



STAFF REPORT ACTION REQUIRED

1678 -1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue - Zoning By-law Amendment and Rental Housing Demolition Applications – Final Report

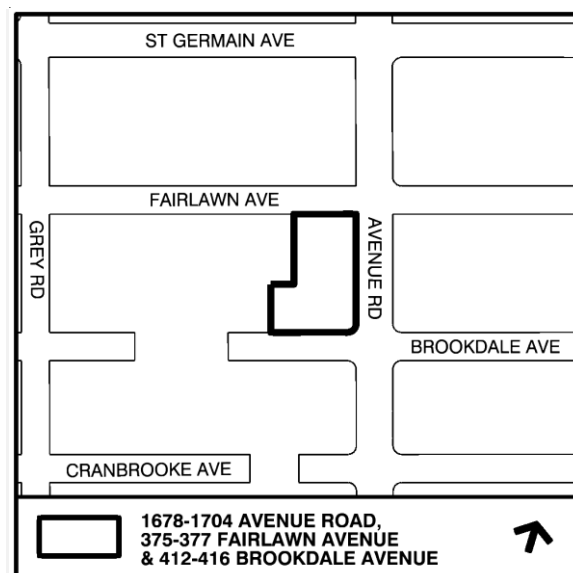
Date:	December 11, 2013
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	11 330290 NNY 16 OZ and 11 330293 NNY 16 RH

SUMMARY

This application proposes to amend the Zoning By-law to permit a 7 storey mixed use building with a total of 115 residential units at 1678-1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue. A total of 249 parking spaces are proposed in two levels of below grade parking. The residential gross floor area proposed for the building is 13,759m² and the commercial gross floor area is 1878m² resulting in a total of 15,711m² and a floor space index of 3.7.

The site currently consists of a mix of commercial and residential uses and contains 18 rental units of affordable and mid range rents. A Rental Housing Demolition application was also submitted for the 18 existing residential rental units.

This report reviews and recommends approval of the draft by-law attached to this report for a 7 storey mixed use building and recommends approval of the rental housing demolition application under Municipal Code 667 subject to the conditions outlined in this report.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend North York Zoning By-law 7625 for the lands at 1678 -1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to report dated December 11, 2013.
2. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning as follows:
 - a. The community benefits recommended to be secured in the Section 37 agreement are as follows:
 - (i) Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$200,000.00 to be used for capital improvements to Allenby Junior Public School and/or John Wanless Junior Public School, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
 - (ii) The provision and maintenance on the site of not less than 18 new replacement rental dwelling units for at least 20 years, comprising:
 - i. 17 one-bedroom and 1 two-bedroom rental units of which 2 units shall have affordable rents and the remaining 16 units shall have rents no higher than mid-range rents.
 - ii. The rental housing shall be provided in accordance with more detailed terms as set forth in the draft zoning by-law attached as Attachment No. 5.
 - b. The owner shall provide tenant relocation assistance for tenants in the existing buildings to the satisfaction of the Chief Planner in accordance with the detailed terms set forth in the draft zoning by-law attached as Attachment No. 5.
 - c. The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:
 - i. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27,

2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.

- ii. The owner shall submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Community Planning North District, prior to the issuance of any demolition permit.
3. Before introducing the necessary Bills to the City Council for enactment, the applicant will be required to obtain Notice of Approval Conditions under Section 41(16) of the *Planning Act*, to the satisfaction of the Director of Community Planning, North District.
4. City Council approve the application to demolish the 18 replacement rental dwelling units located at 1682-1686 Avenue Road and 412 Brookdale Avenue pursuant to Municipal Code Chapters 667 and 363, subject to the following conditions under Chapter 667 which provide for replacement of rental housing units:
 - a. the owner shall provide and maintain 18 residential rental dwelling units in the development, for a period of at least 20 years, comprising 17 one-bedroom units and 1 two-bedroom unit;
 - b. the owner shall provide 2 of the 18 replacement rental units at affordable rents and remaining 16 replacement rental units at mid-range rents;
 - c. the owner shall provide tenant relocation assistance for tenants in the existing rental buildings to the satisfaction of the Chief Planner, and in accordance with the detailed terms set forth in the draft zoning by-law attached as Attachment No 5;
 - d. the owner shall obtain the necessary building permits for the replacement rental units in the development as outlined in this report dated December 11, 2013, and construct the replacement rental units to the satisfaction of the Chief Planner and Executive Director, City Planning Division, on the subject lands substantially in accordance with the Rental Floor Plan dated October 25, 2013, with any revisions to be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - e. the owner shall enter into, and register on title, one or more Section 111 Agreements to secure the conditions outlined in (a.) to (d.) herein and as further detailed in the draft zoning by-law amendment (Attachment No.5) to this report dated December 11, 2013, to the satisfaction of the Chief Planner and the City Solicitor;
 - f. the owner shall enter into and register, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or her designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of lands until such time as the City Solicitor determines that its

registration on title is no longer required to secure the provisions of the Section 111 Agreement.

- g. Twelve (12) parking spaces be secured for the rental replacement and that such spaces be available for the rental unit tenants. Parking charges for returning tenants will be on the same basis as currently provided, and other rental tenants up to the number of 12 designated rental spaces will be offered spaces within maximum charges to be specified in the agreement with the City.
5. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 for the existing residential rental units after the latest of the following has occurred:
- a. the satisfaction of, or securing of the conditions in Recommendation No. 4; and
 - b. the zoning by-law amendment in Recommendations No. 1 has come into full force and effect;
 - c. The issuance of the Notice of Approval Conditions for site plan approval for the development by the Chief Planner and Executive Director, City Planning Division or her designate, pursuant to Section 114 of the City of Toronto Act, 2006.
6. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has given the preliminary approval in recommendation No. 5 for the existing rental housing buildings.
7. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* for the residential rental buildings no earlier than the issuance of a building permit for the shoring and excavation for the development on the lands, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation No. 5 which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
- a. the owner erect a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings; and
 - b. should the owner fail to complete the new building within the time specified in condition 7 (a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2007 the City of Toronto initiated an 'Avenue' study for Avenue Road from Lawrence Avenue to Wilson Avenue. The Official Plan provides for Avenue studies that develop, in consultation with the local community, zoning regulations and urban design guidelines to provide a framework for future growth and initiatives to improve the public realm and necessary services.

The final staff report for the Avenue study was adopted by City Council in December 2009 and subsequently approved by the Ontario Municipal Board in May 2010. The implementation of the study included an amendment to the North York Zoning By-law to create a new zoning regime suited to this Avenue segment, an amendment to the Official Plan and former City of Toronto Zoning By-law to recognize an existing ravine park and urban design guidelines to guide development on this portion of Avenue Road. All the subject properties were reviewed through the study and included in the new implementing 'Avenue' study Zoning By-law. The study and associated design guidelines were utilized during the review of this development proposal.

The Avenue Road 'Avenue' Study is available on the City's website at: http://www.toronto.ca/planning/avenue_road.htm

The application was received on December 22, 2011 and on March 20, 2012 North York Community Council received a Preliminary Report on the Zoning By-law Amendment application. Community Council directed that City Planning staff schedule a community consultation meeting together with the Ward Councillor with an expanded notice area, and that notice for the statutory public meeting be given according to regulations under the *Planning Act*.

The Preliminary Report is available at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.NY14.21>

ISSUE BACKGROUND

Proposal

The applicant proposes to demolish all existing buildings at 1678 -1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue and to amend the Zoning By-law to permit a 7-storey mixed-use building. The building would be approximately 23.6 m (77.4 ft) in height and provide step back and terracing from the residential properties to the west and from Avenue Road.

The total gross floor area of the building would be 15,711 m² (169,111.80ft²) which includes 13,759 m² (148,100.64 ft²) for residential uses and 1,878 m² (20,214.62ft²) for

commercial uses resulting in an FSI 3.7 times the area of the lot. The applicant proposes a total of 115 residential units with 111 units on floors 2-7 which would include 97 condominium units and 18 rental replacement units. The proposed residential unit mix consists of 25 one bedroom units, 25 one bedroom plus den units, 10 two bedroom units, 45 two bedroom plus den units, 6 three bedroom units and 4 townhouse type units. All 18 replacement rental units would be located on the 2nd floor comprised of 17 one bedroom units and 1 two bedroom unit. There is 202 m² of indoor amenity space proposed on the 2nd floor and 41m² on the 8th floor and 560 m² of outdoor amenity space on the terrace on the 8th storey.

The application proposes 249 parking spaces within 2 below grade parking levels consisting of 67 spaces for visitors and commercial and rental units and 182 spaces for residential use. Access to the site would be from two driveways with one from Brookdale Avenue and the other from Fairlawn Avenue. The commercial spaces and visitor parking will be operated as a commercial parking garage. There are 102 bicycle parking spaces proposed with 17 visitor parking spaces at grade, 6 retail spaces at grade, 13 resident spaces at grade and 66 resident spaces on the P1 underground level. Further information about this development is outlined in Attachment No. 8 for project data.

Site and Surrounding Area

The subject site consists of a number of properties, including 1678 -1704 Avenue Road, 375-377 Fairlawn Avenue and 412-416 Brookdale Avenue. The total site area is 4,310 m² (46, 392 ft²). The development site fronts on Fairlawn Avenue (44.4m), Avenue Road (84.5 m) and Brookdale Avenue (61 m). Parking and service areas are located at the rear of the properties fronting Avenue Road and street parking is available along Avenue Road.

The site is currently occupied by a number of one and two storey commercial and residential uses as follows:

- The one storey building located at the northwest corner of Avenue Road and Brookdale Avenue is 1678 Avenue Road and is occupied by the Bistro on the Avenue restaurant and bar.
- One and two-storey buildings along Avenue Road and Fairlawn Avenue. The properties at 1688-1704 Avenue Road are used for retail and services uses on the ground and second floor. This includes the Fairlawn Market, Kahnert Furs, Iris Optometrists and Forest Hill Real Estate office on the ground floor.
- There are two bungalows at 375-377 Fairlawn Avenue that are used for commercial purposes as part of the adjacent Fairlawn Market.
- There are 3 two storey residential buildings at 1682-1686 Avenue Road and 412 Brookdale Avenue. Each building contains 6 one bedroom rental units for a total of 18 units. To the west of these buildings is a paved surface parking lot.

The area contains a mix of residential and commercial uses as follows:

North: Immediately to the north is Fairlawn Avenue. The properties on the west side of Avenue Road between Fairlawn Avenue and St. Germain Avenue consist of a series of 1 and 2 storey main street commercial and residential buildings. Across Avenue Road and St. Germain Avenue at the northeast corner is a recently completed 7-storey commercial and residential condominium building by Tribute Communities.

West: Detached residential dwellings and Brookdale Park.

South: Immediately to the south is Brookdale Avenue which terminates in a cul-de-sac at Brookdale Park. West of Avenue Road and south on Brookdale Avenue there are 2-storey residential buildings. South of Brookdale Avenue on the west side of Avenue Road are 2-storey commercial and residential buildings containing a variety of retail and commercial uses at grade with residential uses on the second floor. To the southeast across Avenue Road is a 1-storey Nissan car dealership.

East: On the east side of Avenue Road between Brookdale Avenue and Fairlawn Avenue there are 1 and 2 storey buildings with commercial uses at grade and residential uses on the second floor.

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. The PPS provides a policy framework for the provision of a full range of housing to meet the needs of current and future residents, and for municipalities to establish housing strategies, including appropriate Official Plan policies, and affordable housing targets. 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. Section 3.1 of the Growth Plan states that, "in the case of housing, there is an underlying societal need for affordable housing in many municipalities that is heightened by growth pressures."

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden.

Official Plan

The subject property is located within a *Mixed Use Areas* designation within the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

Development in *Mixed Use Areas* should:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen services areas, ramps and garbage areas to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The portion of Avenue Road between Lawrence Avenue and Wilson Avenue is identified as an *Avenue* on Map 2 of the Official Plan. Policy 4 of Section 2.2.3, *Avenues: Reurbanizing Arterial Corridors* states that the land use designation policies in Chapter 4 apply to and prevail on lands shown as *Avenues* on Map 2. *Avenues* are important corridors located along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

The Official Plan's Housing policies require a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, to be provided and maintained to meet the current and future needs of residents. The existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

New development that would have the effect of removing all or a part of a private building or related group of buildings, and would result in the loss of six or more rental housing units will not be approved unless: all of the rental housing units have rents that

exceed mid-range rents at the time of application, or the following are secured: at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made for a period of at least 10 years, and an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, the provision of alternative accommodation at similar rents, and other assistance to lessen hardship.

Other relevant policies utilized during the review of this development proposal include those in the “Public Realm” and “Built Form” sections of the Official Plan.

The Toronto Official Plan is available on the City’s website at:

www.toronto.ca/planning/official_plan/introduction.htm

Avenue Road Avenue Study

In 2007, City staff, consultants, the Ward Councillor and members of the local community began a study of the area along Avenue Road between Wilson Avenue and Lawrence Avenue West. The purpose of the study was to develop a framework for new development and the improvement of the public realm on this portion of Avenue Road. The study focused on key themes which included improving conditions for pedestrians in the public realm, encouraging a mix of uses, maximizing opportunities for greening the street through "green buildings" new parks and open spaces, and encouraging high quality development.

The implementation of the study included an amendment to the North York Zoning By-law to create a new zoning regime suited to this Avenue segment, an amendment to the Official Plan and former Toronto Zoning By-law to recognize an existing ravine park, and urban design guidelines to guide development on this portion of Avenue Road.

Zoning

Former City of North York Zoning By-law No. 7625, as amended by the Avenue Road 'Avenues' study Zoning By-law 107-2010, zones the properties at 412-416 Brookdale Avenue and 1678-1704 Avenue Road C4(12). This zone permits a variety of commercial, retail and residential uses in mixed use buildings. It also permits a maximum height of 7-storeys or 22.5 metres for the properties at 412-416 Brookdale Avenue and 1678-1690 Avenue Road, which as a group, were considered as one of the "opportunity sites" in the Avenue Road Study.

The remainder of the Avenue Road properties at 1692-1704 Avenue Road, have a maximum height permission of 5-storeys or 16.5 metres. The maximum permitted density for this portion of the site is 3 times the area of the lot. The By-law also has other development standards including the requirement of a 45 degree angular plane to be maintained at the front and rear of the building and building step backs of 2 metres above the second storey on the Avenue Road frontage.

The properties at 375-377 Fairlawn Avenue are zoned General Commercial Zone (C1). This zoning permits a variety of commercial, retail and residential uses including detached residential dwellings. This zoning also permits a maximum height of 3 storeys or 9.2 metres and a maximum lot coverage of 33 percent.

Site Plan Control

An application for Site Plan Control Approval was submitted on December 22, 2011 along with the rezoning application and is currently being reviewed.

Rental Housing Demolition and Conversion By-law

The Rental Housing Demolition and Conversion By-law (885-2007), established Chapter 667 of the City's Municipal Code, is one of the tools which implements the City's Official Plan policies protecting rental housing. The By-law prohibits demolition or conversion of rental housing units without a permit issued by the City under Chapter 667, pursuant to Section 111 of the *City of Toronto Act, 2006*. Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council under Section 111 of the *City of Toronto Act*.

Council may refuse an application, or approve the demolition with conditions which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and the City's established practices when considering rental housing demolition. In addition, approval of related planning applications, such as a zoning by-law amendment, should be conditional upon the applicant receiving a Section 111 permit.

If the demolition of rental housing is approved under Chapter 667, approval to issue a demolition permit for residential buildings under Municipal Code Chapter 363 and Section 33 of the *Planning Act* is also required. The by-law provides for the co-ordination of these approvals and issuance of the permit. Typically, City Council receives a joint report on the related planning applications as well as the demolition application under Chapter 667 so that the decisions on demolition and redevelopment may be made at the same meeting. Unlike *Planning Act* applications, City Council decisions to approve or refuse rental housing demolitions under Chapter 667 and Section 111 of the *City of Toronto Act* are not subject to any appeal to the Ontario Municipal Board.

Reasons for Application

An amendment to the Zoning By-law is required to implement appropriate performance standards to regulate the proposed development such as: increased height along the north portion of the site, overall increase in site density, site specific performance standards

respecting angular plane requirements with certain elements of the building, setbacks, setbacks, parking, landscaped open space and amenity area.

The proposal to demolish 18 residential rental units requires an application under Chapter 667 of the Municipal Code, pursuant to Section 111 of the *City of Toronto Act*.

Community Consultation

A community consultation meeting was held by City Planning on June 12, 2012 and approximately 28 members of the public attended along with the local Councillor, the applicant, their consulting team and City staff.

The Councillor's Office hosted a second community consultation meeting on December 11, 2012 and approximately 30 members of the public attended along with the applicant, their consulting team and City staff.

Recently, the Councillor's Office hosted a third community consultation meeting on October 29, 2013 and approximately 30 members of the public attended along with the applicant, their consulting team and City staff.

The following issues were raised at the community consultation meetings:

Traffic

- General concern about area traffic and pedestrian safety.

Access

- Residents questioned why it is necessary to have 2 access points for this development from both Fairlawn Avenue and Brookdale Avenue.

Parking

- Residents wanted to know how this development might impact any of the existing on-street parking on Brookdale Avenue and Avenue Road.

Density and Height

- Residents felt that the height and density proposed is too much and that the applicant should comply with what is specified in the zoning by-law.

Urban Design

- Residents wanted to ensure that the site is suitable allowing for appropriate pedestrian pathways.

Uses

- Wanted to keep smaller existing businesses and retailers along the strip.

Trees and Greenspace

- Concerns over the number of trees to be removed and the number of replacement trees to be replanted on site.

Additional issues raised from letters and e-mails received by the Planning Division include: appropriate light and skyviews; size and massing of building with particular regard for 2-3 storey southern portion of building built over the driveway; setbacks to adjacent neighbourhood; privacy and noise; and landscaping treatment along west property boundary adjacent to Fairlawn Avenue properties.

Chapter 667 of the Municipal Code also requires a community consultation meeting that addresses rental matters. This meeting was held on October 15, 2012. Subsequently, a tenant survey was sent on April 25, 2013. Tenant concerns included: tenants' right to return to the replacement rental units; rents to be charged to returning tenants; and, timing of the proposed redevelopment.

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

The applicant's proposal is the first mixed-use residential-commercial redevelopment since completion of the 'Avenue' study for Avenue Road and adoption of the implementing Zoning By-law and Urban Design Guidelines.

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The site is designated *Mixed Use Areas* within the Official Plan and is identified as an *Avenue* where reurbanization is anticipated and encouraged. The proposed development is proposed to be developed in a location suitable for intensification and redevelopment.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It introduces a mixed-use building and intensifies lands within a Built-Up Area, which can appropriately accommodate this form of development.

The replacement of the 18 existing affordable and mid-range rental apartment units with similar units and at similar rents ensures that this intensification will provide a range of housing types in terms of tenure and affordability.

Land Use

The proposed residential and commercial uses are consistent with both the *Mixed Use Areas* designation of the Official Plan and the existing Mixed Use Commercial (C4) Zone of the former City of North York Zoning By-law No. 7625, as amended by the Avenue Road 'Avenues' study Zoning By-law 107-2010.

The applicant is not proposing amending the list of permitted uses within the zoning by-law, which includes uses such as an apartment, business and professional office, financial institution, personal service shop, restaurant or a retail store.

Maintaining the existing C4(12) zoning over 412-416 Brookdale Avenue and 1678-1704 Avenue Road and rezoning the properties at 375-377 Fairlawn Avenue from General Commercial Zone (C1) to C4(12), would allow for an appropriate mix of residential and commercial uses on the site.

Height, Density and Massing

Height

As mentioned above, the southern portion of this site 1678-1704 Avenue Road and 412-416 Brookdale Avenue is considered an "opportunity site" under the Avenue Road Avenue Study, which permits mixed use buildings up to 7 storeys and 22.5 metres. The applicant has consolidated the block, including 1692-1704 Avenue Road and 375-377 Fairlawn Avenue as part of this application. The lot depth of the consolidated site is greater than 40 metres. The 40 metre lot depth was one of the site characteristics that define an "opportunity site". When the built form principles are applied to the entire site, the site can accommodate a 7 storey building. The applicant is proposing a building height of 23.7 metres which is taller than the height permitted within zoning by-law 107-2010, however is considered acceptable, provided that the building be no taller than 7 storeys.

Number of Storeys

As mentioned, the subject site is defined in the Avenue Road Avenue study as a larger "opportunity site" for development with a proposed height limit of 7 storeys or 22.5 metres. The applicant is proposing an outdoor amenity space above the 7th storey of the building. Under the Zoning By-law 7625, this outdoor amenity space has been determined to be an 8th storey due to a roof top indoor amenity space of 41m² to provide an elevator and lobby for residents to access this outdoor space. Planning is concerned with the usability of this outdoor amenity space without accompanying indoor amenities such as a washroom. Amenity space on the upper floor would be determined to be an 8th storey which does not meet the intent of the Avenue Road Avenue Study built form guidelines. Planning staff recommend the building height not exceed 7 storeys and the

rooftop indoor and outdoor amenity space be removed. The draft by-law attached to this report and recommended for approval provides for a height of 7 storeys.

Density

The maximum permitted density for this portion of the site is 3 times the area of the lot. The proposed density for the site is 3.7 times the area of the lot. In the Avenue Road Avenue Study, when setbacks, angular planes and 7 storey height limits were applied to larger "opportunity sites", the consultant's modeling showed that densities could potentially range between 2.4 and 3.75 times the lot area. Although there are no special density provisions for larger "opportunity sites" in the study, the increase in density on site is considered acceptable and unique to the specific site due to its overall size and configuration. Therefore, provided that the built form is in keeping with the 45 degree angular plane to the residential properties to the rear and 7 storeys, planning staff do not have concerns with the increase in floor space index.

Angular Plane

To ensure that new development is compatible with dwellings in the adjacent low-rise *Neighbourhoods* in terms of sunlight, sky view, overlook and privacy, the Zoning By-law requires a 45 degree angular plane from a rear property line abutting an 'R' zone district.

The rear property line of the subject site jogs in an east-west direction and runs along the rear yards of 379A and 379B Fairlawn Avenue. When a 45 degree angular plane projection is applied from the closest point of the property at 379A Fairlawn Avenue and projected over the southern end of the building, a small portion of the building project within the angular plane. Staff are recommending that the project comply with the 45 degree angular plane where the site abuts the neighbourhood.

Therefore, the draft by-law recommends that the height of any part of the building or structure, including the mechanical penthouse and balconies, be contained within a 45 degree angular plan projected over the entire lot from grade level at the rear property line that is also the boundary of the residential area to the west.

As part of the Avenue study, a 45 degree front angular plane is required, taken from the mid-point of Avenue Road and projected over the Avenue Road properties in order to: ensure sunlight on at least one sidewalk until late afternoon, maintain sky view from the sidewalks, provide a comfortable pedestrian scale environment, and assure a modest mid-rise built form. There are small projections located at the sixth and seventh floor and are considered acceptable as they have been designed to minimize visual impact on the front façade, maintaining a dominant two storey expression as indicated in the Avenue Road Avenue study and would not impact sunlight, sky views or impact on the pedestrian scale environment.

Building Step Backs

In addition to requiring buildings to be stepped back to fit under the 45 degree angular plane, the Avenue study recommended and incorporated that any building or structure greater than 3 storeys in height shall have a minimum 2 metre step back of the main external building wall facing a lot line abutting a street at the top of the second storey. A 2 metre step back above the two storey base has been provided along Avenue Road, Brookdale Avenue and Fairlawn Avenue frontages. Intermittent projections of balconies and unit space are proposed above the step back from floors 4 to 6 to break up and give interest to the façade. The impact of the projections are considered acceptable as the two storey base expression remains dominant from street view.

Building Setbacks

Through the Avenue study process, the width and character of the public realm, particularly sidewalks, was identified as being one of the key contributors to the character of the area. As Avenue Road redevelops, it will be important that the functionality and aesthetics of adjacent sidewalks allow for spaces for gathering of community residents and visitors to the area. The current proposal occupies the entire block from Fairlawn Avenue to Brookdale Avenue with a building length of 82.5 metres (270 feet). Pedestrians travelling along Avenue Road the length of the building should have sufficient sidewalk space. The minimum space available for a sidewalk in front of the proposed building along Avenue Road is 3.9 metres. This is considered appropriate to meet pedestrian and streetscape needs.

Transition Avenue to Adjacent Neighbourhood

The Avenue study's design guidelines recommend that rear yard setbacks should be 7.5 metres where no laneway is proposed. This allows for sufficient separation between the uses on site and the residential neighbourhood to the west in order to minimize impacts resulting from privacy and overlook. This design guideline was incorporated into the Avenue Road Zoning By-law specifying that no part of any building or structure is to be located within this setback. This setback is achieved for the majority of the site.

Adjacent to 418 Brookdale Avenue and the 7.5 metre setback, a transition townhouse type unit has been proposed. The townhouse type unit's design complements the height, scale and setback of the adjacent residential properties providing an appropriate transition to the properties on Brookdale Avenue. The entrances, elevations and the landscape plan of these units will be reviewed in site plan process to ensure at grade entrances with front yard landscaping which relate to the existing residential homes is achieved. A 1.1 metre setback to the property line allows for landscaping as a buffer between the proposed building and existing adjacent residential dwelling on Brookdale Avenue.

Rear Landscape

A 1.8 metre wide landscape strip with tree planting has been provided along the rear property line abutting the side of 379A Fairlawn Ave to provide landscape transition to the neighbourhood. A 0.7 metre wide planter is proposed at the rear of 379A and 379B Fairlawn Avenue. This report recommends a 1.5 metre wide landscape strip be provided to allow appropriate room for tree planting and a landscape transition to the neighbourhood, as noted above a 1.1 metre landscape strip is provided between the site and 418 Brookdale Avenue.

Sun, Shadow, Wind

A sun shadow study was submitted December 5, 2013. The adherence to the 45 degree front angular plane as indicated in the Avenues and Midrise Building study ensures a minimum 5 hours of sunlight onto the Avenue sidewalk between March 21st and Sept 21st equinoxes. The front angular plane applied to this development based on the Avenue Road Avenue study is more restrictive than the Midrise study angular plane resulting in additional sunlight access onto Avenue Road sidewalks greater than the standard five hours for midrise building in the City of Toronto. As a result, five hours of sunlight are illustrated on the west Avenue Road sidewalk between 9am and 2pm and seven hours are illustrated on the east Avenue Road sidewalk between 9am and 4pm. Projections into the Avenue Road Avenue study front angular plane have been proposed on the sixth and seventh floor do not negatively impact sunlight access on the Avenue Road sidewalk. Adherence to the rear angular plane results in minimal shadow impacts on neighbourhood properties located behind the avenue midrise building. The by-law recommended for approval incorporates heights which comply with the 45 degree rear angular plane.

Traffic Impact, Access, Parking

The traffic impacts of the project were accepted based on the review of the September 2010 Transportation Impact Study Update from Dillon Consulting. This study reflected a development scale of 115 residential units and 1,878 square metres of retail gross floor area and estimated that the site would generate approximately 55 and 101 two-way trips during the a.m. and p.m. peak hours, respectively. When compared to the previous proposal, the revised development scale for the project contains a reduced number of residential units and retail gross floor area (128 less square metres). The reduced development scale will slightly decrease the amount of trips generated by the site. Given the above, the traffic impacts of the project remain acceptable.

A total of 249 parking spaces will be provided for this project, consisting of 67 visitor/retail spaces and 182 resident spaces. It is staff's understanding that the visitor/retail spaces will operate as a commercial parking facility.

Parking for the project should be provided in accordance with the provisions contained in Zoning By-law 569-2013 for Policy Area 4. A summary of the parking requirements for the project in accordance with the above requirement is provided in the following table.

Parking Requirements for Project

Use	Scale	Parking Rate ¹		No. of Spaces Required ²	
		Minimum	Maximum	Minimum	Maximum
Residential Condominium					
Bachelor	0 units	0.7	1.0	0	0
1 Bedroom	50 units	0.8	1.2	40	60
2 Bedrooms ³	55 units	0.9	1.3	49	71
3 Bedrooms or More	10 units	1.1	1.6	11	16
Visitors	115 units	0.15	-	17	-
Retail	1878 m ²	1.0	4.0	18	75
Sub-Total Residents				100	147
Sub-Total Visitors				17	17*
Sub-Total Retail				18	75
Grand Total				135	239

* No maximum based on by-law minimum

Based on the preliminary calculations of the parking requirements, the proposed residential parking supply exceeds the by-law requirements. As such, the parking supply for the residential should be reduced to satisfy the by-law. The draft by-law recommends a minimum and maximum parking rate for the residential and commercial uses.

The proposal provides for one Type G loading space for the project, which will have minimum dimensions of 4.0 metres in width, 13.0 metres in length and a vertical clearance of 6.1 metres. This loading space supply is considered acceptable given that it will be shared amongst the residential and retail uses.

Streetscape

An amenity space is proposed within the Brookdale Avenue boulevard which includes seating, tree planting and landscaping. This amenity meets the intent of "green finger" improvements identified on Brookdale Avenue in the Avenue Road Avenue Study that extend into the neighbourhood.

The Avenue Road streetscape improvements such as parking layby, and tree planting and improvements to Brookdale Avenue and Fairlawn Avenue will be resolved and secured in the Site Plan process.

Servicing

The applicant has submitted a Site Servicing and Grading Plan, a Functional Servicing Report and Stormwater Management Report in support of the application. The report concludes that the existing municipal infrastructure is adequate to service the proposed

development. Engineering and Construction Services staff have reviewed the report and have accepted its findings subject to minor revisions which will be addressed by the owner as part of the Site Plan Control application process.

Site Plan Approval

As noted above, the applicant has also submitted a Site Plan Control Application.

During the site plan process design improvements to the two storey building base will be reviewed. High quality materials and architectural detailing that enhance the pedestrian realm are encouraged as well as weather protection for individual retail entrances. Building elevation rears facing residential neighbourhoods will need architectural expression to give interest to the street. Utilities will be placed to minimize impact on front landscape setbacks. Landscape emphasis is encouraged in front landscape setbacks on residential street to complement landscaped residential front yards.

This report recommends that the Bills not be introduced to City Council for enactment until the Director, Community Planning North District has issued the Notice of Approval Conditions under section 41 of the Planning Act and Section 114 of the *City of Toronto Act*.

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 0.43-0.78 hectares of parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is also in a parkland priority area, as per the Harmonized Parkland Dedication By-law 1020-2010.

The application proposes 115 residential units with a gross floor area of 13,759 m² and 1,878 m² of non residential uses on a net site area of 4,304 m². At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 1,533 m² or 41% 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 while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 389 m².

The applicant proposes to satisfy the parkland dedication requirement by cash-in-lieu. This is appropriate as the parkland dedication would not create an appropriately sized park.

Existing Rental Housing

The proposed development includes 3 existing two-storey residential rental buildings containing 6 one-bedroom rental units each for a total of 18 one-bedroom rental units. Two of the 18 existing rental units have affordable rents and the remaining sixteen (16) have mid-range rents. The floor area of each existing one-bedroom unit is 545.7 square feet. There is a common laundry area in each building and parking on site.

At the time of application, 16 of the 18 existing rental units were occupied. The City held a tenant consultation meeting on October 15, 2012. At this meeting the Applicant provided an overview of their proposal, Staff reviewed the City's rental replacement policies and details of the tenant relocation and assistance proposed. A tenant survey was also conducted to gather additional information from tenants. At least one household has been determined to be "special needs" to be provided for under the terms of the tenant relocation and assistance plan detailed in the draft zoning by-law attached.

Replacement Rental Housing

The 18 new replacement rental units will be provided in the new development and maintained as rental housing for at least 20 years, with no application to be made during this time for condominium registration, or to convert the units to non-rental housing purposes, or to demolish them without replacement.

The existing rental units comprise eighteen (18) one bedroom units and will be replaced with 17 one-bedroom units and 1 two-bedroom unit. The Rental Floor Plan dated October 25, 2013 provide for the rental component to be fully incorporated on the 2nd floor of the proposed development. There will also be condominium apartments on the 2nd floor, and the rental units will be fully integrated with the residential condominium portion of the building.

Tenants will have access on the same basis as the condominium residents to all indoor and outdoor amenity spaces and services, including concierge services, 2nd floor amenity space, guest suite and bicycle parking. The rental units will also be provided with air-conditioning, en-suite laundry, and a dishwasher in addition to regular appliances. Each apartment will also have private recreational space in the form of a balcony or terrace. Most of these features are not currently provided in the existing building, and represent an improvement for the rental housing.

Generally the replacement rental housing is of similar size, with the 17 one-bedroom replacement units at least at 100% of the existing rental unit floor areas. Staff has accepted 1 two-bedroom unit replacing a one-bedroom unit to facilitate contiguous clustering of the rental units on the 2nd floor, and one of the spaces is large enough for a two-bedroom unit. Contiguous rental units are easier to exclude from condominium registration, and help ensure that the rental component of the building can continue to be protected as rental housing in the future. The new one-bedroom units range in size from 50.72m² (546 ft²) to 62.99m² (678 ft²), and the two bedroom unit is 82.22m² (885ft²).

The new plans provide a greater range of unit sizes and staff is satisfied with the liveability of the replacement units.

Parking for Replacement Rental Housing

The City's residential parking requirements are calculated for the total number of residential units in the proposed development. The proposed development requires a minimum of 100 and maximum of 147 residential parking spaces be provided for all residents of the new building, both condominium and rental. Fifteen (15) of the 100 required residential parking spaces can be attributed to the minimum requirements for 18 the replacement rental units based on the City's standard parking rate formula. At 182 proposed residential parking spaces, the development exceeds the maximum number of residential parking spaces by 35 spaces.

There are more than 18 parking spaces currently available for the existing rental buildings. Some of these spaces are currently being used for commercial parking. Tenants of the 18 existing rental units have access to this on-site parking. Information provided to staff at the time of application shows that at reduced occupancy at least seven tenants were paying for parking in their rent. However, the Applicant, a recent owner, has indicated that they have incomplete parking records for the property and are not currently monitoring the use of the existing parking spaces outside of their current lease agreements. Due to the large number of existing parking spaces and location of this rental property, staff conclude a key feature of these rental buildings was the availability of parking for all 18 units.

There are 3 outstanding issues related to reaching agreement with the applicant on the parking to be provided for the replacement rental housing: the number of spaces, whether they are to be located in the secure residential parking area of the garage or in the pay commercial parking section, and the maximum allowable parking charge for the tenants. The applicant is proposing to not provide any spaces for the rental tenants in the secured residential parking area of the underground garage. They propose that 18 spaces for the 18 rental apartments will generally be available in the commercial and visitors area, with parking charges at whatever the market rates set by the commercial operator for the commercial parking spaces.

As with all rental replacement projects, the City requires that if parking is to be provided, a minimum number of the total residential spaces be reserved for the exclusive use of the rental replacement units. One of the considerations is the amount of parking that was previously available in the existing rental property. Staff is recommending that no less than 12 designated rental parking spaces be provided in the secure residential parking area, though the minimum number generated by the parking rate is 15. Staff is concerned that the applicant's proposal will not provide secure and reliable parking for tenants of the rental component of this development.

To protect the affordability of the replacement units, the City specifies maximum parking charges for returning tenants based on their current parking arrangements and sets a

maximum rate for new tenants of the replacement units. The applicant's proposal is to provide both returning and new tenants use of the commercial parking spaces at market rates. This does not meet the City's standard practice of securing maximum parking charges to ensure that the affordability of the replacement rental housing is not compromised.

The City's applied policy for mixed-use buildings, is that all residential spaces have to be physically separated from all non-residential parking spaces. Inclusion of the residential rental parking within the commercial operations creates issues with daily access and monitoring of reserved spaces, particularly during periods of heightened commercial activity. The City does not issue street parking permits for the area and parking is limited to a maximum of 1 hour on Avenue Road and 3 hours on Brookdale Avenue. Tenants unable to access or afford parking in the building will not have recourse to permit parking. Given the site's proximity to the Highway 401 and distance from high order transit service, it is expected that a high percentage of residents of the new development will own and use personal vehicles on a regular basis.

Based on the City's policies and practices regarding parking in mixed use buildings, as well as for replacement rental units, staff recommend that a minimum of 12 residential parking spaces be reserved for the rental component of the project in a secure area separated from the commercial parking operations, with good access to the elevator lobby. Since the applicant's proposed secured residential parking area has sufficient numbers to accommodate both the condominium and rental residents' required parking, this condition can be met. Parking charges for returning tenants will be on the same basis as currently provided, and other rental tenants up to the number of 12 designated rental spaces will be offered spaces within maximum charges to be specified in the agreement with the City.

The applicant has stated a concern that if tenants do not make use of the 12 secured residential parking spaces there will be a loss of revenue. However, the City's typical approach will apply here. Any of the 12 designated spaces not rented by tenants could be rented out by the landlord to non-tenants on a short-term basis at market rates, as long as the spaces revert to use by tenants when availability is requested.

Visitors to the rental units should have access to visitor parking on the same basis as visitors to the condominium units, and at least 13 of the building's bicycle parking spaces will also be provided and maintained for the 18 rental units.

These provisions and the City's standard practices in mixed use buildings ensure a similar level of facilities and amenity is provided to residents of both the condominium and rental units.

Tenant Relocation and Assistance Plan

The proposal meets the City's practices and goes beyond the minimum requirements of the Residential Tenancies Act by increasing the 4 months notice period for tenants to

vacate to 6 months, and by providing additional financial assistance beyond the provincially required payment for rental dwelling units equal to 3 months rent. The Tenant Relocation and Assistance Plan to be secured in agreements with the City will include: a moving allowance, financial assistance on a sliding scale geared to length of tenancy, extra compensation and assistance for tenants considered to have special needs; and the right to return to a replacement unit.

Rent Provisions

The provisions for setting initial rents and allowable rent increases for all 18 replacement rental units conform to the City's standard practices and meet the intent of the Official Plan policies. The replacement rental units will have 2 units at affordable rents and 16 units at mid-range rents, the same proportion as of the date of application for this redevelopment. These maximum rents will be maintained for at least 10 years and thereafter until the 20th year for any tenant who moved in during the first 10 year period, followed by a phase-out to unrestricted rents. New tenants moving in to vacant units commencing in the eleventh year will pay unrestricted market rents. All basic utilities are proposed to be included in the rents.

Rental Housing Conclusion

The zoning by-law amendment and the Section 111 permit for demolition will include conditions that provide for the rental housing matters outlined in this report, and ensure the appropriate timing requirements for the issuance of the demolition permit for the existing rental housing and the construction completion of the replacement rental units. These provisions for: demolishing and replacing the rental units; the tenant relocation assistance; the length of rental tenure of the replacement rental units; and restrictions on rent increases will be secured through the zoning by-law and a Section 37 Agreement as well as through the Section 111 permit and a Section 111 agreement. A Section 118 restriction on title will also be registered to assist with the enforcement of the Section 111 Agreement.

Staff supports the rental housing provisions of the applicant's proposal on condition that the applicant agrees to the added recommendation to secure 12 parking spaces for the rental housing units. Together, these provisions maintain the intent of the Official Plan and the City's by-law on demolition and conversion of rental housing, and are consistent with established City practices for similar application.

Construction Mitigation Measures

To mitigate the construction impacts on the surrounding community, the owner will be required as a condition of approval to submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Transportation Services North District prior to the issuance of any demolition permit.

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.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Cycling Infrastructure and Storage and Collection of Recycling and Organic Waste. Other applicable TGS performance measures will be secured through the Site Plan Approval process.

The development is to comply with the Toronto Green Standard as it relates to the supply of residential and visitor/retail parking spaces that are over and above the minimum requirements. The drawings must be revised to comply with this requirement.

Section 37

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The city's opportunity to utilize Section 37 is through an implementing Zoning By-law permitting a height and/or density increase for a specific development.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan and addresses the built form policies of the Plan.

Staff recommended a Section 37 contribution of \$200,000. At the time of preparation of this report, the applicant proposed a \$100, 000 contribution. The local Councillor's office has advised that Allenby Junior Public School and/or John Wanless Junior Public School playgrounds are areas that should be improved.

Staff are recommending the following community benefits to be secured in the Section 37 agreement:

1. Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$200,000.00 to be used for capital improvements to Allenby Junior Public School and John Wanless Junior Public School, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The owner shall enter into one or more agreements with the City pursuant to section 37 of the Planning Act which are registered on title to the lot to the satisfaction of the City Solicitor to secure:
 - a. The provision and maintenance on the site of not less than 18 new replacement rental dwelling units, comprising at least 2 affordable rental dwelling units and 16 rental dwelling units with rents no higher than mid-range rents, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - i. the replacement rental dwelling units shall comprise of 17 one-bedroom units, and 1 two bedroom unit; and the combined floor area of the 18 replacement rental dwelling units shall be no less than 9,823 sq ft, exclusive of balconies and terraces. Each unit shall have a dishwasher and a balcony or terrace for private and exclusive access. The units shall range in sizes as follows:
 - a. 17 one-bedroom units with a minimum of 546 sq ft, of which 1 shall be at least 670 sq ft; and,
 - b. 1 two-bedroom unit with a minimum of 880 sq ft.
 - ii. the replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period; and,
 - iii. the building permit which provides for the replacement rental dwelling units shall be issued no later than the issuance of the first above-grade building permit for any building with residential uses on the lot. The 30 replacement rental dwelling units shall be ready for occupancy no later than the date by which no more than 90% of the other dwelling units contained within the same building are available and ready for occupancy.
 - iv. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the 2 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada

Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.

- v. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 16 replacement rental dwelling units with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as a. (iv) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type.
 - vi. Rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in a. (iv) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in a. (iv) with a phase-in period of a least three years for rent increases.
 - vii. Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in a. (iv) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.
 - viii. Twelve (12) parking spaces be secured for the rental replacement and that such spaces be available for the rental unit tenants. Parking charges for returning tenants will be on the same basis as currently provided, and other rental tenants up to the number of 12 designated rental spaces will be offered spaces within maximum charges to be specified in the agreement with the City.
- b. The owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands, and that requires at least:
- i. The right to return to a replacement unit for all tenants in the existing rental units.
 - ii. All tenants will receive extended notice of the date they must vacate for the demolition of their buildings.
 - iii. Returning tenants will choose their replacement units by seniority, with provisions for special needs tenants.
 - iv. All tenants eligible for financial assistance provided for in the Tenant

Relocation and Assistance Plan will receive a moving allowance, and those who relocate off-site and must find their own accommodation will be eligible for additional assistance on a sliding scale based on length of occupancy, and with provisions for those tenants with special needs.

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

1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
2. The owner shall submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.

Conclusion

The site is appropriate for intensification as it lies within an identified growth area along an arterial road in which the City has recently completed an Avenue Study. The proposal provides an appropriate mix of uses and built form to enliven the pedestrian realm within this emerging mid-rise corridor as required by the Avenue Road Avenue Study. Staff recommend support of the proposal provided that the proposed building appropriately transitions to low scale residential by ensuring there are no portions of the building that protrude beyond the 45 degree angular plane at the rear of the building, the building does not exceed 7 storeys, the 8th floor amenity space be removed, 12 rental residential parking units be provided in the residential parking area and \$200,000.00 in section 37 contribution are secured. The draft By-law recommended for approval will require changes to the proposed development.

CONTACT

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SIGNATURE

Allen Appleby, Director
Community Planning, North York District

ATTACHMENTS

Attachment 1: Site Plan

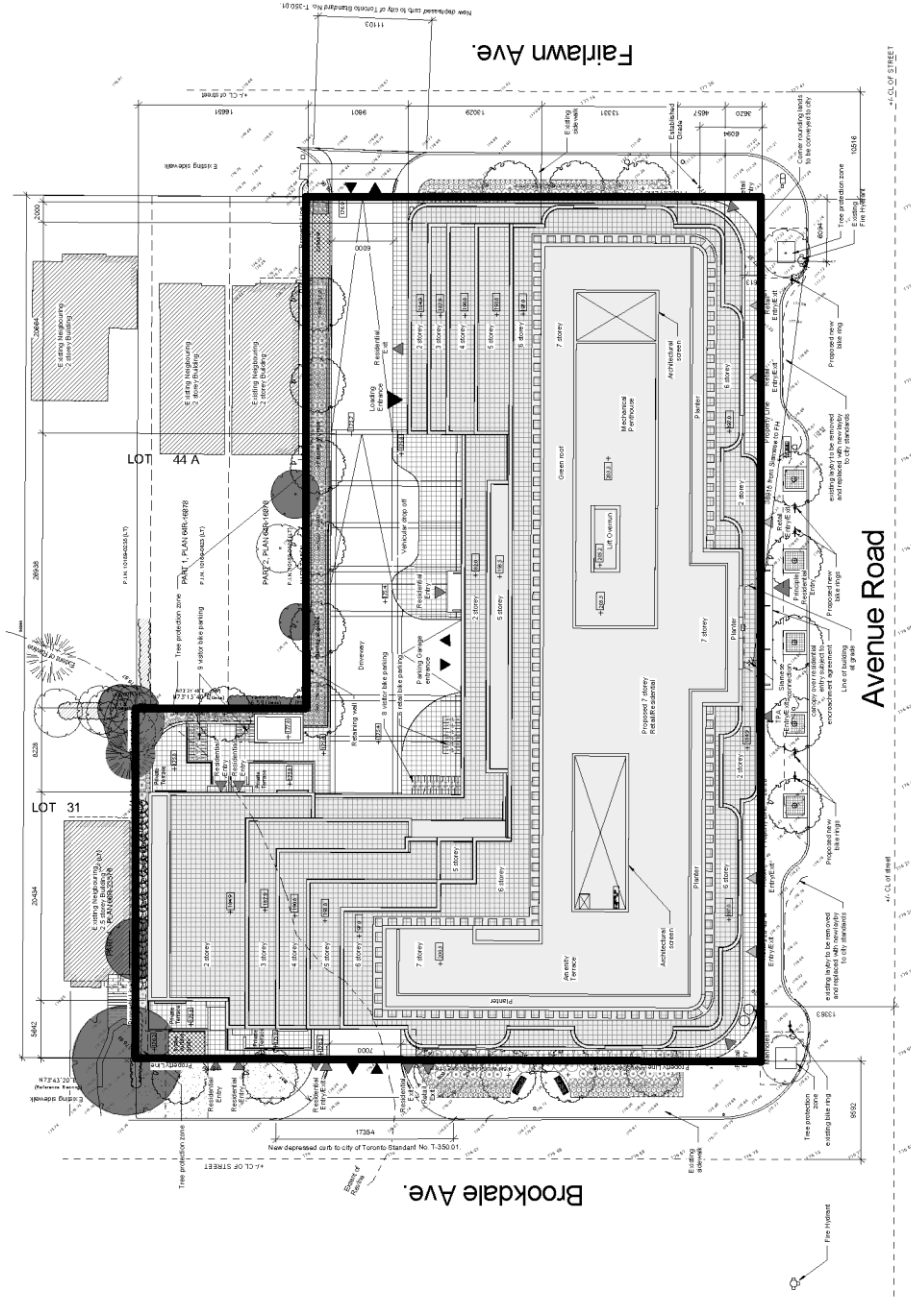
Attachment 2: Elevations

Attachment 3: Zoning

Attachment 4: Application Data Sheet

Attachment 5: Draft Zoning By-law Amendment

Attachment 1: Site Plan



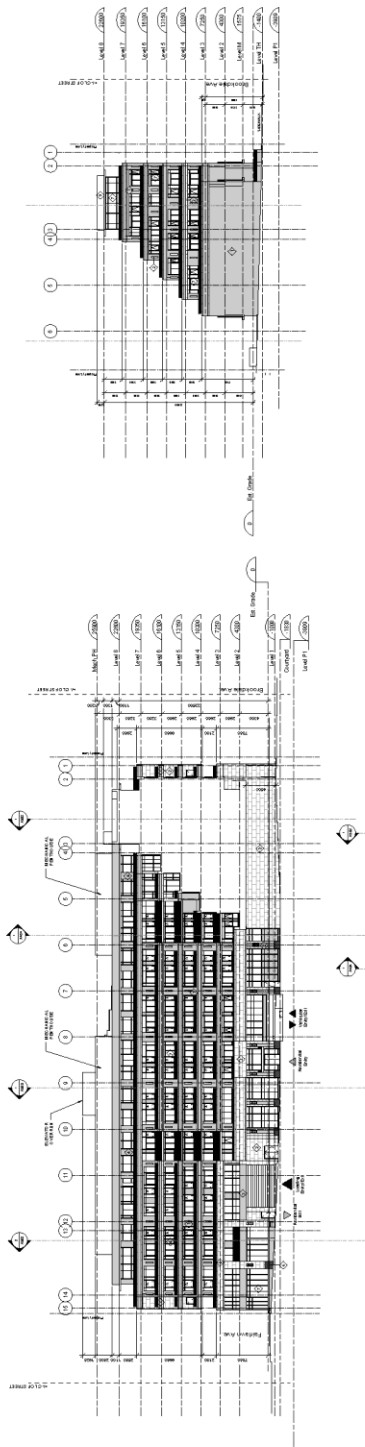
Site Plan
1678-1704 Avenue Rd, 375-377 Fairlawn Ave & 412-416 Brookdale Ave

Applicant's Submitted Drawing

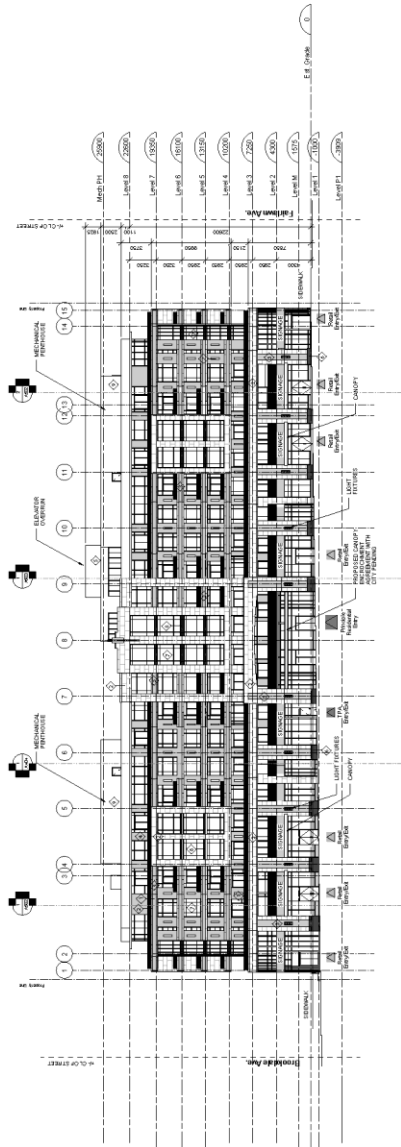
Not to Scale
 12/02/2013

File # 11 330290 NNY 16 02

Attachment 2: Elevations



WEST ELEVATION



EAST ELEVATION

Elevations

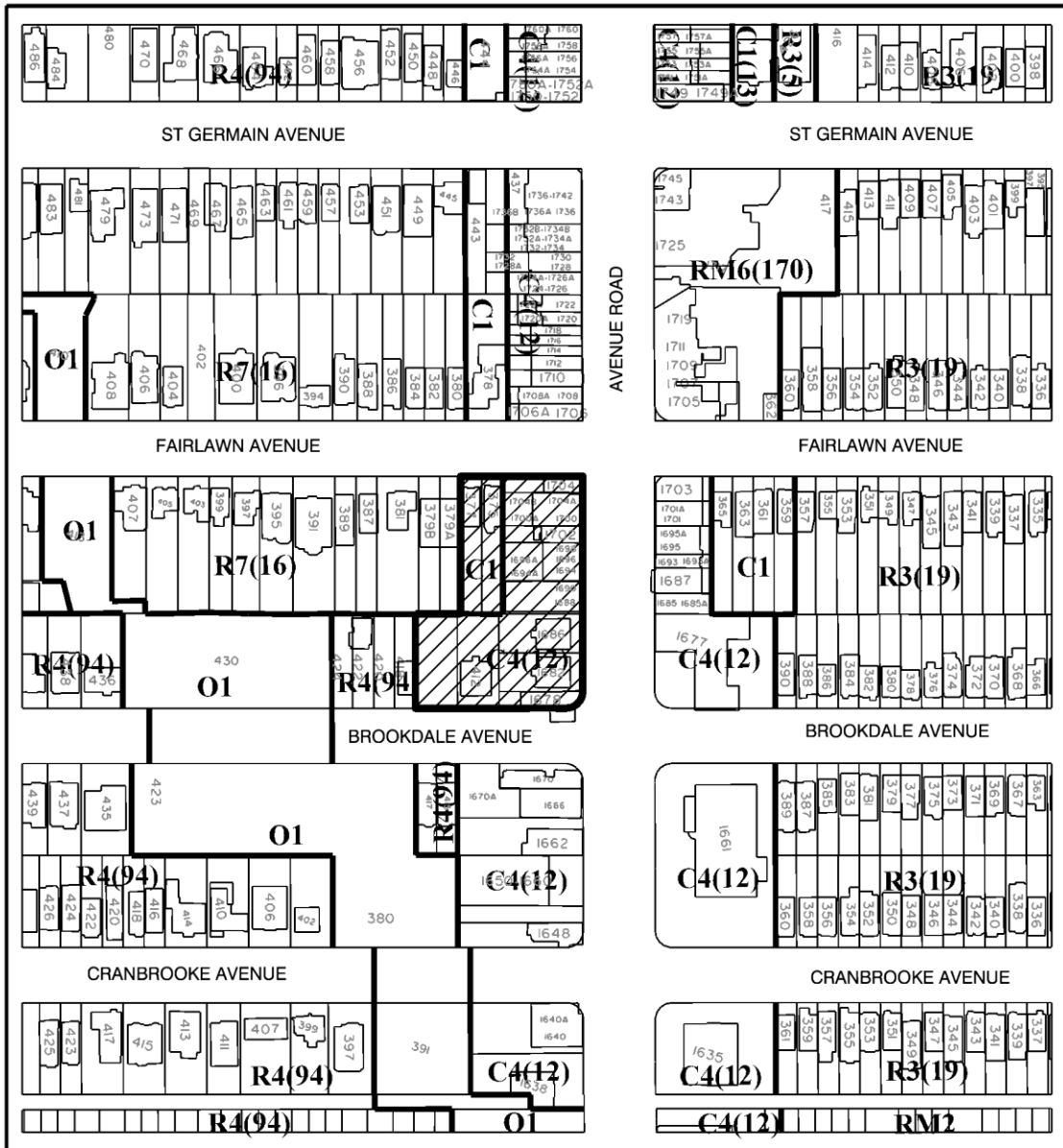
Applicant's Submitted Drawing

Not to Scale
12/03/2013

1678-1704 Avenue Rd, 375-377 Fairlawn Ave & 412-416 Brookdale Ave

File # 11 330290 NNY 16 0Z

Attachment 3: Zoning



City Planning

1678-1704 Avenue Rd, 375-377 Fairlawn Ave & 412-416 Brookdale Ave

File # 11 330290 NNY 16 02

- R3 One-Family Detached Dwelling Third Density Zone
- R7 One-Family Detached Dwelling Seventh Density Zone
- C1 General Commercial Zone
- C4 Mixed Use Commercial Zone
- O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 01/05/2012

Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	11 330290 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	December 22, 2011

Municipal Address: 1678 AVENUE RD

Location Description: PLAN 2371 PT LOT 34 **GRID N1602

Project Description: Application to amend the Zoning By-law to permit a 7-storey mixed-use residential commercial building with a total gross floor area of 15,711 square metres and an FSI of 3.7. Proposed are 115 units on floors 2-7 with 1,878 square metres of commercial space on the ground floor. There would be 249 parking spaces within 2 below grade parking levels consisting of 67 spaces for visitors/commercial and 182 spaces for residential use. Access to the site would be from 2 driveways with one from Brookdale Avenue and the other from Fairlawn Avenue.

Applicant:	Agent:	Architect:	Owner:
EDWARD MAK	MADY DEVELOPMENT	RAW	ROSALYN CHERRY

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C4(12)	Historical Status:
Height Limit (m):	22.5m	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	4310	Height:	Storeys:	7
Frontage (m):	44.4		Metres:	23.7
Depth (m):	84.5			
Total Ground Floor Area (sq. m):	2358			Total
Total Residential GFA (sq. m):	13,759		Parking Spaces:	249
Total Non-Residential GFA (sq. m):	1,878		Loading Docks	1
Total GFA (sq. m):	15,711			
Lot Coverage Ratio (%):				
Floor Space Index:	3.7			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental, Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	14002	0
Bachelor:	0	Retail GFA (sq. m):	1878	0
1 Bedroom:	50	Office GFA (sq. m):	0	0
2 Bedroom:	55	Industrial GFA (sq. m):	0	0
3 + Bedroom:	10	Institutional/Other GFA (sq. m):	0	0
Total Units:	115			

CONTACT:	PLANNER NAME:	Vanessa Covello, Planner
	TELEPHONE:	416-395-7104

Attachment 5: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto Council on ~, 2014

Enacted by Council: ~, 2014

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2014

To amend Zoning By-law No. 7625, as amended, With respect to the lands west of Avenue Road, north of Brookdale Avenue and south of Fairlawn Avenue

WHEREAS Council of the City of Toronto has the authority pursuant to 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 Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development;

WHEREAS pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law;

WHEREAS subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters;

WHEREAS the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

WHEREAS the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 438-86, as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto.

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

1. Schedule "B" of By-law No. 7625 of the former City of North York are hereby amended in accordance with Schedule "1" of this By-law.

2. Section 64.26 of By-law No. 7625 is amended by adding the following subsection:

"64.26(14) C4(14)

DEFINITIONS

- a) For the purpose of this exception "Established Grade" shall mean the elevation as fixed by the municipality at the centre line of the street at the midpoint from the front lot line, being the geodetic elevation of 177.4 metres.
- b) For the purpose of this exception "Bicycle Parking Spaces - Resident" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for residents.
- c) For the purpose of this exception "Bicycle Parking Spaces– Visitor/Retail" shall mean an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bike locker.
- d) For the purpose of this exception "Gross Floor Area" shall mean the sum of the total area of each floor level of a building, above and below grade, measured from the exterior main wall of each floor level.

In the Commercial Residential Zone category the gross floor area of a mixed use building is reduced by the area in the building used for:

- (A) parking, loading and bicycle parking below-ground;
- (B) required loading spaces at the ground level and required bicycle parking spaces at or above-ground;
- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (D) shower and change facilities required by this By-law for required bicycle parking spaces;
- (E) amenity space required by this By-law;
- (F) elevator shafts;
- (G) garbage shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the building.

PERMITTED USES

- d) In addition to all uses normally permitted in a C4 zone and C4(12) exception zone under Section 26(2), an apartment building with non-residential uses on the first floor is permitted.

EXCEPTION REGULATIONS

g) Gross Floor Area

The maximum gross floor area shall not exceed 15,711m² of the lot area, of which 2,182 m² shall be used for non-residential purposes.

e) Number of Dwelling Units

Maximum number of residential dwelling units shall be 115.

f) Building Height

- (i) The height of any part of a building or structure on the lands shown on Schedule C4 (14), exclusive of the mechanical penthouse or other rooftop structures, shall not exceed 7 storeys or 23.6 metres, whichever is lesser.
- (ii) The height of any part of a building or structure, including the mechanical penthouse, shall be contained within a 45 degree angular plane projected over the entire lot from grade level at a rear property line that is also the boundary of an R4 (94) or R7(16) zone district, conically north to south from the south east corner of 379A Fairlawn Avenue.
- (iii) The first storey of any building or structure will have a minimum floor to floor height of 4.5 metres. For the purposes of this provision, the first storey is deemed to be the storey with a floor level closest to the average elevation of the public sidewalk abutting Avenue Road.

h) Setbacks

- (i) Provide building setbacks as shown on Schedule "C4(14) 2"

i) Building Step-backs

Any building or structure greater than 3 storeys in height shall have a 2.0 metre step-back of the main external building wall along the street frontages, at on the 3rd level. The stepback shall be measured from the main external face of the of the building at the top of the second storey, as shown on Schedule "C4(14)".

j) Level of First Storey at Avenue Road

The finished floor level of the first storey of any building or structure fronting on to Avenue Road shall be within 0.2 metres of grade measured at the street line directly opposite each pedestrian opening.

k) Use of First Storey

At least 60 per cent of the floor area of the first storey of any building or structure fronting on to Avenue Road shall be used for non-residential purposes.

l) Recreational Amenity Area

- (i) A minimum of 2.0 m² of indoor private recreational amenity area per dwelling unit shall be provided.
- (ii) A minimum of 2.0 m² of outdoor private recreational amenity area per dwelling unit shall be provided.

m) Parking Requirements

- (i) Provide parking in accordance with the following minimum requirements:

Underground Residential Dwelling Unit within an Apartment Building

- i. Bachelor Units: 0.7 spaces per unit;
- ii. 1-Bedroom Units: 0.8 spaces per unit;
- iii. 2-Bedroom Units: 0.9 spaces per unit;
- iv. 3+ Bedroom Units: 1.1 spaces per unit;

Retail Use

- i. spaces per 100 m² of Gross Floor Area; and

- (ii) Provide parking in accordance with the following maximum requirements:

Underground Residential Dwelling Unit within an Apartment Building

- i. Bachelor Units: 1.0 spaces per unit;
- ii. 1-Bedroom Units: 1.2 spaces per unit;
- iii. 2-Bedroom Units: 1.3 spaces per unit;
- iv. 3+ Bedroom Units: 1.6 spaces per unit;

Retail Use

- i. spaces per 100 m² of Gross Floor Area

- (iii) A minimum of 12 parking spaces as required in l(i) i, ii, iii and iv above shall be provided and maintained for the use of the replacement rental dwelling units in a secure location underground that is physically separated from any non-residential parking spaces.
- (iv) Minimum 0.15 parking space per dwelling unit for residential visitors to both the replacement rental dwelling units and the other dwelling units in the building;
- (v) A visitor/ retail parking space must be a minimum of 2.6 m wide, 5.2 m long and has a minimum vertical clearance of 2.2 m; and
- (vi) Drive aisles for visitor/retail parking spaces must be a minimum of 7.0 m wide.

n) Loading

- (i) Provide a minimum of one Type G loading space for the project. Type G Loading Space means a loading space that is a minimum of 4.0 m wide, 13.0 m long and has a minimum vertical clearance of 6.1 m;

o) Bicycle Parking

- (i) Residential bicycle parking spaces must be provided at a minimum rate of 0.7 long term bicycle spaces for each dwelling unit and 0.08 short term bicycle parking spaces for each dwelling unit.
- (ii) Visitor bicycle parking spaces must be provided at a minimum of 3, plus 0.25 bicycle parking spaces for each 100 square metres of GFA.
- (iii) Retail long-term bicycle parking spaces must be provided at a minimum of 0.13 spaces for each 100 square metres of GFA.
- (iv) A minimum of 79 bicycle parking spaces for residents shall be provided on site, with a minimum of 66 of the bicycle parking spaces for residents provided in the parking lot underground, 13 of which shall be provided and maintained for the replacement rental dwelling units.
- (v) A minimum of 17 bicycle parking spaces shall be for visitors and 6 bicycle parking spaces for retail at grade.

p) Landscaping

- (i) Provide landscape strips as shown on Schedule "C4(14) 2"

q) Division of Land

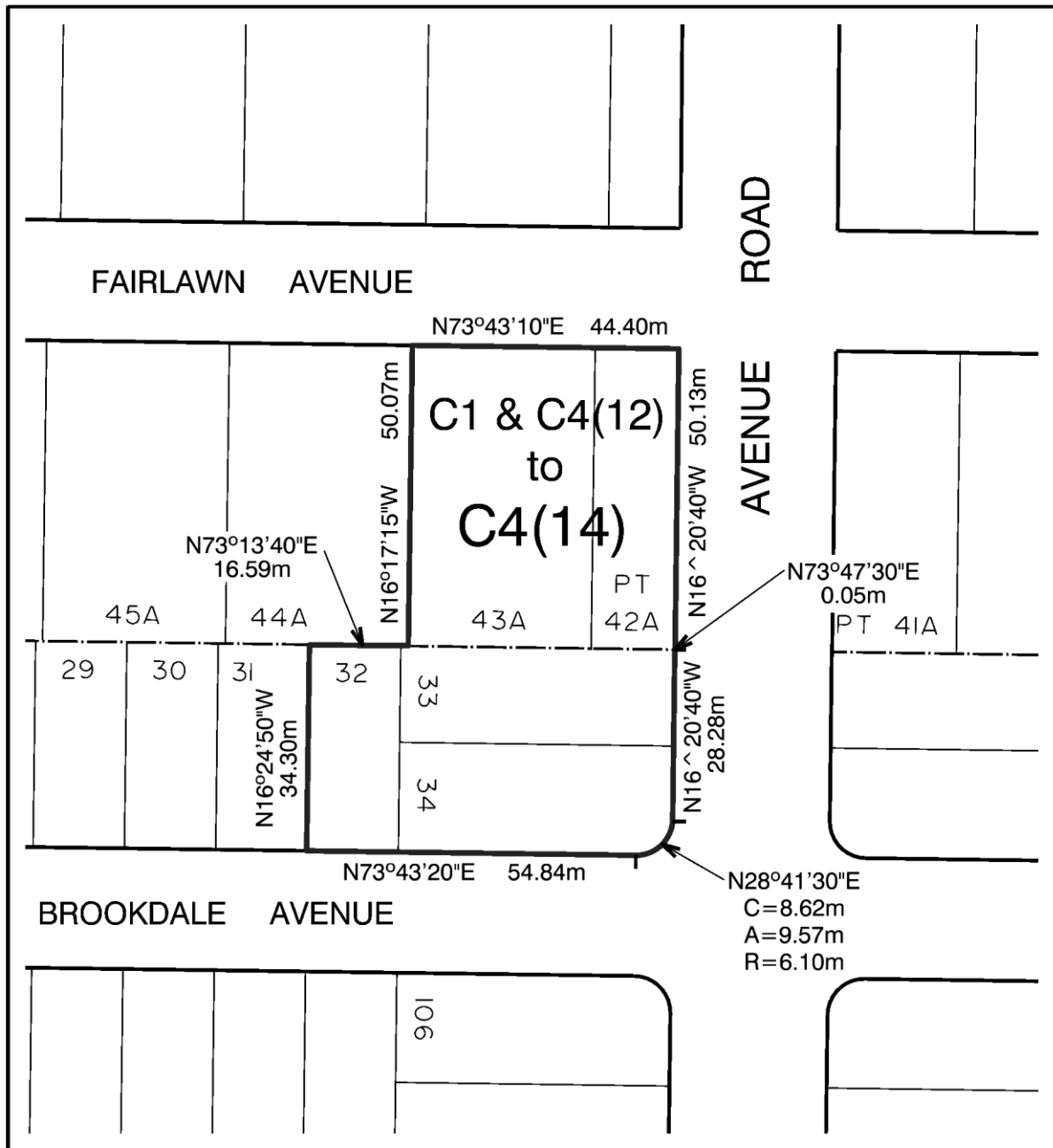
- (i) Notwithstanding any severance, partition or division of the lands shown on Schedule "C4(14)", the regulations of this exception shall continue to apply to the whole of the said lands as if no severance, partition or division had occurred.
- 3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with this By-law, the increase in height and density of development on the *lot* contemplated herein is permitted in return for the provision by the *owner*, at the *owner's* expense, of the facilities, services and matters set out in Schedule 3 hereof which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the *lot*, to the satisfaction of the City Solicitor.
- 4. Where Schedule 3 of the By-law requires the *owner* to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- 5. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this by-law unless all provisions of Schedule 3 are satisfied.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

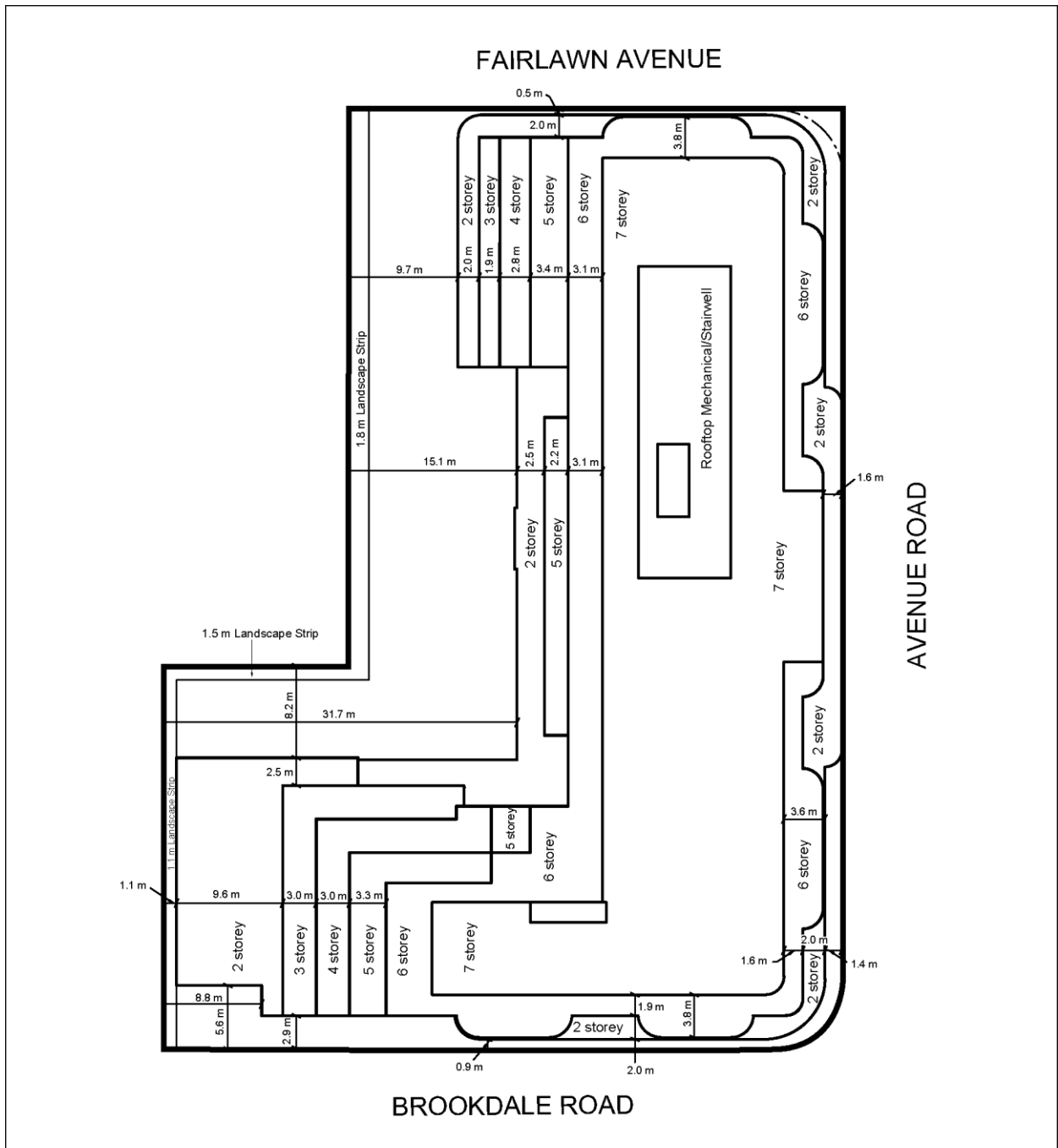


Schedule 1

Lots 32, 33 & 34, R.P. 2371 and Part of Lots 42A & 43A, R.P. 2247, City of Toronto
Speight, van Nostrand & Gibson Limited
Date: 12/05/2013
Approved by: V. Covello

File # 11 330290 NNY 16 0Z





Schedule C4(14)

Lots 32, 33 & 34, R.P. 2371 and Part of Lots 42A & 43A, R.P. 2247, City of Toronto
Speight, Van Nostrand & Gibson Limited

File # 11 330290 NNY 16 0Z

Date: 12/06/2013
Approved by: V. Covello



Not to Scale

Schedule 3

Section 37 Provisions

Community benefits are typically acquired through the application of Section 37 policies which have been incorporated into the Official Plan. The city's opportunity to utilize Section 37 is through an implementing Zoning By-law permitting a height and/or density increase for a specific development.

It is staff's opinion the proposed development constitutes good planning. It is consistent with the objectives and policies of the Official Plan and addresses the built form policies of the Plan.

Staff recommended a Section 37 contribution of \$200,000.00, whereas the applicant has proposed a \$100, 000.00. The local Councillor's office has advised that Allenby Junior Public School and/or John Wanless Junior Public School playgrounds are areas that should be improved.

Staff are recommending the following community benefits to be secured in the Section 37 agreement:

1. Prior to issuance of an above grade building permit the owner shall provide a certified cheque in the amount of \$200,000.00 to be used for capital improvements to Allenby Junior Public School and/or John Wanless Junior Public School, with such amount to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.
2. The owner shall enter into one or more agreements with the City pursuant to section 37 of the Planning Act which are registered on title to the lot to the satisfaction of the City Solicitor to secure:
 - a. The provision and maintenance on the site of not less than 18 new replacement rental dwelling units, comprising at least 2 affordable rental dwelling units and 16 rental dwelling units with rents no higher than mid-range rents, which units shall be of a size to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - i. the replacement rental dwelling units shall comprise of 17 one-bedroom units, and 1 two bedroom unit; and the combined floor area of the 18 replacement rental dwelling units shall be no less than 9,823 sq ft, exclusive of balconies and terraces. Each unit shall have a dishwasher and a balcony or terrace for private and exclusive access. The units shall range in sizes as follows:

- a. 17 one-bedroom units with a minimum of 546 sq ft, of which 1 shall be at least 670 sq ft; and,
 - b. 1 two-bedroom unit with a minimum of 880 sq ft.
- ii. the replacement rental dwelling units shall be maintained as rental housing units for at least 20 years, beginning with the date each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental housing units to be maintained as rental units. No application may be submitted for condominium registration, or for any other conversion to non-rental housing purposes, or for demolition without providing for replacement during the 20 year period; and,
- iii. the building permit which provides for the replacement rental dwelling units shall be issued no later than the issuance of the first above-grade building permit for any building with residential uses on the lot. The 30 replacement rental dwelling units shall be ready for occupancy no later than the date by which no more than 90% of the other dwelling units contained within the same building are available and ready for occupancy.
- iv. The owner shall provide and maintain affordable rents charged to the tenants who rent each of the 2 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.
- v. The owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 16 replacement rental dwelling units with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as a. (iv) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type.
- vi. Rents charged to tenants occupying a replacement rental dwelling unit at the end of the 10-year period set forth in a. (iv) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in a. (iv) with a phase-in period of a least three years for rent increases.
- vii. Rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in a. (iv) will not be

subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.

- v. Twelve (12) parking spaces be secured for the rental replacement and that such spaces be available for the rental unit tenants. Parking charges for returning tenants will be on the same basis as currently provided, and other rental tenants up to the number of 12 designated rental spaces will be offered spaces within maximum charges to be specified in the agreement with the City.

- b. The owner shall provide tenant relocation assistance in accordance with the more detailed Tenant Relocation and Assistance Plan to be included in the agreement or agreements, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, for tenants in the existing buildings on the lands, and that requires at least:
 - i. The right to return to a replacement unit for all tenants in the existing rental units.
 - ii. All tenants will receive extended notice of the date they must vacate for the demolition of their buildings.
 - iii. Returning tenants will choose their replacement units by seniority, with provisions for special needs tenants.
 - iv. All tenants eligible for financial assistance provided for in the Tenant Relocation and Assistance Plan will receive a moving allowance, and those who relocate off-site and must find their own accommodation will be eligible for additional assistance on a sliding scale based on length of occupancy, and with provisions for those tenants with special needs.

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

- 1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.
- 2. The owner shall submit and implement a Construction Mitigation and Communication Strategy to the satisfaction of the Director, Transportation Services North District, prior to the issuance of any demolition permit.