

## 99 Chandos Avenue – Rezoning Application – Further Report

<b>Date:</b>	June 3, 2010
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Director, Community Planning, Etobicoke York District
<b>Wards:</b>	Ward 17 – Davenport
<b>Reference Number:</b>	98 036216 SHY 17 OZ

### SUMMARY

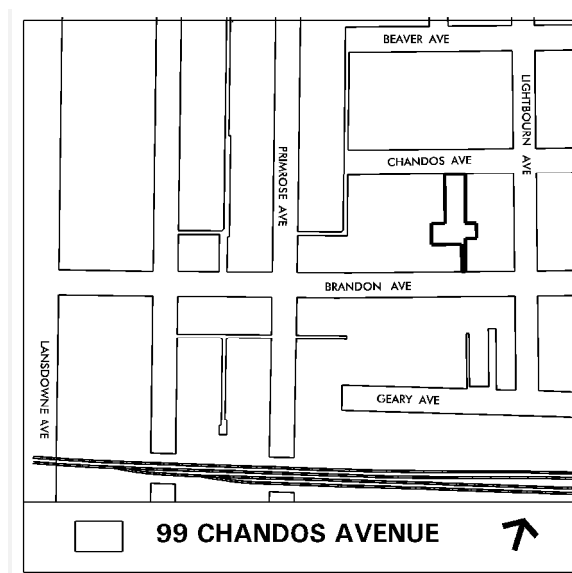
At the meeting of City Council on June 27, 28 and 29, 2006, the Director of Community Planning, Etobicoke York District, was requested to report to Community Council recommending an amendment to the former City of Toronto Zoning By-law 438-86, once a number of conditions had been satisfied, to permit the conversion of 99 Chandos Avenue, formerly used for industrial purposes, to a residential use containing a building with 15 dwelling units substantially in accordance with the draft Zoning By-law included as Attachment 5 to the Final Report (March 21, 2006) from the Director of Community Planning, Etobicoke York District.

This report also provides an update on the proposed development including the status of building permit work and advises that the applicant has fulfilled the requirements to approval as recommended in the Final Report and amended by City Council.

### RECOMMENDATIONS

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86, for the lands at 99 Chandos Avenue substantially in accordance



with the draft Zoning By-law Amendment attached as Attachment 1.

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**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

A final staff report on this application, dated March 21, 2006, was prepared for consideration at the Etobicoke York Community Council meeting on April 4, 2006. A statutory public meeting was held on this date and notice was given in accordance with the *Planning Act*. A copy of this report has been attached as Attachment 2 and can also be found at the following city website:

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060425/et3rpt/cl006.pdf>

The March 21, 2006 report contained a number of recommendations including amending the former City of Toronto Zoning By-law 438-86 to permanently permit the proposed residential use. These recommendations were amended and adopted by City Council on April 25, 26 and 27, 2006. The amendments to the recommendations included changing the draft zoning by-law to a temporary use by-law and adding recommendations 8 to 13 to the list of recommendations contained in the Final Report.

City Council on June 28, 28 and 29, 2006 reopened this item and made further amendments to recommendation No. 11 which required that the Director of Community Planning, Etobicoke York District arrange a Planning Act public meeting and report to Community Council recommending an amendment to the former City of Toronto Zoning By-law 438-86 to permit the residential use on a permanent basis, once a number of conditions had been satisfied. The consolidated list of recommendations adopted by City Council is included in Attachment 3.

By-law 774-2008 to permit the proposed residential use, on a temporary basis for a period of one year, pursuant to the provisions of Section 34 of the Planning Act, was enacted by City Council on July 17, 2008 and came into full force and effect on August 14, 2008. This by-law has now expired.

Applications have been submitted for Building Permit, Site Plan Approval and Draft Plan of Standard Condominium. These applications are discussed in the Comments section of this report.

## **ISSUE BACKGROUND**

### **Proposal**

As described in the Final Report dated March 21, 2006, the subject property contains a 2-storey building, formerly used for industrial purposes, that was illegally converted to a

residential use and was occupied. City Staff approached the current owner to legalize the use when area residents in the area began complaining about the property. In 1998, a rezoning application was submitted to permit the residential uses.

The applicant is proposing to amend the former City of Toronto Zoning By-law 438-86 to convert an existing 2-storey industrial building into a residential building containing 15 dwelling units, consisting of 1 bachelor unit, 6 one-bedroom units and 8 two-bedroom units based on the interpretation of the floor plans. Ten outdoor parking spaces are proposed at the rear of the building. These parking spaces are to be accessed via a 3.2 metre wide private driveway which runs north from Brandon Avenue. The existing building, which is to be retained, has a total gross floor area of 1,716 square metres (18,470 square feet) and a density of 1.34 times the area of the lot. Outdoor amenity space is provided on an internal courtyard located on the second floor of the building. (See Attachment 4)

Prior to the preparation of the Final Report, the proposed residential use was present on the site as the existing 2-storey industrial building was illegally converted to residential dwelling units.

## **COMMENTS**

A temporary use by-law (774-2008) was prepared and came into full force and effect on August 14, 2008 following City Council's direction given at its April 2006 and June 2006 meetings. The purpose of this by-law was to allow for the issuance of a building permit and to ensure that the converted building would meet building code standards and that the work would be completed in a timely manner to the satisfaction of the City. This by-law was in effect for a period of one year and expired on August 15, 2009.

The applicant did not request an extension to By-law 774 - 2008 but continued with the building permit work to allow for the conversion to a residential use building.

## **Building Permit Matters**

Building permit applications were submitted on June 28, 2006. Toronto Building issued a letter dated May 25, 2010 advising that work under building permit Nos. 06 151767 BLD 00 BA, 06 151767 PLB 00 PS, and 06 151767 HVA 00 MS - "Interior alterations to an existing two storey building and change of use from industrial to residential building containing 15 dwelling units, as authorized by Site Specific Bylaw 774-2008" - has been inspected and the files are considered closed.

## **Site Plan Matters**

Site plan approval to permit the proposed residential development was granted on August 25, 2008. Prior to granting site plan approval the owner was required to fulfill the Notice of Approval Conditions which included entering into a site plan agreement. The agreement was registered on the property on July 23, 2008 as Instrument No.

AT1840872. The owner was also required to submit a certified cheque to the Director of Community Planning to guarantee the completion of the landscaping work. The financial security will be released once Community Planning has inspected the work at the owner's request.

As part of the site plan process the applicant revised the front yard area to remove the proposed boulevard parking from the site plan drawings as directed by Council. A site inspection has confirmed that the boulevard parking spaces have been removed from the front of the property and replaced with landscaping.

### **Plan of Standard Condominium**

On February 8, 2008 an application for Standard Condominium approval was received for the building at 99 Chandos Avenue containing 15 residential units.

The draft plan of standard condominium was approved on November 25, 2008 subject to a number of conditions, including the enactment of the final zoning by-law amendment to permit the residential use and completion of all site plan matters. Formal approval of the Plan of Condominium will follow once the proposed Zoning By-law is in full force and effect and all site plan matters have been satisfied.

### **Record of Site Condition (RSC)**

The owner was also directed by City Council to file on the Province's Environmental Registry under the Environment Protection Act, a Record of Site Condition evidencing that the site is suitable for residential purposes, such environmental documentation to recognize that the change in use is from industrial to residential. A letter was issued on June 15, 2008 from the Ministry of the Environment confirming that a RSC had been filed on the Environmental Site Registry as Instrument No. 108610 W.H.

### **Development Charges**

Development charges for this project were collected in the amount of \$86,045 upon issuance of the building permit.

### **Conclusion**

City Planning Staff recommend approval of the proposed Zoning By-law amendment to permit a residential building on a permanent basis at 99 Chandos Avenue. The owner has completed the building permit work and fulfilled the conditions to approval as recommended in the Final Report (March 21, 2006) from the Director of Community Planning, Etobicoke York District and amended by City Council.

**CONTACT**

Luisa Galli, Planner

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E-mail: [lgalli@toronto.ca](mailto:lgalli@toronto.ca)

**SIGNATURE**

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

**ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

Attachment 2: Final Report, March 20, 2006

Attachment 3: Consolidated List of Recommendations

Attachment 4: Site Plan

## **Attachment 1: Draft Zoning By-law Amendment**

Authority: Etobicoke York Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 20~  
Enacted by Council: ~, 20~

### **CITY OF TORONTO**

**Bill No. ~**

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

**To amend the former City of Toronto Zoning By-law No. 438-86, as amended,  
With respect to the lands municipally known as,  
99 Chandos Ave**

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*;

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

1. District Maps Nos. 48J-323 in Appendix “A” of By-law No.438-86, as amended, is further amended by re-designating the lands outlined by heavy lines on Map 1 attached to and forming part of this By-Law from I1 D2 to R2 Z0.6 as shown on the said Map 1.
2. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being “A By-law to regulate the use of land and the erection, use bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, shall continue to apply to the *lot* as shown on Map 2.
3. None of the Provisions of Section 2(1) with respect to the definition of “parking space” and Sections 4(4)(b), 4(4)(c)(ii), 6(3) PART I 1, 6(3) PART II, 6(3) PART III 1 and 6(3) PART III 3, of the aforesaid by-law as amended, shall apply to prevent the use of a the building that existed on the lot as of the date of the passing of this by-law for use as a *residential building*, thereto provided that:
  - a) The *residential building* contains a maximum of 15 residential *dwelling units*.

- b) The *residential gross floor area* of the *residential building* shall not exceed 1716 square metres.
  - c) No *accessory* buildings or structures shall be permitted.
  - d) A minimum of 10% of the area of the portion of the *lot* between the *front lot line* and the line of the main *front wall* of the *residential building* as produced to the *side lot line* is provided and maintained as *soft landscaped open space*.
  - e) A minimum of 10 *parking spaces* are to be provided and maintained at the rear of the *lot*.
  - f) The outer boundary of the rear parking area is to be fenced with a 2.0 metre high privacy fence.
  - g) No additions or enlargements shall be permitted to the building existing on the site as of the date of the passing of this by-law.
4. Should the building that existed on the *lot* as of the time of the passing of this by-law be demolished, any proposed uses or replacement building(s) shall comply with the provisions of Section 6 of Zoning By-law No. 438-86 as amended and as applicable to the R2 Z0.6 zoning designation.
5. Within the lands shown on Map 2 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
  - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

For the purpose of this By-Law:

- a) “Parking space” means an unobstructed area, at least 5.5 metres in length and at least 2.4 metres in width that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle.
- b) Each other word or expression which is italicized in this by-law shall have the same meaning as each word or expression as defined in the aforesaid By-Law 438-86, as amended.

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

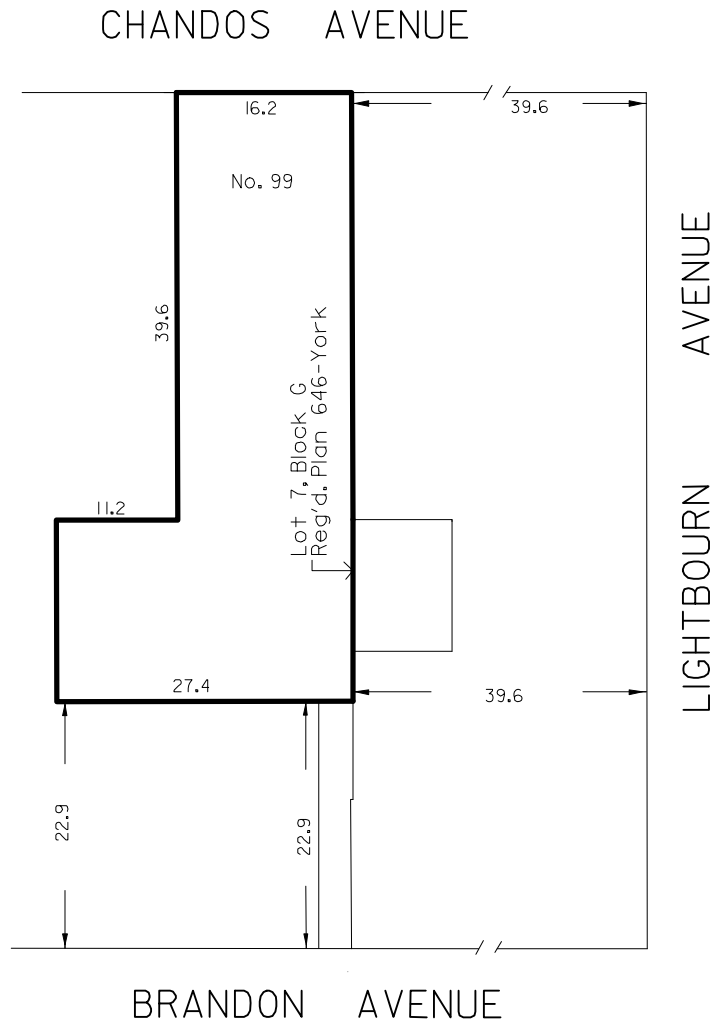
DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

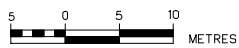
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# MAP 1

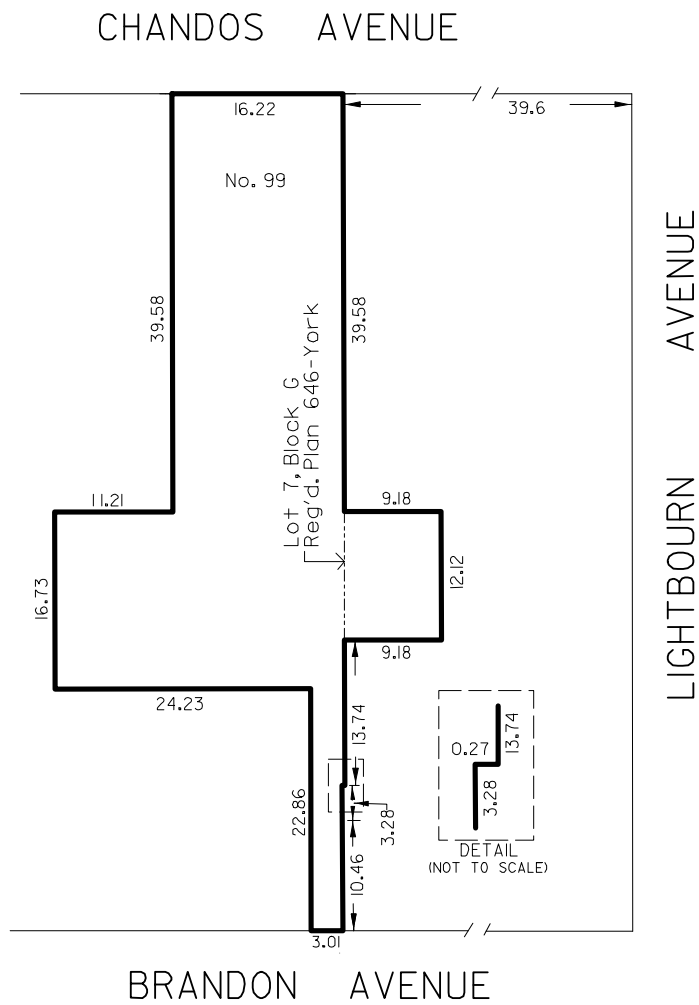


 REDESIGNATED TO R2 Z0.6



SURVEY AND MAPPING SERVICES  
TORONTO MARCH 2006  
BL06/99CHAN1.DGN  
FILE: C39-Z2, 2402-53-3  
MAP No. 48J-322 DRAWN: VG

# MAP 2



 LANDS REFERRED TO AS THE LOT



SURVEY AND MAPPING SERVICES  
TORONTO MARCH 2006  
BL6/99CHAN2.DGN  
FILE: C39-Z2  
MAP No. 48J-322 DRAWN: VG

## Attachment 2: Final Report (March 21, 2006)

# **Toronto** STAFF REPORT

March 21, 2006

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Subject: Final Report  
OPA & Rezoning Application 98 036216 SHY 17 OZ  
Applicant: Jonathan Mair, Firm Capital Corporation  
Architect: Ferdinand Wagner Architect  
99 Chandos Avenue  
Ward 17 - Davenport

### Purpose:

This report reviews and recommends approval of an application to amend the former City of Toronto Zoning By-law No. 438-86 to convert an existing building at 99 Chandos Avenue, formerly used for industrial purposes, to a residential use containing 15 dwelling units.

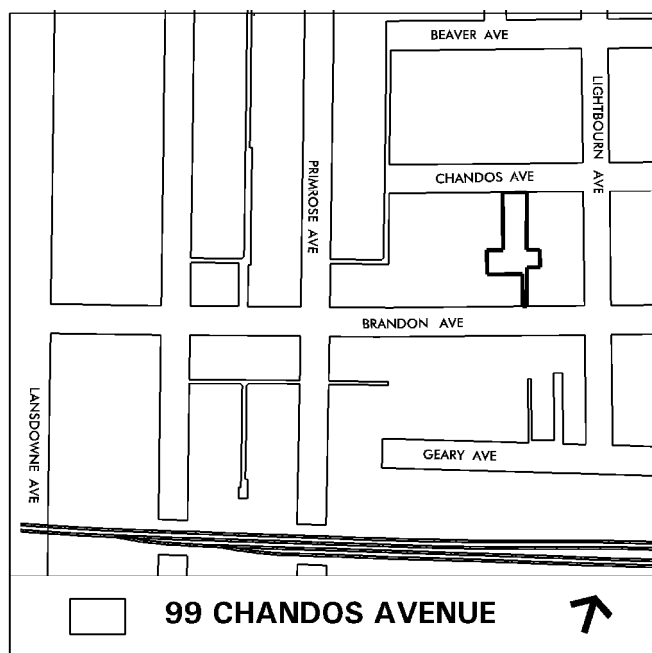
### Financial Implications and Impact Statement:

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

### Recommendations:

It is recommended that City Council:

- (1) amend Zoning By-law No. 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
- (2) 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 owner to submit to the Executive Director of Technical Services for review and



acceptance a Reference Plan of survey in metric units, should a registered agreement be required to permit boulevard parking. The Plan is to be referenced to the Ontario Co-ordinate system, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way and easements will be required for the preparation of legal descriptions;

- (4) before introducing the necessary Bills to City Council for enactment, require the owner to submit a building permit application and submit a legible, up-to-date and fully monumented plan of survey of the site necessary for building permit approval and inspection purposes;
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to satisfy Notice of Approval Conditions issued for Site Plan Approval under Section 41 of the Planning Act;
- (6) before introducing the necessary Bills to City Council for enactment, require the owner to file on the Province's Environmental Registry under the Environment Protection Act, a Record of Site Condition evidencing that the site is suitable for residential purposes, such environmental documentation to recognize that the change in use is from industrial to residential; and
- (7) require the owner to satisfy all conditions in recommendation 3, 4, 5 and 6 within a period of two years from the date of City Council approval, failing which the owner shall be required to reapply for the necessary zoning by-law amendment.

#### Background:

The subject property contains a 2-storey building, formerly used for industrial purposes, that was illegally converted to a residential use and is currently occupied. City Staff approached the current owner to legalize the use when area residents in the area began complaining about the property. In 1998, an application to amend the former City of Toronto Official Plan and Zoning By-law was submitted. This application was reactivated when revised drawings were received in 2004.

Originally, an Official Plan amendment was required as the proposed development exceeded the allowable density of one times the area of the lot as set out in the version of the Dufferin-Davenport Part II Plan in effect at the time the application was filed. The Dufferin-Davenport Part II Plan has since been amended and an Official Plan amendment is no longer required as the proposed density of 1.34 times the area of the lot is consistent with the policies for a Mixed Industrial-Residential Area.

#### Proposal

The applicant proposes to amend the former City of Toronto Zoning By-Law No. 438-86 to convert an existing 2-storey industrial building into a residential building containing 15 dwelling units, consisting of 1 bachelor unit, 6 one-bedroom units and 8 two-bedroom units based on the interpretation of the floor plans. Two boulevard parking spaces are proposed in front of the building and 10 outdoor parking spaces are proposed at the rear of the building. The rear parking spaces are accessed via a 3.2 metre wide private driveway which runs north from Brandon Avenue. The existing building, which is to be retained, has a total gross floor area of 1 716 square metres (18,470 square feet) and a density of 1.34 times the area of the lot. Outdoor amenity space is provided on an internal courtyard located on the second floor of the building.

The proposed residential use currently exists as the existing 2-storey industrial building was illegally converted to residential dwelling units.

## Site Description

The subject property is irregularly shaped and has an area of 1 285 square metres. It is occupied by a 2-storey building which extends to a depth of 54 metres. Access to the rear of the property is provided by a private driveway located off Brandon Avenue. The site is located in a residential area. Over the past several years, various small industrial properties in the Brandon-Chandos area have been converted to residential use. Surrounding land uses include:

North: low rise detached and semi-detached dwellings fronting on Chandos Avenue

South: low rise detached and semi-detached dwellings along Brandon Avenue

East: low rise detached and semi-detached dwellings and one commercial building fronting on Chandos Avenue

West: low rise detached and semi-detached dwellings fronting on Chandos Avenue

## Provincial Policy Statement

One of the objectives of the Provincial Policy Statement is to manage and direct land use to achieve efficient development and land use patterns through intensification and redevelopment that accommodates an appropriate range and mix of employment opportunities, housing and other land uses. The proposed development is in keeping with the redevelopment and intensification objectives of the Provincial Policy Statement that existed prior to March 1, 2005 and that applied at the time this application was filed.

## Official Plan Policies

### Metropolitan Toronto Official Plan

The proposed residential development is consistent with the housing policies and objectives contained in Section 3.2 of the Plan which encourage an increase in the supply of housing through the intensification of land use for residential uses by way of infill and the redevelopment of obsolete industrial lands.

### Former City of Toronto Official Plan

The site is designated as a Mixed Industrial-Residential Area in the former City of Toronto Official Plan. Mixed Industrial-Residential Areas contain a mix and wide range of residential uses, community services and facilities, street-related retail and service uses and those industrial uses which are compatible with adjacent neighbouring uses. Buildings containing residential uses can have a total residential gross floor area of up to 2.0 times the area of the lot. The proposed residential building has a gross floor area 1.34 times the area of the lot.

The site is also subject to the Dufferin-Davenport Part II Plan (Section 19.17) of the Official Plan. Section 19.17 refers to this area as predominately residential with stable industrial areas located along the western and southern boundaries and commercial uses along major streets.

### New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board.

Once the Plan comes into full force and effect, it would designate the subject property as Neighbourhood on Map 14. Neighbourhoods are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses and interspersed walk-up apartments. The proposed two-storey multiple unit residential building would be permitted. No amendment to the new Plan is required.

### Zoning

The subject lands are zoned as an I2 D2 Industrial District under the former City of Toronto Zoning By-law No. 438-86. This zoning permits a range of non-residential uses including industrial uses, community and institutional facilities, retail and service shops, workshops and studios, automobile related uses and manufacturing and warehousing uses. Residential uses are not identified as permitted uses in the I2 D2 zone. The laneway and a portion of the rear parking area are zoned R2 Z0.6.

### Site Plan Control

Site Plan approval for the proposal is required. A Site Plan Control application has been submitted and is currently under review.

### Reasons for the Application

An amendment to the former City of Toronto Zoning By-law No. 438-86 is required, as residential uses are not permitted in the I2 D2 zoning category.

### Community Consultation

Two community meetings were held to provide local residents with an opportunity to review and comment on the application. The first meeting was held on June 29, 1999 and was attended by approximately 30 residents. The second meeting was held on May 30, 2005 and was attended by 7 residents. In addition to local residents, both meetings were attended by the Ward Councillor, City Planning staff and the applicant. Issues discussed included:

- (a) the illegal conversion of the building to a residential use;
- (b) enforcement problem with tenants;
- (c) elimination of the front yard parking spaces;
- (d) increased landscaping in the front yard;
- (e) preference for condominium units versus rental units;
- (f) provision for internal garbage storage;
- (g) reduction in the number of units proposed;
- (h) improvements to the current garbage collection which is problematic;
- (i) introduction of windows at the ground level is problematic and creates issues related to privacy, light and views;
- (j) little privacy between the existing building and the adjoining residential properties;
- (k) building is built to the property line and any maintenance or changes to the exterior of the building can not be done without encroaching or trespassing on neighbouring properties;
- (l) all tenant and guest parking to be provided on site; and
- (m) driveway access on Brandon Avenue is very narrow and should have signs posted warning drivers of its substandard width.

These issues are addressed below in the comments section of the report.

## 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:

### Land Use

The site is designated as a Mixed Industrial-Residential Area in the former City of Toronto Official Plan. Prior to permitting a change in use from industrial to residential, the former City of Toronto Official Plan requires that regard be had for how the proposed change would effect the continued compatibility of neighbouring uses. The Plan also notes that amendments to the Zoning By-law may be considered to recognize the existing pattern of land use in an area.

The site is located in a neighbourhood that is predominately residential in character and contains two remaining non-residential buildings along Chandos Avenue. There are no existing industrial operations in close proximity to the site which would be adversely affected by the proposal. The rezoning of these lands to permit residential uses in a block that consists primarily of residential uses would assist in completing the residential land use pattern in the area. It would also eliminate industrial uses on the property which have been a past nuisance in the neighbourhood.

### Compatibility with Surrounding Land Uses and Neighbourhood Character

A 2-storey multiple unit residential building illegally converted from a previous industrial use now exists on the property. The rezoning of this site to a residential use will ensure greater compatibility with the surrounding residential uses and a better integration of the existing building into the residential character of the area.

The existing building was originally constructed subject to the zoning standards that would have applied to an industrial property. As the building is to be retained, few changes can be made to have the building comply with those setbacks and other zoning standards that would typically be applied to a residential development. Therefore, efforts have been made to redesign those areas which can be improved upon. These relate primarily to reducing and/or eliminating the boulevard parking spaces, increasing landscaping in the front yard and improving the front façade of the building.

The existing building has been constructed to the property limits with windows overlooking the adjacent residential properties. This has created concerns related to the loss of privacy and diminished views for abutting property owners. As a means of addressing this issue, frosted louvered windows could be used to replace the existing windows which would allow light and air into the dwelling units while protecting the privacy of neighbouring properties. This possibility will be explored in more detail through the site plan control process. As well, in order to prevent any further issues related to this matter, the proposed draft zoning by-law will prevent any additional alternations or enlargement to the existing building. Should this building be demolished, any future proposal must comply with the R2 Z0.6 zoning standards in Zoning By-law No. 438-86 that exist for the surrounding residential properties.

### Parking

A total of 10 on-site parking spaces are proposed at the rear of the site. The dimensions of the proposed rear parking spaces are slightly less than the 2.6 metre width and 5.9 metre length required in the Zoning By-law. Technical Services has indicated that the reduced parking space dimension is acceptable, as

these spaces currently exist and remain usable. The limited lot size also prevents compliance with the existing standards.

Issues related to the retention of the licensed boulevard spaces located at the front of the site will be dealt with through the site plan control process. If the boulevard spaces are to be eliminated, the tenants would need to lease replacement parking spaces elsewhere off-site. A review of the on-street parking permits issued indicates that there is an ample supply available in the area to address the concerns expressed by residents related to the parking demands generated by this project. On street parking exists to accommodate occasional visitors. Given the circumstances, these exceptions are acceptable.

#### Garbage Collection

The building has been redesigned to incorporate an internal garbage storage room. Issues related to garbage collection will be dealt with through the site plan control process.

#### Environmental

Given the industrial use of the site prior to its illegal conversion to residential uses, prior to City Council rezoning the site it is reasonable to require the owner to provide evidence of the site's suitability for residential purposes through the Record of Site Condition process in the Environmental Protection Act.

#### Development Charges

It is estimated that the Development Charges for this project will be \$78,033. This is an estimate and the actual charge is assessed and collected upon issuance of the Building Permit.

#### Conclusions:

City Planning Staff recommend approval of the proposed Zoning By-law amendment to permit a multiple unit residential building with 10 on-site parking spaces. Before passing the necessary Bills to City Council for enactment, the owner will be required to satisfy Notice of Approval Conditions issued for Site Plan Approval under Section 41 of the Planning Act and to file a Record of Site Condition in the Provincial Environmental Registry. The owner will also be required to file a building permit application for a change of use of the existing building to ensure that the building is reviewed for life safety compliance under the Ontario Building Code. In addition, if boulevard parking is to be secured through the site plan process, a survey of the boulevard area to be leased for parking will be required prior to the introduction of Bills to Council. All the conditions that are to be satisfied for the introduction of the Bills must be fulfilled within two years from the date of approval of this report by City Council.

#### Contact:

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E-mail: lgalli@toronto.ca

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Gregg Lintern, MCIP, RPP

Director, Community Planning, Etobicoke York District

List of Attachments: (not included)



**Attachment: 3**

**Consolidated Clause in Etobicoke York Community Council Report 3, which was considered by City Council on April 25, 26 and 27, 2006 and June 27, 28 and 19, 2006**

**6**

**Final Report - Official Plan Amendment and Rezoning Application  
Applicant: Jonathan Mair, Firm Capital Corporation  
Architect: Ferdinand Wagner Architect  
99 Chandos Avenue (Ward 17 - Davenport)**

**Recommendations**

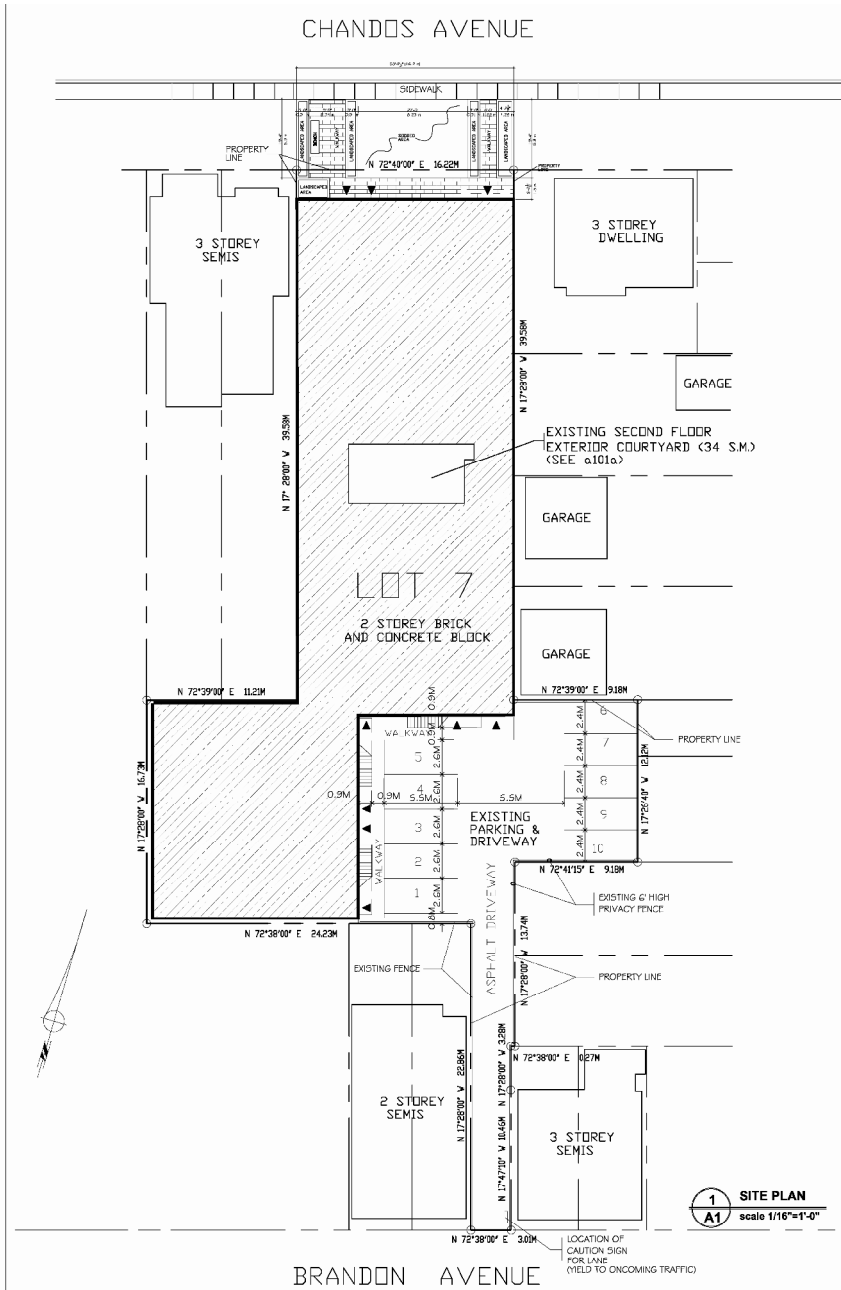
- (1) amend Zoning By-law No. 438-86 for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
- (3) before introducing the necessary Bills to City Council for enactment, require the owner to submit to the Executive Director of Technical Services for review and acceptance a Reference Plan of survey in metric units, should a registered agreement be required to permit boulevard parking. The Plan is to be referenced to the Ontario Co-ordinate system, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way and easements will be required for the preparation of legal descriptions;
- (4) before introducing the necessary Bills to City Council for enactment, require the owner to submit a building permit application to convert the building from industrial to residential and submit a legible, up-to-date and fully monumented plan of survey of the site necessary for building permit approval and inspection purposes;
- (5) before introducing the necessary Bills to City Council for enactment, require the owner to satisfy Notice of Approval Conditions issued for Site Plan Approval under Section 41 of the Planning Act;
- (6) before introducing the necessary Bills to City Council for enactment, require the owner to file on the Province's Environmental Registry under the Environment Protection Act, a Record of Site Condition evidencing that the site is suitable for residential purposes, such environmental documentation to recognize that the change in use is from industrial to residential; and

- (7) require the owner to satisfy all conditions in recommendation 3, 4, 5 and 6 within a period of nine (9) months from the date of City Council approval, failing which the owner shall be required to reapply for the necessary zoning by-law amendment.
- (8) before introducing the necessary Bills to Council for enactment, require the owner to relinquish the existing boulevard parking permits granted for the previous industrial use;
- (9) require that the boulevard area in front of the building be landscaped to the satisfaction of the Director, Community Planning, Etobicoke York District, in consultation with the Ward Councillor, as part of the Site Plan process, including reinstatement of the curb, all at no cost to the City;
- (10) require that the windows on the west elevation be replaced with a frosted louvred window detail or acceptable alternative in consultation with the Ward Councillor, through the Site Plan Approval process;
- (11)
  - (a) require that the owner obtain a building permit for conversion of the building from industrial use to a residential building and undertake, prior to the introduction of the Bill in Council, to use best efforts to complete the work within one (1) year of the building permit being issued;
  - (b) require the Director of Community Planning Etobicoke York District, in consultation with the Director of Buildings, Etobicoke York District, report to Etobicoke York Community Council, prior to the expiry of the temporary use by-law, on the progress in completing the work pursuant to the building permit;
    - i. if, in the opinion of the Director of Building's, Etobicoke York District, reasonable progress has been made to complete the work but additional time is required to complete the work pursuant to the building permit, the Director of Community Planning, Etobicoke York District, be requested to report recommending an amendment to the temporary use by-law for up to an appropriate additional period of time; and
    - ii. if the Director of Building's, Etobicoke York District, advises that work has been completed pursuant to the building permit within the period of time that the temporary use by-law is in effect, the Director of Community Planning, be requested to arrange a Planning Act Public meeting and report to Community Council recommending a by-law to amend Zoning by-law 438-86 for the former City of Toronto that is substantially in accordance with the draft Zoning by-law attached as Attachment 5 to the report (March 21, 2006) from the Director of Community Planning, Etobicoke York District, and that excludes any

provision in that sets out a period of time for which the by-law is to be in effect.

- (12) in the event the work pursuant to the building permit is not completed within the time period specified, require the Director of Buildings and Deputy Chief Building Official and the Director, Community Planning, Etobicoke York District, to report to the Etobicoke York Community Council on appropriate measures to take; and
- (13) deem that no further notice of a public meeting is required in respect of the proposed by-law pursuant to Section 34(17) of the *Planning Act*.”

## Attachment 4: Site Plan



### Site Plan

Applicants Submitted Drawing

Not to Scale  
05/31/2010



99 Chandos Avenue

File # 98\_036216