

Clause embodied in Report No. 2 of the Toronto South Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 1, 2 and 3, 2004.

18

**Ontario Municipal Board Hearing -  
Revised Phase III Proposal - Applications to Amend the  
Official Plan and Zoning By-law of the former  
City of Toronto - 800 Lansdowne Avenue  
(Davenport, Ward 18)**

*(City Council on March 1, 2 and 3, 2004, adopted this Clause, without amendment.)*

**The Toronto South Community Council recommends that:**

- (1) the report (February 11, 2004) from the Director, Community Planning, South District be adopted;**
- (2) City Council require the owner to provide and maintain an irrigation system, at the applicant's expense, for the proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, and requirements to maintain in good order and operation; and**
- (3) the tree irrigation requirements of the former Toronto East York Community Council be applied to the whole of Toronto South Community Council area.**

The Toronto South Community Council reports having requested the Commissioner of Urban Development Services to submit the landscape plan for the development directly to Council.

**The Toronto South Community Council submits the report (February 11, 2004) from the Director, Community Planning, South District:**

**Purpose:**

To report on a revised proposal for the Phase III lands of the former American – Standard site forming part of 800 Lansdowne Avenue and to seek a Council position for an Ontario Municipal Board hearing set to continue on April 5, 2004.

**Financial Implications and Impact Statement:**

There are no financial implications resulting from the adoption of this report.

Recommendations:

With respect to the appeals of the Phase III proposal, it is recommended that Council authorize the City Solicitor to request the Ontario Municipal Board to approve the Official Plan Amendment and Zoning By-law Amendment on the following basis:

- (1) to minimize shadow impacts on adjacent residential properties and to provide a more appropriate built form:
  - (a) remove 2 floors from the 14-storey components of proposed Building E and Building F so that each building's tallest element is below a 40 metre height limit as measured from the geodetic datum at the site's Lansdowne entry; and
  - (b) in conjunction with Recommendation 1(a), maintain the proposed 9 storey and 11 storey components of Building E and F so that the final built form for each building is 9, 11 and 12 storeys;
- (2) to ensure that the Phase III development and the overall development is integrated and connected with the Wallace –Emerson Community to the south:
  - (a) include holding provisions in the Official Plan Amendment; and
  - (b) apply the holding (“H”) symbol under Section 36 of the *Planning Act* to the Phase III lands. The holding symbol would be lifted once unrestricted public access from the former American Standard site to Lappin Avenue is secured;
- (3) request the Ontario Municipal Board to withhold its Order giving final approval to the Phase III Official Plan and Zoning By-law Amendments until the following conditions are satisfied:
  - (I) the owner shall execute a Section 37 Agreement to the satisfaction of the City Solicitor that:
    - (a) secures a total community benefit in the amount of \$750,000.00 dollars of which:
      - (i) \$250,000.00 be secured and held in a designated City fund to assist non-profit organizations in the Wallace – Emerson Community to address affordability issues including housing, artist space and daycare facilities; and
      - (ii) \$500,000.00 be secured and held in a designated City fund to facilitate the implementation of the Campbell- Lappin segment of a community-initiated pedestrian strategy. Funds are to be directed towards a future pedestrian bridge over the CN Rail corridor, 90 Ward Street greening, and Campbell Avenue park and Lappin

Avenue improvements, all of which are adjacent to the Phase III lands;

- (b) structures the community benefit payment based on the building permit issuance for Building E and Building F equally;
- (c) secures a public art contribution of 1% of the development's construction value in keeping with City policy and directs the contribution towards public art installations in the immediate area of the former American Standard site;
- (d) secures provisions to the satisfaction of the Commissioner of Works and Emergency Services, requiring the owner to:
  - (i) submit, prior to the issuance of the first below-grade building permit for the development, all environmental site assessment reports describing the current site conditions and the proposed remedial action plans;
  - (ii) comply with the City's Harmonized Site Remediation Peer Review for Contaminated Sites including paying all costs with the City retaining a third-party peer review consultant;
  - (iii) pay for all street lighting costs associated with development of the site including any required upgrades to the existing lighting on the adjacent Lansdowne Avenue and Lappin Avenue right-of-ways;
  - (iv) pay for any improvements to the municipal infrastructure should it be determined that upgrades are required to the existing infrastructure to support the Phase III development;
  - (v) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with this development;
- (e) secures the provision of affordable housing in keeping with Official Plan policy;
- (f) secures the provision of warning clauses for noise, vibration, rail corridor activities, school capacity and any other appropriate clauses in all offers of purchase and sale and rental agreements of any residential unit or building on the Phase III lands;
- (g) secures the provision of on-site railway safety mitigation measures and the implementation of noise and vibration mitigation measures;

- (h) secures public easements across the proposed private driveway;
  - (i) secures the maintenance of the Phase III lands in a manner compatible with the residential component should the development be phased;
- (II) the applicant shall submit, at least 3 weeks prior to the City forwarding the final Official Plan Amendment and Zoning By-law to the Ontario Municipal Board for its consideration, to the Commissioner of Works and Emergency Services:
  - (a) final drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans;
  - (b) a Reference Plan of survey in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way;
  - (c) a Municipal Lighting Assessment for Lansdowne Avenue and Lappin Avenue adjacent to the former American Standard site;
  - (d) a Site Servicing Assessment to determine the stormwater runoff, sanitary flow and water supply demand resulting from this development to demonstrate how this site can be serviced, and whether the existing municipal infrastructure is adequate to service the development;
- (III) an Official Plan Amendment and Zoning By-law prepared to the satisfaction of the City Solicitor, including amongst other matters, provisions that:
  - (a) define grade for the purpose of measuring height, inclusive of the proposed raised grade, from the geodetic datum at the Phase III's entry point on Lansdowne Avenue;
  - (b) authorize use of Section 37 under the *Planning Act*;
  - (c) secure outdoor amenity space, indoor amenity space, bicycle parking spaces in keeping with the (former) City of Toronto's Zoning By-law 438-86, as amended;
  - (d) identify the criteria for lifting of the holding symbol ("H") for Phase III lands as identified in Recommendation 2;
  - (e) provide and maintain a minimum number of parking spaces on the site to serve the Phase III development, in accordance with the following ratios:
    - (i) All Units 0.53 spaces per unit; and
    - (ii) Visitors 0.12 spaces per unit;

- (f) provide and maintain 1-Type G loading space on the Phase III lands; and
- (4) in the event the applicant refuses to agree to these Recommendations the City Solicitor and City staff be authorized to oppose the Phase III proposal and to support the recommendations of this report before the Ontario Municipal Board.

Background:

The former American Standard site is undergoing redevelopment for residential use. The 3.08-hectare site is bounded by Dupont Street to the north, Lansdowne Avenue to the east, Lappin Avenue to the south and a Canadian National Railway corridor to the west.

The site's redevelopment consists of three phases. Phases I and II involved the reuse of former industrial buildings. Phase I is completed and occupied. Phase II is under construction. Phase III is currently vacant.

| Phase                                 | Site Area     | Units | Gross Floor Area     | Density |
|---------------------------------------|---------------|-------|----------------------|---------|
| Phase 1<br>(Buildings A & B)          | 1.10 hectares | 246   | 16,917 square metres | 1.54    |
| Phase 2<br>(Buildings C & D)          | 0.76 hectares | 239   | 20,622 square metres | 2.73    |
| Phase 3<br>(proposed Buildings E & F) | 1.22 hectares | 592   | 45,075 square metres | 3.69    |
| Total                                 | 3.08 hectares | 1,077 | 82,614 square metres | 2.68    |

Phases I and II received approval from the Committee of Adjustment. Staff opposed approval through the Committee of Adjustment and recommended that the applications be considered as Official Plan and Zoning By-law amendments. This process would have provided an opportunity for greater scrutiny of the applications, better involvement of the surrounding community, provision of community benefits under Section 37 of the *Planning Act*, and the development of a more comprehensive and better-integrated development plan for the entire site including the introduction of public streets and an on-site public park.

Phase III proposal

On May 16, 2002 Ridgevest Developments Limited submitted an Official Plan Amendment and Rezoning application to construct two 26-storey condominium buildings (Buildings E and F) containing a total of 592 units. Each building had a height of 70.4 metres plus mechanical penthouse.

At its meeting on October 1, 2 and 3, 2002 City Council adopted City Planning's Refusal and Direction Report dated August 23, 2002. The report recommended refusal of the proposal in its current form and revisions to the application to address the issues identified in the report. Issues included building height, streetscape, access and servicing, connectivity to the Wallace-Emerson Neighbourhood and community benefits under Section 37 of the *Planning Act*.

In response to Council's decision, City staff and the applicant met on a number of occasions to discuss the various outstanding issues. Further submissions were made.

### Ontario Municipal Board Appeals

On February 20, 2003 the applicant appealed Council's refusal of the Official Plan and Zoning By-law Amendments to the Ontario Municipal Board. Prehearing conferences were held on July 10, September 12 and December 2, 2003. CN Rail and GO Transit requested and received party status, as the proposal abuts CN's Newmarket Subdivision (GO Transit's Bradford Corridor). Local residents and members of DIGIN, a local community group, requested and received participant status. A 5-day hearing was scheduled to commence January 5, 2004.

### Revised Phase III Proposal (October 9, 2003 submission)

On October 9, 2003 the applicant submitted a revised application as directed by the Ontario Municipal Board in its Prehearing Conference Decision (No. 1237) dated September 17, 2003.

The revised proposal maintained the same number of units (592) as the original application. The main differences between the original application and the revised submission were the footprint and built form of Building E and Building F. Each building's revised built form consisted of 3 components: 8 storeys, 10 storeys and 16 storeys. The revised footprint produced an L-shaped massing stepping away (westward) from the buildings in Phase 1 and Phase II. Each building's 16-storey component had a building height of 43 metres sitting on top of a 5.86 metre raised grade. As a result, the total height of the proposal was 49 metres.

The revised building footprint and built form were the applicant's response to the directions of the Refusal and Directions Report adopted by City Council. The report focussed on these issues as opposed to density, assuming that appropriate density would result from significant built form and massing revisions. The report directed the applicant to reconsider the proposal's massing and built form in order that the proposal would appropriately relate, enhance and contribute to its surrounding.

Upon review of the revised application, City staff's witness statements required for the Ontario Municipal Board hearing recommended a further reduction of four floors from each building's 16-storey component, as discussed later in this report.

### Comments:

At the start of the January 5, 2004 Ontario Municipal Board hearing the applicant submitted a further revised proposal directly to the Board. City staff did not previously have an opportunity to consider this revision. The revision reduced each building's 16-storey component by two floors and redistributed this massing to each building's lower components. This resulted in a built form consisting of 9 storeys, 11 storeys and 14 storeys for each building. The unit count was not reduced by this revision.

On the second day of the hearing the Board adjourned the proceeding to provide an opportunity for Community Council and City Council to consider the revised proposal. The Board directed

the applicant to advise the City by January 16, 2004 which version of the revised proposal (October 9<sup>th</sup> submission or the Board submission) it was advancing. The Board also directed City staff to report on the revised proposal to Community Council and City Council. The Board has scheduled the continuation of the hearing for April 5, 2004.

#### Revised Phase III Proposal (January 13, 2004)

On January 13, 2004 the applicant formally filed with the City the revised proposal it had presented to the Ontario Municipal Board. The following table provides a comparison between the October 9, 2003 and the January 13, 2004 submissions.

| Proposal         | Gross Floor Area     | Units | Built Form<br>(Buildings E and F) | Height*      |
|------------------|----------------------|-------|-----------------------------------|--------------|
| October 9, 2003  | 45,075 square metres | 592   | 8, 10, 16 storeys                 | 48.76 metres |
| January 13, 2004 | 45,075 square metres | 592   | 9, 11, 14 storeys                 | 43.46 metres |

\* includes a 5.86 metre raised grade

Attachment 2 provides the proposed Site Plan for Phase III as well as the site plans for Phases I and II. Attachment 3 provides a perspective of the Phase III proposal. Attachments 4 and 5 provide the north and south elevations of Phase III's proposed Building E and Building F.

#### Raised Grade

The revised proposal maintains a raised grade, which reaches 5.86 metres above the existing grade at Phase III's entrance point at Lansdowne Avenue. The applicant's raised grade approach is, in part, to minimize the amount of excavation for the proposal's garage structure. The result will be a Phase III development that slopes upward from east (Lansdowne Avenue) to west (CN Rail corridor). Building F's South Elevation in Attachment 5 shows the proposed raised grade.

As a result of the raised grade elevating the proposal by 5.86 metres above the site's existing grade, the proposed buildings will read as 43.5 metre structures from the surrounding community. Likewise, the resulting shadow impacts will be those associated with a 43.5 metre building height as opposed to 37.6 metre building height indicated on the applicant's plans.

#### Shadow Impacts

The applicant's shadow drawings show that the proposal's 14-storey component will cast shadows on the properties and on Dupont Street to the west of the CN Rail corridor. This includes shadow impacts on the residential dwellings and the rear yard amenity space of the Toronto Community Housing Corporation's townhouses at 2 Antler Street.

Phase III's proposed outdoor amenity space, and the residential buildings and outdoor amenity area in Phases I and II will also be impacted. As discussed in the previous section, the shadows being cast reflect those of an apparent 16-storey building because the proposal is sitting on top of a 5.86 metre elevated grade.

A height increase over the current zoning maximum permission of 23 metres that minimizes shadow impacts on surrounding uses can be achieved. And while the revised proposal's 14-storey component generates less of a shadow on its surrounding than the applicant's previous concept, it still negatively impacts on-site conditions as well as adjacent existing uses including the low density residence area to the west. The proposal's height in its current form is not supportable. Reducing the height will involve a reduction in proposed density because of built form and massing concerns.

### Height and Built Form/Massing

The existing mid-rise scale for residential use on the former American Standard site was established through the renovation and conversion of the vacant industrial buildings in Phases I and II. It was not established through new construction. The Phase III proposal is new construction – an addition to the existing built form on the former American Standard site and the larger community's urban structure. New construction should strive to complement the established urban character of the area.

The following chart provides the approximate heights of the Phase I and II buildings and the proposed Phase III buildings.

| Phase (Building) | Storeys   | Height                              |
|------------------|-----------|-------------------------------------|
| Phase I          |           |                                     |
| - Building A     | 6         | 23 metres                           |
| - Building B     | 5         | 16 metres                           |
| Phase II         |           |                                     |
| - Building C     | 7-8       | 23 metres                           |
| - Building D     | 6-7       | 20 metres                           |
| Phase III        |           |                                     |
| - Building E     | 9, 11, 14 | 43.5 metres (includes raised grade) |
| - Building F     | 9, 11, 14 | 43.5 metres (includes raised grade) |

Within in the immediate context of the former American Standard site, the revised built form provides a better transition from Phase I and Phase II than the original application's 70 metre building height. Each building's L-shaped massing is organized with the 9-storey component (24 metres in height plus a raised grade of 2.36 metres) closest to the existing buildings in Phase I and Phase II (see Attachment 3 – Perspective of Phase III Proposal).

While the revised proposal improves the built form transition between phases, each building's 14-storey component should be reduced in order to complement the established mid-rise scale of the American Standard site and to minimize shadow impacts on adjacent residential uses.

### City's Recommendations:

Taking into consideration Phase III's interior location on the former American Standard site, the built form transition and shadow impacts, it is City Planning's recommendation that each building's tallest component not exceed a height limit of 40 metres measured from the geodetic datum at the site's entry point at Lansdowne Avenue.



A 40-metre height limit permits the tallest component of each building at 12-storeys or 38.16 metres (including the 5.86 metre raised grade). Each building would then have a 9, 11 and 12 storey component.

A reduction of 2 floors would result in the loss of 48 units from the 592 units currently proposed. It is important to note that two potential residential floors are eliminated by the applicant's approach to raising the existing grade by 5.86 metres to accommodate a parking structure, as opposed to fully excavating below the site's existing grade to accommodate parking.

#### Minimize Shadow Impacts

A reduction of each building's tallest component by two floors reduces the building height by 5.3 metres. This height reduction translates into approximately an equal reduction in the length of the shadow being cast. For the residential townhouses across the rail corridor, the recommended height reduction would effectively pull the morning shadows off of their east elevations and rear yard amenity space. Likewise, the length of the shadows on the on-site outdoor amenity space and on the Phase I and II residential buildings would be reduced.

#### Built Form Transition

The applicant has previously responded to the City's request to reduce the building height by remassing the proposal. This has resulted in the bulking up of the lower components of each building. In order to maintain a reasonable east-west built form transition on the former American Standard site and to limit shadow impacts on Phases I and II, the lower components (9-storeys and 11-storeys) should not be increased in height or massing in response to the above recommended height reduction.

#### Community Benefits:

Section 16.21 of the (former) City of Toronto Official Plan establishes Council's intent to use its powers under Section 37 of the *Planning Act*. Section 16.21(a) authorizes the use of Section 37 of the *Planning Act* to secure facilities, services and other public benefits once Council has ensured that the proposed density and/or height increase is consistent with the Plan's objectives regarding built form and the physical environment.

The use of Section 37 is appropriate for this application. Phase III has no residential permission. The Zoning By-law permits a maximum height of 23 metres on the site. In its current form the proposal, including the raised grade, is 43.5 metres.

The proposal contains 592 units. If approved in its current form, or some variation thereof, the Phase III development will add a new resident population to the Wallace – Emerson neighbourhood. This is in addition to the new resident population of the 485 units in Phases I and II. No Section 37 public benefits or parkland dedication were provided by the related owners of the former American Standard site since these phases were approved separately by way of minor variance and consent applications through the Committee of Adjustment.

On November 12, 2003 the applicant submitted a Community Services and Facilities Study, which provides a review of area services and facilities and makes broad recommendations on area improvements. The study estimates the new residential population of the former American Standard site to be between 2,100 and 3,100 people. For Phase III the estimated residential population is between 1,200 to 1,700 people.

The City's Social Indicators and Priority Areas study prepared in connection with the new City of Toronto Official Plan focuses on indicators of risk, or social vulnerability. The study identifies this portion of the City as being in the second highest quartile of socio-economic vulnerability, having regard to indicators such as low income, unemployment, social assistance, tenant households, lone-parent families, education less than grade 9 and tenant households spending 50% or more of gross income on shelter costs.

City Planning staff have spoken with the applicant's agent and planning consultant, the Ward Councillor and community representatives about possible public benefits that would serve the immediate community, Phase I and II residents as well as future residents of Phase III, if approved.

City Planning is recommending that the Phase III development provide a total community benefit contribution of \$750,000.00. The community benefit would be directed towards non-profit organizations and the implementation of a walking system in the local community, both of which were highlighted in the applicant's Community Services and Facilities Study.

#### Affordability

The applicant's Community Services and Facilities Study highlights the issue of affordability as a concern of local community-based agencies and stakeholders. Affordability concerns include housing, artist space and child care spaces. The Study recommends that the City further explore these issues as they relate to the proposal as well as other developments in the neighbourhood.

To assist local non-profit organizations maintain their facilities and programmes, on which the proposal may place additional demands, it is recommended that a community benefit contribution of \$250,000 be secured and held in a designated fund. The fund would be used to assist non-profit organizations in the immediate Wallace-Emerson neighbourhood. This could include assistance for local non-profit daycare facilities, artist groups and the Christie Ossington Neighbourhood Centre, which operates a housing facility at 973 Lansdowne Avenue. It is also recommended that the City's affordable housing policies be addressed by the Phase III development and secured in the Section 37 Agreement.

#### Neighbourhood Walking System

In June 2002 DIG IN (Diversified Initiative Guide for Improving Neighbourhoods) was formed partly in response to redevelopment activities in the Wallace-Emerson neighbourhood. Through its open houses, meetings at the local community centre and library, walking tours, web site and mailings, DIG IN is actively exploring and developing strategies with local stakeholders to improve and enhance the community.

One DIGN IN strategy is “Walk Here”. This strategy aims to green and connect the larger Dupont West neighbourhood through the implementation of a neighbourhood walking system which, when fully implemented, would provide a green walking link between Wallace Emerson Park (Dufferin and Dupont) and Dundas Street West. Attachment 6 provides DIG IN’s Context Plan with the proposed walking route identified by a dashed-line.

This community-initiated strategy has three main strengths regarding its implementation. First, the strategy connects to existing key infrastructure such as the pedestrian bridge over the CP / CN rail corridor at the westerly end of Wallace Avenue. Second, the strategy connects to the City’s planned bike trail running south along the CP/CN rail corridor to the downtown. Third, the strategy’s timing presents an opportunity for large-scale redevelopment projects in the neighbourhood to contribute towards the strategy’s implementation.

### Pedestrian Bridge

One of the proposed infrastructure components is the construction of a pedestrian bridge over CN Rail’s Newmarket corridor adjacent to the Phase III lands. The new pedestrian bridge would connect a revitalized Campbell Avenue park to Lappin Avenue. This connection would entail the greening of a small City-owned property (90 Ward Street) on the eastside of the CN rail corridor. This underutilized property would be turned into a gateway parkette physically and visually connecting the pedestrian bridge to Lappin Avenue. DIG IN’s conceptual plan for the Campbell Avenue park – Lappin Avenue segment of the Walk Here strategy is included at the bottom of Attachment 6.

Installation of a pedestrian bridge would have a number of community benefits. The bridge would provide a safe east-west connection over the rail corridor at Lappin Avenue for the larger community. As well, residents living east of the rail corridor, including future residents of the former American Standard site, would gain convenient access to Campbell Avenue park.

The applicant’s Community Services and Facility study recommended that the City explore how to provide park space and pedestrian pathways that link various neighbourhoods to parks and local amenities. The Walk Here strategy sets out a community-initiated plan to foster neighbourhood interaction, to link parks and to promote safety in the community.

To facilitate the implementation of the Campbell-Lappin segment of the strategy, it is recommended that the proposal provide a Section 37 contribution of \$500,000. This contribution would be held in a City fund specifically designated for the pedestrian bridge, 90 Ward Street greening, and Campbell Avenue park and Lappin Avenue improvements. Aside from informal discussions with CN Rail and GO Transit representatives, City staff have not had an opportunity to fully explore the suggested pedestrian overpass. Should that concept be impractical, the funds would be used on the balance of the other improvements suggested.

It is also recommended that the development’s public art contribution of 1% of construction value be secured and held in a designated fund for the installation of public art in the immediate area of the former American Standard site.

It is also recommended that the following items be secured, using the development's Section 37 Agreement as an implementation tool:

- affordable housing provisions;
- noise and vibration attenuation measures, and rail corridor mitigation measures;
- warning clauses regarding rail corridor operations and school board capacity;
- municipal infrastructure and servicing requirements;
- environmental remediation and the City's harmonized peer review process; and
- a public easement across the internal driveway.

#### Connectivity to Lappin Avenue and the Wallace – Emerson Community:

A gate across the private driveway prohibits access from the former American Standard site south to Lappin Avenue. Access is only permitted to emergency vehicles by triggering the fire alarm, which automatically opens the gate (see Attachment 2). At any other time the gate is closed. Pedestrian, bicycle, vehicular and other means of access are prohibited. The gate physically separates and isolates the overall site and the Phase III proposal from Lappin Avenue and the Wallace-Emerson Neighbourhood to the south. The lack of unrestricted public access to Lappin Avenue is a significant concern.

#### Private Agreement

The prohibition on the site's access to Lappin Avenue is the outcome of a private agreement between the applicant and two related non-residential property owners on Ward Street to the south. The private agreement was reached as a settlement in advance of an Ontario Municipal Board hearing on the Phase I proposal. The City was not involved in this private settlement. In exchange for the owners of the former American Standard site entering into the restrictive covenant agreement, the non-residential property owners withdrew their appeal of the Phase I applications and agreed not to appeal any future developments on the former American Standard site.

While Phase I and II front onto public streets, the proposed Phase III buildings are on an interior portion of the former American Standard site. Failure to secure unrestricted public access to Lappin Avenue in this third and final phase will create an insular development that turns its back on the Wallace-Emerson neighbourhood to the south. This is contrary to Section 3.10 and Section 3.11 of the (former) City of Toronto Official Plan, which seek the provision of good pedestrian, vehicular and visual connections from redevelopment areas to adjacent neighbourhoods.

#### Public Interest

The privately negotiated restrictive covenant agreement is pre-empting the attainment of important city building objectives, which are in the public interest and the community's long term socio-economic interest. Instead of integrating with the area's established urban fabric and fostering linkages, the restrictive covenant significantly impacts the level of connectivity between the former American Standard site and the surrounding community.

If connections to Lappin Avenue cannot be secured then the private driveway off Lansdowne Avenue (east) and the exit to Dupont Street (northbound only) will be the principal points of pedestrian access and the only points of vehicular access to Phases I, II and III (approximately 1,100 units). A future Phase III resident wanting to walk or cycle south towards Bloor Street West would first have to walk or cycle approximately 130 metres east along the private driveway to Lansdowne Avenue and then head south. The logical movement is to walk or cycle south towards Lappin Avenue. Similarly, area residents are blocked from moving through the development. Ultimately then the restrictive covenant agreement has the effect of creating an “island” development separated and isolated from its neighbours to the south. This is not good city building and not in keeping with Official Plan policies.

Holding (“H”) Symbol under Section 36 of the *Planning Act*

If the other issues identified in this report are addressed then it would be appropriate to apply a holding (“H”) symbol on the Phase III lands. The “H” would be lifted once the restricted access to Lappin Avenue is resolved. Presumably the applicant would explore options for releasing the restriction with the non-residential related property owners to the south. It is appropriate as part of the imposition of Holding provisions to secure Section 37 community benefits discussed earlier in this report in connection with any future development on the Phase III lands.

#### Site Plan Approval Application:

The applicant has advised the Ontario Municipal Board that a Site Plan Approval application may be submitted and appealed to the Board so it can be considered at the continuation hearing set for April 5, 2004.

Through the Official Plan and Rezoning application process the applicant has incorporated some changes to the proposed site plan. Changes include the introduction of ground floor patios for some units and the consolidation of the loading facilities for Building E and Building F.

#### Site Grading

City staff have concerns with the proposed grading for Phase III lands which produces a number of retaining walls across the site. For example, a north-south retaining wall is proposed through the outdoor amenity space for Building E and Building F. Likewise, a large retaining wall is proposed along Phase III’s mutual property line with the City owned property at 90 Ward Street. The number of proposed retaining walls is the product of the applicant’s desire to raise the existing grade by 5.86 metres. Phase III’s proposed grading is a concern and will require further review and revision in order to reduce the number, height and impact of the retaining walls.

Other site plan details will also be examined once a formal application has been submitted. City staff’s review of the formal Site Plan Approval application may generate revisions to the site plan drawings.

### Conclusions:

At the January 5, 2004 Ontario Municipal Board hearing the applicant submitted a revised proposal directly to the Board. On the second day of the hearing the Board adjourned the proceeding to allow Community Council and City Council an opportunity to consider the applicant's revised proposal for the Phase III lands. A continuation of the Ontario Municipal Board hearing is scheduled for April 5, 2004.

This report reviews the applicant's January 13, 2004 submission. To minimize shadow impacts and to provide a built form that has a better fit with its surroundings, City Planning recommends that each building's tallest component not exceed a maximum height limit of 40 metres measured from the geodatic datum at the site's Lansdowne Avenue entrance.

A 40-metre height limit permits the tallest component of each building at 12-storeys (approximately 38 metres including the raised grade). The City's recommended height limit requires the removal of 2 floors from the applicant's January 13, 2004 submission. The revised built form would be 9, 11 and 12 storeys for each building. A reduction of 2 floors eliminates 48 units from the 592 units currently proposed.

In addition to recommended modifications to the proposed building height, this report recommends securing \$750,000.00 in community benefits under Section 37 of the *Planning Act*. Community benefits would be directed towards non-profit organizations in the community to assist them with addressing affordability issues (e.g. daycare and artist space), and towards the implementation of the Campbell-Lapin segment of a community-initiated pedestrian strategy. It is also recommended that the Section 37 Agreement secure various development items, such as municipal infrastructure and noise mitigation measures, related to the Phase III proposal.

The lack of unrestricted public access to Lappin Avenue remains a significant outstanding issue.

This report recommends the use of holding ("H") symbol under Section 36 of the *Planning Act* until unrestricted public access to Lappin Avenue and the Wallace-Emerson Community to the south is secured. Public access is currently prohibited by a privately negotiated restricted covenant between the related owners of the former American Standard site and non-residential property owners to the south. The introduction of vehicular and pedestrian access to Lappin Avenue must be secured in order to effectively connect future Phase III residents with the larger community to the south.

Finally, this report recommends that the City Solicitor request the Ontario Municipal Board to approve the Official Plan and Zoning By-law Amendments and withhold the Order authorizing final approval of the Phase III applications until a number of conditions are satisfied. In the event the applicant refuses to agree to the report's recommendations then it is recommended that the City Solicitor and City staff be authorized to oppose the Phase III proposal and to support the recommendations of this report before the Ontario Municipal Board on April 5, 2004.

Contact:

Corwin L. Cambray, Planner

Tel.: 416-392-0459; Fax: 416-392-1330; Email: ccambra@toronto.ca

---

(Copies of attachments, referred to in the foregoing report, were distributed to all Members of Council with the February 17, 2004 agenda of the Toronto South Community Council, and a copy is also on file in the office of the City Clerk.)

---

**The Toronto South Community Council also submits the report (February 3, 2004) from the Director, Community Planning, South District:**

Purpose:

To report on the status of this application.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendation:

It is recommended that this report be received for information.

Background:

An Ontario Municipal Board hearing on the applicant's appeal of the Phase III application was scheduled for January 5 to 9, 2004. At the start of the hearing the applicant submitted a revised proposal to the Board. At the start of the second day of the hearing, the Board adjourned the proceeding to allow the revised proposal to be considered by Community Council. The Board has rescheduled the hearing for April 5, 2004.

Comments:

The applicant formally filed the revised proposal with the City on January 13, 2004 as directed by the Ontario Municipal Board.

City Planning is preparing a report on the revised proposal for consideration by Toronto South Community Council at its February 17, 2004. The report will identify outstanding issues including height / built form, shadow impacts, access / connectivity to the Wallace – Emerson Community and community benefits under Section 37 of the Planning Act. The report will provide recommendations regarding the City position to be advanced before the Ontario Municipal Board at the continuation of the hearing on April 5, 2004.

Conclusions:

This report is for information. A further report will be considered at the February 17, 2004 Toronto South Community Council meeting regarding the City position to be advanced before the Ontario Municipal Board at the April 5, 2004 continuation hearing.

Contact:

Corwin L. Cambray, Planner

Phone: 416-392-0459; Fax: 416-392-1330; Email: [ccambra@toronto.ca](mailto:ccambra@toronto.ca)

---

Andrew Paton, Q.C., solicitor, on behalf of the applicant, appeared before the Toronto South Community Council.