

**60 and 70 Esther Lorrie Drive – Zoning By-law  
Amendment Application – Final Report**

<b>Date:</b>	April 28, 2009
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 2 – Etobicoke North
<b>Reference Number:</b>	07 259833 WET 02 OZ

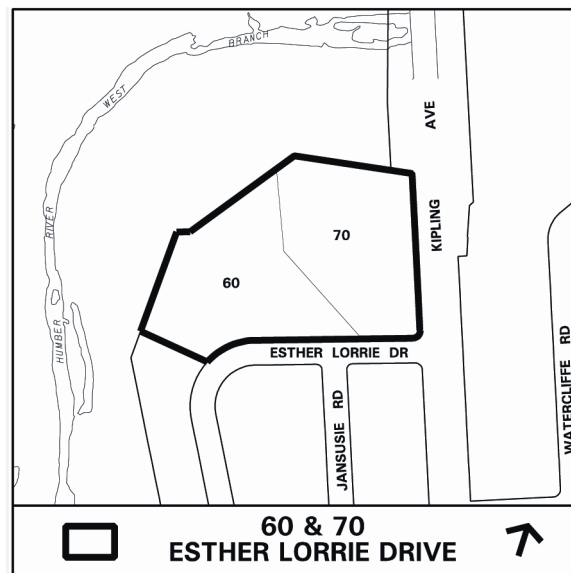
**SUMMARY**

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes an additional 13-storey, 251-unit condominium apartment building adjacent to Kipling Avenue at Esther Lorrie Drive. The two existing 7-storey, 194-unit, rental apartment buildings, municipally known as 60 and 70 Esther Lorrie Drive, will be upgraded. Following construction, the site would contain a total of 445 units.

The project implements Official Plan policies which permit compatible infill development on Apartment Neighbourhood sites in a manner consistent with development criteria set out in the Plan taking into consideration the site’s local context.

This report reviews and recommends approval of the application to amend the Zoning By-law.



## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council amend the Zoning By-law for the property at 60-70 Esther Lorrie Drive substantially in accordance with the draft Zoning By-law Amendment described in this report.
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. Before introducing the necessary Bills to City Council for enactment, require the applicant/owner to:
  - 1.1. Provide a detailed engineering drawing sealed and signed by a Professional Engineer, on City Title Block at a scale of 1:200 and a detailed cost estimate for a 15 metre eastbound auxiliary left turn storage lane with a 15 metre taper at the west approach to the Esther Lorrie Drive/Kipling Avenue intersection; and
  - 1.2. Enter into a Section 37 Agreement of the Planning Act to secure community benefits outlined in Attachment 6.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On January 7, 1960, the Ontario Municipal Board issued an Order directing the former Township of Etobicoke to enact a by-law to change the zoning classification of this site from Second Density Residential (R2) to Fifth Density Residential (R5). On February 26, 1960, the Ontario Municipal Board issued an amending Order. The effect of the Orders was to permit two 6½ -storey apartment houses on this site, located substantially in accordance with a plan filed at the Board. The former Township of Etobicoke subsequently enacted By-law 12,188 on April 4, 1960, in accordance with the OMB Order. The existing apartment buildings on the site reflect the Board's decisions.

### **ISSUE BACKGROUND**

Prior to formal filing, pre-application consultations between the applicant and staff occurred to discuss submission requirements and applicable Official Plan and City policies including the Tall Building Guidelines, draft Mid-Rise Building Guidelines and Section 37 requirements.

### **Proposal**

The applicant's original application submission was to amend the existing Zoning By-law to permit a 15-storey residential condominium apartment building, containing 251 units, close to the Kipling Avenue/Esther Lorrie Drive intersection, and a linear grouping of

thirty-four 4-storey stacked condominium townhouse units along the Esther Lorrie Drive frontage. This proposal was subsequently revised, following the public consultation process, to delete the townhouse component and reduce the overall height of the apartment building to 13-storeys with a 4-storey podium along the Kipling Avenue elevation.

The net effect of these revisions is: an overall reduction in the proposed total unit count from 479 to 445 units; a corresponding reduction in the amount of underground parking spaces which will accommodate all resident and visitor parking for the new building, and, enhanced landscaped open space of the site along the Esther Lorrie Drive frontage, west of a realigned driveway entrance to 70 Esther Lorrie Drive and the proposed new building opposite Jansusie Drive. Access to 60 Esther Lorrie Drive will be maintained in its current location at the west edge of the site. No increase in density is proposed for the two existing 7-storey rental apartment buildings containing 194 units. However, the applicant is proposing some physical improvements and upgrades to the two buildings as well as to the outdoor amenity areas.

A statistical summary of the proposal is detailed in Attachment 4 of this report.

### **Site and Surrounding Area**

The combined 2.67 hectare site, municipally known as 60 and 70 Esther Lorrie Drive, is located on the periphery of a stable residential neighbourhood comprised of a mix of single-detached dwellings and low-rise walk-up apartment buildings. The site is bounded by and well separated from other urban uses on the west and north sides by the West Branch of the Humber River Valley. The existing rental apartment buildings (circa 1960) are presently oriented to, and take access from, Esther Lorrie Drive, via two separate driveways, providing access to a 2-level, 209 space parking structure along the north side of the two buildings. In addition, there are 22 additional visitor parking spaces on two lots at grade.

The vacant portion of the site on which the infill development is proposed has frontage along Kipling Avenue, a four lane major arterial roadway, as well as along Esther Lorrie Drive, a local roadway. It is currently maintained as landscaped open space.

The property is located in close proximity to an extensive parkland and bicycle trail system. Local retail facilities exist further to the south along the east side of Kipling Avenue. Public transit is readily available via the Kipling Avenue bus service.

Surrounding land uses include:

North & West:	Park & Open Space (West Branch of the Humber River Valley)
South:	3-storey walk-up apartments and low density residential
East:	5-storey apartment building

## **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.

Consistency and conformity of these policies is discussed below.

## **Official Plan**

The property is designated *Apartment Neighbourhoods* in the Official Plan which in part permits apartment buildings and lower density uses provided for in the *Neighbourhoods* designation. Significant growth is not intended within this designation. However, compatible infill development on underutilized portions of land may occur subject to certain development criteria including: building massing compatible with the surrounding land uses, particularly lower-scale *Neighbourhoods*; appropriate street edge framing; maintaining an appropriate level of residential amenity on the site; including adequate parking; preservation, replacement and enhancement of landscape features; and, access to community benefits for existing residents on the site.

In addition to the above, the proposal will also be evaluated in terms of its consistency to all other relevant policies within the Official Plan, including those related to rental housing protection and replacement, built form, transportation, and the environment.

## **Zoning**

The property is zoned R5 under site specific Zoning By-law 12,188 (OMB), which essentially limits development on this site to a maximum of two apartment houses, subject to the applicable R5 standards of development. It provides a specific height limit of 6½ storeys and a minimum building setback of 97 metres from the street line of Esther Lorrie Drive.

## **Site Plan Control**

A Site Plan Control Application will be required. Once submitted, staff will have an opportunity to review matters such as grading, landscaping, street tree planting, building design and access in more detail.

## **Ravine Control**

The northerly portion of the property, adjacent to the West Branch of the Humber River Valley, is subject to the Ravine Control By-law. The Toronto and Region Conservation Authority and Urban Forestry Ravine Protection do not object to the application. However they may require conditions through Site Plan Control approval to secure appropriate planting for lands abutting the northerly boundary of the site adjacent to the ravine.

## **Tree Preservation**

This application is subject to the provisions of By-law 780-2004 regarding tree protection. A number of trees within the City rights-of-way are in poor condition and are proposed for removal and replacement as part of the development.

## **Reasons for Application**

The scale of development proposed exceeds the standards contained within site-specific Zoning By-law 12,188 (OMB). To permit the proposal, a by-law amendment with site specific development standards will be required.

## **Community Consultation**

A community consultation meeting was held on May 29, 2008, at Thistletown Collegiate Institute, to introduce the proposal and obtain community input. The meeting was attended by Ward 2 Councillor Rob Ford, the applicant and their consultants, City Planning staff and approximately 140 members of the public.

The following concerns raised by the public are discussed in this report:

- Local schools overloaded
- Esther Lorrie Drive traffic overloaded, excessive speeds
- On-site security/overall neighbourhood safety
- Adequacy/strain on local recreational facilities
- Site ingress/egress
- Affect on local land values
- Ongoing maintenance of property
- Overcrowding and adequacy of on-site amenities
- Disruptions during construction periods

The Ward 2 Councillor held a subsequent meeting on October 22, 2008, at Thistletown Collegiate Institute, to discuss the applicant's proposal to delete the townhouse component along the Esther Lorrie frontage and the retention of this portion of the site as private open green space, with enhanced landscaping elements along the street line and driveway accesses. The meeting was attended by Ward 2 Councillor Rob Ford, City Planning staff and approximately 40 members of the public.

While those in attendance appeared to support the deletion of the 34 proposed townhouse units and retention of existing private landscaped open space in their stead, concerns were expressed with respect to the proposed apartment building, particularly with respect to its

intended 15-storey height. Suggestions were made to reduce the building height to 7 storeys in keeping with those rental apartment buildings already on the site.

87 letters of objection are on file with concerns similar to those expressed at the public meetings.

### **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. The draft by-law contains site specific development standards as well as a detailed list of items to be secured under a Section 37 Agreement.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with the Provincial Policy Statement. As a residential infill project it supports the policy objectives of focusing growth in existing settlement areas (intensification). The development promotes efficient land use, reduces land consumption related to residential development and utilizes existing services and infrastructure.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal's compact and efficient form helps to optimize the utilization of existing services and infrastructure and to reduce the need to convert rural land to urban uses. It is an example of intensification through redevelopment of an underutilized lot in the built-up area. The site's location on Kipling Avenue affords it good access to Highway 401, a major transportation corridor, and has good access to public transit.

### **Land Use and Density**

The development, as revised, with the deletion of the townhouse component, is sensitive to the adjacent land uses and represents appropriate development on an underutilized site. The proposal will enhance the housing options available within the community in terms of tenure and form, as called for in the Housing Policies under Section 3.2.1.1 of the Official Plan.

As discussed in this report, the proposed density increase from approximately 20,300 square metres permitted under the current zoning, to a total of 39,300 square metres is appropriate.

### **Development Criteria**

Section 4.2.2 of the Official Plan outlines the development criteria in *Apartment Neighbourhoods* that require: appropriate transitions to adjacent land uses; locating buildings to minimize shadow impacts on lower-scale neighbourhoods; appropriate street edge framing with minimal sunlight, shadow and wind impacts; adequate bicycle and vehicular parking; screening of unsightly service areas; adequate indoor and outdoor recreation space; ground floor uses that enhance the safety, amenity and animation of

adjacent streets and open spaces; and building construction according to universal design including considerations for accessibility and adaptability for the physically challenged.

Planning staff is generally satisfied with the site organization and building treatment. The proposed buildings are approximately 22 metres from the existing rental apartment buildings. The intervening space is occupied by an internal driveway and landscaping. All required parking will be provided within an underground parking garage in order to minimize the impact on available green space at grade.

The building steps down from 13 storeys to a podium of 4 storeys. The height and form will be secured in the development standards contained within the site specific zoning by-law. As well, the by-law will include appropriate zoning standards for adequate bicycle and vehicular parking, indoor and outdoor amenity space, building setbacks and height limitations.

Details to be secured at the Site Plan approval stage include achieving an attractive building design and appropriate street framing, accessibility considerations, mitigation of wind impacts, and, appropriate screening of loading, and garbage storage areas,

Section 4.2.3. of the Official Plan further requires the following for compatible infill development on a site containing rental apartments: provide existing residents access to community benefits where secured through a Section 37 Agreement; maintain adequate sunlight, privacy and open space for both new and existing residents; front directly into or provide pedestrian entrances from adjacent public streets; preserve, replace and create landscape features and walkways; consolidate loading, servicing and delivery facilities; and preserve or provide adequate alternative on-site recreational space for residents.

To enhance, upgrade and improve the existing rental buildings, the applicant is proposing the addition of a new children's playground area, a pedestrian connection to the Kipling Avenue/Esther Lorrie intersection, landscape improvements, including seating areas and a courtyard, as well as enhanced landscaping along the Esther Lorrie Drive frontage and driveway accesses. The applicant is also providing a common room with kitchen facilities on the main floor of the new building for use by tenants of the existing rental buildings.

## **Built Form**

Planning staff is generally supportive of the elimination of the linear grouping of thirty four 4-storey stacked condominium townhouse units initially proposed along the Esther Lorrie Drive frontage. Although those units were intended to achieve a number of overall Official Plan infill housing and urban design objectives, their removal will minimize the perceived impact of the development on the existing low-rise residential *Neighbourhood* to the south.

The height of the proposed apartment building has been reduced from 15 to 13 storeys. The tallest elements are located adjacent to Kipling Avenue, north of an existing *Apartment Neighbourhood* to the south. Although the proposed building is taller than others in the vicinity, the site is located toward the north end of the *Apartment*

*Neighbourhood* designation, adjacent to the Humber Valley. The site is at the periphery of the community, and shadow impacts will fall mostly on site. Potential impacts on the low-density *Neighbourhood* to the south-west are minimal.

Planning staff is supportive of the reduction in the proposed overall height of the apartment building and corresponding changes to the proposed building massing. Further architectural detailing and material variation that will further diminish the visual impact of the building height will be secured through Site Plan approval. The proposed 4-storey podium and articulation of the building façade will ensure a suitable transition in scale to the existing neighbourhood. The placement of the building shaft, with a setback from the podium along both public streets, assists in ensuring a welcoming pedestrian environment along the street frontages.

### **Sun, Shadow, Wind**

The current proposal is acceptable in terms of sun, shadow and wind impacts on surrounding land uses, based on review of a shadow study and a microclimatic analysis report provided by the applicant in support of the application.

The location of the building at the corner of the site along Kipling Avenue ensures maximum natural light and privacy for the other buildings on site and on the neighbouring properties. The orientation of the building, with frontages parallel to the streets, frames the public spaces as well as the internal open space. A further analysis of wind impacts will be conducted during the site plan approval stage, including installation of any required mitigating features such as ground canopies.

### **Traffic Impact**

The Transportation Services Division has reviewed and generally concurs with the submitted Transportation Considerations / Impact Study. The amount of vehicle traffic generated by this development can be accommodated on the surrounding road network without significant negative impact on existing levels of service, provided that specific road improvements are secured in the Section 37 Agreement with the City. The applicant will be required to provide funding for a 15-metre eastbound auxiliary left turn storage lane with a 15 metre taper at the west approach to the Esther Lorrie Drive/Kipling Avenue intersection, and provide funding (\$40,000) for costs associated with implementing any possible neighbourhood traffic calming and regulatory signage features on roadways within the vicinity.

### **Parking**

Vehicular parking for the proposed (condominium) apartment building will be provided in accordance with specific requirements based on dwelling unit type, with visitor parking spaces to be reserved and individually signed for the exclusive use of visitors. In addition, vehicular parking for the existing residential apartment buildings shall be maintained at current levels and visitor spaces shall be reserved and individually signed for the exclusive use of visitors.



## **Access**

Detailed comments on matters relating to driveway design/location and parking layout will be provided by Technical Services at the site plan control stage of the development review process. The applicant has been advised that the access driveways are generally acceptable. However several modifications will be required as a condition to site plan control approval.

The staging area in front of the loading area for garbage and recyclables is not large enough to accommodate and manoeuvre the number of bins required to service all three buildings. In addition, the vertical clearance for the loading area is insufficient, and there are safety concerns arising from garbage and moving trucks backing into the driveway entrance to the underground parking garage.

## **Servicing**

Technical Services staff concur with the Functional Servicing Report submitted by the applicant. No improvements are required to the existing municipal water supply and sewer systems. Each property will be required to have its own service connections to City services in the event the property is severed into two or more properties. A Stormwater Management Report which addresses the City's Wet Weather Flow Management Guidelines, and a Grading Plan and Servicing Plan will be required at the site plan control approval stage. Details relating to the handling of solid waste/recycling and Fire emergency route/access and hydrant locations, and proposed tree planting along the apartment building facades is required, which may result in possible revisions to ensure compliance with the Ontario Building Code above grade access requirements. These details will be considered through site plan control approval.

## **Streetscape**

The proposed (condominium) apartment building is appropriately set back to provide an opportunity for suitable framing and animation to the street edges. Details of the landscape treatment of the right-of-way will be further pursued through the site plan control approval process.

## **Parkland**

Based on the parkland dedication by-law of the former City of Etobicoke, which still remains in full force and effect, this development will be subject to a 5 % cash-in-lieu of parkland dedication payment. The cash-in-lieu payment will be payable prior to building permit issuance.

## **Toronto Green Standard**

No initiatives have been proposed to date by the applicant. Staff will discuss the benefits of such initiatives with the applicant/owner through the site plan control approval process.

## **Preservation of Existing Rental Housing**

The two existing 7-storey rental apartment buildings are to be retained. The rental tenure of these buildings will be secured for a minimum of 20 years from the date that any implementing by-law to permit development of the 60 to 70 Esther Lorrie Drive property for residential use comes into effect.

The Section 37 agreement will stipulate that no application to either demolish or convert the buildings to condominium will be made.

The buildings would appear to be reasonably maintained. The applicant/owner has advised that the buildings are under an active on-going improvement and maintenance programme and that the new building initiative will provide a mechanism for additional site improvements. Programmed improvements to the existing rental buildings have included all windows and balcony doors (1990-91); Fire Code retrofit (1994-2000); intercom entry systems; parking deck and garage (2003-2008); elevator mechanicals (1994); balcony panel railings and concrete slabs (2003-2005); new laundry equipment (2007); and ongoing appliance replacement, lighting retrofit, tree planting, new water saving toilets and water line piping, with boiler replacement to high efficiency scheduled for 2010 and a new roof membrane for 2012. The applicant/owner has advised that consideration will be given to additional on-site safety and security mechanisms that will assist in addressing issues relating to overall public safety and security in this area.

The proposed improvements to the existing rental buildings, including upgrading of: amenity areas, including an outdoor children's playground; security system; landscaping; mechanical/HVAC systems; lobbies; elevators; exterior retrofit, will be with no cost pass through in rents to the tenants. Also a minimum standard for outdoor amenity space for the benefit of tenants will be secured through the by-law amendment. In addition, the applicant is proposing to provide an indoor meeting room (180 square metres) within the proposed building for the exclusive use of residents of the existing buildings.

## **Construction Mitigation and Tenant Communication Plan**

The owner has agreed to develop and implement a construction mitigation and tenant communications plan for the existing tenants of 60 to 70 Esther Lorrie Drive. This strategy would mitigate the impacts of construction on the existing tenants and keep them informed about the construction timetable and rules that govern the construction such as the noise by-law, dust control and the provision of contact numbers for construction complaints, among other matters.

## **Section 37**

Section 37 of the Planning Act allows municipalities to obtain public benefits for developments with an increase in height or density. The benefits are generally capital projects and must bear a planning relationship to the proposed project. As well, Section 37 provides a mechanism to secure non-monetary commitments related to site development, including the protection of rental housing and off-site improvements.

The applicant has agreed to enter into a Section 37 Agreement with the City to secure public benefits arising from the proposed development. City staff and the applicant are finalizing the Agreement which will secure:

1. the rental status of the units in the existing rental apartment buildings for a 20 year period;
2. amenity upgrades to the existing rental apartment buildings;
3. renovations and improvements to the condition of the existing rental apartment buildings without pass-through costs to the tenants; and
4. sufficient funding to install two public transit shelters at Toronto Transit Commission bus stops in the area.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

- a). the provision of the eastbound auxiliary left turn storage lane with a 15 metre taper at the west approach to the Esther Lorrie Drive/Kipling Avenue intersection including the provision of adequate financial guarantees, including engineering and inspection fees;
- b) the applicant shall provide funding in the amount of \$40,000.00 to cover the cost associated with implementing physical traffic calming on Esther Lorrie Drive and Jansusie Road, if warranted within five years following full build-out of the subject site. The municipality will return these monies, without interest, if traffic calming measures are not installed on these roads within the five year timeframe; and
- c) a cash contribution for installation of street trees within the public boulevard areas along both sides of Esther Lorrie Drive, in front of 60 to 70 Esther Lorrie Drive, and, along both sides of the Kipling Avenue frontage, where opportunities exist, to be determined at the site plan control approval stage.

Before introducing the necessary Bills to City Council for enactment, the owner will be required to enter into a Section 37 Agreement and have completed registration on title securing the benefits outlined above.

## **Tenure**

The new apartment building development is proposed to be a residential condominium. The 194 units contained in the two existing 7-storey buildings will remain rental.

## **School Boards**

The Toronto District School Board (TDSB) has advised that there is insufficient space at the local elementary and middle schools to accommodate students anticipated from this

proposed development. The TDSB has stated that potential purchasers and existing community residents should be advised that children from new development will not displace existing students at local schools. Alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board.

The Toronto Catholic District School Board has advised that St. Benedict Catholic School (JK-8) is currently oversubscribed and could not accommodate additional students at this time. It may be necessary for students wishing to attend this school to be accommodated in facilities outside this area depending on availability of space. Secondary school students could be accommodated at Monsignor Percy Johnson Catholic School (9-12). As a condition of approval, it is requested that the applicant/owner enter into an agreement between the Catholic District School Board and the applicant/owner that all offers of purchase and sale, or lease, of residential units, shall contain a clause with respect to availability of school accommodation and a requirement for the placement of a sign on the site

### **Community Services and Facilities Study**

A Community and Social Services Study was submitted on behalf of the applicant. It assessed the existing retail, medical services, libraries, churches, schools, parks, hospitals, community colleges, transit and entertainment venues available to serve the development. The report indicates that there are sufficient community services to serve the additional population resulting from this development proposal. The report was reviewed by staff and found to be generally acceptable. However, subsequent comment from the School Boards identified the potential need to provide alternative school accommodations noted above.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,509,295.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **Conclusion**

The proposal has been revised to address concerns identified through the process. The overall height of the proposed apartment building has been reduced from 15 to 13 storeys. The proposed townhouse units have been eliminated, and on-site open space restored. The landscaped elements of the site will be upgraded as part of the new development. A Section 37 agreement will secure the rental tenure of the existing buildings, and on-site improvements that benefit existing residents.

The site is located on a bus transit route, and road improvements secured through the Section 37 agreement will alleviate traffic impacts. The Agreement also secures funds for additional transit shelters, and potential traffic calming measures, if they are proven to be necessary.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: Elevations

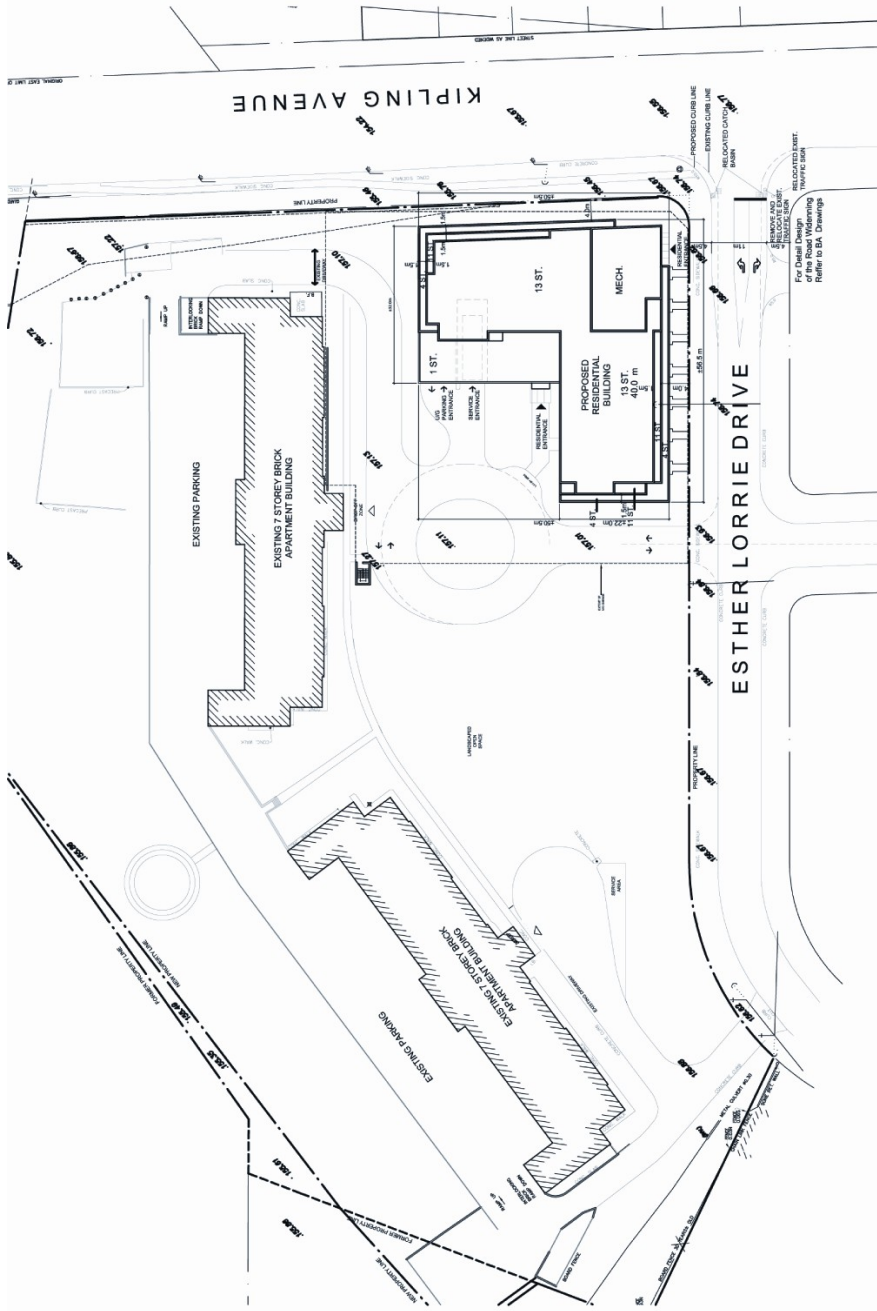
Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 6: Section 37 Requirements

# Attachment 1: Site Plan



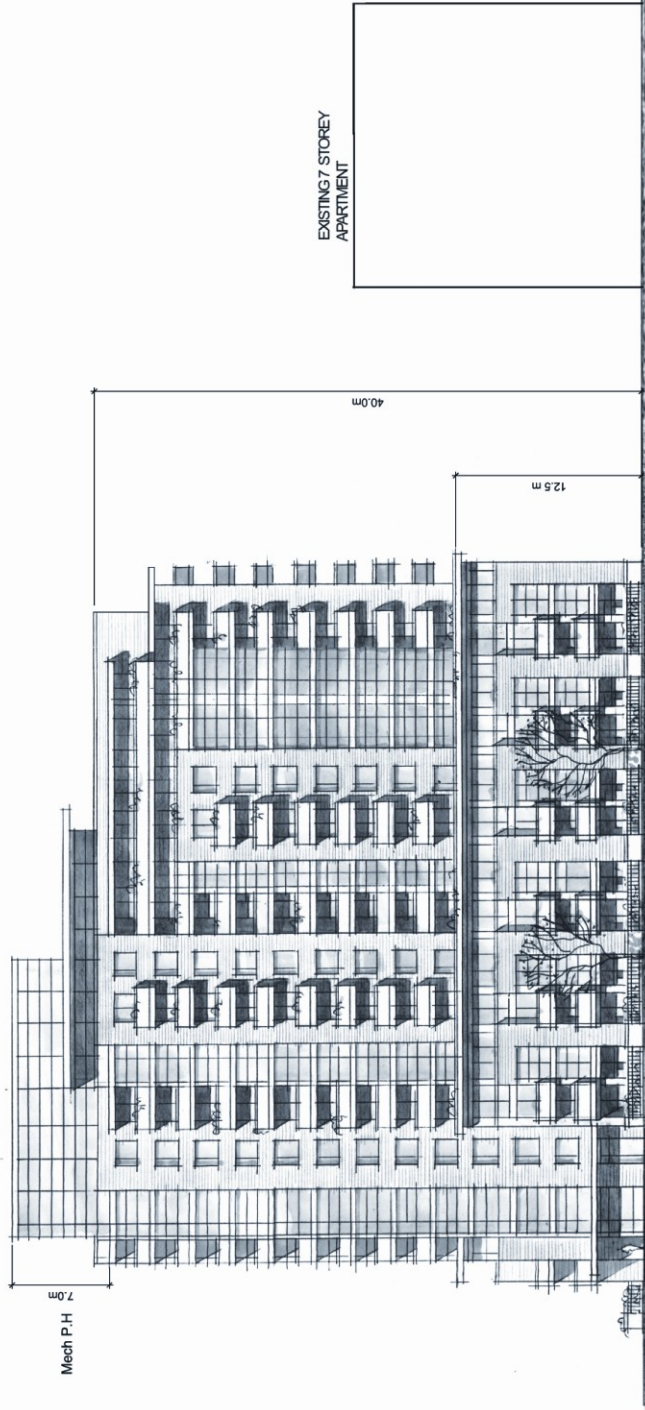
60 - 80 Esther Lorrie Drive

Site Plan  
 Applicant's Submitted Drawing  
 Not to Scale  
 04/24/09

File # 07\_259833



Attachment 2a: Elevations



East Elevation

Elevations

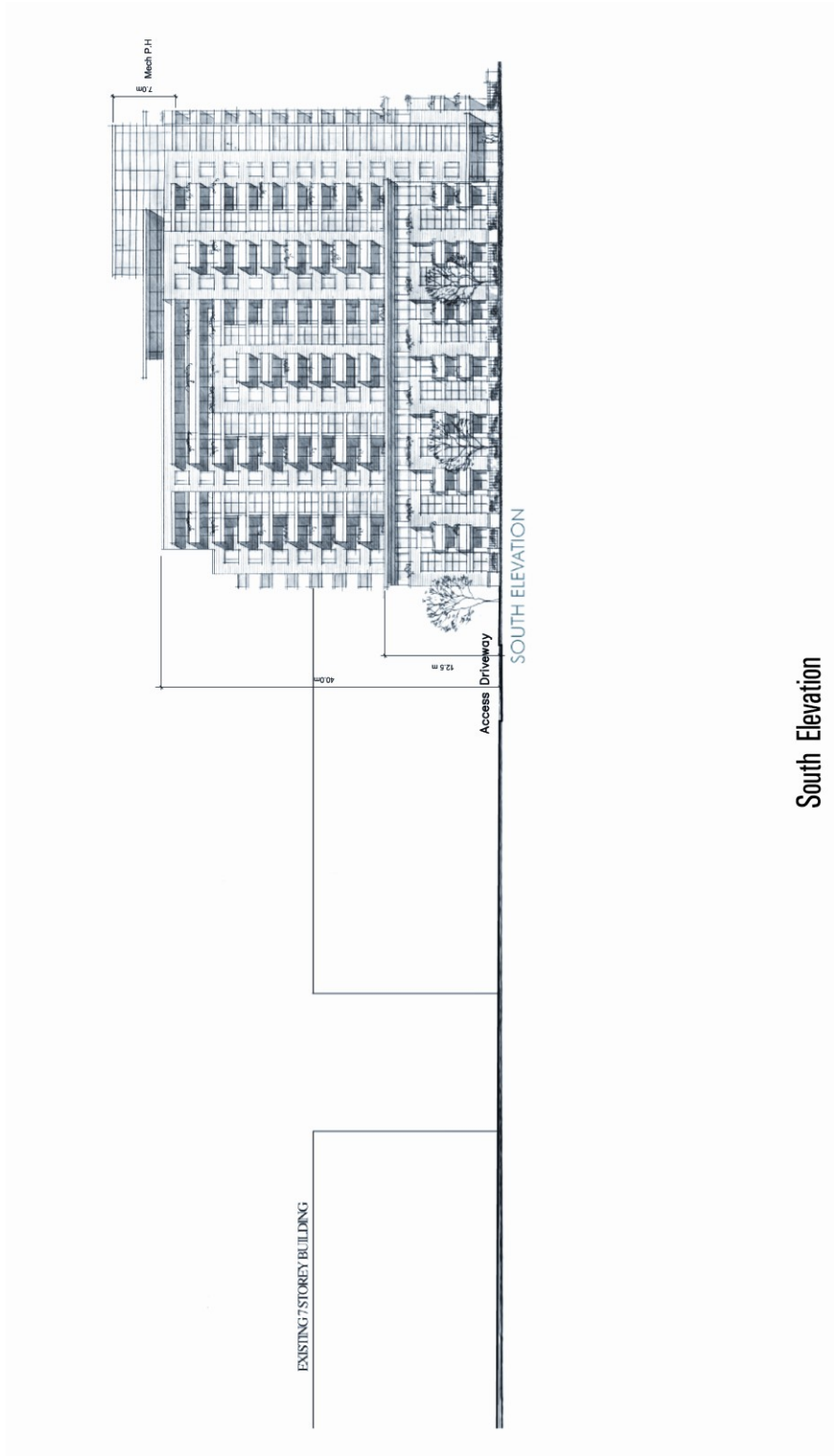
Applicant's Submitted Drawing

Not to Scale  
04/24/09

60 - 80 Esther Lorrie Drive

File # 07\_259833

Attacment 2b: Elevations



South Elevation

**Elevations**

Applicant's Submitted Drawing

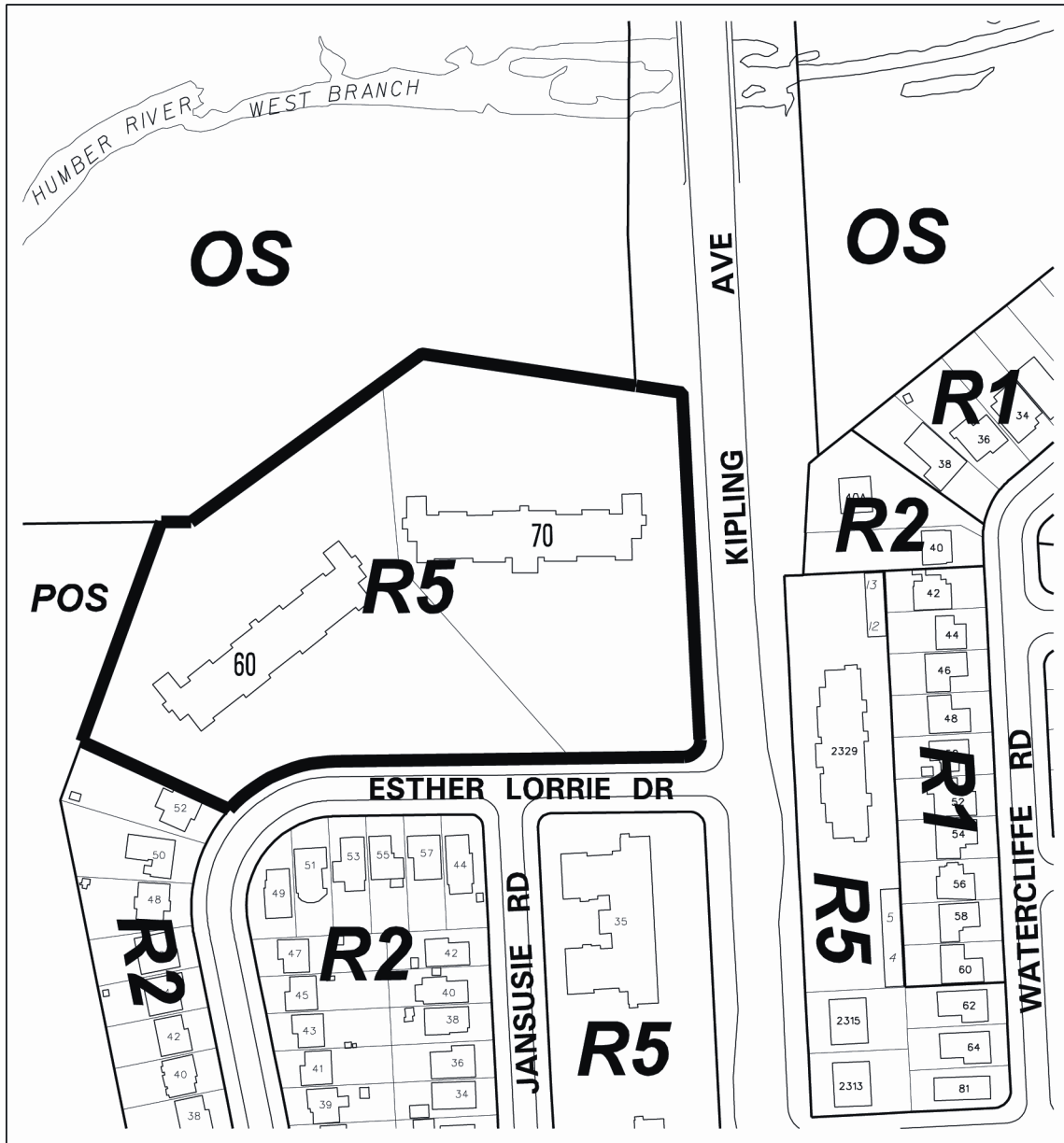
Not to Scale  
04/24/09

60 - 80 Esther Lorrie Drive

File # 07\_259833



Attachment 3: Zoning



**TORONTO** City Planning  
Zoning

60 & 70 Esther Lorrie Drive

File # 07\_259833

Former Etobicoke

- R1 Residential First Density
- R2 Residential Second Density
- R5 Residential Fifth Density

- OS Public Open Space
- POS Private Open Space

Not to Scale  
Zoning By-law 11,737 as amended  
Extracted 10/15/07- MH



## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 259833 WET 02 OZ
Details	Rezoning, Standard	Application Date:	September 7, 2007
Municipal Address:	60 ESTHER LORRIE DR		
Location Description:	PLAN 5473 PT BLKS A C AND RP 66R21357 PART 2 UNREG **GRID W0203		
Project Description:	Proposed amendment to the Etobicoke Zoning Code to permit the development of a 13-storey, 251-unit, residential apartment building (adjacent to Kipling Avenue)		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
RITCHIE KETCHESON HART AND BIGGAR LLP			TMDL (60 ESTHER LORRIE) INC

#### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	By-law 12,188
Zoning:	R5 Fifth Density Residential		
Height Limit:	6 storeys	Site Plan Control Area:	Yes

#### PROJECT INFORMATION

Site Area (sq. m):	26647	Height:	Storeys:	13	
Frontage (m):	0		Metres:	?	
Depth (m):	0				
Total Ground Floor Area (sq. m):	5822				<b>Total</b>
Total Residential GFA (sq. m):					
Existing	20300		Parking Spaces (required):		
Proposed	19000		Existing	204	
			Proposed	326	
			Loading Docks	2	
Total GFA (sq. m):	39300				
Lot Coverage Ratio (%):	21.8				
Floor Space Index:	1.4				

#### DWELLING UNITS

Tenure Type:	Rental, Condo
Rental (existing):	194
Condominium (new):	
Bachelor	3
1 Bedroom	163
2 Bedroom	85
3 + Bedroom	0
Total Units:	445

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	39300	0	0
Retail GFA (sq. m):	0	0	0
Office GFA (sq. m):	0	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Gary Dysart, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>(416) 394-8233</b>

## **Attachment 5: Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on \_\_, 2009

Enacted by Council: \_\_, 2009

### **Draft Zoning By-law Amendment CITY OF TORONTO**

#### **BY-LAW No. --20~**

#### **To amend Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, With respect to the lands municipally known as 60 and 70 Esther Lorrie 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 of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

WHEREAS Section 5.1.1 of the City of Toronto Official Plan contains provisions relating to the authorization of increases in density of development; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may, in a By-law passed under Section 34 of the *Planning Act*, authorize increases in the height and density of development otherwise permitted by the By-law that will be permitted in return for the provision of such facilities, services and 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 the 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 and matters; and

WHEREAS the owners of the lands hereinafter referred to have elected to provide the facilities, services and matters as hereinafter set forth; and

WHEREAS the increase in the density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands in Chapters 320 and 324 of the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owners of such lands and the City of Toronto;

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

1. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737, be and the same is hereby amended by repealing Bylaw No. 12188 and changing the zoning of the lands located in the former Township of Etobicoke as identified within the heavy black lines on Schedule 'A' annexed hereto from Fifth Density Residential (R5) to Sixth Density Residential (R6), provided the following provisions shall apply to the development of the lands identified in Schedule 'A'.

2. Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions shall apply:

“Average Grade” - means the geodetic elevation at ground level adjoining the main front wall of the main entrance of the Proposed Residential Building;

“Building Envelope” - means the building area permitted within the setbacks established in this By-law for the Proposed Residential Building, as shown on Schedule 'B' attached hereto;

“Gross Floor Area” - shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Floor Area; unenclosed balconies, underground parking garage, and below grade storage areas;

“Height” - means, with respect to each section of the building erected within the Building Envelope for the Proposed Residential Building as shown on Schedule B attached hereto, the vertical distance between the average grade as defined in this By-law and the highest point of the roof surface of the building, excluding mechanical equipment, mechanical penthouses, parapets, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 7.0 metres;

“Indoor Amenity Area” – means a common area or areas which are provided for the exclusive use of residents of the building, and their guests, for recreation or social purposes;

“Lands” - shall mean the lands described in Schedule “A” attached hereto;

“Minor Projections”- means minor building elements which may project from the main wall of the building, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, to a maximum projection of 1.5 metres

“Proposed Residential Building” – means the proposed apartment building shown on Schedule 'B' attached hereto; and.

“Two Existing Apartment Buildings” – means the two existing apartment buildings shown on Schedule ‘B’ attached hereto.

3. Notwithstanding Sections 320-18, 320-76 and 320-77 of the Etobicoke Zoning Code, the following development standards shall apply to all of the lands described in Schedule “A” attached hereto.

4. Permitted Uses

No buildings or structures shall be erected or used on the Lands, except for the following uses:

- (i) The Two Existing Apartment Buildings having a maximum height of 7 storeys;
- (ii) The Proposed Residential Building;
- (iii) accessory structures including those permitted under Section 320.76F of the Zoning Code and shall include covered ramps, exterior stairs and garbage enclosures; and
- (iv) a temporary sales office for the purpose of marketing and sales of units related to the proposed building which shall be permitted and exempt from all development standards listed in the By-law or Zoning Code. The sales office shall not be subject to the requirements of the agreement referred to in Section 15.9 herein.

5. Gross Floor Area

The maximum Gross Floor Area, as defined herein, permitted on the Lands shall be 39,300 square metres.

6. Maximum Density

The maximum density permitted on the Lands shall be 1.47 times the area of the Lands;

7. Minimum/Maximum Height

The maximum building heights to be permitted on the Lands shall be in accordance with the heights shown on Schedule ‘B’, attached hereto.

8. Setbacks/Floor Plate Restrictions/Building Envelope

- (i) No building or structure within the Lands shall be located other than within the Building Envelopes shown on Schedule ‘B’ attached hereto;
- (ii) Notwithstanding the foregoing, any portion of the Proposed Residential Building or any structure constructed on the lands which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure; and
- (iii) Permitted accessory structures, ground floor canopies, wheelchair and covered ramps, exterior stairs, parapets and railings related to underground parking

structures, vents, temporary sales offices, fences, safety railings and other landscape features shall be permitted outside the Building Envelope.

## 9. Parking and Loading Requirements

The following parking requirements shall apply to the Lands:

Proposed Residential Building: – minimum rates:

Vehicle parking for residential apartment uses shall be provided at a minimum ratio of 1.0 stall per dwelling unit for units with less than 3 bedrooms and 1.2 stalls for units with three or more bedrooms. An additional 0.2 stalls per dwelling unit shall be provided per dwelling unit and shall be reserved for the exclusive use of visitors;

Two Existing Apartment Buildings – minimum rates:

- (i) A minimum of 1.05 spaces per dwelling unit;
- (ii) Of this number, 0.15 spaces per dwelling unit shall be reserved for the exclusive use of visitors parking.

Surface Parking (Part 1 on Schedule ‘A’):

- (i) A minimum of 22 of the total required visitor parking spaces may be provided at ground level.

Bicycle Parking (entire Lands):

- (i) Bicycle parking spaces (not to be located within dwelling units) shall be provided at the rate of 0.50 spaces for each dwelling unit within the Proposed Residential Building to a maximum requirement of 126 spaces.

## 10. Area Requirements

The following area requirements shall apply to the Lands:

Landscaped Open Space:

- (i) A minimum 35% of the lot area shall be reserved for Landscaped Open Space.

Indoor Amenity Space:

- (ii) A minimum of 180.0 square metres of Indoor Amenity Space shall be provided within the Proposed Residential Building, in a room having direct access to the exterior of the building, and reserved for the exclusive use of the residents of the Two Existing Apartment Buildings.

(iii) In addition to clause (ii) above, Indoor Amenity Space shall be separately provided within the Proposed residential Building for the exclusive use of residents of that building at a minimum rate of 1.50 square metres per unit.

11. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.
12. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law.
13. Nothing in this By-law shall apply to prevent the phased construction of the development, provided that the requirements of the By-law are complied with upon the completion of each phase.
14. Unless otherwise noted, this by-law shall apply collectively to the Lands described in Schedule 'A' annexed hereto, notwithstanding their future division into parcels, and the Lands shall be deemed to have an area of 27,875m<sup>2</sup>.
15. Section 37

The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities, cash contributions toward specific capital facilities, and/or matters pursuant to Section 37 of the *Planning Act* in order to permit a residential development with a maximum density of 1.47 times the area of the Lands; a maximum of 455 dwelling units on the Lands; and heights as shown on Schedule 'B' as follows:

1. Prior to the issuance of the first above ground building permit (excluding sales office), the owner shall be required to make arrangements satisfactory to the Chief Planner and Executive Director, City Planning Division, to design and construct or provide adequate financing for, as the case may be, the following road improvements to the satisfaction of the Director of Development Engineering and at no cost to the City:
  - 1.1. Provide adequate funding or design and construct to the satisfaction of the Technical Services Division, the eastbound auxiliary left turn storage lane, with a 15 metre taper at the west approach to the Esther Lorrie Drive / Kipling Avenue intersection including the provision of adequate financial guarantees, including engineering and inspection fees.
  - 1.2. Provide adequate funding to the satisfaction of the Technical Services Division, to install 2 public transit shelters at Toronto Transit Commission stops in the area.
  - 1.3. Provide funding in the amount of \$40,000.00 to cover the costs associated with implementing neighbourhood traffic calming and regulatory signage features on Esther Lorrie Drive and Jansusie Road, if considered necessary by the municipality within five years following full build-out of the subject site. The municipality will

return these monies, without interest, if traffic calming measures are not implemented within this five year period.

2. Regarding the two existing 7-storey apartment buildings on the property, the owner is required to enter into an agreement to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor to secure:
  - (i) the rental status of the units for a 20 year period;
  - (ii) new amenity upgrades; and
  - (iii) renovations and improvements to the condition of the existing rental apartment buildings without pass-through costs to the tenants.
  
3. The Agreement referred to in 15.2. herein shall provide that the owner of the lands provide signage and warning clauses in accordance with the requirements of the Toronto District School Board and Toronto District Catholic School Board.
  
4. The owner of the lands enters into an agreement with the City pursuant to Section 37 of the *Planning Act*, prior to the issuance of any part permit or permit to secure the facilities, services, and matters set forth in 15.2 herein, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, prior to this By-law coming into force and effect.

<b>BY-LAW NUMBER AND ADOPTION DATE</b>	<b>DESCRIPTION OF PROPERTY</b>	<b>PURPOSE OF BY-LAW</b>
~ -2009 ~ , 2009	Lands located on the northwest corner of Kipling Avenue and Esther Lorrie Drive, south of the Humber River, municipally known as 60-80 Esther Lorrie Drive.	To permit a maximum of 251 new apartment units within a new 13-storey apartment building on the property, along with site specific development standards.



