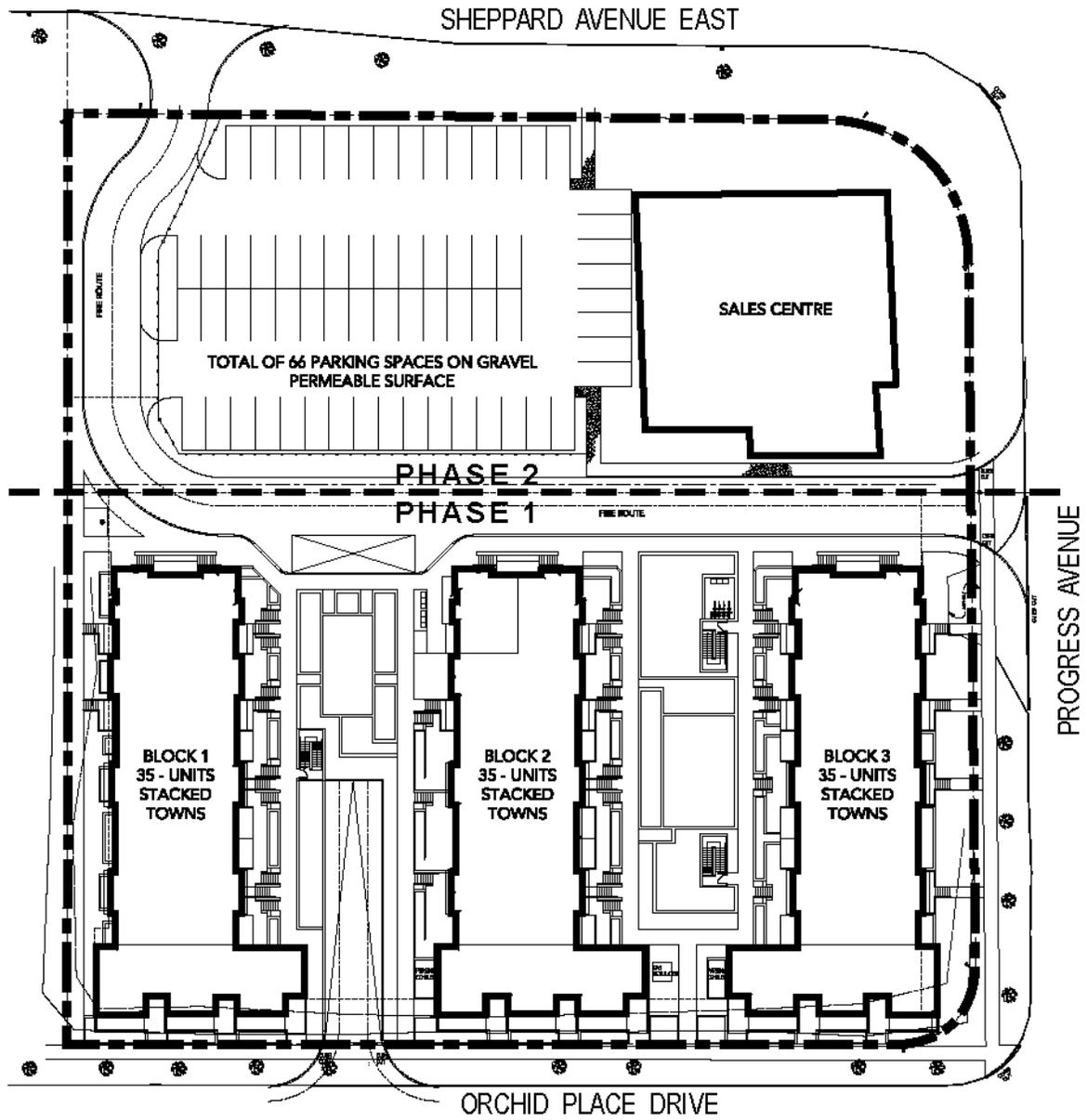
Applicant's Submitted Drawing

Not to Scale
05/15/13



File # 07 279995 ESC 42 OZ; 12 269606 ESC 42 SA

Attachment 2: Site Plan – Phase 1



Site Plan - Phase 1

1088 Progress Avenue

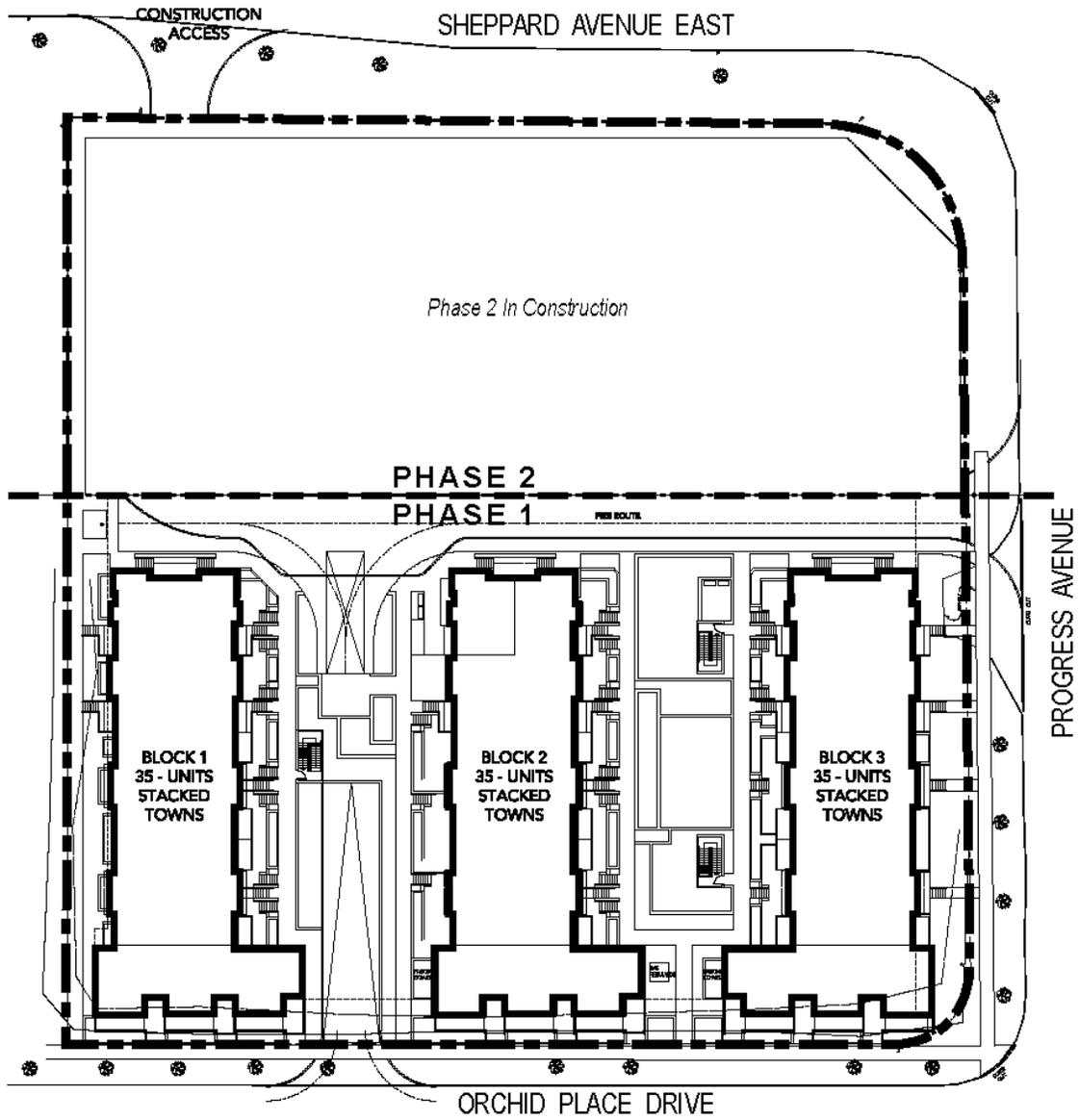
Applicant's Submitted Drawing

Not to Scale
05/15/13



File # 07 279995 ESC 42 OZ; 12 269606 ESC 42 SA

Attachment 3: Site Plan – Phase 2 in Construction



Site Plan - Phase 2 In Construction

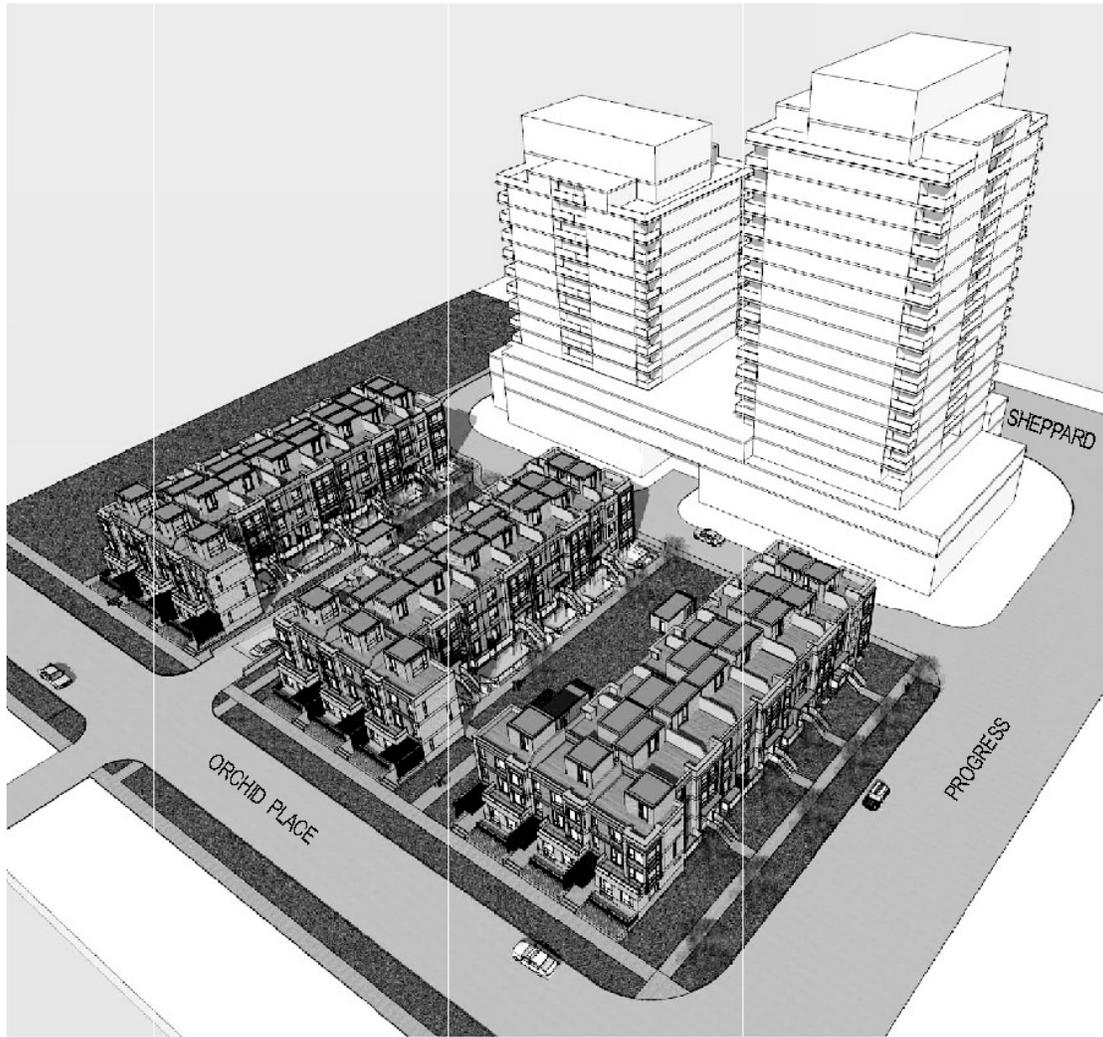
1088 Progress Avenue

Applicant's Submitted Drawing

Not to Scale
05/15/13 

File # 07 279995 ESC 42 0Z; 12 269606 ESC 42 SA

Attachment 4: Aerial Phase 1 and 2



Aerial

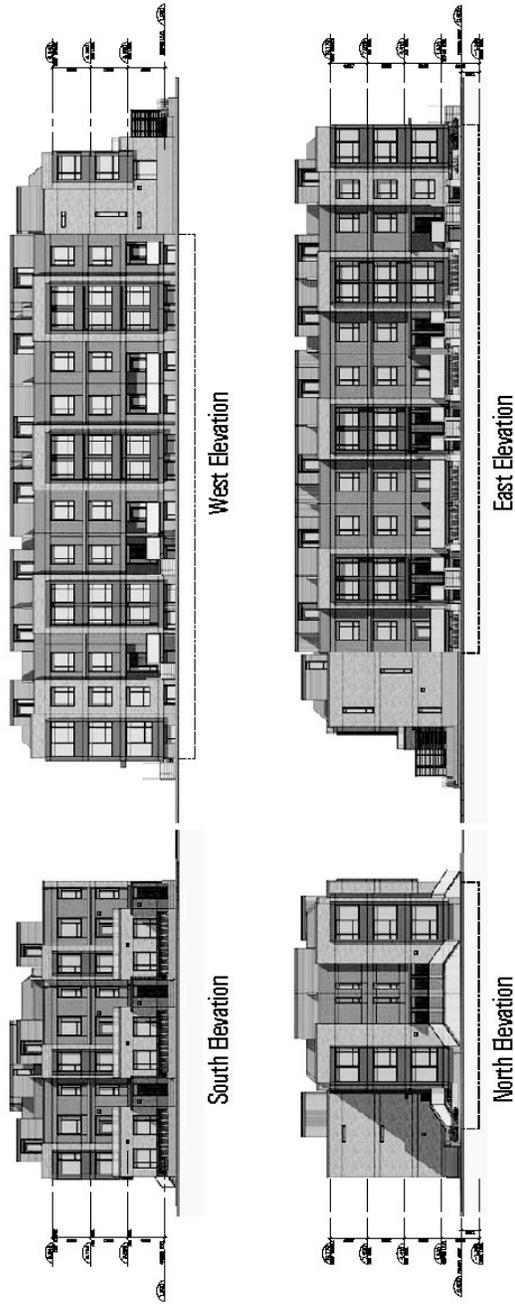
Applicant's Submitted Drawing

Not to Scale
05/15/13

1088 Progress Avenue

File # 07 279995 ESC 42 OZ; 12 269606 ESC 42 SA

Attachment 5: Elevations



1088 Progress Avenue

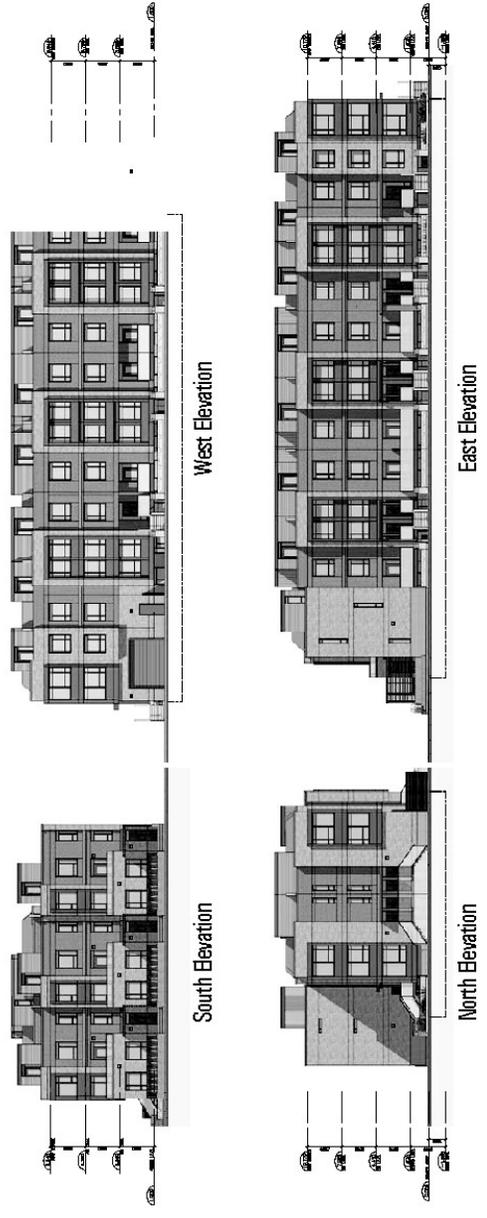
Elevations - Block 1

Applicant's Submitted Drawing

Not to Scale
05/15/13

File # 07 279995 ESC 42 0Z; 12 269606 ESC 42 SA

Attachment 6: Elevations



Elevations - Block 2
Applicant's Submitted Drawing
Metric Scale
08/13/13

1088 Progress Avenue
File # 07 279995 ESC 42 0Z; 12 269606 ESC 42 SA

Attachment 7: Elevations



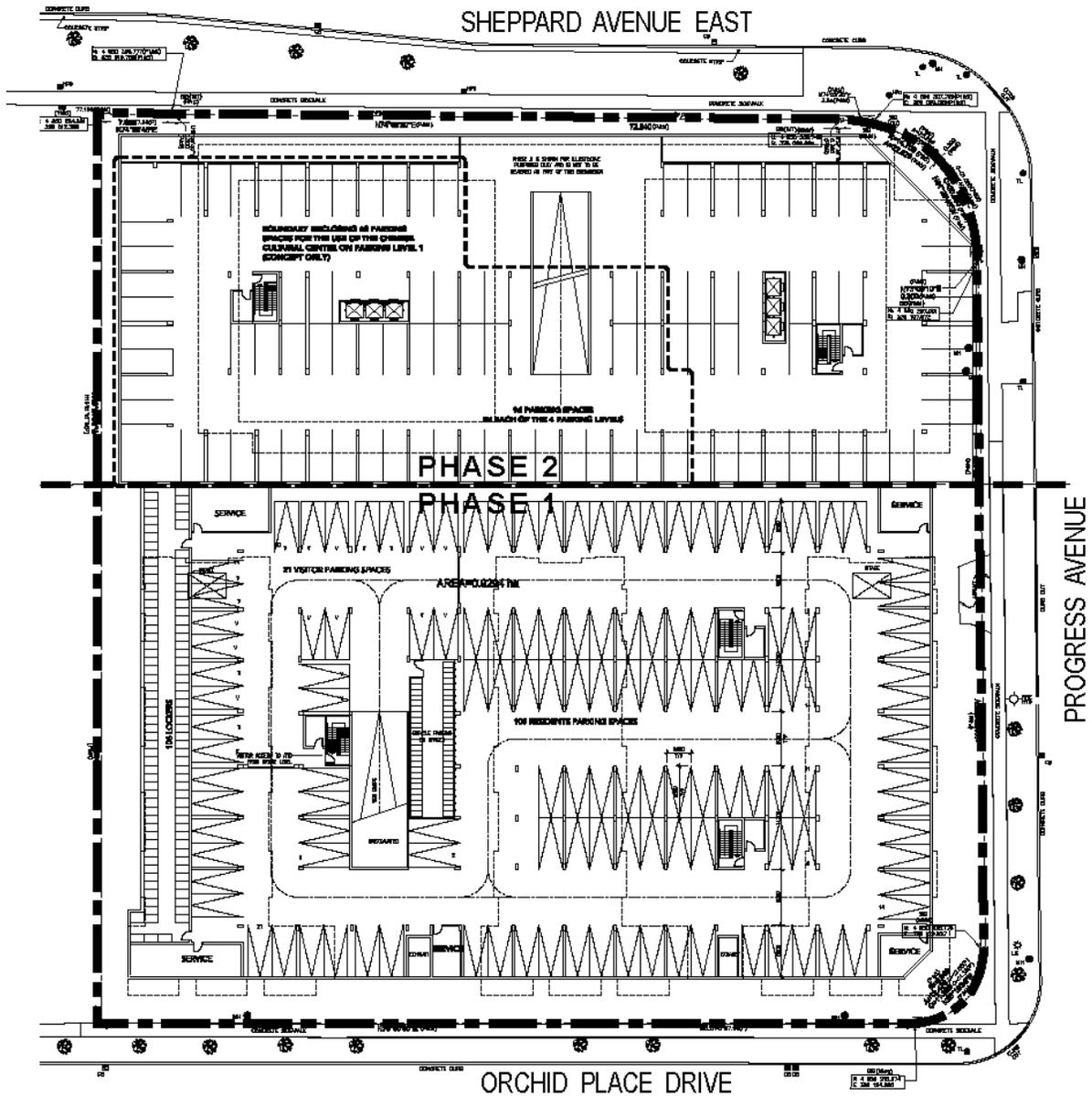
Elevations - Block 3
1088 Progress Avenue

Applicant's Submitted Drawing

Micro Scale
08/13/13

File # 07 279995 ESC 42 0Z; 12 269606 ESC 42 SA

Attachment 8: Underground Parking – Phase 1 and 2



Site Plan - Underground

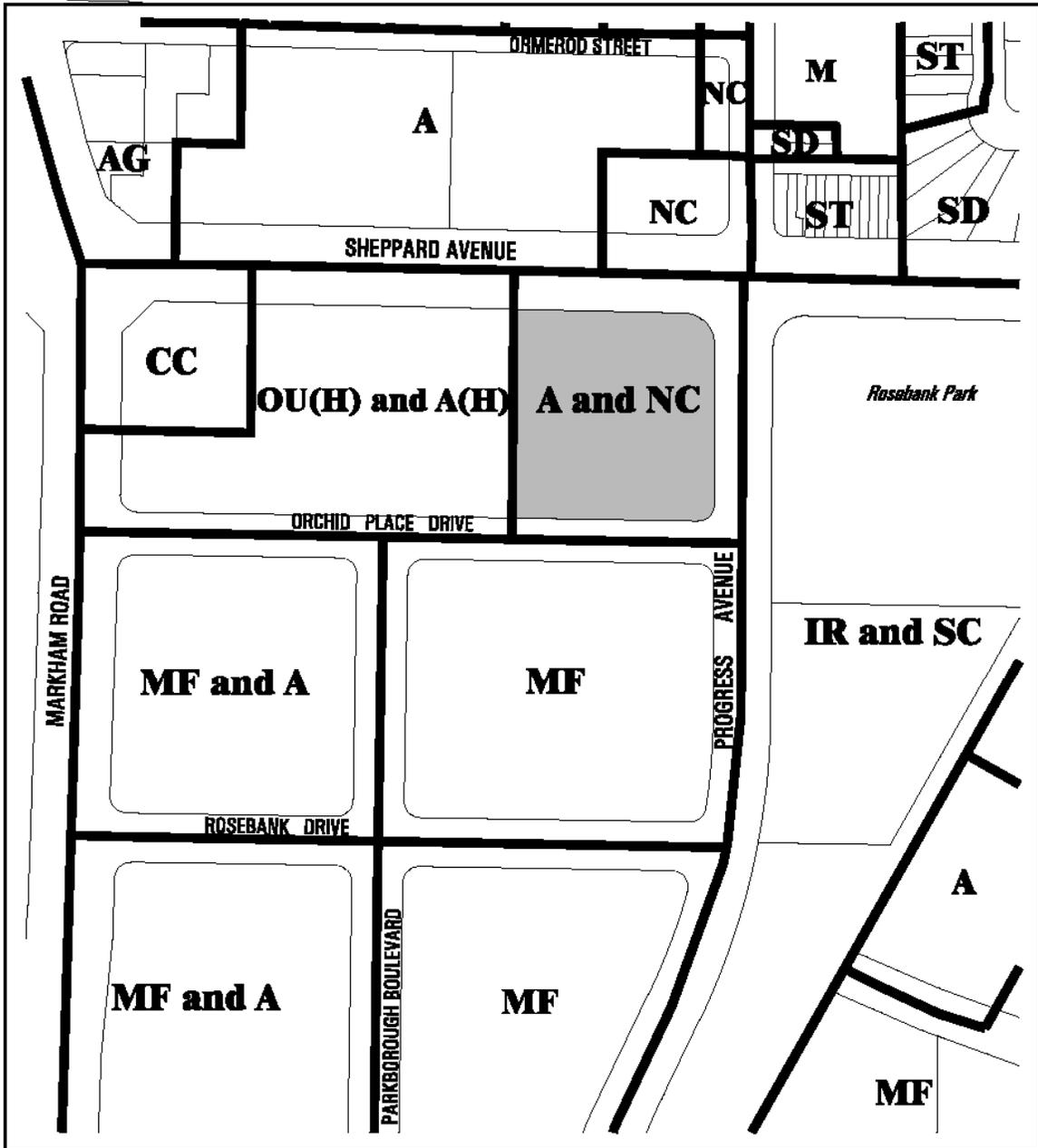
1088 Progress Avenue

Applicant's Submitted Drawing

Not to Scale 05/15/13

File# 07 279995 ESC 42 OZ; 12 269606 ESC 42 SA

Attachment 9: Zoning



Toronto City Planning Division
Zoning

1088 Progress Avenue

File # 07-279995 ESC 42 OZ, 12-269606 ESC 42 SA

SD Semi-Detached Residential
ST Street Townhouse Residential
MF Multiple-Family Residential
A Apartment Residential
NC Neighbourhood Commercial

CC Community Commercial
AG Agricultural Uses
IR (P) Institutional - Private and Public Recreational Uses
SC School

Malvern Community Bylaw
 Not to Scale
 ↑
 05/15/13

Attachment 10: Official Plan



TORONTO City Planning
Official Plan

1088 Progress Avenue

File # 07-279995 ESC 42 OZ; 12-269606 ESC 42 SA

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

↑
 Not to Scale
 05/15/13

Attachment 11: Application Data Sheet

| | | | |
|------------------|------------------------------------|---------------------|---------------------|
| Application Type | Official Plan Amendment & Rezoning | Application Number: | 07 279995 ESC 42 OZ |
| Details | OPA & Rezoning, Standard | Application Date: | November 19, 2007 |

Municipal Address: 1088 PROGRESS AVE
 Location Description: PL 66M2300 BLK 2 **GRID E4211
 Project Description:

The proposal has been revised to include a 2-phased development. Phase 1 contained on the southern portion of the lands proposes 105 stacked townhouses with 1 level of underground parking. Phase 2 on the northerly portion of the land includes 2 residential building of 13 and 18 storeys with a total of 309 units, 1000 sq.m. of ground floor commercial space, and 4 levels of underground parking.

| | | | |
|---|---------------|-------------------|---------------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| ARMSTRONG HUNTER & ASSOC (MICHAEL RAJK) | | | EMPIRE PACE (1088 PROGRESS) LTD |

PLANNING CONTROLS

| | | | |
|----------------------------|---|--------------------------|---------|
| Official Plan Designation: | Apartment Neighbourhood | Site Specific Provision: | No. 117 |
| Zoning: | A (Apartment) & NC (Neighbourhood Commercial) | Historical Status: | |
| Height Limit (m): | | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|---------|---------|-----------------|---------------|
| Site Area (sq. m): | 9294 | Height: | Storeys: | 18 |
| Frontage (m): | 58.4 | | Metres: | 0 |
| Depth (m): | 0 | | | |
| Total Ground Floor Area (sq. m): | 0 | | | Total |
| Total Residential GFA (sq. m): | 33417.1 | | Parking Spaces: | 130 (Phase 1) |
| Total Non-Residential GFA (sq. m): | 1000 | | Loading Docks | 1 (Phase 1) |
| Total GFA (sq. m): | 34417.1 | | | |
| Lot Coverage Ratio (%): | 0 | | | |
| Floor Space Index: | 3.7 | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|-----|----------------------------------|-------------|
| Tenure Type: | | | |
| Rooms: | 0 | Residential GFA (sq. m): | 33417.1 |
| Bachelor: | 0 | Retail GFA (sq. m): | 1000 |
| 1 Bedroom: | 205 | Office GFA (sq. m): | 0 |
| 2 Bedroom: | 209 | Industrial GFA (sq. m): | 0 |
| 3 + Bedroom: | 0 | Institutional/Other GFA (sq. m): | 0 |
| Total Units: | 414 | | |

CONTACT: PLANNER NAME: Sylvia Mullaste, Planner
TELEPHONE: (416) 396-5244

Attachment 12: Draft Official Plan Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2012, as
1088 Progress Avenue**

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. The attached Amendment No. 221 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

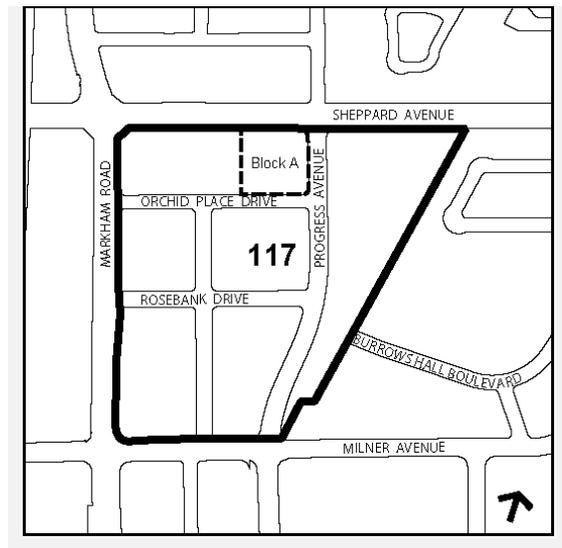
(Corporate Seal)

AMENDMENT NO. 221 TO THE OFFICIAL PLAN
LANDS MUNICIPALLY KNOWN IN THE YEAR 2012 AS
1088 PROGRESS AVENUE

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

1. Chapter 7, Site and Area Specific Policies, is amended by amending Site and Area Specific Policy No. 117 for the area described as lands south of Sheppard Avenue East, East of Markham Road, by adding the following policy to address the lands known municipally in 2012 as 1088 Progress Avenue, as follows:

117. f) Development of the lands shown as Block 'A', a maximum of 414 residential units are permitted.



Attachment 13: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Malvern Community Zoning By-law No. 14402, as amended,
with respect to the lands municipally known as 1088 Progress Avenue**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

1. SCHEDULE “A” is amended by deleting Performance Standard 517 from applying and adding Performance Standards 680 and 681 so that the zoning applying to the lands shown outlined on Schedule ‘1’ as follows:

A and NC – 132 – 139 – 427 – 432 – 436 – 437 – 438 – 539 – 540 – 680 – 681

2. SCHEDULE “B” PERFORMANCE STANDARD CHART, is amended by replacing the text in Performance Standards 437, 539 and 540, and adding Performance Standard No.’s 680 and 681 as follows:

MISCELLANEOUS

437. The minimum number of **storeys** is 13 and the maximum number of **storeys** is 18, excluding **utility room**, elevator room, enclosed roof access stairs, basements and **underground parking structure**.

INTENSTIY OF USE

539. Maximum 414 **dwelling units**.

540. Maximum 2323 m² **gross floor** area for retail stores, personal service shops, financial institutions, offices and coffee shop.

MISCELLANEOUS

680. **Vehicle parking spaces per dwelling unit** shall be provided as follows:

Residential

- a) Bachelor **dwelling unit**: a minimum rate of 0.8 spaces for each bachelor unit up to 45 m² and 1.0 spaces for each bachelor unit greater than 45 m²
- b) One-bedroom **dwelling unit**: a minimum of 0.9 spaces per unit
- c) Two-bedroom **dwelling unit**: a minimum of 1.0 spaces per unit
- d) Three or more bedroom **dwelling unit**: a minimum of 1.2 spaces per unit

Visitor

- a) Minimum 0.2 **parking spaces** per **dwelling unit** shall be provided for visitors.

681. Minimum bicycle parking spaces for residential uses: 0.5 spaces per **dwelling unit**

3. **SCHEDULE "C" EXCEPTIONS LIST**, is amended by adding the following to Exception 36 and to the lands shown on Schedule '2' as follows:

- 36. a) Additional Permitted Uses:
 - coffee shop to a maximum **gross floor area** of 140 m²
- 36. c) On Exception 36 Part A, only Multiple-Family Dwellings are permitted as follows:
 - a maximum of 105 **dwelling units**
 - a maximum of 4 **storeys**, excluding **utility rooms**, enclosed roof access stairs and an **underground parking structure**
 - a minimum of 1.0 **parking space** per **dwelling unit** and a minimum of 0.2 **parking spaces** per **dwelling unit** for visitors are required
 - minimum setback of 2.5 m from the **street lot line**
 - **underground parking structure** shall comply with the minimum building setback requirements
 - porches, canopies and supporting columns may project into the **street yard** a maximum of 2 m

4. **SCHEDULE "C" EXCEPTIONS LIST**, is amended by adding Exception 43 to the lands shown on Schedule '3' as follows:

- 43. On those lands identified as Exception 43 on the accompanying Schedule "C" map, the following provisions shall apply:

1. Pursuant to Section 37 of the *Planning Act*, as amended, the density of development permitted by this By-law is permitted subject to the owner of the land, at its expense and in accordance with and subject to the execution and registration of the agreement(s) referred to in Section 2 herein, to secure financial contributions toward specific capital facilities as follows:
 - b) The provision of a cash payment of \$242,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto (from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto, as follows:
 - i. \$60,000 payable prior to the issuance of the first building permit on the southern parcel (Part A) towards capital improvements to the courtyard at Burrows Hall Park; and
 - ii. \$182,000 payable prior to the issuance of the first building permit on the northern parcel (Part B) towards capital improvements associated with the baseball diamonds at Neilson Park and facilities associated with the tennis courts at Major Abbas Ali Park (formerly McLevin Park).
2. The owner of the land shall enter into one or more agreements with the City of Toronto pursuant to Section 37 of the *Planning Act*, as amended, to secure the facilities and matters referred to in Section 1 herein, which agreements shall be registered on title to the land to which this By-law applies.

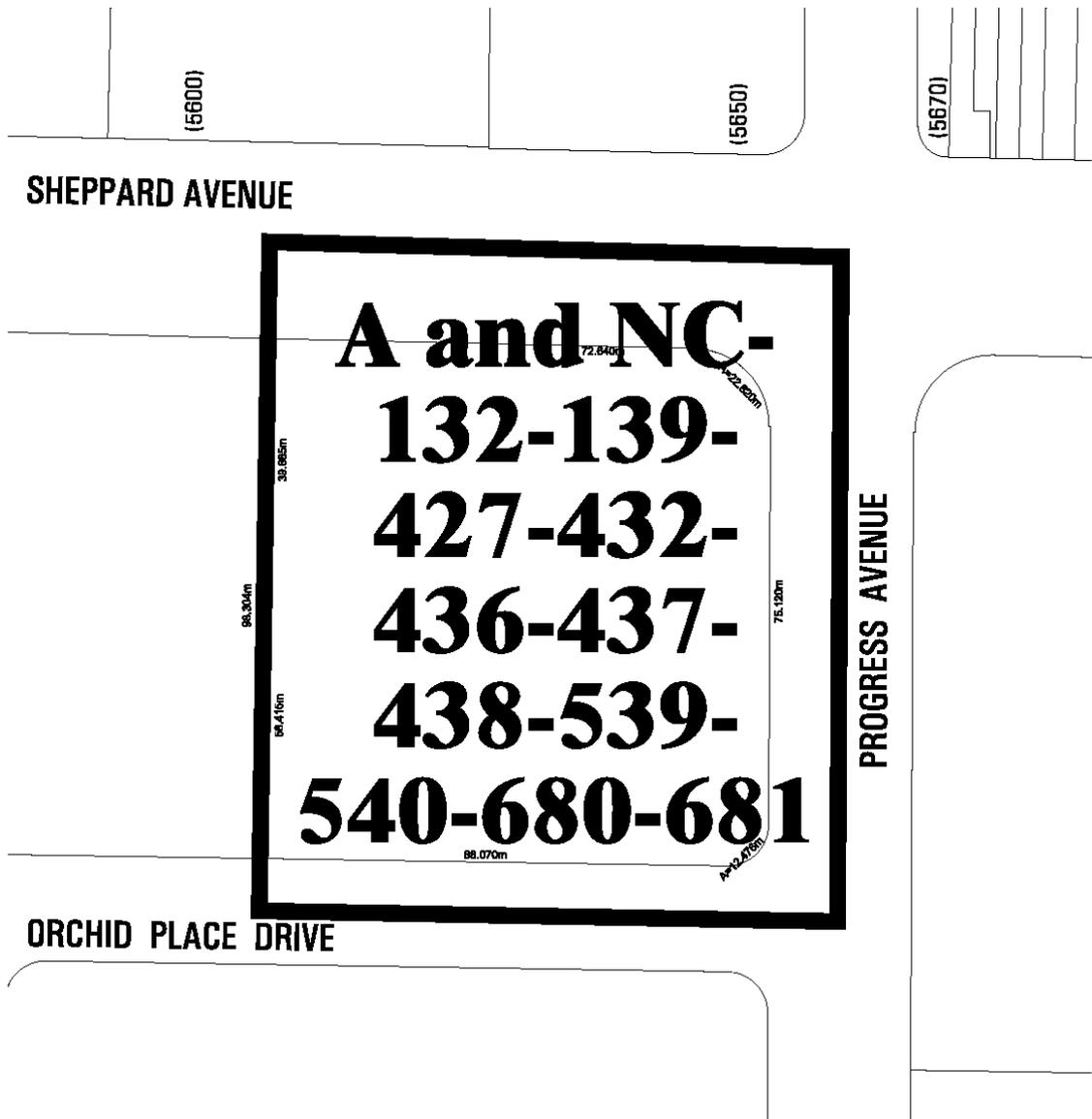
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

(Corporate Seal)

ULLI S. WATKISS,
City Clerk

Schedule '1'



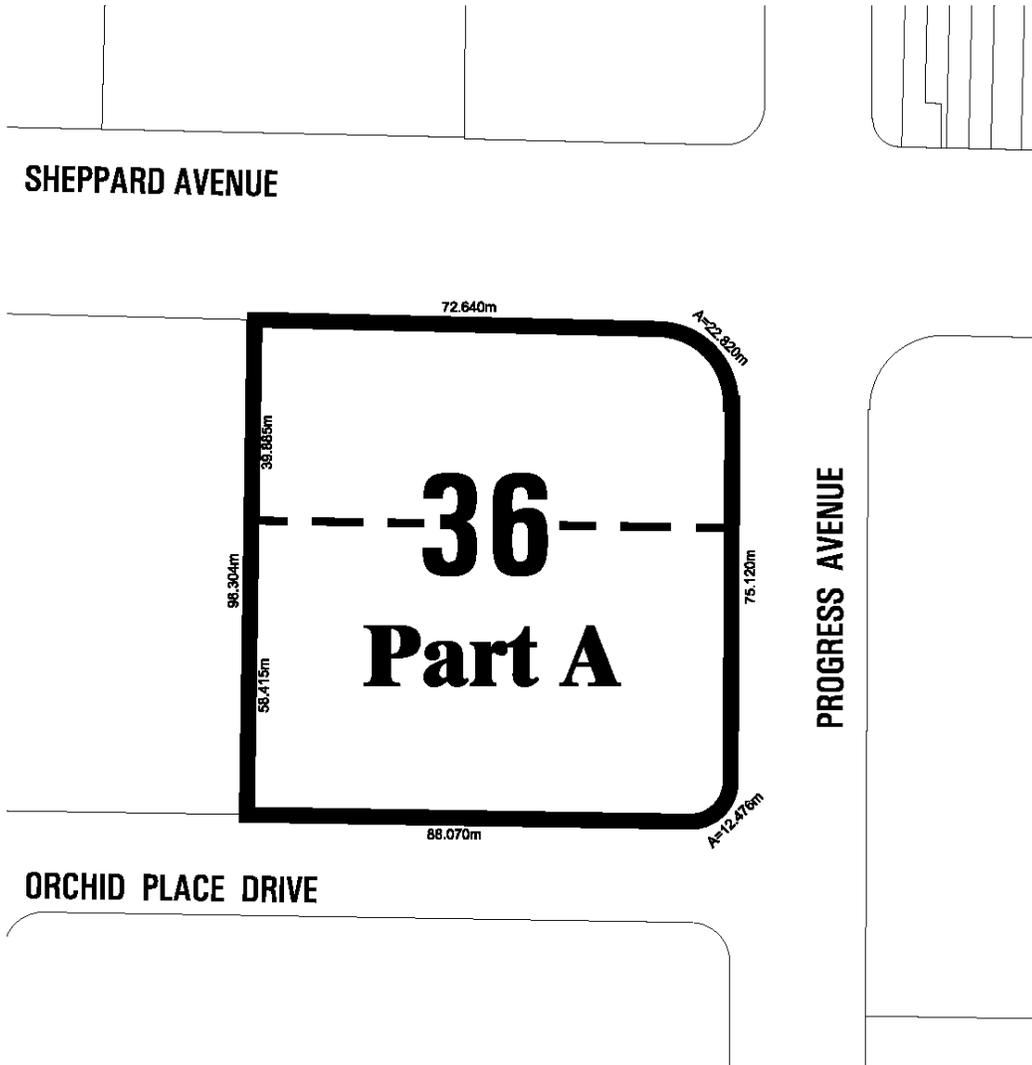
TORONTO City Planning Division
Zoning By-Law Amendment

1088 Progress Avenue
 File # 07 279995 ESC 42 0Z

 Area Affected By This By-Law

Malvern Community Bylaw
 Not to Scale
 05/21/13

Schedule '2'



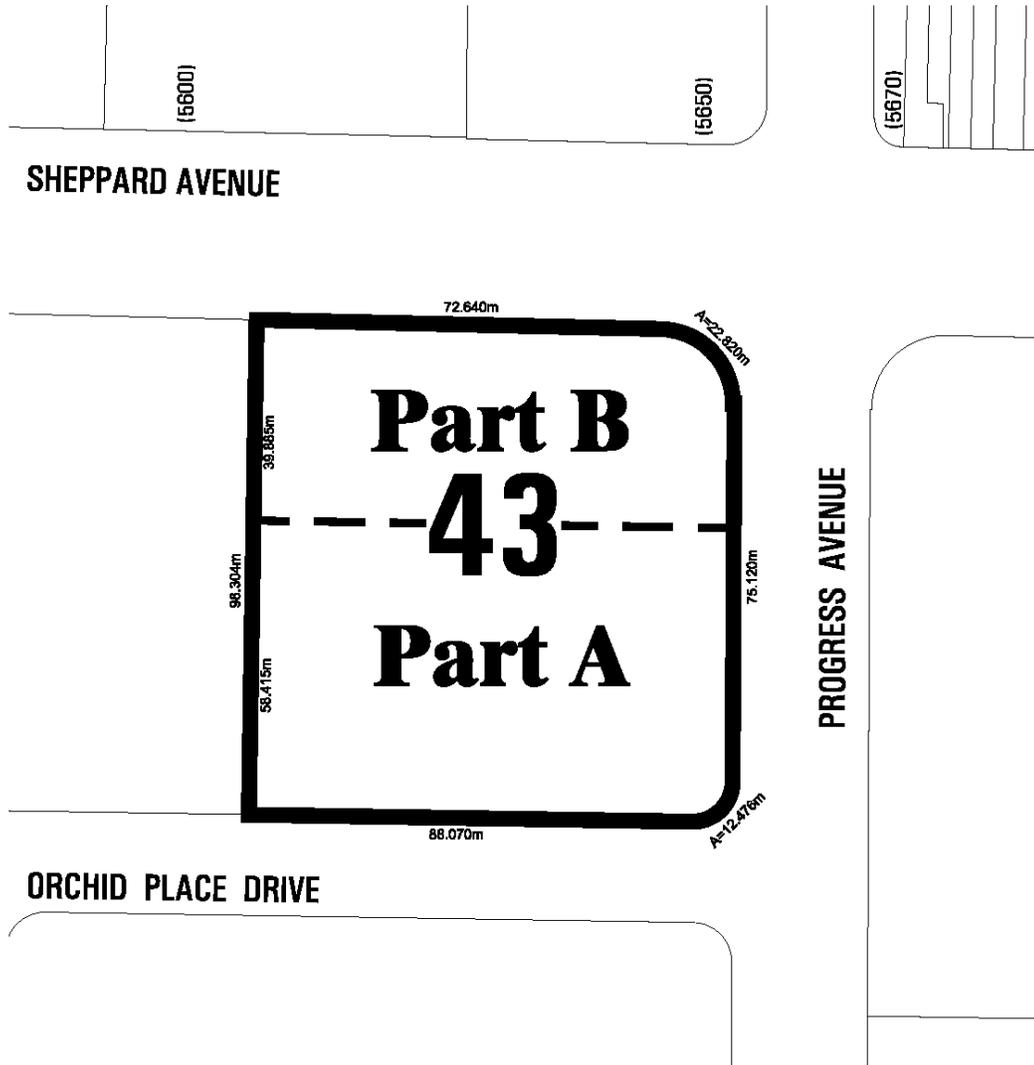
TORONTO City Planning
Division
Zoning By-Law Amendment

1088 Progress Avenue
File # 07 279995 ESC 42 OZ

 Area Affected By This By-Law

Malvern Community Bylaw
Not to Scale
05/23/13


Schedule '3'



TORONTO City Planning
Division
Zoning By-Law Amendment

1088 Progress Avenue
File # 07 279995 ESC 42 OZ

 Area Affected By This By-Law

Malvern Community Bylaw
Not to Scale
05/23/13
