

1401 O'Connor Drive – Zoning Amendment Application – Final Report

Date:	March 12, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 31 – Beaches-East York
Reference Number:	12-138120 STE 31 OZ

SUMMARY

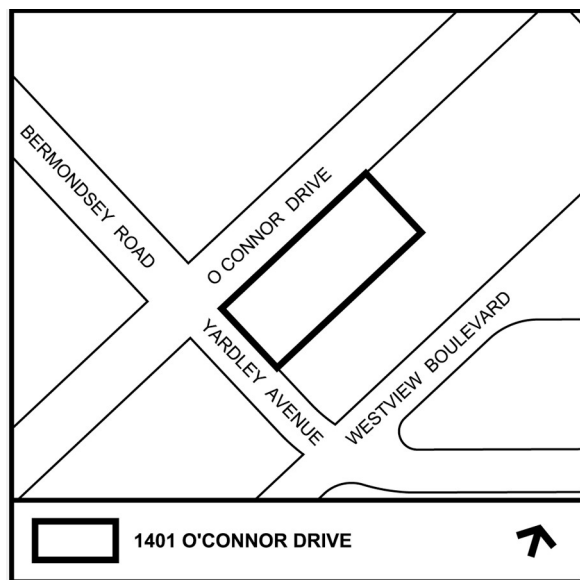
This application proposes redevelopment of the property at 1401 O'Connor Drive with a new 7-storey mixed use building containing 142 residential units with retail/commercial uses at grade. A total of 151 parking spaces will be provided below grade.

This report reviews and recommends approval of the application to amend the Zoning By-law because the building height, massing and scale have been appropriately transitioned towards the *Neighbourhood* to the east and have a suitable relationship with the *Avenue*. The proposal is consistent with the relevant policies of the Official Plan and the O'Connor Drive Avenue Urban Design Guidelines.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former Borough of East York Zoning By-law 6752 for the lands municipally known as 1401 O'Connor Drive, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to the report (March 12, 2013) from the Director, Community Planning, Toronto and East York District.



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. Prior to introduction of Bills, City Council require the Owner to enter into one or more agreements pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor to secure the following at the owner's sole expense:
 - a. A cash contribution in the amount of \$300,000.00 payable to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit to be applied at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor, towards park facilities or streetscape improvements in Ward 31. The payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of enactment of the by-law to the date of payment.
 - b. Provision and maintenance of the following to the satisfaction of the Chief Planner and Executive Director prior to registration of a plan of condominium:
 - i. commemorative artifacts, momentos and photographs from the former "O'Connor Bowl" displayed in the main lobby of the proposed building;
 - ii. incorporation of commemorative design of the former "O'Connor Bowl" into the exterior façade of the proposed building.
 - c. Construction and maintenance of the development in accordance with Tier 1 - required and Tier 2 - enhanced, 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 Management Committee.
4. Prior to introduction of Bills, City Council require the Owner to submit the following:
 - a. Architectural and landscape plans to provide appropriate tree protection zones, including notes and graphics for tree no. 1 and the willow tree situated at the rear of 206 Westview Boulevard. Details of the willow tree to be included on a revised Arborist Report form to the satisfaction of the Supervisor, Tree Protection & Plan Review, Urban Forestry.
 - b. A composite utility plan indicating the location of all existing and proposed underground and aboveground utilities to the satisfaction of all

utility companies and the Supervisor, Tree Protection & Plan Review, Urban Forestry.

5. Prior to introduction of Bills, City Council require the owner to withdraw its appeal to the Ontario Municipal Board of Official Plan Amendment No. 207, for the O'Connor Drive Avenue Study, or make appropriate arrangements for the same with the City Solicitor.

DECISION HISTORY

On May 15, 2012, the Toronto and East York Community Council considered a Preliminary Report dated April 19, 2012, from the Director, Community Planning, Toronto and East York District and adopted the recommendations of that report which can be found at: (<http://www.toronto.ca/legdocs/mmis/2012/te/bgrd/backgroundfile-46832.pdf>). Toronto and East York Community Council authorized City staff to review the application concurrently in the context of the O'Connor Drive Avenue Study.

On November 27, 2012, City Council adopted Official Plan Amendment No. 207 and Urban Design Guidelines for the O'Connor Drive Avenue Study Area.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.2>

Official Plan Amendment No. 207 (By-law 1652-2012) has been appealed to the Ontario Municipal Board by the applicant. A hearing has not been scheduled.

ISSUE BACKGROUND

Proposal

The applicant initially proposed to redevelop the property at 1401 O'Connor Drive with a 10-storey apartment building comprising 177 residential units with a gross floor area of 14,534m², 19 live-work units in a 2-storey podium with a gross floor area of 1,872 m² and 3 levels of below grade parking. The overall density of the proposed development was 4.1 times the area of the lot. The proposed building was to have a height of 28 metres with a mechanical penthouse 5 metres in height, resulting in a total height of 33 metres. A total of 978 m² of indoor and outdoor amenity space was provided on the first and second floors and on the roof (terrace). A green roof was proposed on the 10th floor adjacent to the residential units and around the mechanical penthouse.

Revised Proposal

On December 21, 2012, the applicant submitted a revised proposal for a 7-storey mixed use building. The live-work units previously occupying the ground floor have been replaced with 577 m² of commercial space and 583 m² of residential amenity space. The building will have a height of 22 metres, 151 vehicle parking spaces on 2 levels of underground parking, 201 bicycle parking spaces, and a total gross floor area of 11,989m². The overall density of the proposed development is 3.4 times the lot area.

The overall architecture and building mass has been more fully transitioned towards the *Neighbourhood* to the east using a combination of setbacks and step backs and a 45

degree angular plane measured from the rear property line. The massing on the north and south sides of the proposed building has been stepped back and the original 0.6m building setback on the O'Connor Drive property line has been eliminated. The setback from the north property line with an outdoor amenity space has been eliminated.

The site will be accessed off Yardley Avenue on a two-way driveway at the south-east corner of the site. Two loading spaces (type 'B' and type 'G'), a pick-up and drop-off area and access to the underground parking are located at the rear of the site. A landscaping buffer with trees is provided between the servicing area and the adjacent residential area. A 417 m² green roof is proposed.

Site and Surrounding Area

The site, municipally referred to as 1401 O'Connor Drive, is located on the north-east side of O'Connor Drive and Yardley Avenue. The rectangular shaped lot has an area of 3,538.2m² with 92.9 metres of frontage on O'Connor Drive and a depth of 38.1 metres flanking Yardley Avenue.

The existing 2-storey building on the subject lands contains the "O'Connor Bowl" a bowling facility.

Land uses surrounding the site are as follows:

North: vacant 1-storey building used for small scale retail, auto-service facility comprising a car wash, auto-repair and car audio shop, and 2-storey buildings containing a mix of commercial and residential uses along O'Connor Drive.

South: a 1-storey auto repair shop and 3-storey apartment buildings along the east side of O'Connor Drive.

East: Westview and Topham Park neighbourhood characterised by 1-storey bungalows and recent second storey additions.

West: 1-storey buildings containing a mix of industrial uses, automotive and small scale retail uses on the west side of O'Connor Drive, including the Mondelez Canada Baking facility (Peek Freans) located at 1200 O'Connor Drive.

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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within an *Avenue* on the Urban Structure Map (Map 2) and is designated as a *Mixed Use Area* (Map 4) in the City of Toronto Official Plan which is consistent with the rest of the lands on the east side of O'Connor Drive between St. Clair Avenue East and Victoria Park Avenue. *Avenues* are "important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents", according to Section 2.2.3 of the Plan.

The *Avenues* will be transformed incrementally. They will change building-by-building over a number of years. The framework for new development on each *Avenue* will be established through an Avenue Study, resulting in appropriate zoning and/or design guidelines created in consultation with the local community.

Development applications on the *Avenues* prior to an Avenue Study are required to be accompanied by an Avenue Segment Study, which discusses the implications for the portion of the Avenue resulting from the proposed development and whether the proposed development would be setting a positive precedent for future development of the remainder of the Avenue.

The Official Plan also notes that not all *Avenues* are the same. "Each Avenue is different in terms of lot sizes and configurations, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the *Avenues*".

The *Mixed Use Area* designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in "*Mixed Use Areas*" include, but are not limited to:

- locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- locating and massing new buildings to frame the edges of streets and parks;
- providing an attractive, comfortable and safe pedestrian environment;
- providing good site access and circulation and an adequate supply of parking for residents and visitors;

- 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 in every significant multi-residential development.

The Toronto Official Plan is available on the City's website at:

www.toronto.ca/planning/official_plan/introduction.htm

O'Connor Drive Avenue Study

The O'Connor Drive Avenue Study Area extends from Sandra Avenue to Victoria Park Avenue. The objectives for development within the O'Connor Drive Avenue Study OPA No. 207 are as follows:

- contribute to the vision of the desired urban structure for the area;
- support the range of permitted uses including residential, employment, retail and institutional while contributing to the vitality of the area;
- enhance, improve or add to the public realm;
- provide appropriate relationships between buildings, and between buildings and the public realm by addressing matters such as massing, set-backs, and step-backs;
- provide high quality architecture, site planning, and landscape design;
- provide active at grade uses in support of a dynamic, interesting and safe street life; and
- encourage environmental sustainability.

The southerly portion of O'Connor Drive where the site is located has been identified in the OPA as having a main street character. Future development is to contribute to the revitalization of the area and be sensitive to its context.

The OPA states that the O'Connor Drive Urban Design Guidelines will be used to provide direction for reviewing development applications in the area, in order to assist in meeting the objectives of the Official Plan. The Guidelines are to be read in conjunction with the urban design and built form policies of the Plan.

The Urban Design Guidelines provide direction for improvements to the public realm that promote a healthy and vibrant pedestrian environment and include streetscape improvements and enhancing open spaces. Such improvements will occur incrementally and will be considered through new development on adjacent properties. Future development along the *Avenue* will be sensitive to the adjacent land uses, will contribute

towards the creation of a consistent street wall and provide room for an attractive pedestrian environment. Active uses at grade which includes commercial and retail uses are encouraged.

Zoning

The site is subject to the East York Zoning By-law No. 6752, as amended, and is zoned Commercial (Attachment 4). The by-law permits commercial, institutional, residential and day nursery uses. This zoning category permits buildings or structures with a maximum of 3 storeys with commercial uses at grade and residential uses above. The By-law uses a combination of setbacks and maximum number of storeys to regulate the height, massing and scale of buildings.

Site Plan Control

The proposed development is subject to Site Plan Control. The applicant has submitted a Site Plan Control application that has been reviewed concurrently with the Zoning Amendment application.

Reasons for Application

A Zoning Amendment application is required to consider the proposed height, density and scale of the development. The proposal contemplates a 7-storey apartment building with retail/commercial units at grade whereas the zoning by-law permits a maximum of 3 storeys with only commercial uses at grade and requires residential uses over the lowest storey above grade.

Community Consultation

A Community Consultation meeting was held on May 28, 2012 to discuss the original proposal of 10 storeys. Planning staff, the applicant, the local Councillor and approximately 80 members of the public attended. The following issues were raised at the meeting.

Height of the Building - proposed at 28 metres.

Vehicular access off Yardley Avenue – potential traffic impacts from vehicles accessing the site and the impact on traffic on Yardley Avenue which serves the Topham Park area.

Breakdown of Units – the provision of mostly one-bedroom units and a small number of larger units.

Vehicular/Pedestrian Conflicts – the potential to create high traffic volumes and vehicular/pedestrian conflicts on O'Connor Drive and the surrounding area.

Privacy and Overlook – overlook from the balconies located on the north, east and south sides of the building, and the loss of privacy for abutting properties.

Shadows – impacts of the building on the adjacent buildings.

Onsite Stormwater Management – impacts on the adjacent area which currently experiences basement flooding.

Other questions and concerns that were raised included compliance with the Toronto Green Standards, bird friendly design, consistency with provincial policies and the streetscape improvements on O'Connor Drive.

Other residents suggested that the proposal would be reasonable and appropriate if the height was reduced on the basis that intensification at the site will set a positive precedent and contribute to a vibrant street life and prosperity for local stores.

Working Group Meetings

Following the Community Consultation meeting, the ward Councillor organized a working group to further evaluate the proposed development and provide recommendations. Two working group meetings were held in October 2012 and in January 2013 to discuss built form and massing, urban design and pedestrian environment, transportation and traffic impacts, shadow impacts and stormwater management.

At the first working group meeting the applicant presented a proposal to reduce the size of the building to 8 storeys (within a rear 45 degree angular plane measured from a height of 10.5 metres, at 7.5 metres from the rear property line). The working group advised that an 8-storey building was too tall and recommended further changes to the height, setbacks/step backs and rear 45 degree angular plane.

At the second meeting, Planning staff presented an alternative built form of 7 storeys. The upper floors of the 7-storey building were transitioned away from the abutting neighbourhood with a 45 degree angular plane from the rear property line. The "shoulders" of the building at the north and south sides were stepped back. The applicant has revised its proposal to bring it closer to the built form presented by Planning staff and to incorporate comments from the working group.

All of the above noted issues are discussed in the Comments section of this report.

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

This application supports and is consistent with the Provincial Policy Statement (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application intensifies the residential use of the site;

making efficient use of the existing infrastructure and setting a positive precedent for mixed use development on O'Connor Drive.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe, by proposing intensification along an *Avenue*, which is identified as an Urban Growth Area.

Avenue Segment Study

The applicant submitted an Avenue Segment Study in support of their rezoning application in advance of completion of the O'Connor Drive Avenue Study. The review includes properties fronting on O'Connor Drive between St. Clair Avenue East and Holland Avenue.

The Avenue Segment Study identifies 9 soft sites along the segment that may be redeveloped in the near or long-term at heights and densities that are similar to those proposed for the subject site. Development on four of the soft sites identified may be constrained by top-of-bank of valley and ravine regulations. The applicant's Avenue Segment Study concludes that the existing infrastructure, community facilities and social service capacity is sufficient to support the added population generated by mixed use development anticipated along the segment. Staff agree with the methodologies, assumptions and general conclusions in the study.

O'Connor Drive Avenue Study

The O'Connor Drive Urban Design Guidelines call for new development on the east side of O'Connor Drive within the Main Streets Area where the site is located to reflect the character of existing development, while respecting the low rise, stable neighbourhood to the east. The proposed 7-storey mixed use building, uses a combination of setbacks and step backs, and a 45 degree angular plane from the rear property line to transition from the adjacent stable residential area and be compatible with the scale of development along O'Connor Drive. This meets the intent of O'Connor Drive Urban Design Guidelines for new development on Main Streets.

Land Use

The redevelopment of the site with a mixed use building is consistent with the policies of the Official Plan including the O'Connor Drive Avenue OPA. It would help revitalize and create a vibrant urban corridor that will provide more opportunities for people to live, work and shop.

Density, Height & Massing

The subject property is located on a corner lot and its immediate context consists of buildings with a variety of heights. The proposed building height of 22 metres (excluding the mechanical penthouse and elevator overrun) is less than the O'Connor Drive right-of-way width of 27 metres, forming less than a 1:1 relationship. The building is stepped back on the upper floors along O'Connor Drive. This relationship should result in a comfortable street proportion.

Mechanical penthouses are permitted to project beyond the height limit, provided that their height is limited and the mechanical penthouse is set back from all sides at a sufficient distance to minimize its impact. In this instance, mechanical penthouse will be located within the angular plane, but the elevator overrun will partially project beyond the 45 degree angular plane. The balconies on the 6th and 7th floors at the rear of the proposed building will also partially project beyond the 45 degree angular plane. The above noted projections into the angular plane are minimal and therefore acceptable.

The separation distance between the proposed development and the existing residential properties to the east is 15.6 metres, which exceeds the rear 7.5 metre setback required by the O'Connor Drive Urban Design Guidelines. The proposed building will have a density of 3.4 times the lot area. The north and south portion (shoulders) of the proposed building also employs a series of setbacks for transition to abutting properties. This mitigates impact and supports transition to the lower scale development. The front façades along O'Connor Drive have been broken up to read as individual but integrated parts.

The siting, use of setbacks/step backs and 45 degree angular plane at the front and rear of the property, to sculpt the proposed 7-storey mid-rise development is in keeping with the built form policies of the Official Plan, the development criteria for “*Mixed Use Areas*” in Section 4.5 of the Official Plan and the O'Connor Drive Avenue Study OPA No. 207 and Urban Design Guidelines. As the application is in keeping with OPA No. 207, staff are recommending that the applicant withdraw its appeal of the OPA prior to the passing of the Zoning Amendment.

Sun & Shadow

The applicant submitted shadow studies for the 10-storey building at June 21st and March 21st/September 21st. Due to the north-south orientation of the proposed building, shadows were cast on the west side of O'Connor in the morning and early afternoon, and towards the abutting neighbourhood in the evening.

Following comments from the working group meeting, the applicant submitted a revised shadow study for a 7-storey building which shows the extent of shadow cast is reduced and has limited impacts on the abutting *Neighbourhood*.

Noise

The applicant provided City staff with a noise study that concludes that no noise mitigation measures are required to address any stationary noise from the Mondelez Baking facility (Peek Freans) located at 1200 O'Connor Drive. The study recommends warning clauses in the Purchase and Sale agreements. Notice of these clauses will be incorporated into the conditions of site plan approval.

Streetscape

Commercial/retail uses will be maintained at grade, to continue the local shopping nature of the area. The base of the building will be 3 storeys in height with the upper floors stepped back. The sidewalk will be 5 metres wide after redevelopment allowing for an

edge zone, tree planting and street furnishing zone and a pedestrian clearway. The architectural expression is at a comfortable pedestrian scale. The applicant proposes to plant 7 trees on the O'Connor Drive frontage and 3 trees on Yardley Avenue. The proposed exterior building materials to be secured in the site plan agreement contemplate incorporating glass, architectural stone, brick, precast panel and frame and aluminum mullions. The O'Connor frontage will have a new and improved landscaping consistent with City design and streetscape guidelines. All of the treatments, materials and streetscape improvements will be secured through Site Plan Approval.

Traffic Impact, Access & Parking

The applicant submitted a Traffic Impact Study that reflect good levels of service AM and PM during both peak hours that the projected site traffic would have minimal impacts on the area intersections, and therefore could be acceptably accommodated on the adjacent road network. City Engineering staff have reviewed the study provided by the consultant and concur with the conclusion.

The Zoning By-law requires 142 residential parking spaces and 12 commercial parking, resulting in a total of 154 spaces for the proposed development. The applicant proposes 146 parking spaces for residents and visitors, and 5 commercial parking spaces. Eight residential spaces are dedicated with roughed-in conduit for electrical vehicles. City Engineering staff have reviewed the parking supply and advise that it is acceptable.

The number of bicycle parking spaces required per the Green Development Standards for Tier 1 and 2, is 115 and 200 spaces respectively. The proposal will provide 201 parking spaces comprising 7 spaces for retail, 22 spaces for visitors and 172 spaces for residents. Twenty-four bicycle spaces will be located on the ground floor with the remaining on the first level of the underground parking garage. The applicant has indicated they will pursue Tier 2 of the TGS. City staff will continue working with the applicant to improve the location and organization of the bicycle spaces during site plan approval.

The proposal will provide a type "G" and "B" loading space to service the residential and retail/commercial units respectively. City Engineering staff have requested that the applicant provide revised plans confirming there will be no difficulties entering or exiting the type "B" loading space.

Servicing

The applicant submitted a Functional Servicing Report which concludes that full sewer and water services can be provided to the proposed development, including necessary utility infrastructure. The applicant also submitted a stormwater management report in support of this proposal. City Engineering staff have requested that a revised site servicing and grading plan as well as a landscaping plan showing existing and proposed utilities be submitted for review prior to approval of the site plan application.

City staff have not identified any concerns with the existing City infrastructure being able to accommodate the proposed building. The amount of stormwater entering the sewer system will be less than the existing building as all new developments are required to

meet the City's Wet Weather Guidelines. Sanitary discharge can be accommodated by the existing sewers on O'Connor Drive.

Residential Amenity Areas

Section 3.1.2.6 of the Official Plan states that significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of new development. The East York Zoning By-law does not require the provision of indoor and outdoor amenity space, however, in other parts of the Toronto and East York District, 2m² per unit of indoor and outdoor amenity space is required which indicates that the proposal should provide 284m² each of both indoor and outdoor amenity area.

The proposed building will have a 663 m² of indoor amenity area and 455m² of outdoor amenity area, resulting in a total of 1,118m², which is nearly twice the requirement. Residential units in the building have balconies/terraces, which provide outdoor space for individual respite. Approximately 583 m² and 79m² of indoor amenity space will be provided on the ground floor and on the roof level respectively. Outdoor amenity space of 404m² is provided on the roof level contiguous with the indoor space. Screening and planting materials will be installed for safety, privacy buffer and to prevent overlook onto the abutting residential properties.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1020-2010.

The application proposes 142 residential units on a total site area of 3,582 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication would be 0.261 hectares or 73.86% of the site area. However, for sites less than 1 hectare, a cap of 10% applies and hence the parkland dedication requirement for the development would be 354m².

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a 354m² park would not be of a useable size and the site would be encumbered by the underground parking garage. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

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 has indicated they will pursue Tier 2 of the TGS which includes possible refunds against Development Charges payable for the development. Completion of Tier 2 involves meeting all of the performance measures found in the following five “Core” development features/categories for all development types:

1. Urban Heat Island Reduction: At-Grade
2. Minimum Energy Performance
3. Systems Commissioning
4. Water Efficiency, and
5. Light Pollution.

In addition, three other performance measures must be addressed from the remaining TGS development features/categories:

1. Cycling Infrastructure
2. Stormwater Retention
3. Natural Heritage: Site
4. Glass and Other Design Features for Migratory Birds
5. Storage and Collection of Recycling and Organic Waste
6. Reuse of Building Materials
7. Use of Recycled Materials
8. Construction and Demolition Waste Management.

The applicant is seeking to achieve Tier 2 by addressing the following additional performance measures: use of recycled materials, provision of cycling infrastructure, and construction and demolition waste management.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan.

Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g., local shortage of parkland, provision of new parks facilities).

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

area of the proposed development is 11,989 square metres and 4 storeys above the total number of storeys permitted by By-law 6752.

The owner will be required to enter into a Section 37 Agreement with the City that is satisfactory to the City Solicitor and registered on title to secure the following:

- a. A cash contribution in the amount of \$300,000.00 payable to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit to be applied at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor, towards park facilities or streetscape improvements in Ward 31. The payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of enactment of the by-law to the date of payment;
- b. Provision and maintenance of the following to the satisfaction of the Chief Planner & Executive Director prior to registration of a plan of condominium:
 - i) commemorative artifacts, momentos and photographs from the former "O'Connor Bowl" displayed in the main lobby of the proposed building;
 - ii) incorporation of commemorative design of the former "O'Connor Bowl" into the exterior façade of the proposed building;
- c. Construction and maintenance of the development in accordance with Tier 1 - required and Tier 2 - enhanced, 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 Management Committee.

Conclusion

The revised proposal for a 7-storey building is appropriate for the site, compatible with the abutting neighbourhood and complies with the policies of the Official Plan, including the O'Connor Drive Avenue Study OPA and its Urban Design Guidelines. The overall building mass, height and architecture has been appropriately transitioned towards the *Neighbourhood* to the east and has a suitable relationship with the *Avenue*. The application will pursue Tier 2 TGS standards which is a higher level of performance that should enhance the natural environment.

Staff recommend approval of the application to amend the Zoning By-law, identified in the attached draft Zoning By-law.

CONTACT

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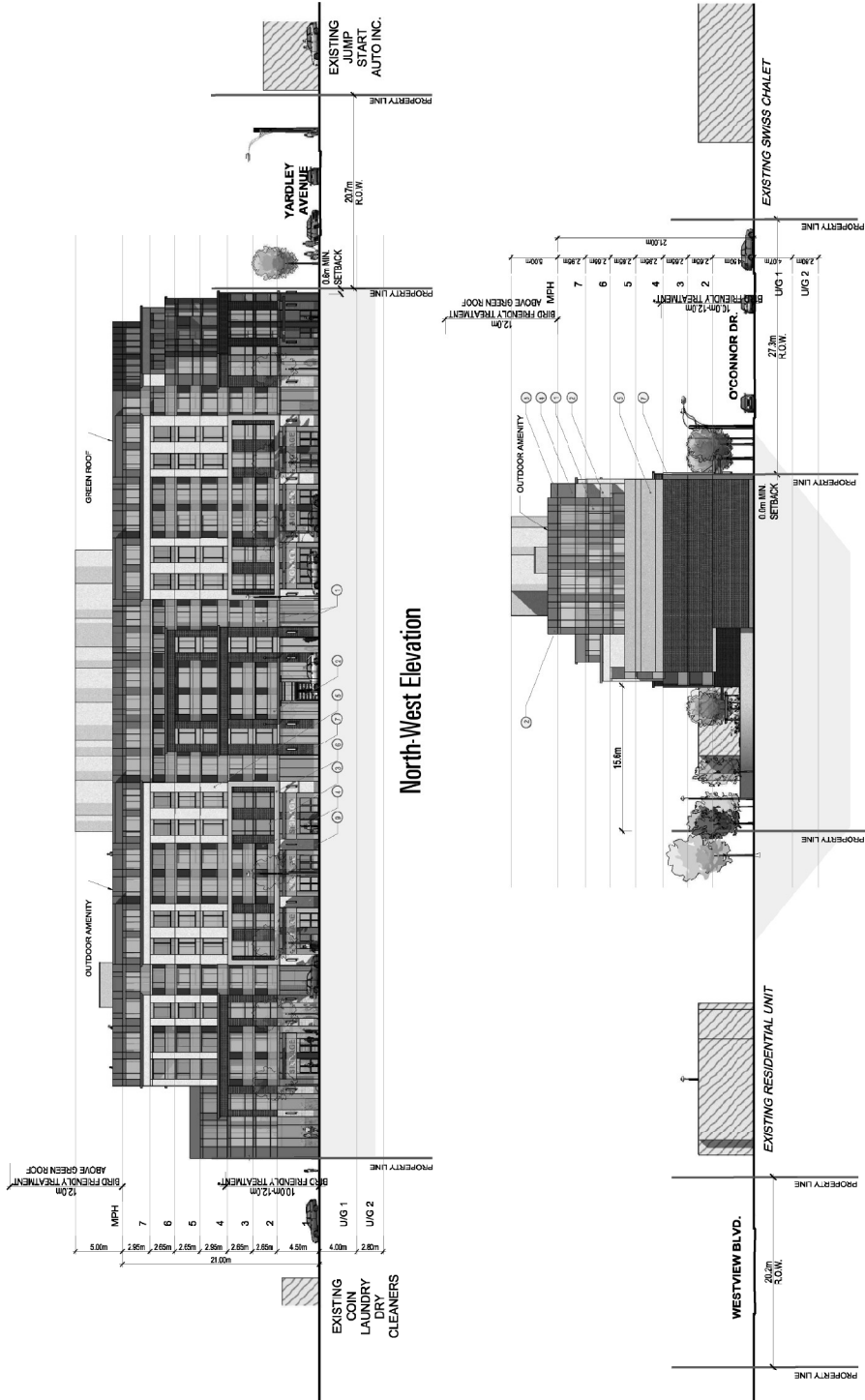
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 2: North West & North East Elevation



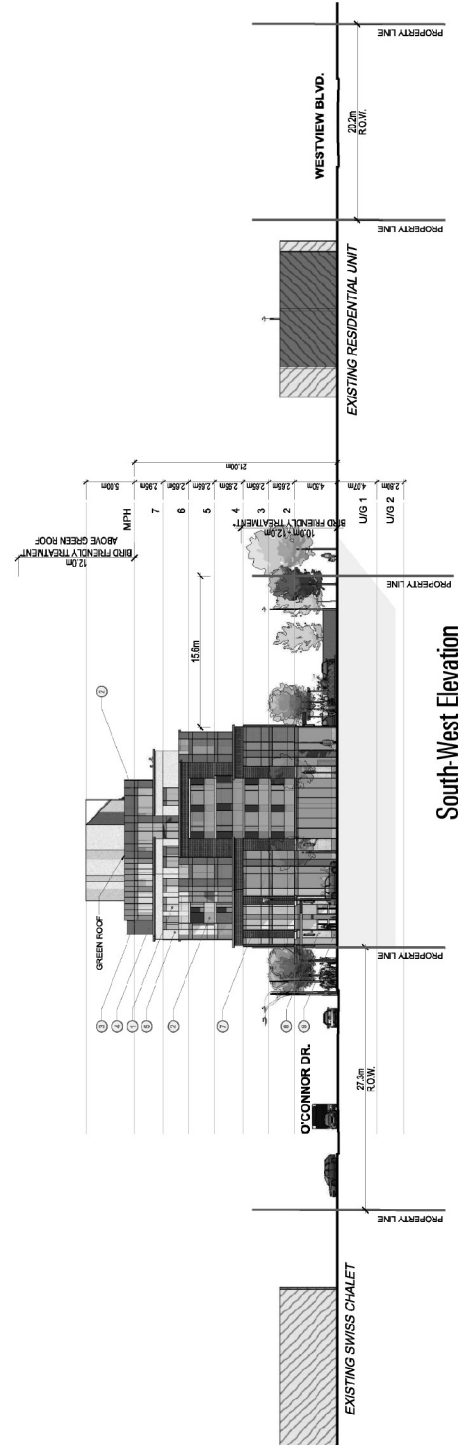
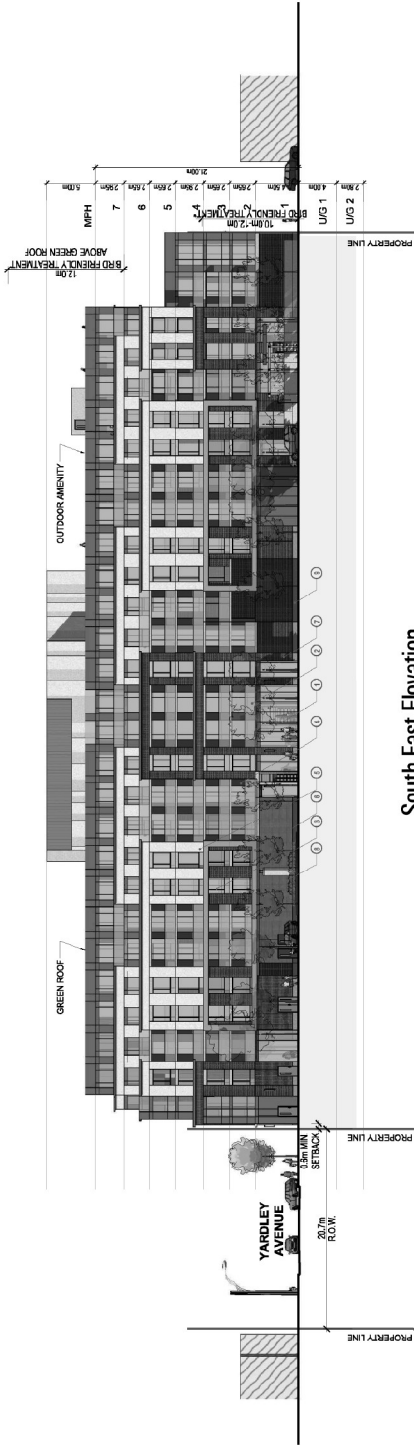
1401 O'Connor Drive

Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/31/2013

File # 12 138120.0Z

Attachment 3: South East & South West Elevation



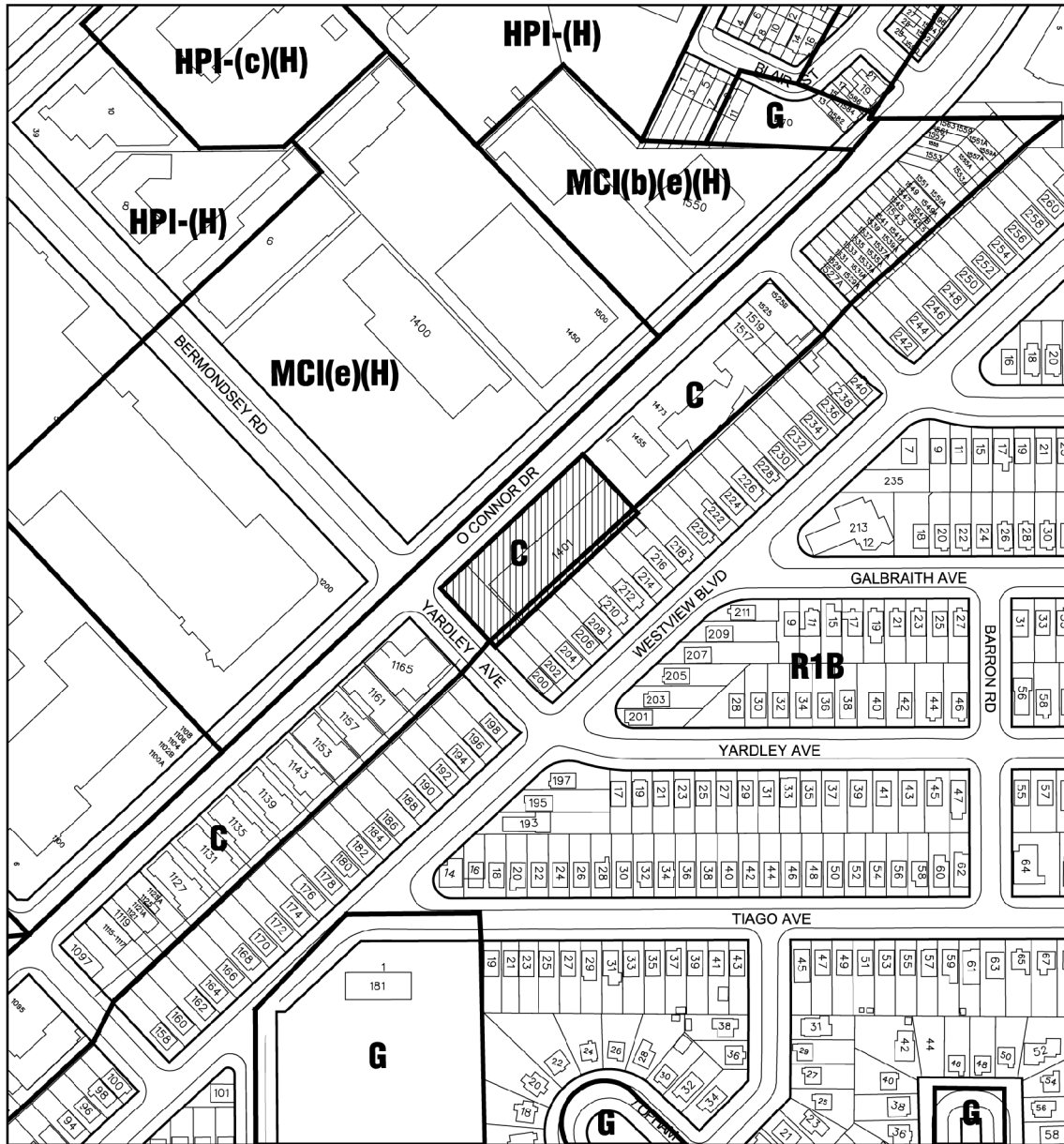
1401 O'Connor Drive

Elevations
 Applicant's Submitted Drawing

Not to Scale
 01/31/2013

File # 12 138120 0Z

Attachment 4: Zoning



TORONTO City Planning
Zoning

1401 O'Connor Drive

File # 12 138120 0Z

- C Commercial
- MCI Mixed Commercial Industrial
- G Parks District
- G Conservation



Not to Scale
 Zoning By-law 6752 (as amended)
 Extracted 04/04/2012

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 138120 STE 31 OZ
Details	Rezoning, Standard	Application Date:	March 16, 2012
Municipal Address:	1401 O'CONNOR DR		
Location Description:	**GRID S3102		
Project Description:	A proposal to construct a 7 storey mixed use building containing 142 residential units with commercial at grade. A total of 151 parking spaces will be provided in 2 levels underground. Also see Site Plan Application 12 138115 STE 31 SA [updated December 21, 2012]		

Applicant:	Agent:	Architect:	Owner:
Goldman Group	Turner Fleisher Architects Inc.	1401 O'Connor Dr.	Holdings Inc

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	C - Commercial	Historical Status:	
Height Limit (m):	3-storeys	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	3,538.2	Height:	Storeys:	7	
Frontage (m):	92.9		Metres:	0	
Depth (m):	38.1				
Total Ground Floor Area (sq. m):	1,775				Total
Total Residential GFA (sq. m):	10,749		Parking Spaces:	151	
Total Non-Residential GFA (sq. m):	577		Loading Docks	2	
Total GFA (sq. m):	11,989				
Lot Coverage Ratio (%):	50.2				
Floor Space Index:	3.4				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo, Other			
Rooms:	0	Residential GFA (sq. m):	10,749	0
Bachelor:	0	Retail GFA (sq. m):	577	0
1 Bedroom:	103	Office GFA (sq. m):	0	0
2 Bedroom:	39	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	142			

CONTACT: PLANNER NAME: Francis Kwashie, Planner
TELEPHONE: 416-392-1306

Attachment 6: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend former Borough of East York Zoning By-law No. 6752, as amended, with respect to the lands municipally known as, 1401 O'Connor Drive

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

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

WHEREAS an increase in height and density has been requested; and

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

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

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

WHEREAS the owner of the aforesaid land has elected to provide the facilities, services and matters, as set out in this By-law; and

WHEREAS the increases in the density and height permitted hereunder, beyond those otherwise permitted on the aforesaid lands by By-law No. 6752, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of the aforesaid lands and the City of Toronto; and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the

increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. The lands subject to this By-law are those lands outlined by a heavy black line and identified as “Area Subject to Amendment” as shown on Map “1” attached hereto.
2. Map “1” to former Borough of East York Zoning By-law No. 6752, as amended, is hereby further amended by changing the zoning category for the lands identified as “Area Subject to Amendment” from “C (Commercial) Zone” to “MRC.3 (Mixed Residential Commercial Site Specific) Zone.”
3. Former Borough of East York Zoning By-law No. 6752, as amended, is hereby further amended by adding a new Section 7.7.5.24.3 immediately after Section 7.7.5.24.2 of the By-law as follows:

7.7.5.24.3 **1401 O'Connor Drive (MRC.3)**

7.7.5.24.3.1 **Area Restricted**

The provisions of this section shall only apply to those lands municipally known on the date of this amendment as 1401 O'Connor Drive being part of Lots 36 to 43 (both inclusive) and Part of Lot 43 Registered Plan 3396, City of Toronto (formerly Borough of East York), as shown on Map “1” of this By-law

7.7.5.24.3.2 **General Provisions**

On those lands referred to in Section 7.7.5.24.3.1 of this By-law, no person shall use, occupy, Erect, alter, cause to be used, occupied, Erected or altered, any Building, Structure, or land or part thereof, except in accordance with the following provisions:

- (1) Definitions:

For the purpose of this Section 7.7.5.24.3:

- (a) **BICYCLE PARKING SPACE:**

Means an area used for the purpose of parking and storing a bicycle with a minimum dimension of:

- (i) if located in a horizontal position (on the ground):

Minimum length - 1.8 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the ground -
1.9 metres; and

(ii) if located in a vertical position (on the wall):

Minimum length or vertical clearance – 1.9 metres,
Minimum width - 0.6 metres;
Minimum horizontal clearance from the wall - 1.2

(b) **GRADE:**

Means the elevation above the geodetic elevation of 129.88 metres
Canadian Geodetic Datum.

(c) **GROSS FLOOR AREA:**

Means the aggregate of the areas of each storey above Grade
measured between the exterior faces of the exterior walls of a
Building at the level of each storey and including the floors below
Grade unless they are used only for storage, washrooms, heating
equipment, parking, loading and/or other Accessory uses.

(d) **LOADING SPACE – TYPE B:**

Means a Loading Space having a:

Minimum length - 11.0 metres;
Minimum width - 3.5 metres; and
Minimum vertical clearance - 4.0 metres.

(e) **LOADING SPACE – TYPE G:**

Means a Loading Space having a:

Minimum length - 10.0 metres;
Minimum width - 4 metres; and
Minimum vertical clearance - 6.1 metres.

(f) **LOT:**

Means the lands outlined by a heavy black line and identified as
"Area Subject to Amendment" on Map 1 of By-law No. xxx-2013

(g) **PARKING SPACE:**

Means an area for the parking and storing of a vehicle with a minimum dimension of:

Length – 5.6 metres

Width – 2.6 metres

Vertical clearance – 2.0 metres

Except that the minimum required width of a Parking Space must be increased by 0.3 metres for each side of the Parking Space that is obstructed by a fixed object such as a wall, column, bollard fence or pipe, if it is situated within 0.3 metres of the side of the Parking Space, measured at right angles and more than 1.0 metres from the front or rear of the Parking Space.

(h) **RESIDENTIAL AMENITY SPACE – OUTDOOR:**

Shall mean an outdoor common area or areas on a Lot which are provided for the exclusive use of residents of a building on the Lot for recreational or social purposes.

(i) **RESIDENTIAL AMENITY SPACE – INDOOR:**

Shall mean a common area or room or contiguous common areas or rooms within a building, at least one of which is adjacent to a kitchen and washroom, which are provided for the exclusive use of residents of such building for recreational or social purposes.

(j) **OWNER:**

unless otherwise stated capitalized terms are as defined in By-law 6752 where used in reference to a lot, means a person who owns the fee simple or the equity of redemption in the *lot*, or a person who owns a leasehold estate in the *lot* the unexpired term of which exceeds 45 years, and includes a person the *owner* authorizes in writing to act on his or her behalf.

(2) **Permitted Uses, Buildings and Structures**

APARTMENT HOUSE; and

Personal Service shops, travel agencies, BUSINESS AND PROFESSIONAL OFFICES including office of any medical or therapy service providers, pet grooming establishments, pet supplies store, artist's studio's, teaching establishments limited to

no more than 3 students per session, private Home Daycare, retail shops, convenience store, FINANCIAL INSTITUTION, equipment rental store.

Buildings and Structures Accessory to the foregoing.

(3) Developable Area

For the purpose of this By-law, the development requirements shall only apply to the lands identified on Map “1” attached to this By-law.

(4) Development Requirements

(a)	Minimum Lot Area	3,538 m ²
(b)	Maximum No. of Dwelling Units	142 units
(c)	Maximum Residential Gross Floor Area	10,750 m ²
(d)	Maximum Coverage	51%
(e)	Maximum Floor Space Index	3.4 times the lot area
(f)	Maximum Building Height	22 metres
(g)	Maximum No. of Storeys	7 storeys
(h)	Minimum Residential Amenity Space - Indoor	2 m ² per dwelling unit
(i)	Minimum Residential Amenity Space - Outdoor	2 m ² per dwelling unit
(j)	Minimum Non Residential Gross Floor Area	577m ²
(k)	Minimum number of off-street Loading spaces	2
(l)	Minimum Landscaped Open Space	550m ²
(m)	Minimum setback of all buildings and Structures	As shown on Map 2 of this By-law
(n)	Minimum Residential Vehicle Parking	125
(o)	Minimum Visitor Vehicle Parking	21

(p)	Minimum Commercial Vehicle Parking	5
(q)	Minimum Bicycle Parking (residents)	172
(r)	Minimum Bicycle Parking (visitors)	22
(s)	Minimum Bicycle Parking (commercial)	7

(5) Other Provisions

Nothing in Section 7.7.5.24.3.2 (4)(f) shall prevent:

- (a) Building elements or Structures on the roof of the Building, used for outside or open air recreation, safety or wind protection purposes, provided:
 - (i) the maximum height of the top of the Building element or Structure is no higher than the sum of 5 metres and the Height following the symbol "(H)" on Map 2;
- (b) Building elements, equipment or Structures that are used for the functional operation of the Building, such as stair towers, elevator overruns, mechanical penthouses, roof access, vents, towers, antennas, maintenance equipment, storage and water supply facilities provided that the maximum height of the top of the Building element or Structure is no higher than the sum of five metres and the Height following the symbol "(H)" on Map 2, provided that the Building element, equipment or Structures does not exceed 40 percent of the roof area;
- (c) Parapet walls to a maximum vertical projection of 1.5 metres; and
- (d) There shall be no roof or projecting signs.

(6) Use Restrictions

Notwithstanding any other provision in this By-law:

- (a) Uses listed in 2(b) are restricted to the ground floor only;
- (b) Open Outside Storage and outdoor display of merchandise are not permitted; and

- (c) ADULT ENTERTAINMENT PARLOURS, motorized vehicle service or repair shall be prohibited.

(7) Additional Uses

A temporary sale pavilion which shall only be used to sell the residential units and/or commercial units located within the limits on the area identified on Map 1 of this By-law.

4. Section 37 Requirements:

The owner of the lands shown as Map 1 is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor and such agreement(s) shall be registered against title to the lands identified on Map 1 to secure the following facilities, services or matters:

- a. A cash contribution in the amount of \$300,000.00 payable to the Treasurer, City of Toronto prior to the issuance of the first above-grade building permit to be applied at the discretion of the City as determined by the Chief Planner and Executive Director in consultation with the Ward Councillor, towards park facilities or streetscape improvements Ward 31. The payment shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of enactment of the by-law to the date of payment;
 - b. Provision and maintenance of the following to the satisfaction of the Chief Planner & Executive Director prior to registration of a plan of condominium:
 - i) commemorative artifacts, momentos and photographs from the former "O'Connor Bowl" displayed in the main lobby of the proposed building;
 - ii) incorporation of commemorative design of the former "O'Connor Bowl" into the exterior façade of the proposed building; and
 - c. Construction and maintenance of the development in accordance with Tier 1 - required and Tier 2 - enhanced, 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 Management Committee.
- 5. Within the lands shown on Map "1" attached to this By-law, no person shall use and 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:

All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

6. Division of Lands:

Notwithstanding any existing or future severance or division of the lands subject to this exception, the regulations of the exception shall continue to apply to the whole of the lands.

7. Other provisions of the By-law:

Excepting the amendments contained in this By-law, all the other provisions of former Borough of East York Zoning By-law No. 6752, as amended, shall apply to the lands referred to in Section 7.7.5.24.3.1.

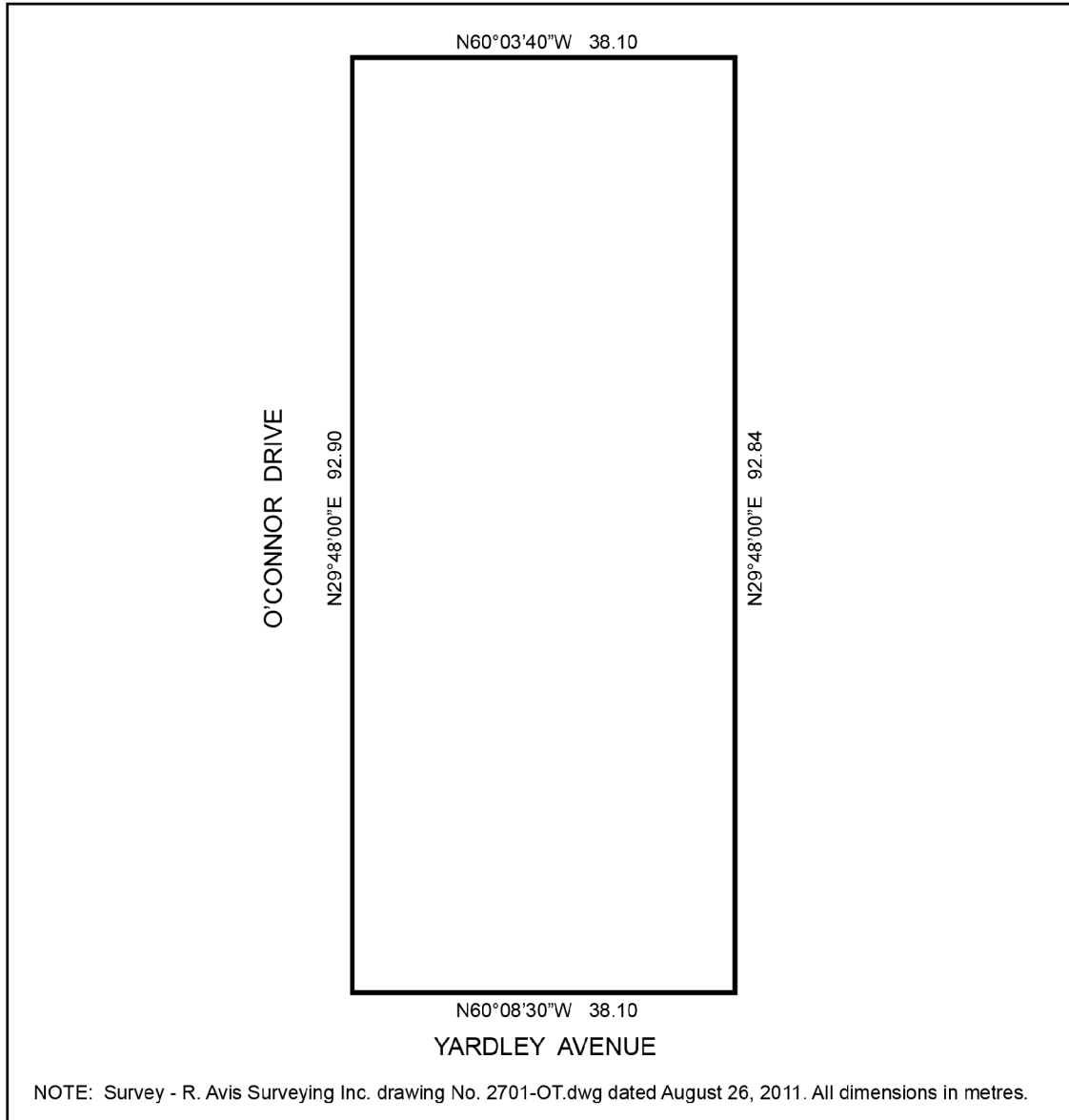
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

City of Toronto By-law No. xxx 2013



City of Toronto By-law No. xxx 2013

