

**281-289 Avenue Rd – Zoning Amendment Application –
Final Report**

Date:	March 18, 2013
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	11 184731 STE 22 OZ

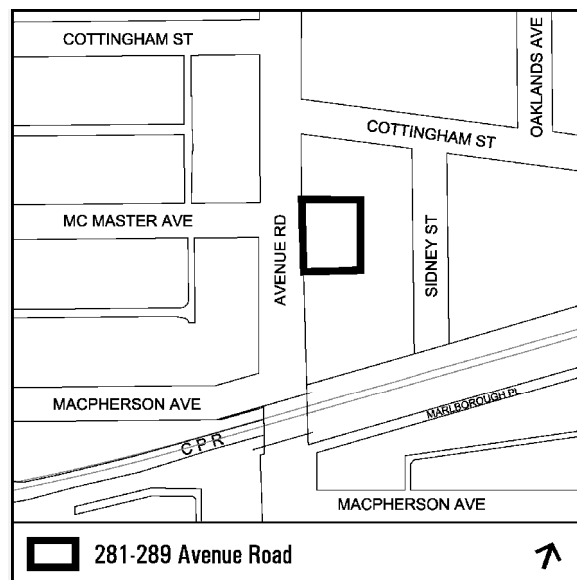
SUMMARY

This application proposes to construct a new 9 storey (27.15 metres, plus 3.3 metre mechanical penthouse) residential condominium with 62 residential units at 281-289 Avenue Road. A total of 74 parking spaces will be located on 3 levels of below-grade parking, and 63 bicycle parking spaces.

The proposed development as revised is substantially in compliance with the development criteria for the *Apartment Neighbourhoods* Official Plan policies.

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

Discussions on the Section 37 community benefits have been held with the local Councillor and applicant. A consensus on the Section 37 community benefits has not been reached. City Planning staff have provided a recommended Section 37 community benefit package based on discussions held to date.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 438-86, for the lands at 281-289 Avenue Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8 to report (March 18, 2013) from the Director, Community Planning, Toronto and East York District.
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, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. \$280,000 for improvements to local area City parks and/or the implementation of public realm/streetscape improvements, to the satisfaction of the Chief Planner in consultation with the local Councillor, located within Ward 22.
 - ii. \$220,000 for improvements to Robertson Davies Park to be implemented by the owner to the satisfaction of Parks, Forestry and Recreation, in consultation with the local Councillor.
 - iii. Require that the cash amounts identified in Recommendations 3.i and 3.ii. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of September 12, 2011 Toronto and East York Community Council directed Planning Staff to schedule a community meeting for 281-289 Avenue Road. The Preliminary Report on this application can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2011/te/bgrd/backgroundfile-39983.pdf>

ISSUE BACKGROUND

Proposal

The proposal is to demolish the existing two semi-detached houses and single detached house and construct a 9-storey residential condominium building. The proposed building has a maximum height of 30.45 m, including the mechanical penthouse. The building transitions down in height to 8-storeys on the south side, as well on portions of the west and east sides. The proposed building further transitions down to 6-storeys on the south and east side, as well as on part of the west side. The proposed Floor Space Index is 4.9 times the area of the lot. The following chart compares the proposal as originally submitted with the current revised proposal.

	Existing Zoning By-law Requirement	Original Proposal (April 29, 2011)	Revised Proposal (October 4, 2012)
Height	16 m (plus mechanical penthouse)	38.3 m (including 5.5 m mechanical penthouse)	30.45 m (including 3.3 m mechanical penthouse)
GFA		7763 m ²	6783 m ²
Density	2.0	5.62	4.9
Coverage		68%	69%
No. of Units		75	62
Parking spaces	73 (61 residential/12 visitor)	83 (74 residential/9 visitor)	74 (61 residential/13 visitor)
Bicycle spaces	63	32	63 (50 residential/13 visitor)
Outdoor Amenity	124 m ²	150 m ²	124 m ²
Indoor Amenity	124 m ²	150 m ²	129 m ²
Loading space	1 Type G	None	1 Type G

In total 62 residential units are proposed, the majority (90%) consisting of 2-bedrooms or more. The proposed residential unit breakdown is as follows:

Unit Type	Number of Units
1 Bedroom	1
1 Bedroom + den	4
2 Bedroom	21
2 Bedroom + den	36
Total	62

The application proposes 124 m² indoor amenity space and 129 m² of outdoor amenity space. The indoor amenity space will be located on the ground floor and the exterior amenity space will be located at grade on the eastern side of the building.

It is proposed that the site will be accessed from a vehicular driveway, located on the southern portion of the lot, off of Avenue Road, that will provide access to the underground parking garage. Residential and visitor parking is proposed in a 3-level underground parking garage, comprised of 74 residential parking spaces including 13 visitor parking spaces. Also, proposed are outbound left-turn prohibitions on weekdays during the typical "rush hour" times in the morning and evening.

A total of 63 bicycle parking spaces are proposed, including 13 visitor parking spaces and 50 residential spaces. There will be 14 bicycle parking spaces located at grade, the remainder will be located on the three levels of underground parking.

Site and Surrounding Area

The subject site is located just south of the southeast corner of Avenue Road and Cottingham Street. The site is approximately 1,382.53 m² in size with a 41.74 m frontage on Avenue Road.

Currently there are two, 3-storey semi-detached houses, and one, 3-storey single detached house on the property.

The following uses abut the property:

North: Immediately north of the site is an 8-storey rental apartment building (291 Avenue Road), with the retaining wall for the ramp to its underground garage along the northern property line of the subject site. There is a TTC bus stop in front of this building. Further north, on the northeast corner of Avenue Road and Cottingham Street, there is a 6-storey mixed-use residential commercial building.

South: To the south of the subject site is Robertson Davies Park, which is separated from the site by a chain-link fence and row of tall trees, all of which are City-owned. Further south is the CN railway tracks.

East: To the east is a low-rise residential neighbourhood made up of single detached and semi-detached houses. The property abuts the rear yards of 6 single and semi-detached houses which are on the west side of Sidney Street. There are a total of 19 houses on Sidney Street, which is a dead-end street.

West: The site abuts Avenue Road which is a major road with six lanes of traffic. Along the west side of Avenue Rd, across from the site, are a row of 2 to 3-storey house form buildings with a mix of residential and commercial uses.

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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan designates the subject site as an *Apartment Neighbourhood* on Map 17- Land Use Plan. *Apartment Neighbourhoods* are made up of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the need of area residents.

The Official Plan distinguishes *Apartment Neighbourhoods* from low-rise *Neighbourhoods* because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development. New development in *Apartment Neighbourhoods* is subject to criteria respecting location, massing, transition to lower scale *Neighbourhoods* and areas of different development intensity, and minimizing shadow impacts, among others. In *Apartment Neighbourhoods*, improving amenities, accommodating sensitive infill, and promoting environmental sustainability are important considerations.

Zoning

The current zoning for the site in City of Toronto By-law 438-86 is R4A Z2.0. This is a residential zoning designation that allows a number of uses, including an apartment building having a gross floor area of up to 2.0 times the lot area. The maximum permitted height is 16.0 metres.

Site Plan Control

The proposal is subject to Site Plan Control. The applicant has not yet submitted a Site Plan Control application.

Reasons for Application

The proposed development does not comply with certain standards contained in the Zoning By-law, including height and density. The proposed density of 4.9 times the lot area exceeds the maximum total density of 2.0 times permitted by the Zoning By-law. At 9 storeys and 27.15 metres in height (plus 3.3 metre mechanical penthouse), the proposal exceeds the maximum 16 metre height limit permitted by the Zoning By-law. Other areas of non-compliance include the provision landscaped open space.

Community Consultation

A community meeting was held respecting this application on May 7, 2012. Approximately 60 members of the public attended, along with the area Councillor, representatives of the landowner and City staff. The following items were raised at the meeting.

Height and Massing – Residents raised concerns about the height and massing of the proposed building and the appropriateness of the height given the existing context. Some residents wanted to see more terracing on the south and east sides of the proposed building.

Shadows – A number of residents raised concerns with regard to the impact of shadowing on the adjacent neighbourhood.

Parking & Traffic – Residents questioned whether the proposed parking supply would be sufficient. Of concern was that a lack of parking would exacerbate what was presented by the public as an existing parking deficiency in the area. In addition residents were concerned about the increase of traffic onto both Avenue Road and Cottingham Street.

Tree Removal and Replanting – Concerns were raised about the removal of trees located on, and adjacent, to the southern property line of the subject site. The proposal would require the removal of a number of trees within Robertson Davies Park and along the property line. It was felt by residents that these trees should be protected as part of any redevelopment of the subject site.

Residents also raised concerns regarding pedestrian safety, the setback of the building to the adjacent apartment to the north, and the relationship of the building to the street and park. The above noted issues were also raised by residents who sent written comments into Planning staff.

On February 27, 2013 Councillor Matlow hosted a Councillor's community meeting for the purpose of presenting the most recent development proposal to residents, and to obtain their comments. The meeting was attended by approximately 30 members of the public, the local Councillor, representatives of the applicant, and City staff. The meeting focused on the removal of the 11 trees located in Robertson Davies Park while also covering the general built form of the proposal. The following items were raised at the meeting.

Tree Removal and Replanting – Some residents and Councillor Matlow objected to the removal of 11 City trees located in Robertson Davies Park along a fence immediately adjacent to the proposed development. A few residents stated their support for the removal and replacement of the trees along the property line.

Height and Massing – Concerns were raised about the proposed massing of the building. Residents would like to see further terracing on the east side of the building and a reduction in height.

Traffic – A number of residents raised questions regarding the location of the pick-up and drop-off area. Residents felt that pick-up and drop-off is likely to occur on Avenue Road. Residents questioned whether vehicles exiting the site would be able to make a left hand turn onto Avenue Road. As well, residents were concerned that the development would increase traffic and parking issues on the adjacent neighbourhood streets.

Safety – The safety of pedestrians on Avenue Road was raised as a concern. It was suggested that the development increase the setback from Avenue Road in order to provide a wider sidewalk.

Section 37 – A number of residents expressed support for Section 37 community benefit funds going to improvements to Robertson Davies Park. The residents also communicated that they would like to be consulted as part of the park improvement process.

These issues are discussed as part of the Comments section of this report.

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.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff have reviewed the proposal and determined that it is consistent with the Provincial Policy Statement (PPS), and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The *Apartment Neighbourhood* land use designation of the Official Plan identifies apartments as a permitted use. While significant growth is not anticipated within *Apartment Neighbourhoods*, compatible infill development is allowed for.

The *Apartment Neighbourhood* policies outline criteria with which to evaluate infill development. The proposed development meets the requirements set out in policy 4.2.2a, b, and c of the Official Plan by locating and massing the development to frame the edge of streets and parks, limiting shadow impacts on adjacent properties, and providing transition between areas of different development intensity and scale. Furthermore sufficient vehicle and bicycle parking along with amenity space has been provided meeting Policy 4.2.2d and f. The joining of the underground parking garages for the subject site and the adjacent site to the north represents an efficient use of land.

The location of the site in an *Apartment Neighbourhood* not on an "Avenue", the scale of the development, location on Avenue Road with a right-of-way of 25.74 metres, access to

public transit, and the need to scale the building away from the park, organized staff's overall approach in reviewing the application and seeking revisions.

The proposed development represents an appropriate and efficient use of the subject lands compatible with the surrounding context of existing apartment buildings adjacent to low-rise neighbourhoods. The proposal is consistent with the Official Plan *Apartment Neighbourhood* policies.

Height & Massing

The proposed development is 9 storeys in height, transitioning down to 8 storeys on the south side, and on portions of the west and east sides. The proposed building further transitions down to 6 storeys on the south and east side, as well as, on part of the west side. The building is 27.15 m in height with a 3.3 m mechanical penthouse. In order to limit the view of the mechanical penthouse it is setback 19.7 m from the east property line and 4.1 m from the west property line. The height of the building has been scaled in relation to the 25.74 metre width of the Avenue Road right-of-way.

The Built Form policies of the Official Plan require that new development have an appropriate transition in scale to adjacent buildings. Further, policy 4.2.2a of the Official Plan requires new buildings to be massed and located to provide transition between areas of varying intensity and scale. This is to be done through providing sufficient setbacks and stepping down of heights towards lower-scale *neighbourhoods*. The impact of the proposed buildings height is mitigated by transitioning down from 9 storeys to 6 storeys towards the adjacent low-rise neighbourhood to the east. A setback of 7.5 m from the east property line further reduces the impact of the height and mass of the proposed building.

Immediately adjacent on the north side of the subject site is an existing 8-storey rental apartment building. Due to a drop in grade from north to south along Avenue Road, the proposed 9 storey building will not be significantly taller than the existing apartment building. The setback from the property line on the north side of the proposed building will be 3.0 metres and will allow for a total of approximately 8 metres separation from the adjacent apartment building.

At the Community meeting, residents raised concerns about the height and massing of the proposed building. The proposal at that time was for an 11 storey building. This has been reduced to 9 storeys in the current proposal.

Another concern raised by residents at the Community meeting was that the building should be setback farther from Avenue Road and the Robertson Davies Park. The Official Plan under section 3.1.2 requires that new development be massed to define the edges of streets and parks, while still providing adequate access to sky view for the use of those areas. The proposed building has been setback and massed so that it will define the edge of both Avenue Road and the park. The stepbacks on the upper floors of the building mitigate impact on sky view.

Shadow & Privacy

The Official Plan requires that new development in *Apartment Neighbourhoods* is to be located so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

The applicant submitted shadow study drawings for September and March for City staff to review. The proposed development provides adequate light and privacy to neighbouring streets, parks and open space as per the Built Form policies of the Official Plan. The sidewalks on Avenue Road will have limited shadowing ensuring that they remain comfortable and usable parts of the public realm.

In order to limit the impact of the proposed building on the privacy of the adjacent neighbourhood to the east, the building is setback 7.5 metres from the east property line. The balconies on the east side of the building have been recessed so that they do not project into the 7.5 m setback.

The applicant has limited the number of windows located on the north facade of the proposed building. The windows have also been restricted to secondary window, with the primary windows for each unit located either on the west, east or south side of the building. This will help to protect the privacy of the units in the existing adjacent apartment building.

The potential sun, shadow and privacy impacts of the proposed development on adjacent existing buildings and on open spaces are acceptable to staff.

Traffic Impact, Access, Parking

The development will have three levels of underground parking accessed from a driveway located off of Avenue Road at the southern end of the site. The underground parking garage will have 74 parking spaces including 13 visitor parking spaces. A total of 63 bicycle parking spaces will also be provided with 14 of these spaces being located at grade. Residents expressed concerns about the adequacy of the proposed parking supply and its impact on what they felt is a parking deficient area. Transportation Services staff are of the opinion that sufficient resident and visitor parking will be provided for this development. The proposed parking supply meets the standards provided by Transportation Services staff. Pick-up and drop-off for visitors or taxis will be done in the below grade garage before the security gate. Loading facilities for garbage pick-up will be provided on the north side of the development and accessed from a driveway off of Avenue Road.

Access to the underground parking garage has been consolidated with the vehicular access for the adjacent apartment building to the north of the subject site.

The driveway for the existing apartment building to the north will be removed and vehicular access to that parking garage will then be made through the underground parking garage of the proposed development. This will limit the number of driveways that will have regular vehicular traffic. This is in keeping with policy 3.1.2 2) of the

Official Plan which requires that where possible vehicular access should be shared in order to minimize the impact on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open space.

At the Community meeting residents raised concerns with regard to traffic impacts on Avenue Road and on the surrounding neighbourhood streets. A Traffic Impact Study was submitted by the applicant and was reviewed by Transportation Services and Transportation Planning staff. The study was found to be acceptable by both Transportation Services and Transportation Planning staff. The impacts on traffic will be further mitigated through the implementation of left-turn prohibitions, during peak periods, for vehicles exiting the driveway of the underground parking garage. Details of the left-turn prohibitions will be further reviewed and refined as part of the Site Plan Approval process.

Transportation Services and Transportation Planning staff have no concerns with the traffic impact of the proposed development and the proposed parking supply.

Servicing

A Functional Servicing report and Stormwater Management report were submitted by the applicant in support of the proposed development. The reports were reviewed by Engineering and Construction staff and found to be acceptable.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes 62 residential units on a site with a new area of 1,383 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.0826 hectares or 59.7% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 138m².

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a parkland dedication requirement of 138 m² would not enhance the site configuration or usability of Robertson Davies Park which is the City owned park to the south of the proposed development site.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

The applicant has further committed to making improvements to Robertson Davies Park in consultation with Parks staff. The proposed improvements to Robertson Davies Park

total \$220,000. The applicant will continue to work with Parks staff to refine and implement the improvements plan which will be secured as part of the Section 37 Agreement.

Tree Protection

The Official Plan stipulates that mature trees will be preserved wherever possible. Adjacent to the subject site on the private properties to the east are three mature trees. In response to comments from the public and Urban Forestry staff, the applicant has setback the underground parking garage in order to provide appropriate tree protection for the three private trees. In addition one large mature tree located to the south of the site in Robertson Davies Park will be protected in keeping with Official Plan policy.

Residents have raised concerns both at the community meeting and in writing about the proposed removal of 11 trees located along the southern property line on park property. As part of the development proposal the applicant has proposed to remove the trees. Staff have determined that the trees are self seeded invasive species with a number of the trees growing into the fence and in poor condition. The removed trees will be replaced at a ratio of 3 to 1 as per City of Toronto policy. The replacement trees will provide for long term health of the City's tree canopy as the replacement trees will be healthier and will be made up of native species. Urban Forestry and Parks staff have reviewed the proposal and have no objection to the removal of the trees.

Streetscape

The Official Plan requires that new development in *Apartment Neighbourhoods* locate and mass new buildings to frame to edge of the streets, parks and open space. The proposed building provides an appropriate street wall along Avenue Road that will help to define the street edge. The building steps down in height towards Robertson Davies Park, providing a transition from the proposed building down to the City Park.

The pedestrian realm along Avenue Road will be improved by planters to be installed along the western side of the property between the proposed building and the sidewalk. The sidewalk will be 2.1 metres wide at the north end of the site and will widen to 2.9 metres at the southern end of the site. As part of the Site Plan Approval process staff will explore further sidewalk widening as needed. In order to reduce the impact on the pedestrian realm, and to create a safe and comfortable pedestrian experience along Avenue Road, the driveway access for the proposed building and the existing building to the north have been consolidated.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. The following will be secured as part of the Site Plan Approval process: a 207 square metre green roof to be located above of the 9th floor on the north and south side of the mechanical penthouse; Windows and glazing designed to address migratory bird issues; a total of 63 bicycle parking spaces.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

Discussions on the Section 37 community benefits have been held with the local Councillor and applicant. A consensus on the Section 37 community benefits has not been reached. City Planning staff have provided a recommended Section 37 community benefit package based on discussions held to date.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. \$280,000 for improvements to local area City parks and/or the implementation of public realm/streetscape improvements, to the satisfaction of the Chief Planner in consultation with the local Councillor, located within Ward 22;
2. \$220,000 for improvements to Robertson Davies Park to be implemented by the owner to the satisfaction of Parks, Forestry and Recreation, in consultation with the local Councillor;
3. Require that the cash amounts identified in Recommendations 3.i and 3.ii. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.

Conclusion

City Planning Staff have reviewed the development proposal at 281-289 Avenue Road and find that the revised proposal is suitable development for the subject site. The applicant has revised their application to address City Staff concerns, including reductions in height, and mitigating impacts on the adjacent neighbourhood and Robertson Davies Park. As such, Planning staff recommends approval of the proposed Zoning By-law Amendment.

CONTACT

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Tel. No. 416-392-7613
Fax No. 416-392-1330
E-mail: ddriedg@toronto.ca

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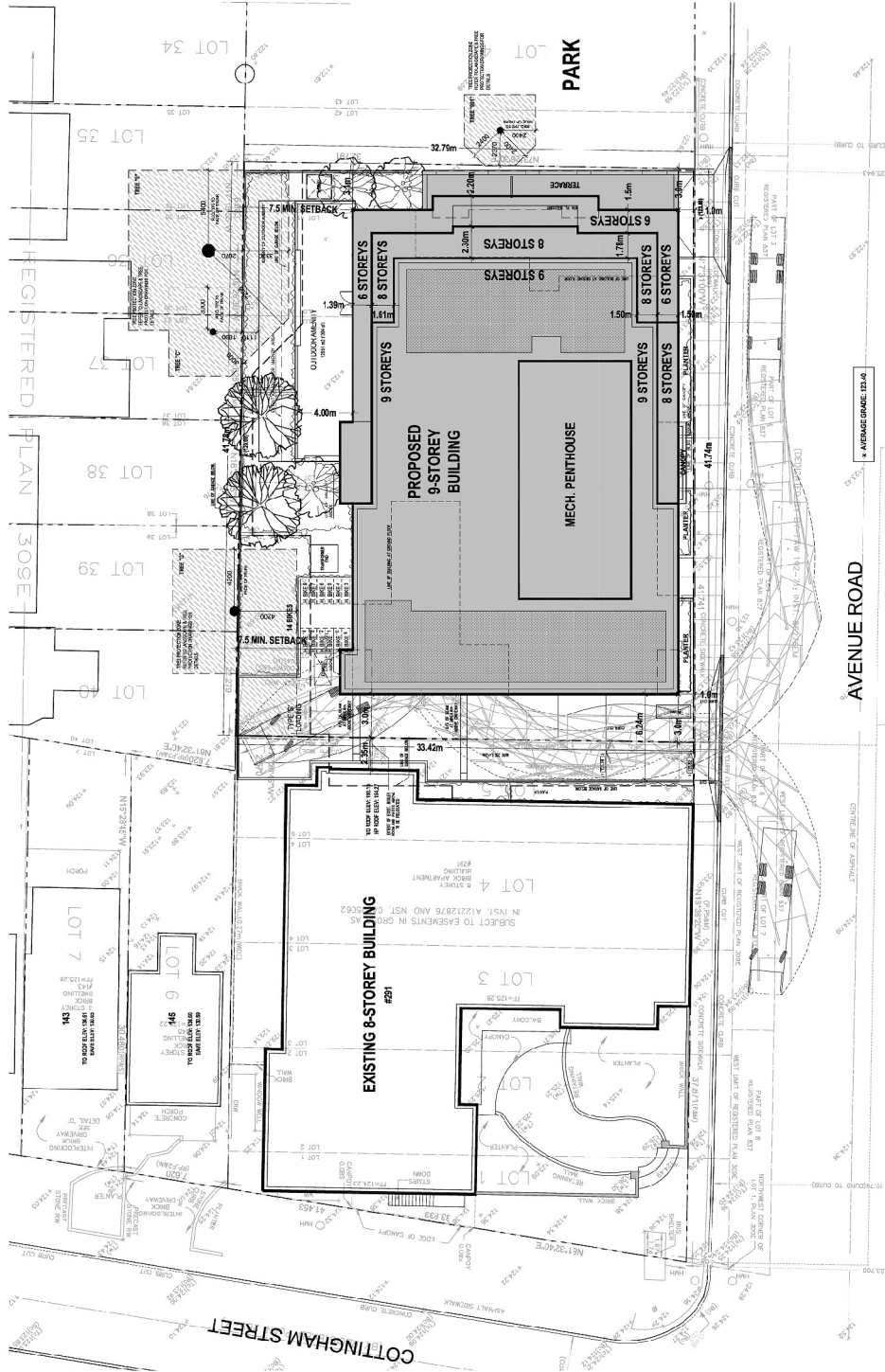
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: South Elevation
Attachment 4: East Elevation
Attachment 5: North Elevation
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



281-289 Avenue Road

Site Plan

Applicant's Submitted Drawing

Not to Scale
02/27/2013

File # 11 1847310Z

Attachment 2: West Elevation



West Elevation

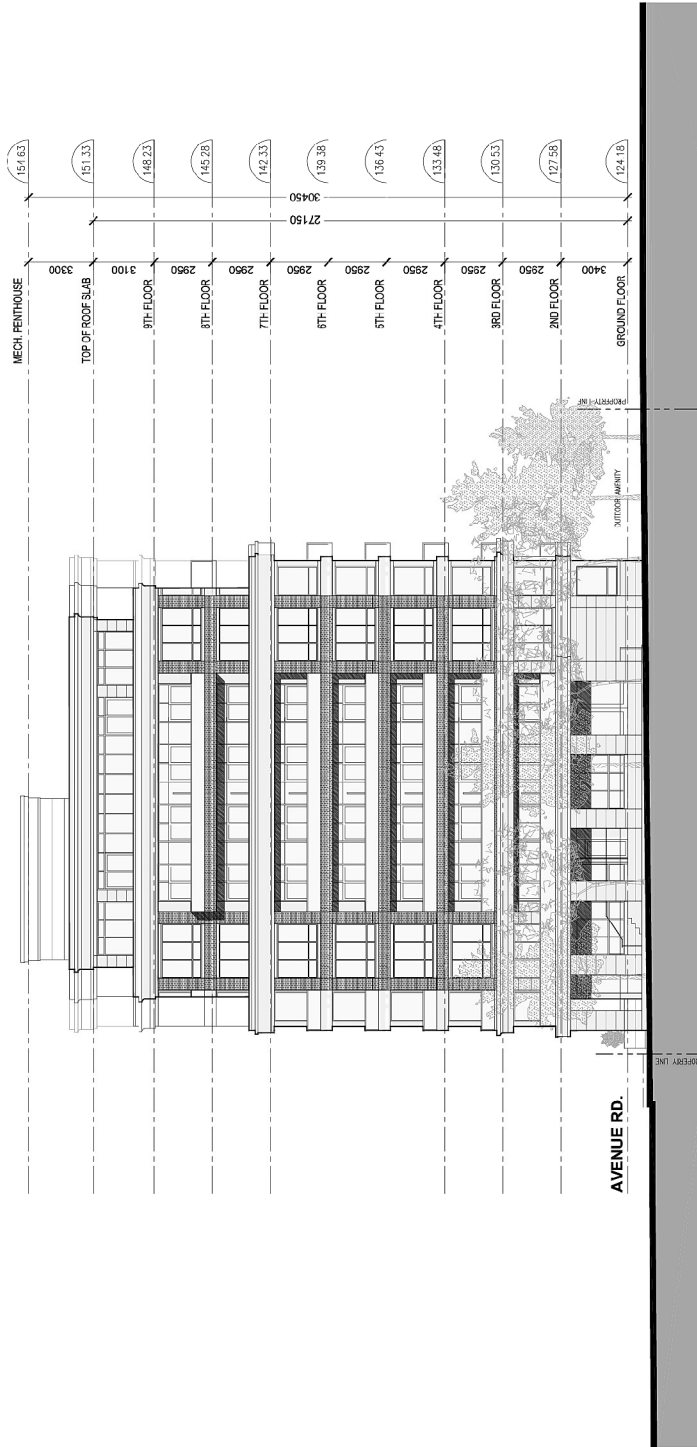
281-289 Avenue Road

Elevations
Applicant's Submitted Drawing

Not to Scale
02/27/2013

File # 11 184731 0Z

Attachment 3: South Elevation



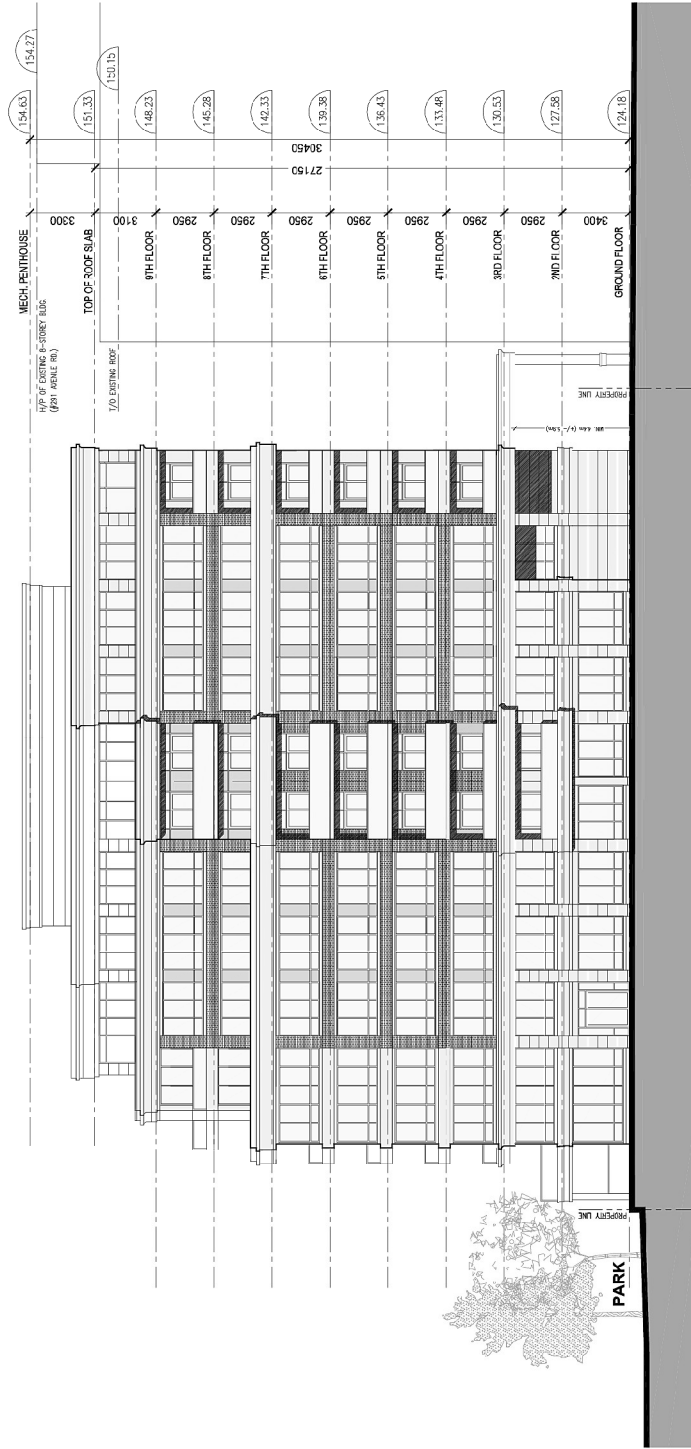
South Elevation

281-289 Avenue Road

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 02/27/2013

File # 11 184731 0Z

Attachment 4: East Elevation



East Elevation

281-289 Avenue Road

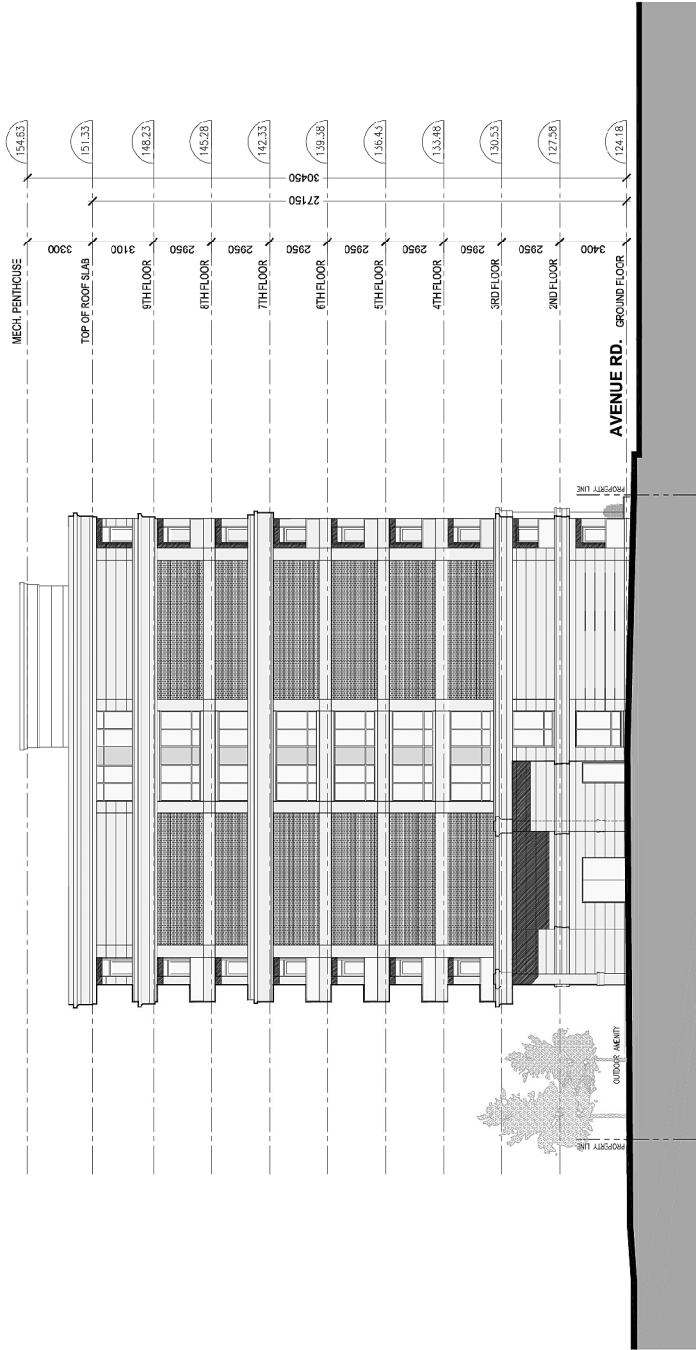
Elevations

Applicant's Submitted Drawing

Not to Scale
02/27/2013

File # 11 184731 0Z

Attachment 5: North Elevation



North Elevation

281-289 Avenue Road

Elevations
 Applicant's Submitted Drawing

Not to Scale
 02/27/2013

File # 11 184731 0Z

Attachment 6: Zoning



281-289 Avenue Road

File # 11_184731_0Z

G	Parks District	CR	Mixed-Use District
R1S	Residential District	I1	Industrial District
R2	Residential District	T	Industrial District
R4A	Residential District		



Not to Scale
Zoning By-law 438-86 as amended
Extracted 07/13/11

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 184731 STE 22 OZ
Details	Rezoning, Standard	Application Date:	April 29, 2011

Municipal Address: 281-289 AVENUE RD
 Location Description: PLAN 309E PT LOTS 41 & 42 **GRID S2211
 Project Description: Rezoning application to construct new 9 storey condo - 62 residential units - 3 levels below grade parking -74 parking spaces - 63 bicycle parking spaces.

Applicant:	Agent:	Architect:	Owner:
Sherman Brown Dryer Karol LLP , 5075 Yonge St, Suite 900, Toronto, ON M2N 6C6	Sherman Brown Dryer Karol LLP, 5075 Yonge St, Suite 900, Toronto, ON M2N 6C6	Rafael & Bigauskas Architects, 1140 Sheppard Ave W, Unit 1, Toronto ON, M3K 2A2	1819555 ONTARIO INC 96 Bidewell Ave, Toronto, ON, M3H1J9

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	N
Zoning:	R4A Z2.0	Historical Status:	N
Height Limit (m):	16	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1382.53	Height:	Storeys: 9
Frontage (m):	41.74	Metres:	30.45
Depth (m):	33.42		
Total Ground Floor Area (sq. m):	952.75		Total
Total Residential GFA (sq. m):	6783.67	Parking Spaces:	74
Total Non-Residential GFA (sq. m):	0	Loading Docks	1
Total GFA (sq. m):	6783.67		
Lot Coverage Ratio (%):	69		
Floor Space Index:	4.9		

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	5
2 Bedroom:	57
3 + Bedroom:	0
Total Units:	62

FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	6783.67	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

CONTACT: PLANNER NAME: David Driedger, Planner E-mail: ddriedg@toronto.ca
TELEPHONE: 416-392-7613

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend ~ Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
281-289 Avenue Road**

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;

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 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;

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 the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

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

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner* of the facilities, services and matters set out in Appendix 1 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements with the *owner* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *site* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirement.
3. Wherever in this By-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the *Planning Act*, then once such agreement has been executed and registered, such

conditional provisions shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

4. This By-law applies to the lands delineated by a heavy line and identified as "281-289 Avenue Road" as shown on Map 1 attached to and forming part of this By-law.
5. Within the lands shown on Map 1 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:
 - (1) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
6. Except as otherwise provided herein, the provisions of Zoning By-law No. 438-86 shall continue to apply to the lot.
7. None of the provisions of Section 2(1) with respect to "*grade*", "*height*", "*lot*", "*parking garage*", "*parking space*", and Sections 4 (2)(a), 4 (4)(b), 4 (6) (c), 4 (10)(a), 4 (12), 4(13), 4(16), 4 (17), 6(3) Part I 1, 6(3) Part II 3(F)(II), 6(3) Part II 2(II), 6(3) Part II 4, 6(3) Part II 5, 6(3) Part II 8(B), 6(3) Part III 1(a) and (b), 6(3) Part III 3 (c), and By-law No. 438-86 of the former City of Toronto, "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", as amended, shall apply to prevent the erection and use of an *apartment building* on the *lot* containing residential uses, provided that:
 - (1) for the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
 - (2) not more than 62 *dwelling units* are erected on the *lot*,
 - (3) the total *residential gross floor area* erected or used on the *lot* shall not exceed 6790 square metres,
 - (4) no portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
 - a. lighting fixtures, cornices, sills, eaves, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on the attached Map 2;

- b. Canopies and balconies may extend a maximum of 2.5 metres beyond the heavy lines show on Map 2, as measured perpendicular to the exterior walls of the building
- (5) No person shall erect or use a building or structure on the lot having a greater height, in metres than the height in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
- a. the erection or use of the structures, elements and enclosures permitted by Section 4 of this By-law subject to the following additional requirements
 - (i) a mechanical penthouse having a maximum height of 3.5 metres above the height limits shown on Map 2;
 - (ii) parapets and railings to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
 - b. elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 1.5 metres above the height limits shown on Map 2; and
 - c. rooftop stacks and vents to a maximum vertical projection of 1.5 metres above the height limits shown on Map 2;
- (6) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following requirements:

Residents' Parking:

- a. a minimum of 0.8 *parking spaces* per *bachelor dwelling unit*
- b. a minimum of 0.9 *parking spaces* per one *bedroom dwelling unit*
- c. a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*
- d. a minimum of 1.2 *parking spaces* per three *bedroom dwelling unit*

Residential Visitor Parking:

- e. a minimum of 0.20 parking spaces per dwelling unit for visitors;
- (7) where the calculation of the number of *parking spaces* required to be provided and maintained by Section 1(7) of this by-law results either in a fraction of a *parking space*, or in a whole number of *parking spaces* and a fraction of a *parking space*, the fraction if equal to or greater than 0.5 shall be taken to be 1.0 and

added to the whole number of the *parking spaces* required to be provided and maintained, and if the fraction is less than 0.5 it shall be excluded from the determination of the number of *parking spaces* that are required to be provided and maintained in respect of the building or structure to be erected or used;

- (8) a minimum of 1.0 bicycle parking spaces per unit shall be provided and maintained on the *lot*, of which:
 - a. 0.8 bicycle parking spaces per unit shall be provided and maintained for the exclusive use of residents of the building, and shall be located on the parking levels below grade in the building;
and
 - b. 0.2 bicycle parking spaces per unit shall be provided and maintained for the exclusive use of visitors, and shall be located at ground level and accessed via the building vestibule or lobby.
- (9) a minimum of 20% of the area of the *lot* shall be in the form of *landscaped open space*
- (10) a minimum of 50% of the *lot's landscaped open space* shall be in the form of *soft landscaping*
- (11) None of the provisions of this By-law or By-law No. 438-86, as amended as the date of passing of this By-law shall apply to prevent a *sales office* on the *lot*.
- (12) despite the definitions of "grade", "height" and "lot" in section 2(1)(iii) of By-law No. 438-86 shall not apply to the lands and instead the following definitions shall apply:
 - a. "grade" means 123.25 metres Canadian Geodetic Datum.
 - b. "height" means the vertical distance between grade and the highest point of the roof except for those elements prescribed in Section 6(c) (i) and (ii) of this By-law.
 - c. "lot" means the lands delineated by heavy lines on Map 1 attached to this By-law.
 - d. "sales office" means a building or structure for the purpose of marketing and sales related to use(s) permitted on the lot.
- (13) this amendment shall apply to all of the lands, shown on Map 1 attached to this By-law, regardless of future severance, partition or division.

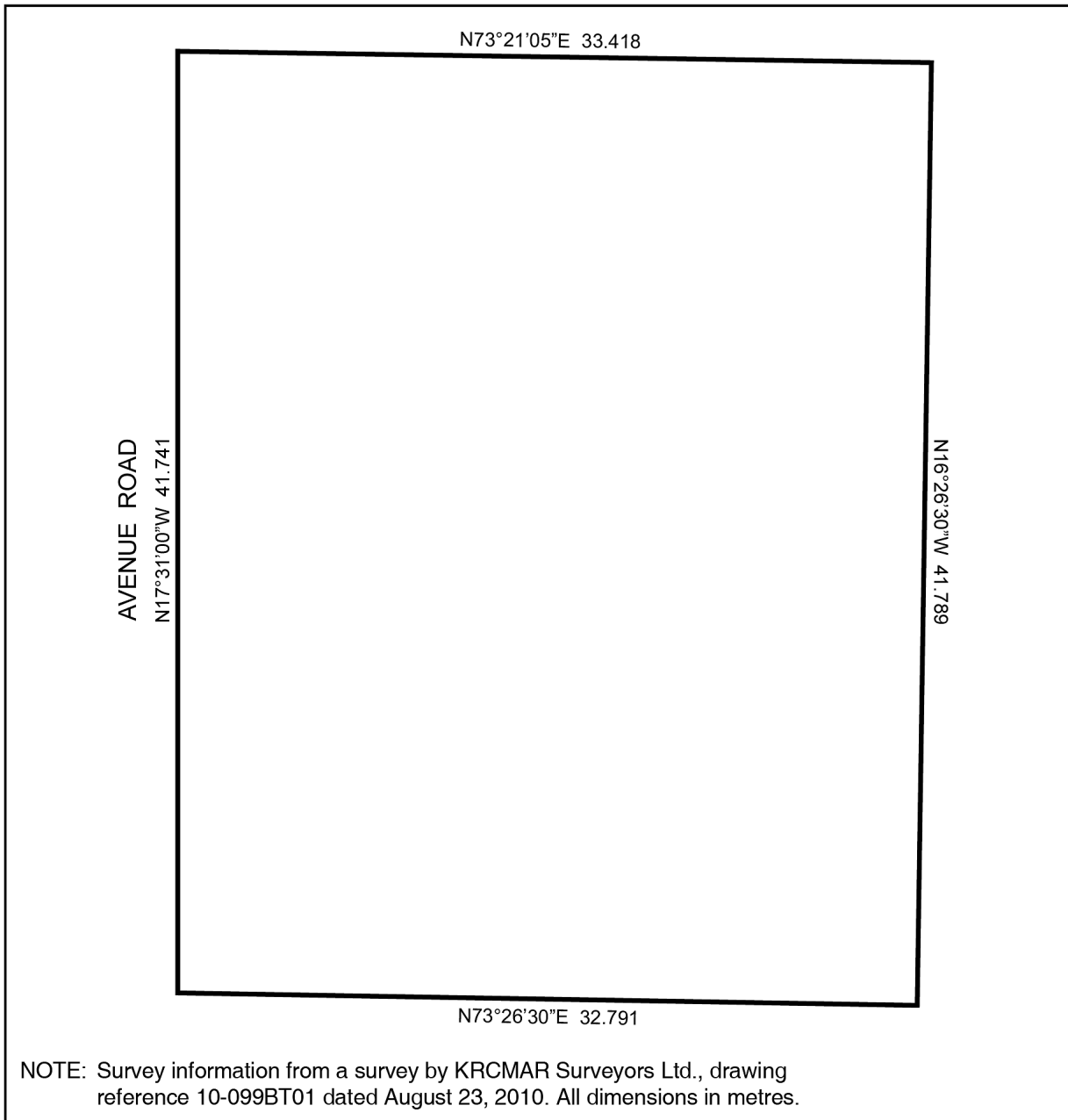
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

MAP 1



Map 1

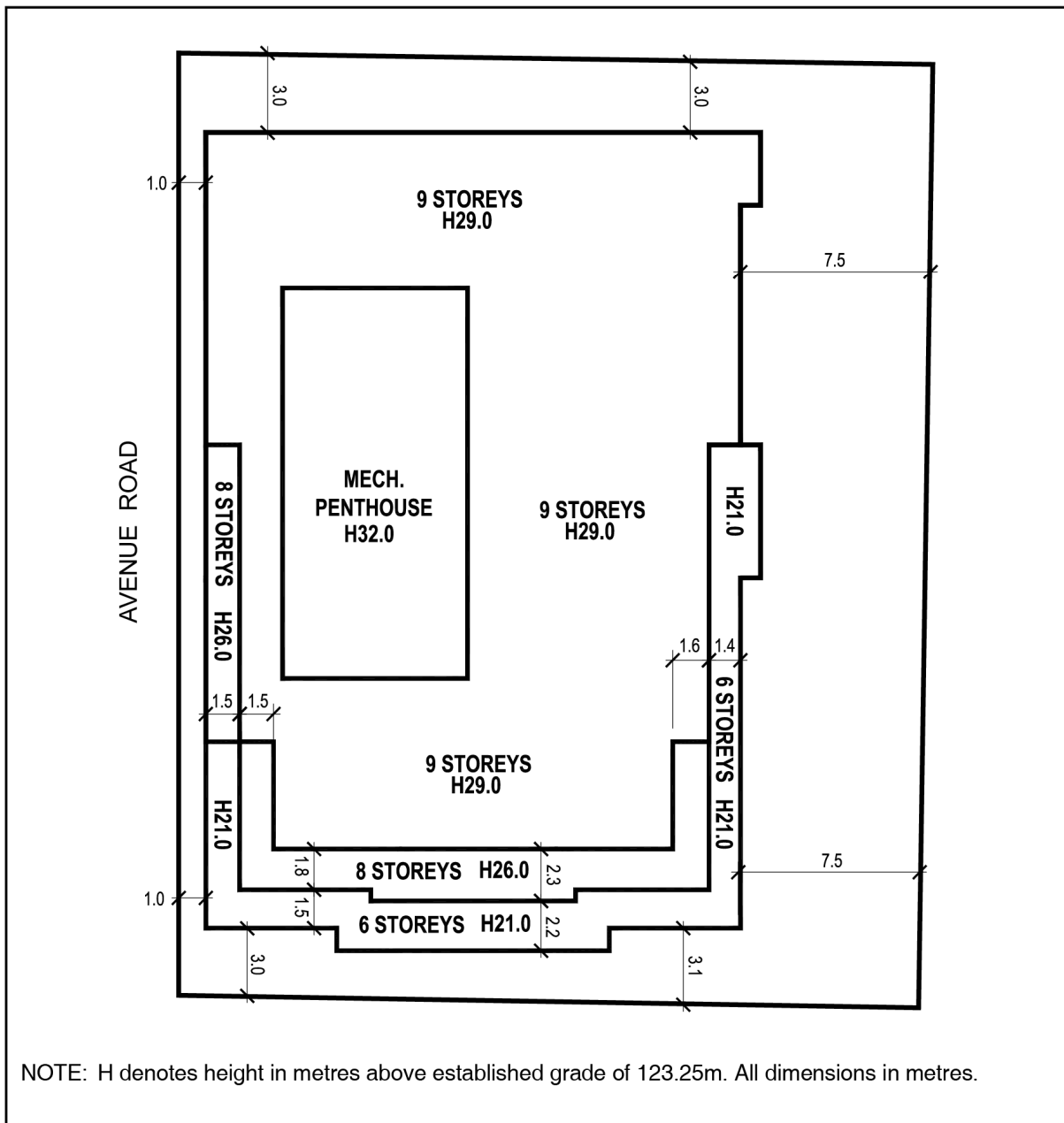
281-289 Avenue Road

File # 11 184731 0Z



Not to Scale
03/07/2013

MAP 2



Appendix 1

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the *lot*, or portion thereof at its expense to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. \$280,000 for improvements to local area City parks and/or the implementation of public realm/streetscape improvements, to the satisfaction of the Chief Planner in consultation with the local Councillor, located within Ward 22;
 - ii. \$220,000 for improvements to Robertson Davies Park to be implemented by the owner to the satisfaction of Parks, Forestry and Recreation, in consultation with the local Councillor;
 - iii. Require that the cash amounts identified in Recommendations i and ii. above shall be indexed annually in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.