

**Final Report
Official Plan and Zoning By-law Amendment
Applications
Wilson Avenue, between Keele Street and Bathurst
Street**

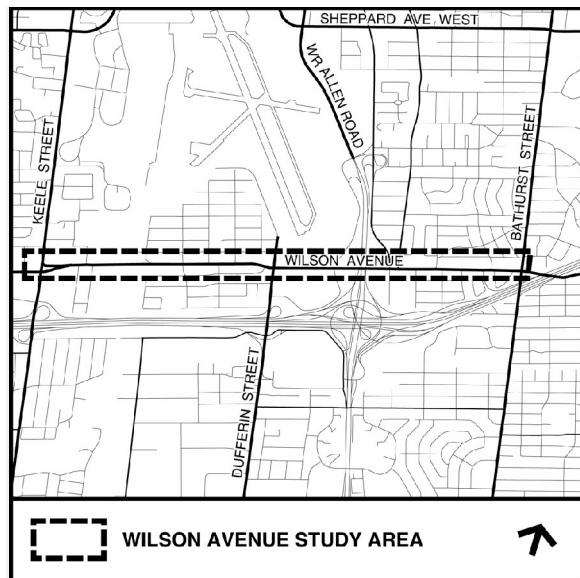
Date:	December 22, 2006
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	9 & 10 – York Centre
Reference Number:	File No. 03 194996 NNY 10 TM

SUMMARY

Amendments to the Official Plan and the former City of North York Zoning By-law for the segment of Wilson Avenue running generally between Keele Street and Bathurst Street to fully implement the results of the Wilson Avenue – *Avenue Study* are recommended by this report.

Appropriate comments arising from the Community Consultation sessions held in late May and early June and suggested changes from internal and external circulations have been incorporated into the draft Official Plan and Zoning By-law Amendments.

This report recommends approval of those amendments as presented in the attached documents.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan substantially in accordance with the draft Official Plan Amendment attached as Attachment 1;
2. City Council amend the Zoning By-law for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2; and
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

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

ISSUE BACKGROUND

On April 4, 2006, North York Community Council considered a staff report which presented draft Official Plan and Zoning By-law Amendments implementing the findings and recommendations of the Wilson Avenue *Avenue* Study (Attachment 3). North York Community Council directed that the proposed amendments to the City of Toronto Official Plan, former City of North York Official Plan and former City of North York Zoning By-law No. 7625 be taken to the community prior to being considered by Council through a Public Meeting under the *Planning Act*.

Those Community Consultation meetings were held on May 31, 2006 in the Muki Baum Centre and on June 1, 2006 in Summit Heights Public School. Approximately 50 residents attended each session and were provided with copies of the draft amendment documents and comment sheets.

A total of 8 comment sheets or letters were received from individuals or agencies in response to the proposed amendments. The comments are discussed below.

City Council also directed staff to report on any appropriate community benefits to be derived in exchange for the proposed reduction in parking requirements and on the proposed maximum building heights to include mechanical penthouses. Those items are discussed below.

COMMENTS

Status of Former City of North York Official Plan

On July 6, 2006 the Ontario Municipal Board issued Order No. 1928 bringing the majority of the new City of Toronto Official Plan into force and effect. The Order also repealed most of the policies of the North York Official Plan that were previously in effect. The draft Official Plan Amendment to the North York Official Plan is no longer required as the sections of the Official Plan that were proposed to be amended are no longer in effect and have been replaced by the Toronto Official Plan.

Incorporation of Legal Descriptions into Proposed Official Plan Amendment

The proposed Official Plan Amendment contains modifications to the right-of-way width along Wilson Avenue from a maximum of 36 metres (the current requirement) to a maximum of 33 metres for two specific segments as identified on Schedule 'A' of Attachment 1.

As a result of a review by the City Surveyor, additional information has been incorporated into the descriptive wording of the proposed Amendment to the Official Plan in the form of legal descriptions. The additional detail clarifies where the transition between the 36 metre right-of-way and the reduced 33 metre right-of-way will occur by making reference to Lot and Plan numbers.

7 and 9 Tippet Road

A letter has been received from Bousfields Inc., a planning consultant, on behalf of Malibu Investments Inc., the property owner of 7 & 9 Tippet Road regarding the appropriateness of the proposed height and density on the property at the southeast corner of Tippet Road and Wilson Avenue in the study area. While the draft Zoning By-law proposes a maximum height of 8 storeys and 24 metres and a maximum density of 2.0 FSI on the Wilson Avenue frontage of the site (7 Tippet Road), the letter suggests that the lands could be considered for additional height and density given its close proximity to the Wilson Avenue Subway Station. In November of 2006 an application was received to amend the Zoning By-law for the Malibu lands which encompasses both 7 & 9 Tippet Road.

It is recommended that the proposed Wilson Avenue Zoning By-law proceed at this time, including the lands known as 7 Tippet Road, and through the review of the site specific amendment determine if the proposed Avenue zoning should be further modified for the entire property.

Inclusion of 54 and 56 Stadacona Drive in the Avenue Zoning

A request was received from an individual representing the property owners of 355, 361, 363, 365/365A, 369, 371, 373 and 375 Wilson Avenue and 54 & 56 Stadacona Drive. All of these properties, with the exception of 54 and 56 Stadacona Drive, were previously included in the Avenue zoning. The properties are owned by three different companies, Adenat Inc., Adenat Corporation and Israel Schwartz, but the three companies have a single common principal. It is the wish of these owners to comprehensively redevelop their holdings in the future, perhaps as a retirement home or a hotel. Relocating the boundary of the proposed “AV-MU” zone to include 54 and 56 Stadacona Drive rationalizes the southernmost extent of the proposed new zone on the properties noted above with that of the former LCBO store site across Carhartt Street. Carhartt Street functions as the off-ramp from Highway 401 and the additional depth of the Avenue zone in this location would allow development which serves as a gateway to Wilson Avenue from this provincial highway. This request is appropriate and is reflected in the revised Zoning By-law.

Incorporation of Bicycle Lanes into Wilson Avenue

A comment was submitted that questions whether the proposed reduction in the Wilson Avenue right-of-way width for the two sections noted earlier will prevent the incorporation of bicycle lanes into these sections of Wilson Avenue in the future. The City of Toronto Bike Plan establishes a vision for cycling in Toronto and sets out the proposed bicycle network to be established by the year 2011. That document proposes bicycle lanes on Wilson Avenue proper, only where there is not an alternative route. Generally, bicycle lanes are intended to be incorporated into Wilson Avenue between Dufferin Street in the west and Champlain Avenue in the east, coinciding with the segment of Wilson Avenue where a right-of-way reduction is not being proposed. The reduced right-of-way width along segments of Wilson Avenue will not, therefore, affect the establishment of bicycle lanes as proposed by the City of Toronto Bike Plan.

Height Restrictions along the North Side of Wilson Avenue between Maniza Road and Dufferin Street

In response to the circulation of the draft Zoning By-law, a letter was received from Bombardier which operates the Downsview Airport noting a concern in regard to the proposed building height along the north side of Wilson Avenue between Maniza Road and Dufferin Street. This section of Wilson Avenue falls under the transition slope of the main runway at the Downsview Airport and it is noted that the proposed 24 metre maximum height in Section 45.5 (i) C of the By-law is acceptable but must include all roof top structures, HVAC, elevator mechanical equipment, and antennae. The definition of building height in North York Zoning By-law 7625 excludes these aspects from the calculation of height, therefore a specific clause has been incorporated into the proposed By-law to address this matter for the specified section of Wilson Avenue.

Public Consultation

The Wilson Avenue Revitalization and Keele Street Studies were initiated in the Fall of 2000 and completed in the Spring of 2001. The Wilson Avenue study area included lands on both sides of Wilson Avenue between Keele Street and Bathurst Street. The Keele Street study area included lands on both sides of Keele Street from Highway 401 to Steeles Avenue. These studies made recommendations and provided a framework for future growth and reinvestment in these areas and, as such, were similar to the *Avenue* studies. A total of seven public meetings were held for the Wilson Avenue study, all of which were very well attended. Four sets of public meetings were held for the Keele Street study, consisting of two meetings at the north and south ends of the study areas. Additional informal meetings between the study consultants, city staff and a small number of community representatives were held to discuss the study through the study period.

At the meeting of June 24, 25, and 26, 2003 City Council adopted a Clause approving several *Avenue* Studies referred to in the April 8, 2003 report from the Commissioner of Urban Development Services, including one for Wilson Avenue. Given the relatively-recent comprehensive revitalization study complete with the numerous community and local advisory group meetings noted above, the focus of the Wilson Avenue *Avenue* study was on the creation of a Public Realm Improvement Plan and implementing appropriate zoning. The community was informed of this at community meetings on various development applications in the area and through newsletters of local councillors.

Given the previous extensive public consultation completed in the area and the community's involvement in the Wilson Avenue and Keele Street Studies, consultation for this *Avenue* study was limited and focused. An Open House was held on January 28, 2004 at the Ancaster Community Centre, which was well-attended, to enable the community to view and comment on the draft Public Realm Improvement Plan (Streetscape Plan) and to comment on possible changes to the zoning. Members of the public were asked to complete and submit a response form indicating their preferences and phasing priorities for the Public Realm Improvement Plan for Wilson Avenue and the responses were used by the consultants to assist in finalizing the Streetscape Plan.

The Downsview Lands Community Voice Association submitted a letter indicating the consultation process which presented these amendments to the local community was insufficient. The letter suggests it would be inappropriate to "push" this through without having heard from many home and business owners whose livelihood and properties these changes would impact. Staff respond that aspects of the Wilson Avenue Study have been proceeding since 2003 under the *Avenue* Study program, and for a number of years before that through the Wilson Avenue Revitalization Study and the Keele Street Study.

The draft Zoning By-law prepared for the Wilson Avenue *Avenue* Study has been taken to the public for review; in other cases, the concepts that were to be incorporated into the Official Plan Amendments and Zoning By-laws were presented to the public. It should

also be noted that 5,400 notices were mailed out to residents for the May and June Community Consultation meetings and approximately 100 people came to hear details about the proposed amendments. A number of people telephoned staff before and after the meetings and are satisfied with the information provided. Copies of the draft amendments were sent to all who requested them along with comment sheets.

While it is appreciated that some people may wish to have additional time to contemplate the proposed amendments, the Wilson Avenue *Avenue* Study has been underway for a number of years and should be finalized by Council so that implementation of the study results can commence.

The remaining letters that were received on this matter supported the proposed amendments and anticipate that the draft Official Plan Amendment and draft Zoning By-law will have a positive effect on the Wilson Avenue study area, encouraging residential intensification and a pedestrian-friendly environment.

Council Direction

At its meeting of April 25, 26 and 27, 2006 City Council requested the Director, Community Planning, North York District, to report on the following matters in the Final Report on the Wilson Avenue – *Avenue* Study:

- (i) an appropriate community benefit to be derived in exchange for the reduction in parking requirements outlined on page 11 of the March 16, 2006 report from the Director, Community Planning, North York District; and
- (ii) the maximum height shown in the plan being the maximum height of the building including the mechanical room and show how this has been accomplished in other areas in Toronto by ‘wrapping’ the mechanical area with residential units.

The draft Zoning By-law proposes a reduction in required parking for residential uses. The By-law recommends that the parking requirement for residential uses be reduced to 1.0 parking space per residential unit with an additional 0.25 parking spaces required for visitor parking. The North York Zoning By-law currently requires 1.50 spaces per unit of which 0.25 spaces per dwelling unit must be for the use of visitors. The proposed reduction in parking is in keeping with the recommendations of previous *Avenue* studies and recognizes the high level of public transit service along Wilson Avenue.

The Council direction suggests there may be appropriate community benefits to be acquired in exchange for the proposed parking reduction. Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. On October 17, 2006 the OMB gave verbal approval to new policies (and related non-policy wording) in Section 5.1.1, Height and/or Density Incentives, of the new Official Plan. The City’s opportunity to utilize Section 37 is through an implementing Zoning By-law, usually a site-specific Zoning By-law

amendment permitting a height and/or density increase for a specific development. The proposed Zoning By-law is not site-specific but applies to the majority of properties along Wilson Avenue between Keele Street and Bathurst Street.

The term “community benefits” reflects the City’s priority on providing public benefits within the local community where the contributing development project is located, thereby also benefiting the development itself. Thus, the benefits must be applicable to everyone – everyone in the community must be able to benefit, not just certain people in particular projects. Further, the policies make it clear that community benefits must be in the form of capital facilities and/or cash contributions toward specific capital facilities, not general or indeterminate facilities, and community benefits must be durable. While the Council direction did not specify what type of community benefits might be contemplated for the proposed Zoning By-law, the nature of this application is not appropriate for the application of Section 37 benefits. It is a City-initiated proposal which establishes the framework for redevelopment opportunities along Wilson Avenue. If a property owner makes an application for increased height and/or density on a property, over and above what is being proposed in the draft Zoning By-law before Council, that would provide an opportunity to consider the application of Section 37 and the acquisition of community benefits.

The second Council direction incorporates two ideas: the first being that mechanical equipment should be included in the definition of height, and secondly, that mechanical equipment be hidden by residential units at the upper levels of buildings.

The North York Zoning By-law definition of height excludes a penthouse, tower, cupola, steeple or other roof structure which is used only as an ornament or to house the mechanical equipment of the building when calculating the height of a building. As such, significant background work was done to determine appropriate building heights along Wilson Avenue based on the definition of height in North York By-law, and the other former municipalities now part of the City of Toronto, which excludes mechanical equipment. Including mechanical equipment in the definition of height is highly unusual.

When the draft Wilson Avenue Zoning By-law was prepared, the heights of buildings were determined as a result of massing exercises related to the typical lot sizes along Wilson Avenue and excluded mechanical equipment. The incorporation of residential units that would hide the mechanical rooftop structures is not practical along Wilson Avenue as it would effectively hinder the redevelopment of the street which the new By-law is attempting to promote. Lots on Wilson Avenue typically have shallow depths so the floor plate of any proposed building is not likely to be large and the number of units that could be accommodated on each floor is limited. Requiring the hiding of mechanical equipment would have a significant economic impact on a proposed development.

Typically, an elevator shaft has a height of approximately 5 metres and other equipment such as air conditioning units are much lower. There are a number of ways that rooftop structures and equipment can be screened from view. Additional height can be incorporated into the upper units, in the form of higher ceilings or a second floor accessed

from the unit itself. A stairwell leading from the upper floor of a building to a decorative or landscaped rooftop deck for the use of residents can hide visually intrusive structures. Mechanical equipment can be screened with decorative treatments. Additionally, structures such as an elevator shaft can be incorporated into the design of the building itself or embellished with features to make it appear decorative in its own right.

The City has been successful in minimizing the impact of roof top structures or equipment by using these techniques through the Site Plan Control approval process. An example of where the visual intrusion of elevator shafts and mechanical equipment on the roof has been minimized is at 2130 Bayview Avenue. A condominium apartment building is proposed on the former Salvation Army site. The Ontario Municipal Board has issued approval subject to the resolution of some site plan details so construction has not yet begun. Private elevators have been provided for individual units and each unit on the upper floor has direct access to a private roof top terrace via a stairwell room. The layout and design of the stairwell rooms effectively hides the common rooftop mechanical equipment and individual elevator shafts.

For the reasons noted above, the new Zoning By-law does not require mechanical equipment to be hidden with residential units as it will discourage development along what can be a vibrant pedestrian-oriented street. As development occurs, staff will utilize the City's Site Plan Control authority to minimize the impact of rooftop mechanical equipment on a site by site basis.

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment
Attachment 2: Draft Zoning By-law Amendment
Attachment 3: Report dated March 16, 2006 including attachments

Attachment 1: Draft Official Plan Amendment

AMENDMENT NO. 1 TO THE OFFICIAL PLAN FOR THE CITY OF TORONTO

The following text and schedule constitute Amendment No. 1 to the Official Plan of the City of Toronto.

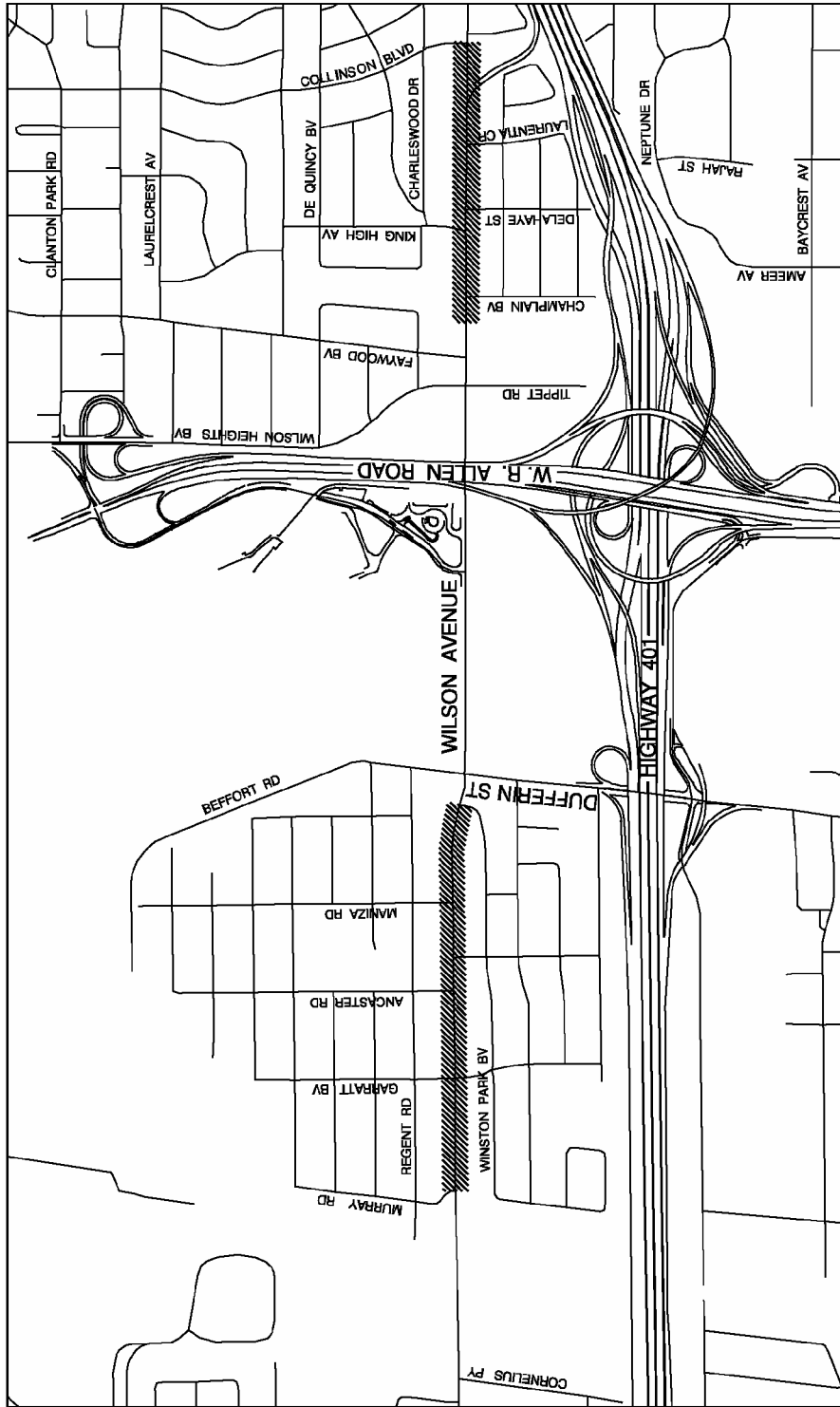
ITEM 1

Map 3 Right-of-Way Widths Associated with Existing Major Streets is hereby amended as shown on Schedule 'A' to this amendment and as described in detail below.

For the segment of Wilson Avenue, from Murray Road to Dufferin Street, the maximum required right-of-way width shall be 33 metres in the following locations: on the north side of the Wilson Avenue right-of-way, from the east limit of Murray Road to the east limit of 640 Wilson Avenue, being the easterly limit of Lot 275 on Registered Plan 1764; and, on the south side of the Wilson Avenue right-of-way, from the east limit of 945 Wilson Avenue to the west limit of Winston Park Boulevard.

For the segment of Wilson Avenue, from Champlain Boulevard to Collinson Boulevard, the maximum required right-of-way width shall be 33 metres in the following locations: on the north side of the Wilson Avenue right-of-way, from the east limit of 470 Wilson Avenue, being the easterly limit of Block A on Registered Plan 4117, to the west limit of Collinson Boulevard; and, on the south side of the Wilson Avenue right-of-way, from the east limit of Champlain Boulevard to the west limit of 379 Wilson Avenue, being the westerly limit of Lot 1190 on Registered Plan 2053.

The above noted municipal addresses shall be those in effect on the date of this amendment being adopted by the Council for the City of Toronto.



Wilson Avenue Between Murray Rd. and Collinson Blvd.

Official Plan Amendment #1 - Schedule 'A'

File # 03_194996



Right-of-Way Width to be Decreased from 36 metres to 33 metres

Not to Scale

Amendment to Map 3 Right-of-Way Widths Associated with Existing Major Streets

Extracted 03/09/2006