

**Final Report
Zoning Code Amendment Application
400 The East Mall**

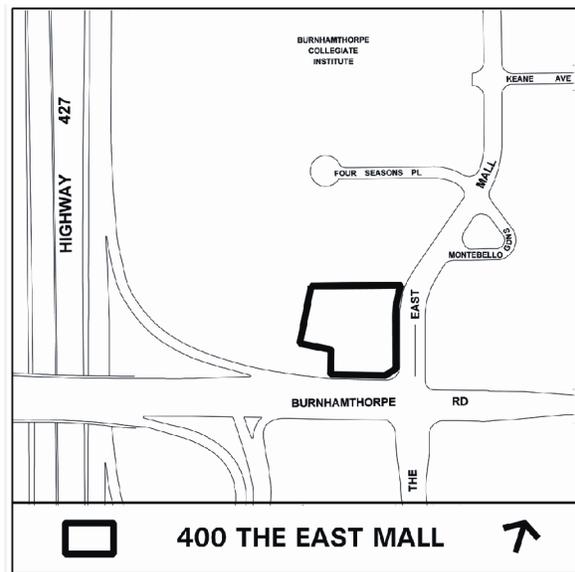
Date:	December 22, 2006
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 3 – Etobicoke Centre
Reference Number:	File No: 05 105705 WET 03 OZ

SUMMARY

An application has been submitted to amend the Etobicoke Zoning Code to permit a 120-unit, 12-storey residential apartment building for seniors with grade-related retail, service and medical office uses at 400 The East Mall.

Planning staff have evaluated the merits of the applicant’s proposal and are of the opinion that the proposal is consistent with the Official Plan and is an appropriate and desirable form of redevelopment for this location and context. The site is located with good access to community services. The project will provide new residential for seniors and new retail services for the community. The applicant has demonstrated that the proposal can be developed with minimal impact on the lower scale residential neighbourhood located east of The East Mall, as well as, in accordance with the City’s current municipal standards of development.

This report reviews and recommends approval of the application to amend the Etobicoke Zoning Code to permit the site specific residential/retail/office proposal. The current CPP uses will also be maintained in the zoning, including the medical office centre.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Zoning Code for the former City of Etobicoke substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 6; and,
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.

FINANCIAL IMPACT

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

DECISION HISTORY

Etobicoke York Community Council considered a Preliminary Report on May 3, 2005 and directed that a community consultation meeting together with the Ward Councillor be scheduled and that notice for the community consultation meeting be given to landowners and residents within an area to be determined in consultation with the Councillors for Wards 5 and 6.

ISSUE BACKGROUND

The site is currently occupied by a 4-storey medical office building. The applicant states that the existing office building, built in 1964, is outdated and obsolete and is prone to flooding and sewage problems. There are also vacancies in the building and under-performing uses. The applicant had considered redeveloping the current site for a new medical office building but the site's limitations in terms of parking and layout make this option undesirable. In addition, the underground parking on site must be limited to no more than two levels because of the presence of a high water table. As a result, the doctors of the medical building propose to relocate to a more modern facility in the central Etobicoke area. Such a move would allow for future expansion in accordance with the City's current standards of development and the new format for Provincially-sponsored Family Healthcare Centres, with expanded services. It is the applicant's intent to continue providing full services in its present location until a new facility is operational, thereby avoiding any break in service.

Proposed Changes to Original Submission

The original proposal for an eleven-storey (nine storeys of residential units plus one-storey garden roof) residential apartment building, with one-storey retail and medical office uses at grade, was revised, following circulation of the application to the various affected departments/agencies, in order to address the following requirements:

- (a) Ministry of Transportation requirements to protect for a future right-of-way which may be required to accommodate a widening of the ramp to Highway No. 427 North;

- (b) Development Engineering requirements for a future road widening along the west side of The East Mall and intersection improvements (at Burnhamthorpe Road), as well as improvements to overall on-site traffic circulation; and
- (c) City Planning requirements for on-site landscaping and greening of the surface parking area.

In addition, the mix of unit types, i.e. no. of bedrooms, were revised to reflect a market trend towards larger units.

The proposed changes include:

- an increase in the number of floors from eleven storeys (nine storeys of residential and a one-storey recreation centre/garden roof, with non-residential uses at grade) to twelve storeys (ten storeys of residential and a one-storey recreation centre/garden roof, with non-residential uses at grade);
- a 21% reduction in the total number of apartment units from 151 to 120 units;
- a 5% reduction in residential gross floor area from 11 140 square metres (119,918 square feet) to 10 568 square metres (113,756 square feet);
- a 60% decrease in non-residential gross floor area from 851 square metres (9,160 square feet) to 336 square metres (3,167 square feet);
- a 4% increase in total gross floor area from 12 844 square metres (138,245 square feet) to 13 392 square metres (144,144 square feet), inclusive of roof-top recreation centre/balconies;
- a 8.5% reduction in building coverage from 1 238 square metres (13,326 square feet) to 1 132 square metres (12,185 square feet);
- a 76% increase in landscaped open space from 706 square metres (7,600 square feet) to 1 245 square metres (13,400 square feet); and,
- an overall 22% decrease (for a reduction of 42% surface/14.5% below grade) in available parking from 229 spaces (64 surface/165 below grade) to 178 spaces (37 surface/141 below grade).

Proposal

This revised application proposes amendments to the Etobicoke Zoning Code to permit the development of a twelve-storey apartment building containing 120 residential units in ten-storeys of residential plus one-storey recreation centre/garden roof. The project is proposed to be designed and marketed as a seniors' condominium. Commercial retail, service and medical office uses are proposed at grade. The floor area of the proposed non-residential uses is approximately 336 square metres (3,817 square feet) and will include a doctor's office, pharmacy, tuck shop, and cafeteria, all of which are designed to primarily serve the future seniors residents of the building, but could also be used by residents of the neighbouring Highbourne Lifecare Centre and local community. Parking is to be provided in two underground levels containing 141 spaces, as well as 37 surface parking spaces, representing a surplus of 9 parking spaces over that required by the Zoning Code.

Vehicular access to the site will be maintained from The East Mall in its current location. Relevant project information, as provided by the applicant, is attached as Attachment 5 – Application Data Sheet.

The proposed FSI is 2.92 (2.85 residential, including basement/roof centre/balconies; and 0.07 commercial at grade). The proposed building height above finished grade is 42.71 metres (140 feet).

Site and Surrounding Area

The subject site is located at the northwest corner of Burnhamthorpe Road and The East Mall, and is 0.46 hectares (1.14 acres) in size. It is irregular in shape, with a frontage of 49.55 metres (162.57 feet) along Burnhamthorpe Road and 68.71 meters (225.43 feet) along The East Mall. The site is presently occupied by a 4-storey medical centre, which is to be demolished, and associated parking at grade. The existing topography is such that drainage is directed south to Burnhamthorpe Road, and east to The East Mall and westerly to an existing swale which outlets into the Four Seasons Place storm sewer.

Surrounding uses include the following:

North: A five-storey, 250-bed long-term care facility, known as the Highbourne Lifecare Centre (420 The East Mall). Further to the north is Burnhamthorpe Collegiate Institute (a Toronto District School Board secondary school)

South: On the south side of Burnhamthorpe Road is a Loblaws' supermarket at the south-west corner of The East Mall/Burnhamthorpe Road intersection; and the Eatonville Library at the southeast corner of The East Mall/Burnhamthorpe Road intersection. Immediately south of Loblaws and the Eatonville Library are medium density residential developments.

West: Burnhamthorpe Square, a twelve-storey, six-storey and two-storey office building complex. Further to the west is Highway No. 427 and an access ramp interchange.

East: A low-density residential neighbourhood, comprised of two, two-storey single-detached dwellings at the northeast corner of The East Mall/Burnhamthorpe Road intersection (423 and 425 Burnhamthorpe Road); a one-storey single-detached dwelling fronting on The East Mall (453 The East Mall); and several single-detached dwellings that front onto Montebello Gardens. Further to the east is a church.

Provincial Policy Statement

The 2005 Provincial Policy Statement sets out policies to promote efficient development and land use patterns to support strong, liveable and healthy communities, protect the environment and public health and safety, and facilitate economic growth over the long term. The Provincial Policy Statement provides explicit support for intensification projects within urban areas, in order to make cost-effective use of infrastructure, particularly public transit. In the opinion of staff, the proposed development concept is consistent with the Provincial Policy Statement as it

relates to building strong communities, managing resources and protecting public health and safety.

Official Plan

The Official Plan designates the site Mixed Use Area on Map 14 (Land Use Plan)(Attachment 3). Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Plan contains development criteria that direct the form and quality of development in Mixed Use Areas. The criteria direct: that the massing of new buildings minimize impacts on adjacent neighbourhoods and provide for comfortable sunlight and wind conditions; that the location and building mass frames the street edge; that parking, loading, amenities and other good site planning principles are complied with; that advantage is taken of nearby transit services; and that indoor and outdoor recreation space for building residents is provided in every multi-unit residential development. This proposed mixed use development is consistent with the new Plan. No amendment is required.

Zoning

The property is currently zoned Planned Commercial Preferred Zone (CPP)(Attachment 4). The existing CPP zoning permits business uses such as neighbourhood stores, restaurants, professional offices and office buildings, medical, dental and drugless practitioners' clinics and commercial schools, radio, television and film studios, day nurseries and accessory uses. Residential uses are not permitted in a CPP zone. An amendment to the current zoning is required to permit the use, together with appropriate site-specific development standards, e.g. height, number of units, building setbacks, gross floor area/floor space index, landscaped open space and parking.

Site Plan Control

The property is subject to site plan control. Submission of an application for site plan control approval will provide City staff with an opportunity to review, in more detail, matters such as grading, landscaping, screening and/or fencing, street planting, pedestrian linkages, and building design. To date, an application has not been submitted.

Circulation of the application to affected agencies and departments has identified a number of draft conditions to site plan control approval.

Reasons for Application

The current CPP zoning of the site would not permit an apartment building. A change in the existing zoning classification is necessary to permit an apartment building together with site specific provisions to allow for the related ancillary commercial uses. It would also establish acceptable standards of development governing such matters as: the number of units permitted; building setbacks from property lines; gross floor area; lot coverage; landscaping open space and amenity areas; height; and the number of parking spaces available for residents, related ancillary commercial uses and visitors.

Community Consultation

The Community Consultation Meeting was held on May 12, 2005. Four area residents were in attendance. Three residents stated that the current location of the medical center was convenient and wished it to remain in its current location. No objections were expressed relating to the actual proposal, in the event the medical centre ceases operation.

In addition, a letter was received from a representative of the West Deane Homeowners Association stating that:

- there is a perceived critical shortage of general practitioners in the area and that existing doctors are not taking new patients;
- it is inconceivable that a medical centre is in danger of being dismantled, with thousands of patients left to find alternative health care, at a time when the Provincial government is trying to establish similar clinics; and,
- there are already several new seniors' residences in the immediate area.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Loss of Medical Centre

Several area residents expressed concern over the potential loss of the existing medical centre in its current location. This issue is beyond the City's control and mandate under the Planning Act. However, it is the intent of the applicant to reconstitute the medical centre into a new state-of-the-art Provincially-sponsored Family Healthcare Centre with expanded services on a different site, preferably closer to the Bloor subway line, with no break in service.

Land Use

The existing office use and the proposed residential, retail and office uses are both permitted by the Mixed Use designation of the Official Plan. The site is considered suitable for residential intensification, particularly for seniors, given its location on a major arterial corridor and in an area well-served by transit and other municipal infrastructure. It is close to community facilities such as the Loblaws food store to the south and the Eatonville Library to the southeast. In terms of accessibility, it has excellent access to Highway #427 and is located on a local bus route. The building is intended to be designed and marketed to seniors.

Height, Massing, Setbacks, Sun/Shadow

The height of the proposed building is similar to an existing 12-storey office development located immediately to the west of the site. It is separated from the closest low-scale residential neighbourhood by The East Mall (a 26.2 metre (86 feet) minor arterial roadway) and a proposed 4.5 metre (15 feet) building setback. While a corner of the 11th floor protrudes slightly into a 45 angular plane measured from the closest residentially zoned property, the bulk of the building

remains within the angular plane, providing an appropriate transition given the context of the area.

The applicant has submitted a Sun/Shadow Study that concludes the proposed height and massing of the building should not unduly impact the closest low-scale residential area to the east and will allow for adequate access to light and maintain privacy.

The proposal addresses the Built Form policies (Section 3.1.2) of the Official Plan. The building is generally located parallel to the street with a consistent front yard setback that frames the street edge and provides for an improved pedestrian environment.

In this regard, the building proposes a well-designed building entrance feature facing the Burnhamthorpe Road/The East Mall intersection and is directly accessible from the street. This condition provides for a clear and visible identity for the building and helps to separate the public and private areas of the development. The building's design, with commercial retail/service uses at grade, should promote safe, vibrant public streets and sidewalks in this location.

Landscaped open space is proposed along the Burnhamthorpe Road frontage which will serve to extend, enhance and complement the public realm in this location. Proposed on-site amenities will include individual open air balconies and a roof-top garden terrace, with an enclosed recreation room and swimming pool, for the enjoyment of the building's residents.

The site plan control approval process will provide City staff with an opportunity to review, in more detail, matters such as grading, landscaping, screening and/or fencing, street planting, pedestrian linkages, and building design, including the incorporation of design features that are specifically geared to seniors.

Traffic Impact, Access, Parking

A future south-bound right turn auxiliary lane at The East Mall/Burnhamthorpe Road intersection is required. To protect for the future introduction of this improvement, Technical Services staff have required the conveyance to the municipality of a strip of land 2.5 metres (8.2 feet) wide along The East Mall frontage and a 15 metre (50 feet) right-of-way rounding at the southeast corner of the property measured from the revised property limits. In addition, the Provincial Ministry of Transportation, Corridor Management Office staff require a minimum 13 metre (42 feet) building setback from the north-bound access ramp to Highway 427 North to protect for a possible future widening of the access ramp to accommodate an additional lane. The amending by-law contains adequate building setbacks to allow for these future conveyances.

The proposed elimination of the existing outbound-only (south) access driveway and modification of the inbound-only (north) driveway to provide a full movement driveway connection to The East Mall is acceptable.

Development Charges

It is estimated that the Development Charges for this project will be approximately \$497,487. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Gary Dysart, Senior Planner

Ph: (416) 394-8233

Fax: (416) 394-6063

Email: gdysart@toronto.ca

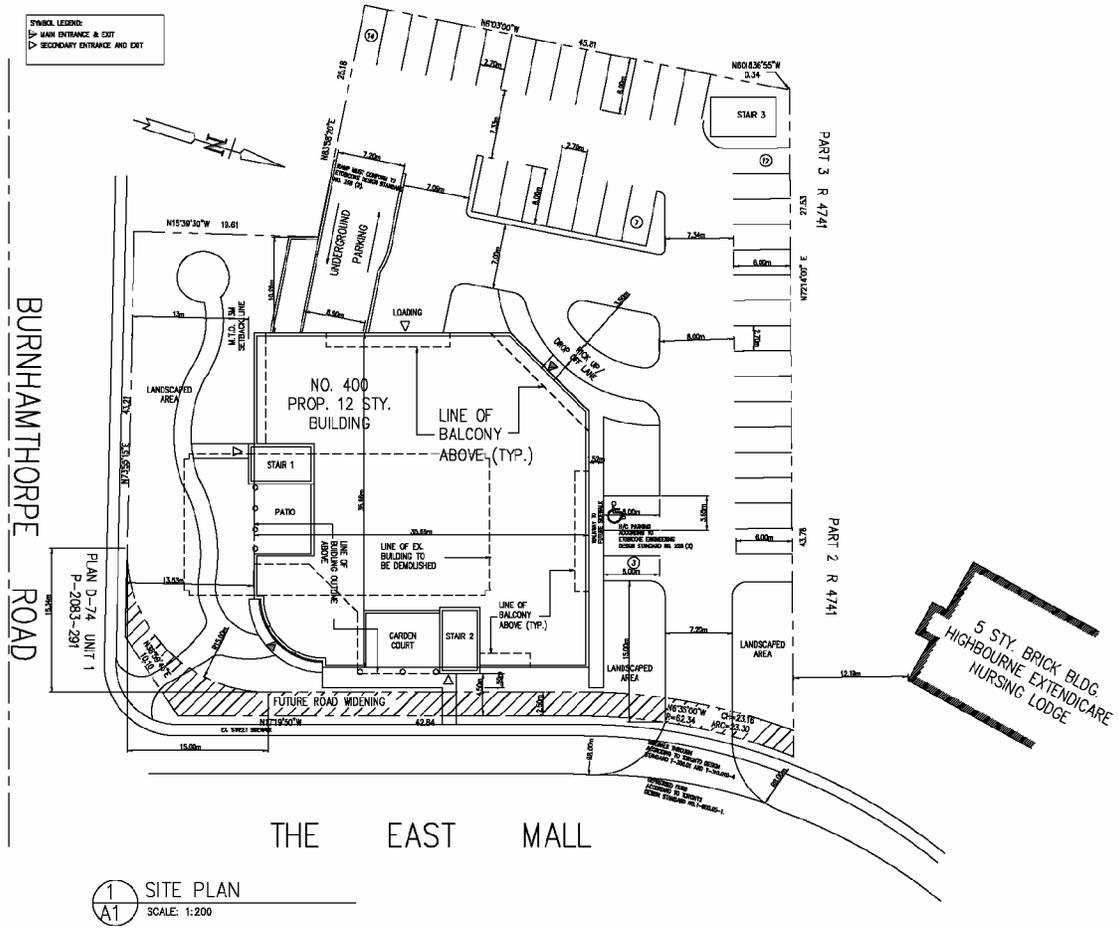
SIGNATURE

Gregg Lintern, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

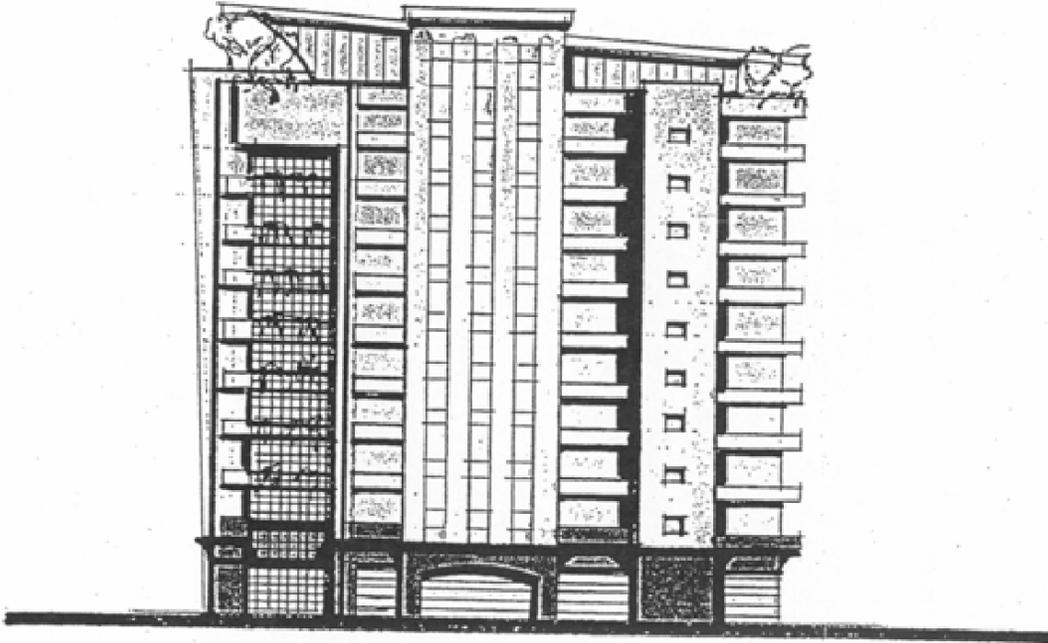
Applicant's Submitted Drawing

Not to Scale →
07/07/06

400 The East Mall

File # 05_105705

Attachment 2: Elevations



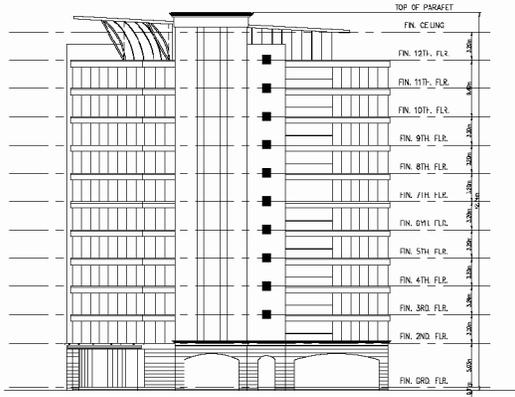
Elevations

Applicant's Submitted Drawing

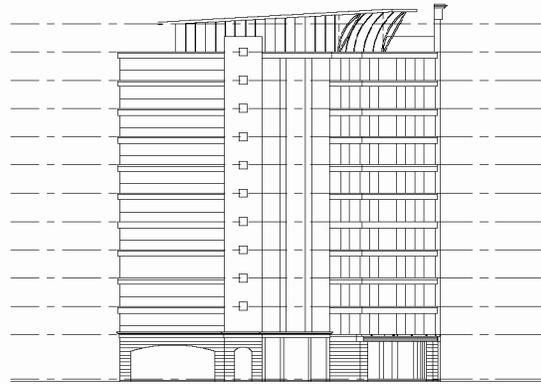
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400 The East Mall

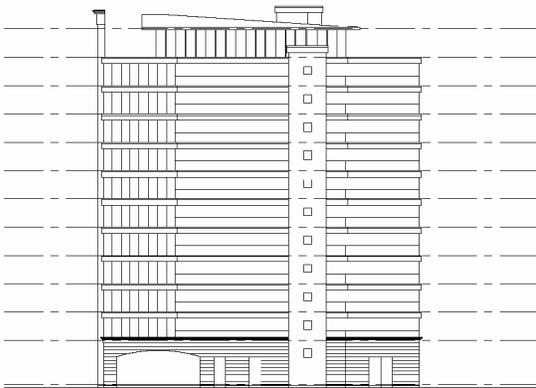
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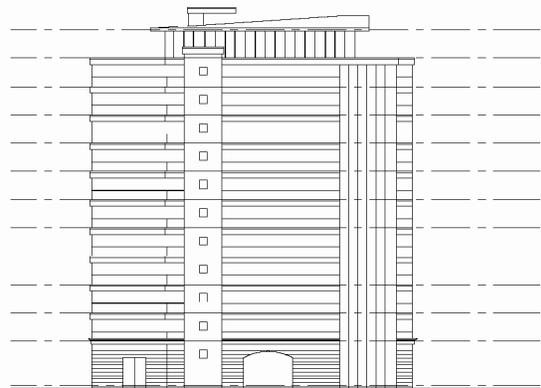
1 EAST ELEVATION
A5 SCALE: 1:200



2 SOUTH ELEVATION
A5 SCALE: 1:200



3 NORTH ELEVATION
A5 SCALE: 1:200



4 WEST ELEVATION
A5 SCALE: 1:200

Elevations

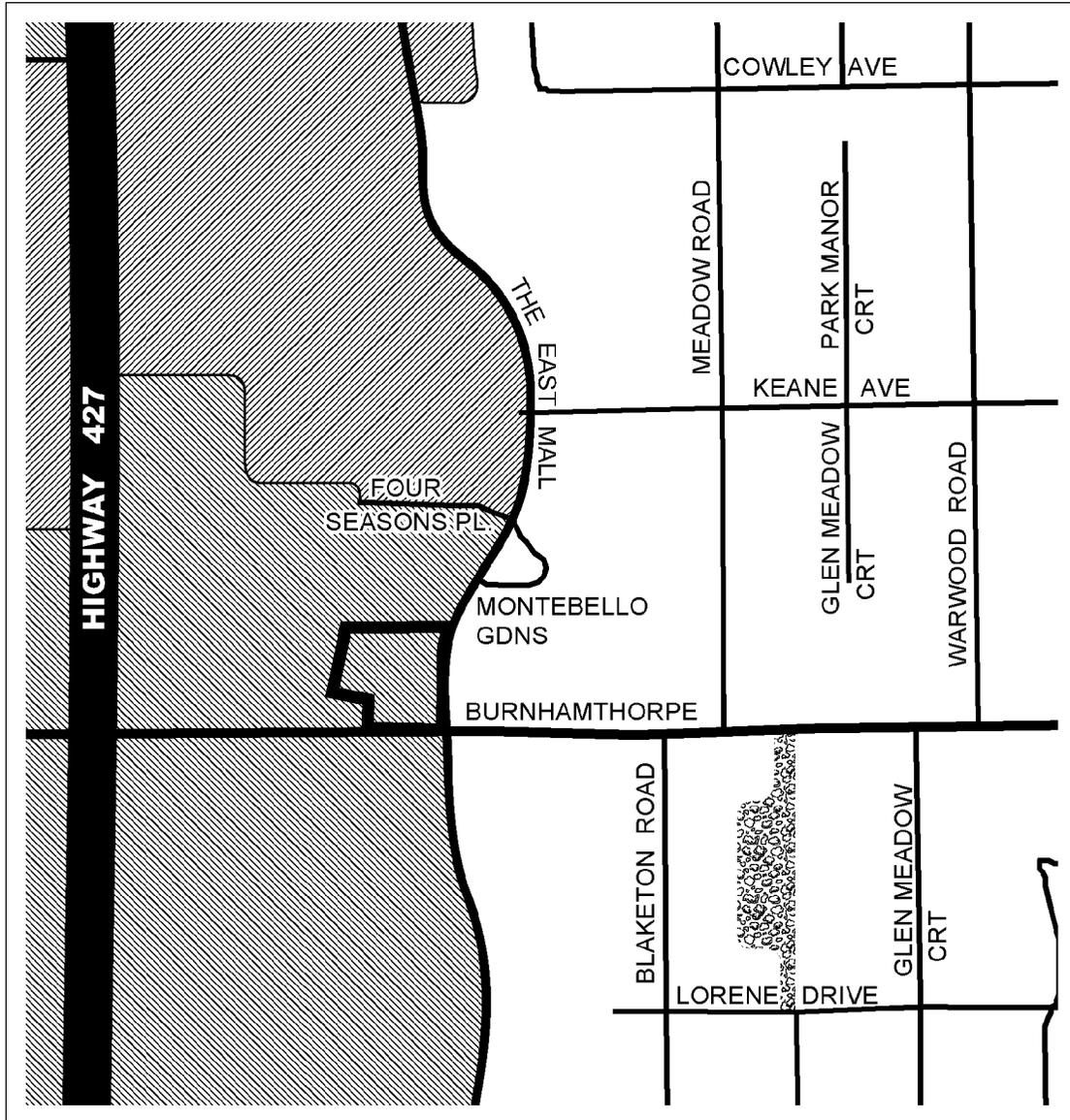
Applicant's Submitted Drawing

Not to Scale
07/07/06

400 The East Mall

File # 05_105705

Attachment 3: Official Plan



-  Site
-  Mixed Use Areas
-  Neighbourhoods
-  Parks
-  Apartment Neighbourhoods

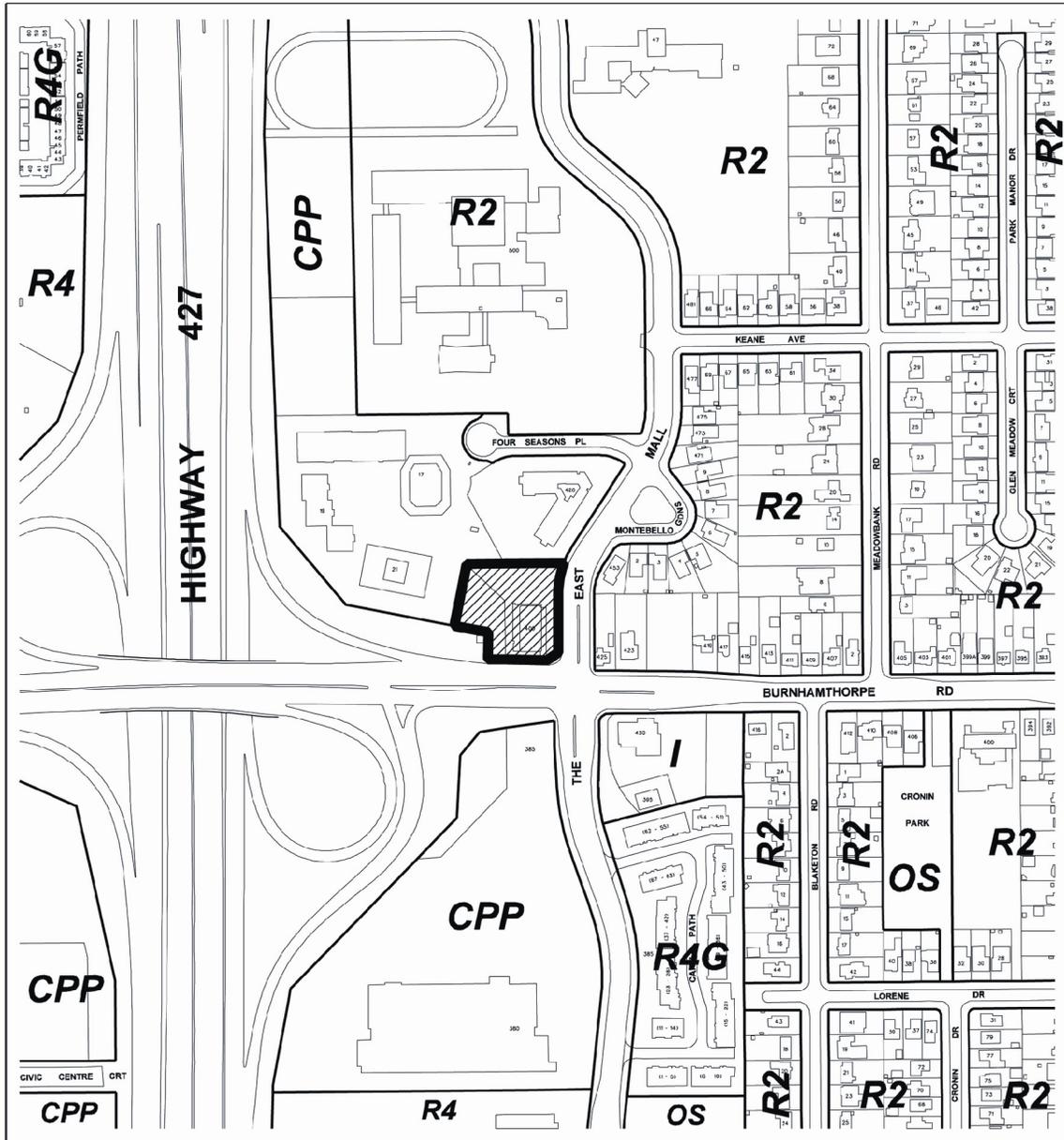
Toronto City Planning
Official Plan

Not to Scale
 07/7/06 

400 The East Mall

File # 05_105705

Attachment 4: Zoning



400 The East Mall

File # 05_105705

Former Etobicoke By-law 11,737

- R2 Residential Second Density
- R4 Residential Fourth Density
- R4G Residential Fourth Density Group

- I Institutional
- OS Public Open Space
- CPR Commercial Planned Regional

CPP Commercial Planned Referred


 Not to Scale
 Zoning By-law 11,737 as amended
 Extracted 03/16/05 - MH

Attachment 5: Application Data Sheet

APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 105705 WET 03 OZ
Details	OPA & Rezoning, Standard	Application Date:	January 31, 2005

Municipal Address: 400 THE EAST MALL, TORONTO ON

Location Description: PL M986 PT BLK G RP R1482 PT 1PT RP R64R3255 PT 5 TO 7 RP R66R7663 PT 3 **GRID W0305

Project Description: Proposed new 12 storey building comprised of a 10 storey senior's residence and one-storey roof garden and recreation centre & ground floor medical office & pharmacy.

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	N/A
Zoning:	Planned Commercial Preferred Zone CPP	Historical Status:	N/A
Height Limit (m):	N/A	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	4589	Height:	Storeys:	12
Frontage (m):	49.55		Metres:	43
Depth (m):	68.71			
Total Ground Floor Area (sq. m):	1228			Total
Total Residential GFA (sq. m):	11828		Parking Spaces:	178
Total Non-Residential GFA (sq. m):	336		Loading Docks	0
Total GFA (sq. m):	13392			
Lot Coverage Ratio (%):	26			
Floor Space Index:	2.92 (includes basement/roof recreation centre/balconies); 2.74 (exc. balconies)			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	11828	0
Bachelor:	20	Retail GFA (sq. m):	260	0
1 Bedroom:	50	Office GFA (sq. m):	76	0
2 Bedroom:	50	Industrial GFA (sq. m):	0	0
Total Units:	120	Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: Gary Dysart, Senior Planner Tel: (416) 394-8233

Attachment 6: Draft Zoning By-law

Authority: Etobicoke York Community Council Report No. __, Clause No. __, as adopted by City of Toronto Council on __2007

Enacted by Council: __2007.

CITY OF TORONTO

BY-LAW No. __ - 2007

To amend Chapters 320 and 324 of the Etobicoke Zoning Code with respect to lands municipally known as 400 The East Mall

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

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

WHEREAS the matters herein set out are in conformity with the Official Plan for the City of Toronto Planning Area;

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

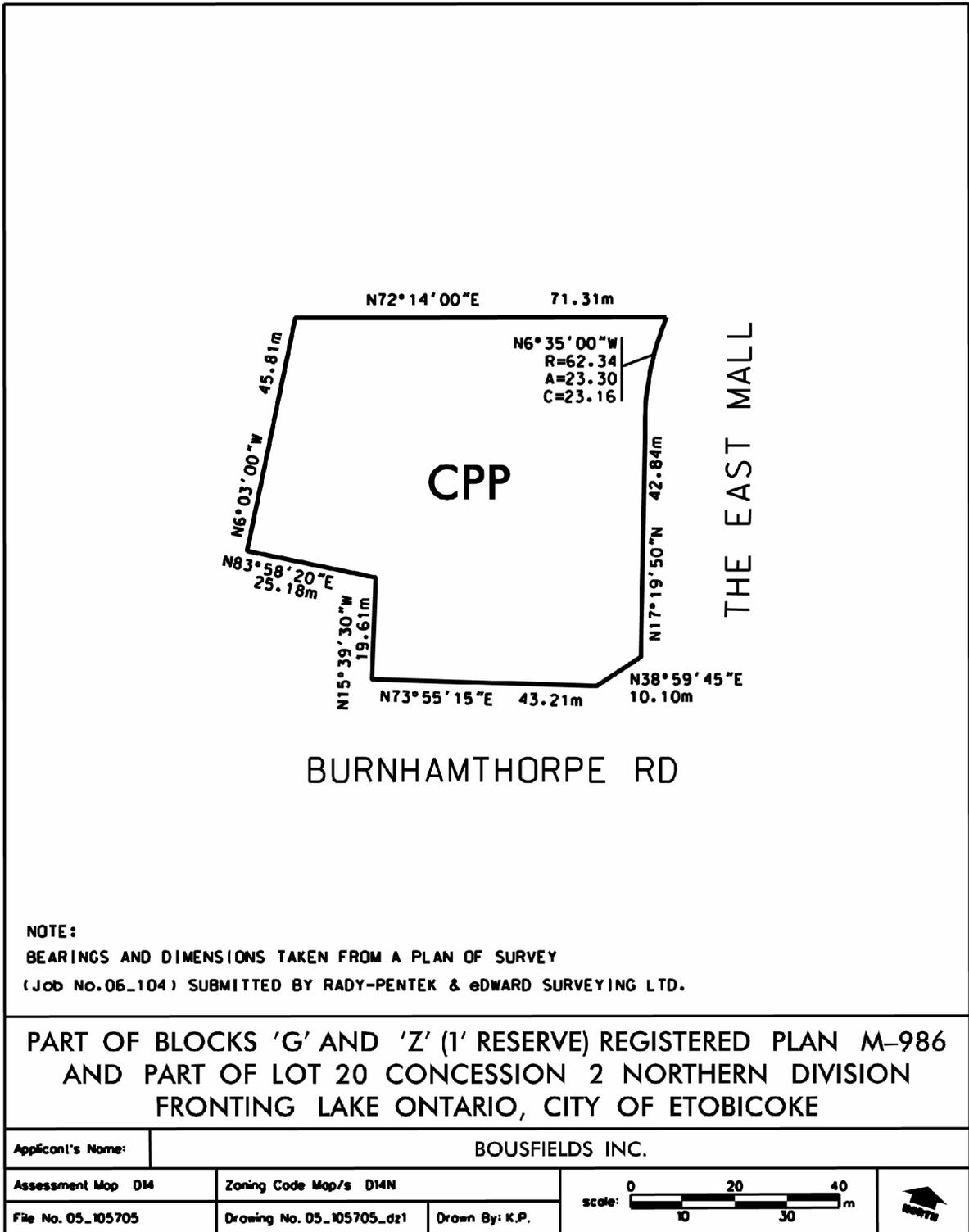
1. That the Zoning classification of the lands shown as Planned Commercial Preferred (CPP) in Schedule 'A' annexed hereto, and the Zoning Code provisions applicable hereto, are hereby confirmed provided that the following amendments to those provisions shall take precedence in the event of conflict with same:
 - a) A 12-storey mixed-use residential apartment building with grade-related commercial retail/service/office uses may be permitted.
 - b) The maximum number of residential units shall be 120.
 - c) The maximum gross floor area shall be 13 400 square metres, including balcony areas.
 - d) Grade-related commercial retail/service/office uses may consist of a cafeteria, tuck shop, pharmacy and medical office and shall not exceed a maximum combined floor area of 350 square metres.
 - e) The maximum building height shall be 43 metres.
 - f) The maximum floor space index shall be 2.93, inclusive of balconies.
 - g) The maximum building coverage shall be 27% of the site area.
 - h) The twelfth floor shall be limited to an enclosed recreation complex not exceeding a floor area of 465 square metres and an outdoor roof garden.

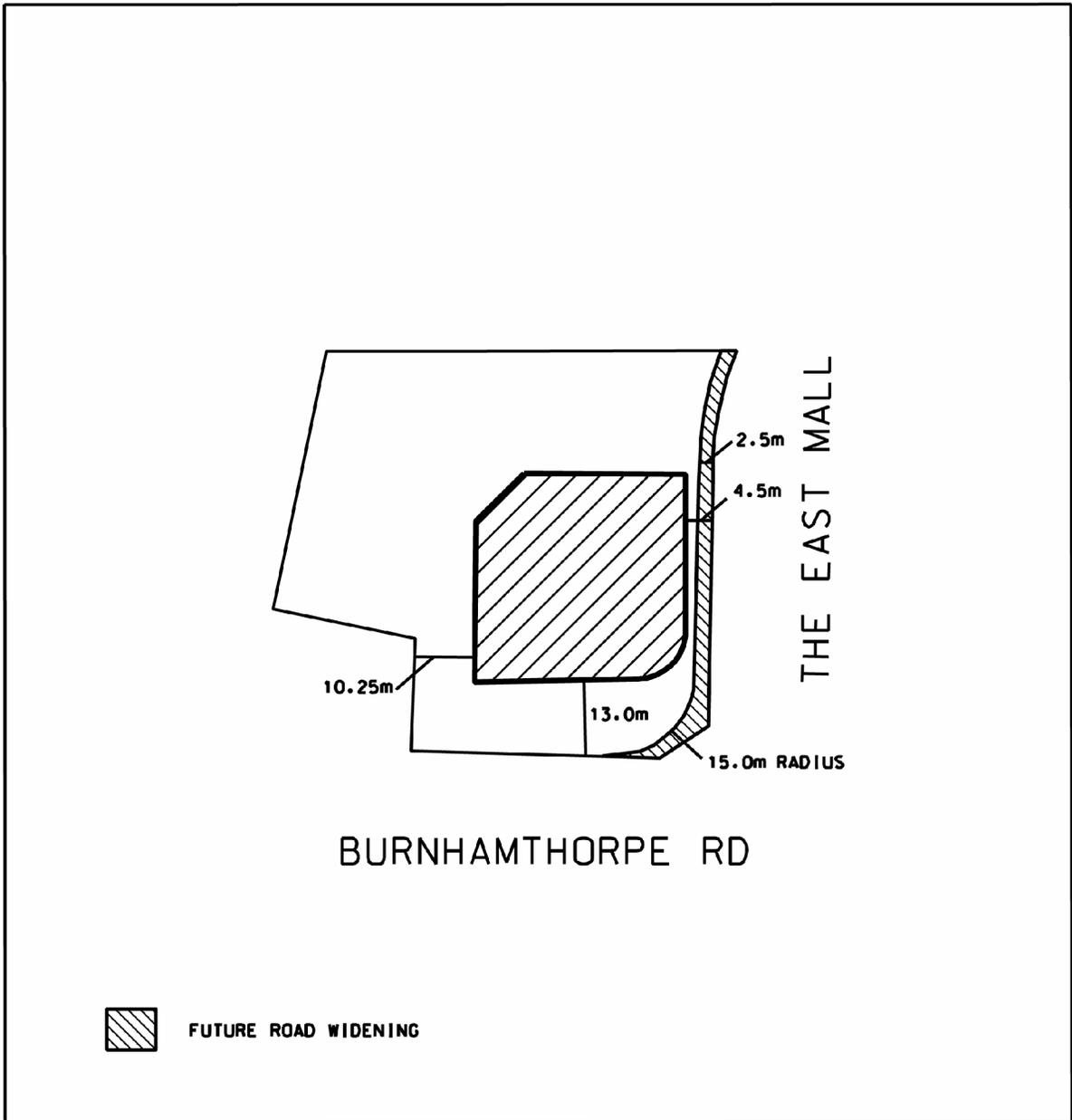
- i) A minimum of 26% of the site area shall be maintained as landscaped open space, including walkways.
 - j) Parking for the residential apartment units shall be provided on the basis of a minimum of 1.25 parking spaces per bachelor and one-bedroom units and a minimum of 1.4 parking spaces per two-bedroom unit. Of this number, not less than 0.20 parking spaces per residential unit shall be reserved for residential visitors at-grade, with each parking space appropriately signed. The remaining required parking spaces shall be provided for the exclusive use of residents in a below-grade parking structure.
 - k) A minimum of 3 parking spaces shall be provided for each 93 square metres of commercial floor space and a minimum of 5.5 parking spaces shall be provided for each 93 square metres of medical office floor space at-grade and shall be reserved for commercial patrons, with each parking space appropriately signed.
 - l) Surface parking spaces provided in excess of the requirements of this amending by-law may be signed for residential visitors and commercial patrons.
 - m) The minimum above-grade building setbacks shall not be less than the measurements shown on Schedule 'B' annexed hereto.
 - n) The minimum below-grade building setbacks from all property lines shall be 0.0 metres.
 - o) The minimum parking area and driveway setbacks from side and rear lot lines shall not be less than 0.4 metres except where required for direct access to the street.
2. Where the provisions herein conflict with the Zoning Code, the provisions of this by-law shall take precedence, otherwise the Zoning Code shall continue to apply.
3. Chapter 324, Site Specifics, of the Etobicoke Zoning Code, is hereby amended to include reference to this By-law by adding the following to Section 324-1, Table of Site Specific By-laws:

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
____ - 2007 ____, 2007	Lands located at the north-west corner of Burnhamthorpe Road and The East Mall, municipally known as 400 The East Mall.	To confirm the CPP zoning and to permit a 12-storey, 120-unit, mixed-use apartment building, with commercial retail, service and medical office uses at grade, together with appropriate standards of development.

ENACTED AND PASSED this ____ day of ____, 2007.
 DAVID R. MILLER
 Mayor
 (Corporate Seal)

ULLI S. WATKISS
 City Clerk





PART OF BLOCKS 'G' AND 'Z' (1' RESERVE) REGISTERED PLAN M-986
AND PART OF LOT 20 CONCESSION 2 NORTHERN DIVISION
FRONTING LAKE ONTARIO, CITY OF ETOBICOKE

Applicant's Name:	BOUSFIELDS INC.		
Assessment Map D14	Zoning Code Map/s D14N		scale:
File No. 05_105705	Drawing No. 05_105705_d2	Drawn By: K.P.	