

# **831, 833, and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue – Zoning By-law Amendment and Rental Housing Demolition Applications Final Report**

Date: November 15, 2019

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

**Planning Application Number:** 18 185562 NNY 15 OZ

**Rental Housing Application Number:** 18 209677 NNY 15 RH

## **SUMMARY**

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This report reviews and recommends approval of the applications to amend the City's Zoning By-law 569-2013 and Zoning By-law 7625 for the former City of North York for the property at 831, 833 and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue to permit the construction of a 10 storey (30 metre, excluding mechanical penthouse) mixed use residential and commercial building with a total gross floor area (GFA) of 16,876 square metres and a floor space index (FSI) of 4.55 times the area of the lot.

A Rental Housing Demolition application was submitted under Chapter 667 of the Toronto Municipal Code to demolish a total of 11 residential dwelling units, five of which were last used for residential rental purposes, located within six buildings at 831, 833, and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue.

The building would have 218 residential units including two live-work units and 367 square metres of retail uses on the ground floor along Marlee Avenue. A total of 190 vehicle parking spaces are proposed, of which 5 spaces would be on the surface at the rear of the building and the remainder in two underground levels. Vehicle access to the underground parking garage is proposed on the west side of the building via a north-south laneway with access onto Glencairn Avenue and Hillmount Avenue. The laneway would be buffered from the adjacent dwellings to the west by a landscape strip a minimum of 1.5 metres in width. The proposed development includes 436 square metres of indoor amenity space and 436 square metres of outdoor amenity space. A 3.44 metre road widening along Marlee Avenue will be secured in accordance with the Official Plan.

The proposed development is consistent with the Provincial Policy Statement (2014) as it provides residential intensification on site and a mix of land uses which efficiently uses land and resources in an area identified as appropriate for growth in the City's Official

Plan. The proposal supports the goal of providing a range and mix of housing types and is transit supportive being in close proximity to the Glencairn subway station.

The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) as it provides a compact built form supporting higher order transit in an area identified in the City's Official Plan as appropriate for intensification. The development would be located and massed to provide a transition to the neighbouring properties through appropriate setbacks and stepping down of height toward the *Neighbourhoods* to the west to adequately limit impacts on those adjacent lower scale residential areas.

This report recommends approval of Zoning By-law Amendment application and the Rental Housing Demolition application under Chapters 667 and 363 of the Toronto Municipal Code. Replacement of the rental dwelling units is not required as the property contains fewer than six rental dwelling units.

This development can be the impetus for a revitalized Marlee Avenue and help to provide more housing options for the community with additional residents to support existing and planned transit infrastructure and local business.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 7625, for the lands at 831, 833 and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 831, 833 and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
4. City Council approve the Rental Housing Demolition application in accordance with Chapter 667 of the Toronto Municipal Code to allow for the demolition of five residential rental dwelling units located at 831 Glencairn Avenue and 278 Hillmount Avenue.
5. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval for the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 5 residential rental dwelling units at 831 Glencairn Avenue and 278 Hillmount Avenue after all of the following have occurred:
  - a. The site specific Zoning By-law Amendments have come into full force and effect;

b. The issuance of the Notice Of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division, or their designate, pursuant to Section 114 of the *City of Toronto Act, 2006*; and

c. The issuance of the excavation and shoring permits for the approved development of the site.

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building, to issue the Rental Housing Demolition permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division, has given the preliminary approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building, to issue a Residential Demolition Permit under Section 33 of the *Planning Act* for 831, 833, 835 and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue no earlier than the issuance of the first building permit for excavation and shoring of the approved development and after the Chief Planner and Executive Director, City Planning Division, has given preliminary approval referred to in Recommendation 5 above, which permit may be included in the Residential Demolition Permit for Chapter 667 under 363-11.1, of the Toronto Municipal Code, on condition that:

a. the owner remove all debris and rubble from the site immediately after demolition;

b. the owner erect solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. the owner erect the mixed use building on the site no later than three (3) years from the day demolition of the existing buildings is commenced; and

d. should the owner fail to complete the new building within the time specified in condition (c) above, 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 (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.

8. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PF&R). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PF&R, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

9. Prior to the issuance of the first above grade building permit the Capital Infrastructure Improvements at Viewmount Park identified as required in the Engineering and Construction Services Memo dated April 26, 2019 as item 2.4 shall be completed to the

satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

10. Before introducing the necessary Bills to City Council for enactment, the Owner shall:

a. submit a revised Functional Servicing and Stormwater Management Report and Geotechnical/Hydrogeological Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services; and

b. make arrangements to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development, based on the revised Reports in 10 a. above accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

c. Enter into a financially secured agreement for the construction of any required improvements to the municipal infrastructure, should it be determined that upgrades are required to support the development based on the revised Reports in 10 a. above accepted by the Chief Engineer and Executive Director, Engineering and Construction Services.

d. enter into and register on title one or more agreements pursuant to Section 37 of the Planning Act, at no expense to the City, and secure such in the implementing Zoning By-law Amendments all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor the following community benefits:

i. Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$300,000.

ii. Prior to issuance of an above grade building permit, other than a building permit for a temporary sales office/pavilion, the owner shall provide a cash contribution in the amount of \$700,000

iii. The amounts secured in (1) and (2) above will be used towards the following community benefits:

- the expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, PF&R and in consultation with the local Councillor; and

- streetscaping and public realm improvements nearby the site, within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning and in consultation with the local Councillor; and/or

- a community facility or improvements to existing local community facilities within the Ward, to the satisfaction of the Chief Planner and

Executive Director, City Planning and in consultation with the local Councillor;

iv. the financial contribution referred to in Recommendation 10 d. above shall be indexed upwardly in accordance with the Statistics Canada Residential Building or Non-Residential Building Construction Price Index, as the case may be, for the Toronto Census Metropolitan Area, reported by Statistics Canada in the Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made;

v. in the event the cash contributions referred to in Recommendation 10 d. above have not been used for the intended purpose within three (3) years of the implementing Zoning By-law Amendment coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor, provided that the purposes are identified in Toronto's Official Plan and will benefit the community; and

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

i. Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey an off-site parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation;

ii. the Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;

iii. The provision of one bike repair stand with the location to be determined during the review of the Site Plan Control application;

iv. The provision of one car share space that is publically accessible, with the location to be determined during the review of the Site Plan Control application; and

v. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## DECISION HISTORY

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A pre-application meeting was held on February 15, 2018 to determine the studies, plans and supporting materials needed to fulfill the requirements for a complete application. The application was submitted on June 27, 2018 and deemed complete on August 15, 2018. A Preliminary Report on the applications was adopted by North York Community Council on January 15, 2019 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The preliminary report can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2019/ny/bgrd/backgroundfile-122831.pdf>

## PROPOSAL

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A 10 storey "C" shaped mixed-use building, 30 metres in height (36 metres including mechanical penthouse and elevator overrun) with 218 residential units and 367 square metres of commercial floor area is proposed. The proposed mix of dwelling units includes 158 one-bedroom units (72%), 41 two-bedroom units (19%), 17 three-bedroom units (8%) and 2 live/work units on the ground floor. A total gross floor area (GFA) of 16,876 square metres is proposed resulting in a density of 4.55 times the area of the lot. Additional site and development statistics are included in the Application Data Sheet in Attachment 1.

Uses proposed within the ground floor include retail uses along the northern portion of the Marlee Avenue frontage and at the corner of Glencairn Avenue. Live/work spaces would face Glencairn Avenue. Residential uses are proposed along the south portion of the ground floor along Marlee Avenue and facing Hillmount Avenue. The residential lobby, amenity uses, loading and garbage storage are also proposed on the ground floor.

The ground floor of the building would be setback 1.5 metres from Marlee Avenue for the north, retail portion of the building and would be setback 2 metres from Marlee Avenue for the southern residential portion. Floors 3-7 above extend to the property line along Marlee Avenue. A 2 metre building stepback from Marlee Avenue is proposed at the 8th floor with 3 metre stepbacks proposed at the 9th and 10th floors. The proposed building is setback a minimum of 9 metres from the adjacent *Neighbourhood* to the west on the ground floor. A 6 metre private driveway is proposed at the rear of the property with a 1.5 metre landscaped buffer proposed along most of the west property line. This landscape area would expand to 6 metres in width at the centre of the property to accommodate an outdoor amenity area. The second floor of the west side of the proposed building cantilevers over a walkway and is setback a minimum of 7.5 metres to the *Neighbourhood* to the west. The building would stepback a further 2 metres at the 4th floor on the west side, with additional 2.8 metre stepbacks at floors 5-10. On the north side of the building along the Glencairn Avenue frontage the building would be setback 1.5 metres at the ground floor for the retail use, and would be setback 2.6 metres for the entrances to the proposed live/work units. The

building would cantilever to the property line at floors 2-4 with a 1.5 metre stepback at the 8th floor, and 2.5 metre stepbacks at the 9th floor and 10th floors. On the south side along the Hillmount Avenue frontage the building is proposed to be setback 1.5 metres on the ground floor at the corner of Hillmount and Marlee Avenues, and the entrances to the residential units facing Hillmount Avenue would be setback 2.6 metres. The building extends to the property line at floors 2-4 above with 1.5 metre stepbacks at the 8-10th floors.

Common residential indoor amenity space proposed would include 172.3 square metres on the ground floor, two areas totalling 252 square metres on the second floor and an additional 11.7 square metres in the building, with a grand total of 436 square metres. Outdoor amenity space is proposed at-grade, on the second floor and on the roof.

The main pedestrian entrance is proposed on Marlee Avenue, with a secondary residential entrance and drop-off proposed at the rear of the building.

A total of 190 of vehicle parking spaces are proposed, including 5 spaces on the surface at the rear of the building with the remainder in two underground levels. Vehicle access is proposed via a north-south laneway at the rear of the site with access to both Glencairn Avenue and Hillmount Avenue. The laneway would also provide access to a type G loading space. Loading and garbage storage are proposed inside the building on the ground floor.

The application proposes to replace the existing sidewalk fronting on Marlee Avenue and Glencairn Avenue with a new sidewalk with a minimum width of 2.1 metres. A new sidewalk with a minimum width of 2.1 metres is proposed along Hillmount Avenue. The application proposes 7 new street trees in a 2 metre wide landscaped area along Marlee Avenue along with an additional 3 new street trees along Hillmount Avenue and 1 on Glencairn Avenue. Landscaping details will be further refined through the site plan control application.

Uses on the 10th floor include a mechanical penthouse, a green roof and the upper loft level of residential units. An outdoor amenity area and green roof are proposed on the roof.

Revisions to the proposal from the original submission and the September 2019 submission include:

- Floor Space index has been reduced from 4.72 to 4.55 times the area of the lot;
- Total unit count has been decreased from 224 to 218 units;
- The number of three bedroom units has increased by 5 from 12 to 17 of the total number of units;
- Building height has decreased from 11-storeys to 10-storeys;
- First floor height has been increased from 3.65 metres to 4 metres;
- The building massing has been revised with further building stepbacks provided to reduce intrusions into a rear angular plane;
- The mechanical room was relocated from the ground floor adjacent to the west property line to the roof;
- The loading and garbage storage is now internalized within the building envelope.

## Summary Chart of Revisions

Category	1st Submission - June 27, 2018	September 2019 Submission
Building Height	11 storeys / 33 metres	10 storeys/ 30 metres
Floor Space Index	4.72 times the area of the lot	4.55 times the area of the lot
GFA		
Retail	342 square metres	367 square metres
Residential	17,373 square metres	16,509 square metres
Total	17,715 square metres	16,876 square metres
Residential Units	224	218
Vehicle Parking Spaces	190 (5 surface)	190 (5 surface)
Bicycle Parking Spaces	230	218

The Rental Housing Demolition application proposes to demolish a total of 11 residential dwelling units, five of which were last used for residential rental purposes, located within 6 buildings at 831, 833, and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue.

### Site and Surrounding Area

The rectangular shaped site is bounded by Glencairn Avenue to the north, Marlee Avenue to the east, Hillmount Avenue to the south; and single detached dwellings to the west. The subject site is approximately 3,750 square metres (0.93 acres) in area and has a frontage of approximately 46 metres along Glencairn Avenue. The site is within approximately 250 metres of the Glencairn TTC subway station.

The site is currently comprised of six parcels that are municipally known as 831, 833, and 837 Glencairn Avenue and 278, 280 and 282 Hillmount Avenue. The properties fronting Hillmount Avenue contain three single-detached houses, each with two dwelling units. At 278 Hillmount Avenue one of the two residential dwelling units was used for residential rental purposes. The property at the south-west corner of Glencairn Avenue and Marlee Avenue is occupied by a two-storey mixed commercial residential building with four rental apartment units and several commercial units. 833 Glencairn Avenue contains a single detached building with no residential dwelling units. 837 Glencairn Avenue is occupied by a vacant single detached dwelling. In total the subject lands contain 11 residential dwelling units, five of which were used for residential rental purposes. All existing buildings at these addresses would be demolished.



Surrounding Uses are as follows:

North: Immediately north, across Glencairn Avenue is a three-storey mixed use building (Miyako Sushi Plaza) with a surface parking lot on the north-west corner of Glencairn Avenue and Marlee Avenue. A similar three-storey mixed use building occupies the north-east corner of Glencairn Avenue and Marlee Avenue. Further north are single detached dwellings, with the Glengrove Marlee Parkette at the south-west corner of Glengrove Avenue West and Marlee Avenue. Wenderly Park is located north-west of Glengrove Avenue West.

South: Across Hillmount Avenue are single detached dwellings that surround STS Cosmas and Damian Catholic School. Further south along Marlee Avenue there are a variety of commercial, retail and residential uses.

East: Across Marlee Avenue are one and two storey commercial buildings with surface parking abutting Marlee Avenue. Further east are single detached dwellings with a green space buffer from Allen Road and the TTC's Line 1 subway. The north entrance to the Glencairn subway station is located on Glencairn Avenue, approximately 220 metres east of Marlee Avenue. Benner Park is located south east of the subject property adjacent to Allen Road.

West: Directly to the west, north-west and south-west of the subject property are single detached dwelling units.

### **Reasons for Application**

Amendments to Zoning By-law 7625 are required to permit the proposed building height of 30 metres and to permit the proposed density of 4.55 times the area of the lot. As well, amendments are required to implement performance standards to allow the proposed development.

Amendments to Zoning By-law 569-2013 are required to permit the proposed building height of 30 metres and 10 storeys and to permit the proposed density of 4.55 times the area of the lot.

As well, amendments the parking rates are required to permit the proposed parking rate on the site, which is in line with Policy Area 3 rates within Zoning by-law 569-2013.

The applicant has submitted an application for a Rental Housing Demolition Permit because the proposed development will require the demolition of at least six residential dwelling units, of which at least one of these residential dwelling units is a rental dwelling unit.

## **APPLICATION BACKGROUND**

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### **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Sun/Shadow Study;
- Draft Zoning By-law Amendments;
- Planning Justification Report;
- Urban Design Brief;
- Community Services and Facilities Study;
- Toronto Green Standard Checklist;
- Tree Inventory and Preservation Plan;
- Functional Servicing and Servicing and Stormwater Management Report;
- Transportation Report;
- Pedestrian Level Wind Study;
- Energy Strategy Report;
- Geotechnical Investigation; and
- Phase 1 and Phase 2 Environmental Site Assessment.

Supporting documentation can be viewed at the City's Application Information Centre:  
<http://app.toronto.ca/AIC/index.do>

A Notification of Incomplete Application issued on July 24, 2018 identified that a Hydrogeological Report was required for a complete application submission.

The Hydrogeological Report was subsequently submitted and a Notification of Complete application was issued on August 21, 2018.

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the North York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

### **Community Consultation**

City staff hosted a Community Consultation Meeting on March 4, 2019 at the St. Charles School at 50 Claver Street. Approximately 85 members of the public were in attendance as well as the Ward Councillor. Following a presentation by City staff and the applicant the attendees asked questions and expressed a number of concerns, including:

- The necessity of the required road widening. The proposed building should be reviewed against the current width of the road and not the planned width of the road;
- The applicability of the mid-rise building guidelines to the site;

- The proposed height, massing and density of the building is too large;
- The shadow impact of the building;
- Privacy and overlook concerns related to the proposed balconies and terraces on the west side of the building;
- The compatibility of the proposed built form adjacent to the existing neighbourhood;
- The additional volume of vehicular traffic that would be generated by the development and its impact on congestion on adjacent streets, particularly Marlee Avenue;
- More frequent TTC bus service on Marlee Avenue is required;
- Concerns that not enough visitor parking has been provided;
- Concerns about pedestrian safety in the area;
- The proximity of the proposed vehicle access to a walkway on Hillmount Avenue which connects to STS Cosmas and Damian Catholic School;
- The cumulative impact of all development in the area;
- Not enough green space has been provided on site;
- Concerns about the location of the mechanical room at grade and the loading space in the rear yard setback and their impacts on the neighbours to the west; and
- Some in attendance appreciated the scale and type of development as it provided a more affordable home ownership option for a younger generation attempting to buy a home in their neighbourhood.

In addition to the comments received at the meeting, approximately 15 written correspondences were received raising similar issues as above.

These comments have been considered in the review of the application.

## **POLICY CONSIDERATIONS**

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### **Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

#### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;

- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

## **Provincial Plans**

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

## **A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)**

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan, 2019 establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas. Municipalities are expected to update their official plans through a Municipal Comprehensive Review by 2022.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, and recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform to the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform to Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform to Provincial Plans.

Section 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

### **Planning for Major Transit Station Areas**

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. A MTSA relating to the

Glencairn subway station, approximately 250 metres from the subject site, has not yet been delineated in the City's Official Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the Official Plan as follows:

### **Chapter 2 - Shaping the City**

The subject site is located in a Mixed Use Area that is adjacent to *Neighbourhoods*. Developments that are adjacent or close to *Neighbourhoods* must demonstrate a transition in height, scale and intensity as necessary to ensure that adjacent neighbourhood areas are not adversely affected. Policy 2.3.1.2 provides criteria for development in *Mixed Use Areas* that are adjacent to Neighbourhoods including, among other criteria, that new development must: be compatible with those *Neighbourhoods*; provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*; maintain adequate light and privacy for residents in those Neighbourhoods; and ensure that lighting, amenity areas, traffic and parking impacts on Neighbourhoods are minimized and mitigated. Policy 2.3.1.6 states that community and neighbourhood amenities will be enhanced where needed by items such as the improvement and expansion of existing parks.

### **Chapter 3 - Building a Successful City**

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks and other open spaces. City streets are significant public open spaces which connect people and places and support the development of sustainable and complete communities and will balance the needs and priorities of various users. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that the City's future development will need to fit in, respect and improve the character of the surrounding area. As a result the Built Form policies of Section 3.1.2 seek to ensure that new development will be located and organized to fit within its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things, this harmony is achieved by: massing new buildings to frame adjacent streets, creating appropriate transitions in scale to neighbouring or existing and/or planned buildings, providing for adequate light and privacy and adequately limiting any resulting shadowing on neighbouring streets and properties.

The Parks and Open Spaces policies (3.2.3) state that Toronto's systems of parks and open spaces will continue to be a necessary element of City building as the City grows and that parkland acquisition strategies will take into account a range of factors including the amount of existing parkland.

## Chapter 4- Land Use Designations

The subject lands are designated *Mixed Use Areas* on Map 17 of the Official Plan. A broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces and utilities are permitted within *Mixed Use Areas*. *Mixed Use Areas* are identified as areas appropriate for intensification with development that will create animated and safe districts along transit routes and reduce automobile dependency. The Official Plan recognizes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Development criteria in *Mixed Use Areas* in Section 4.5.2 include that new development: will locate and mass new buildings to provide a transition between areas of different development intensity and scale; frame the edges of streets with good proportion; provide good site access and circulation; take advantage of nearby transit services; and provide an attractive, comfortable and safe pedestrian environment.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>

## Zoning

The site is subject to the former North York Zoning Bylaw 7625 and the City wide By-law 569-2013.

The City of Toronto Zoning By-law 569-2013 regulates the lands as Commercial Residential CR1.0(c1.0;r1.0)SS3. A range of commercial, residential and institutional uses are permitted in this zone, including apartment buildings. A maximum height of three-storeys and 10.5 metres are permitted and a density of 1 times the area of the lot.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Under the former City of North York Zoning By-law 7625, the lands are zoned as General Commercial Zone (C1). This zone permits all uses in both the One-Family Detached Dwelling Fifth Density Zone (R5) and in the Multiple-Family Dwellings Fifth Density Zone (RM5) and allows for a variety of residential and commercial uses, including residential apartment buildings. A maximum height of 11.5 metres is permitted and a density of 1 times the area of the lot.

## Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the Toronto Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. Chapter 667 prohibits the demolition or conversion of rental housing units in buildings or properties containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City, and requires a decision by either City Council or, where delegated, the Chief Planner and Executive Director, City Planning Division.

Pursuant to Chapter 667, City Council may refuse an application, or approve the demolition and may impose conditions, including conditions that must be satisfied before a demolition permit is issued. These conditions further the intent of the City's Official Plan policies protecting rental housing.

Pursuant to the City's Residential Demolition Control By-law Chapter 363 of the Toronto Municipal Code, City Council approval of the demolition of residential dwelling units under Section 33 of the *Planning Act* is also required where six or more residential dwelling units are proposed for demolition, before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion and an application under Chapter 363 for residential demolition control, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal (LPAT).

On August 15, 2018, the applicant submitted an application for a Rental Housing Demolition Permit pursuant to Chapter 667 of the Toronto Municipal Code.

## **Design Guidelines**

### **Avenues and Mid-rise Buildings Study and Performance Standards**

Toronto City Council, at its meeting of July 8, 2010, adopted the recommendations contained in the staff report prepared by City Planning entitled "Avenues and Mid-Rise Buildings Study", with modifications. The main objective of the Avenues and Mid-Rise Buildings Study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. Mid-Rise Building Guidelines identify a list of best practices, categorize the Avenues based on historic, cultural and built form characteristics, establish a set of performance standards for new mid-rise buildings, and identify areas where the performance standards should be applied. The study notes that although the intention of the Study is to provide Performance Standards and recommendations for mid-rise buildings on the *Avenues*, they may also be appropriate and useful to guide the review of proposals for mid-rise buildings in *Mixed use Areas* not on *Avenues*.

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites.

The link to the guidelines is here:



<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings.pdf>

Mid-Rise Building Performance Standards Addendum may be found here:  
<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>

### **Marlee Avenue Visioning Open House**

On February 20, 2019 City staff and local Councillor Colle hosted a Marlee Avenue Visioning Open House to discuss potential public realm improvements for the area. Priorities identified by local residents included: wider sidewalks; better cycling routes and bike parking; "greening" intersections and traffic calming.

### **Draft Growing Up Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at: <https://www.toronto.ca/city-government/planningdevelopment/planningstudiesinitiatives/growing-up-planning-for-children-in-new-verticalcommunities>

### **Site Plan Control**

The proposal is subject to Site Plan Control. An application was submitted on February 19, 2019 which is currently under review (file number 19 116786 NNY SA).

## **COMMENTS**

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### **Section 2 of the Planning Act**

The Planning Act governs land use planning in Ontario and sets out the means by which a municipality must implement land use planning decisions. In particular, section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under the Act shall have regard to matters of provincial interest including, 2 (p) the appropriate location of growth and development, (q) the promotion of development that is designed to support public transit and to be oriented to pedestrians and (r) the promotion of built form that, is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

These matters, which all approval authorities shall have regard for in carrying out their responsibilities under the Planning Act, are relevant to this proposal. The proposed development appropriately addresses these matters by proposing a well-designed built form on a major street well served by higher order transit, improving the adjacent public realm with new sidewalks and landscaped buffers and by providing housing intensification in an appropriate location which supports public transit.

## Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). A key element of the PPS and the Growth Plan (2019) is to achieve efficiencies of land and infrastructure, and to optimize the use of land.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS provides for a coordinated and integrated approach to planning matters within municipalities. The PPS includes policies to direct land use to achieve efficient and resilient development and land use policies. Policy 1.1 of the PPS focuses on "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns". Policy 1.1.1.a) requires that efficient development and land use patterns be promoted which sustain the financial well being of the Province and municipalities over the long term. Policy 1.1.1 e) requires the promotion of cost effective development patterns and standards to minimize land consumption and servicing costs.

The proposed development adequately addresses Policy 1.1.1 objectives with a built form that promotes efficient development patterns and utilizes existing municipal infrastructure to optimize efficiency. The proposed development is a compact form providing an appropriate transition to the adjacent neighbourhood. The site is located in an area in close proximity to community services, commercial and office uses and higher order transit. The proposed building would provide a variety of one, two and three bedroom units with live/work and commercial uses at grade. The location and mix of uses have the potential to minimize the length and number of vehicle trips and supports transit and energy conservation.

Policy 1.1.3.1 states that "settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted". Policies 1.1.3.3 and 1.1.3.4 direct the City to identify appropriate locations and promote opportunities for growth where it can be accommodated and to establish appropriate development standards to facilitate such appropriate intensification.

The proposed development is within a settlement area on Marlee Avenue which is considered a major street in the City's Official Plan. The site is designated as *Mixed Use Areas*, which is a designation considered appropriate for intensification. The development proposes an acceptable density of 4.55 times the area of the lot with a height and massing that provides an appropriate transition to the lower scale adjacent *Neighbourhood*.

Policy 1.6.7.2) states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible. With respect to transportation systems, Policy 1.6.7.4) promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation. The proposed development will support greater pedestrian and transit use that will assist in the reduction of vehicle usage.

Policy 1.8.1 of the PPS requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

The site is well served by existing and planned transit infrastructure. There are several TTC subway stations in proximity to the site: Glencairn station is within 250 metres; the Lawrence West station is within 1 kilometre to the north and the Yorkdale station/Go Bus terminal is within 2 kilometres of the site. A future Eglinton Crosstown LRT Cedarvale station (formerly Eglinton West), anticipated to be open in 2021, will be located approximately 1.5 kilometres to the south of the site. The site is served by two surface TTC bus routes: Route 109 - Ranee and Route 14 - Glencairn; both routes provide access to commercial/retail areas and further subway stations such as Yorkdale station.

The site is located within an evolving network of cycling infrastructure, with bike lanes on this section of Marlee Avenue, and in close proximity to the Kay Gardner Beltline Park Trail, and the multi-use trail being constructed abutting portions of the Allen Road as part of the Lawrence Heights revitalization (Allen Greenway).

The Lawrence Allen Commercial Center and a CIBC office complex are located within 850 metres to the north at Lawrence Avenue West and Marlee Avenue, providing retail and office uses within walking distance of the site.

In summary, the proposed zoning by-law amendments are consistent with the applicable policies of the Provincial Policy Statement.

### **The Growth Plan (2019)**

The Guiding Principles of the Growth Plan (2019) support, among other matters, the achievement of complete communities that are designed to support healthy and active living and meet people's daily living throughout an entire lifetime and to provide intensification and higher densities in strategic growth areas.

The Growth Plan (2019) identifies the site within a Built-up Area. Section 2.2.2.(3) c) (Delineated Built-up Areas) states that all municipalities will encourage intensification generally throughout the delineated built-up area. The proposal conforms to this policy in that the proposed development intensifies Marlee Avenue which is in a delineated built-up area of Toronto, in a designated *Mixed Use Areas* where mid-rise buildings are considered to be an appropriate form of developments.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing, and providing a pedestrian-friendly environment on a site with convenient access to local stores and businesses, public service facilities such as parks, and existing subway and bus public transportation. The proposed development is located on Marlee Avenue, a street identified as a Major Road

in the City's Official Plan; is 250 metres from the Glencairn subway station, is served by surface bus routes and is within 850 metres of commercial and office uses to the north. The provision of off-site parkland will expand the local park network. The proposal improves the adjacent streetscape with new sidewalks and a landscaped boulevard between the roadway and the public sidewalk, thereby supporting greater pedestrian activity.

The proposal will also assist in diversifying the mix and range of housing options for residents in the neighbourhood and provide new residential units in a location that will support the existing community infrastructure, public open spaces, and public transportation.

Policy 2.2.4.10 of the Growth Plan states that lands adjacent to or near existing and planned frequent transit should be transit-supportive. The proposed mid-rise development will house additional residents that will become potential transit riders for the existing and planned bus and subway transit service. The proposed development will be connected to the neighbourhood sidewalk network to ensure pedestrian connectivity, and public realm improvements that will provide an attractive and comfortable pedestrian environment to encourage walk-ability for existing and future residents.

### **Major Transit Station Areas (MTSA)**

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. Section 2.2.4 (Transit Corridors and Stations Areas) stipulate MTSA's will be planned to meet minimum density targets and that all areas will be planned and designed to be transit supportive and achieve multi-modal access to transit stations. An MTSA relating to the Glencairn subway station has not been identified in the Official Plan. The proposed development does support this policy by providing a mix of uses, residential intensification in a built form supported by the *Mixed Use Areas* designation and by improving the adjacent sidewalk and streetscape.

Based upon the forgoing analysis, it is the opinion of staff that the proposed zoning by-law amendments conform to and do not conflict with A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2019.

### **City of Toronto's Official Plan**

This application has been reviewed against the Official Plan policies described in the Issue Background Section of the Report as well as the policies of the Official Plan as a whole.

### **Land Use**

The Official Plan designates the subject site as *Mixed Use Areas* on Map 17, Land Use Plan. The Official Plan calls for development in *Mixed Use Areas* to absorb most of the anticipated increase in retail, office and service employment as well as housing. Specifically, Policy 4.5.2(a) states that *Mixed Use Areas* will create a balance of high quality commercial, residential and institutional uses that reduce automobile dependency and meet the needs of the local community. *Mixed Use Areas* can

accommodate different forms of intensification including mid-rise and tall buildings, depending on the context. The context of this site includes proximity to higher order transit, a planned right of way width for Marlee Avenue of 27 metres, with a *Neighbourhoods* designated area to the west of the site. A mid-rise built form is appropriate for this location. The proposal is for a mid-rise development with a mix of residential uses with permission for live/work units and commercial use on the ground floor. The proposed mix of uses are permitted within the *Mixed Use Areas* Official Plan designation, would provide transit supportive density in close proximity to the Glencairn subway station, and is consistent with the planned context of this area. As such, staff are satisfied with the proposed land uses.

### **Site Organization and Building Location**

Built form Policy 3.1.2 requires new development to be located and organized to fit with its existing and/or planned context. It should frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and causal views to these spaces. Main building entrances are to be located so they are clearly visible and directly accessible from the public sidewalk. Vehicle parking and vehicular access should be located to minimize their impact on the property and surrounding properties. All multi-unit residential developments will provide indoor and outdoor amenity space for residents of the new building.

The proposed development would be parallel to all adjacent street frontages, giving prominence to the corner at Marlee Avenue and Glencairn Avenue. All building entrances would be clearly visible and accessible to the public streets with entrances providing animation and overlook to the streets. The main lobby entrance to the residential building will be located along Marlee Avenue. A minimum of a 1.50 metre wide landscaped buffer provides transition to the adjacent properties to the west. A privacy fence along the entire western edge of the site will be provided with details to be refined at the Site Plan Control application. The building is setback a minimum of 9 metres from the adjacent properties to the west on the ground floor.

All building setbacks along Marlee Avenue are measured from the new property line, following the required road widening which will be setback 3.44 metres from the existing property line, providing for an expanded public boulevard. The proposed retail entrances on Marlee Avenue would be setback 1.55 metres from the new property line, with the residential lobby and residential unit entrances setback 2 metres from the new property line. This would provide an approximately 9.06 metre wide public boulevard in front of the retail space and approximately 9.51 metres in front of the residential units. This expanded public realm provides opportunities for a 2.1 metre sidewalk and a planted landscaped boulevard adjacent to Marlee Avenue. Staff are satisfied this is appropriate and provides an improved pedestrian condition from the existing condition. The residential unit entrances on Glencairn Avenue and Hillmount Avenue would be setback 2.6 metres from the property line with a proposed curb to building width of almost 6 metres, providing opportunities for a landscaped streetscape.

Vehicle parking would be provided primarily in two levels of underground parking with five surface spaces provided at the rear of the building, accessed from a north south driveway with access from Glencairn Avenue and Hillmount Avenue. Loading and garbage storage would be internalized within the building.

## Height, Massing and Density

Staff have reviewed the proposal against policies from the Official Plan and the pertinent performance standards from the Mid Rise Guidelines, including the performance standards addendum.

The subject site is located in a *Mixed Use Areas* which is one of the four land use designations anticipated to accommodate most of the increased jobs and population anticipated by the Plan's growth strategy. A variety of built forms are appropriate in *Mixed Use Areas* including mid-rise and tall buildings, but not all *Mixed use Areas* experience the same scale or intensity of development. On this site a 10 storey building, massed to provide appropriate transition to the adjacent Neighbourhoods to the west, is appropriate. The site is in close proximity to an underutilized Glencairn subway station, and is on a street identified as a Major Street on Map 2 of the Official Plan with a planned right of way width of 27 metres.

Official Plan Section 2.3.1 - Healthy Neighbourhoods provides policy direction on development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. Policy 2.2.1.2 (b) states that development will provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through the stepping down of buildings towards and setbacks from those neighbourhoods. The performance standards of the Mid Rise Guidelines provide guidance pertaining to building size, shape and quality that are intended to implement this section of the Official Plan.

The tallest elements of the proposed building are proposed along the Marlee Avenue frontage with several stepbacks on the west side of the building. The 9th and 10th floors have been sculpted to have smaller floor plates of approximately 975 square metres and 520 square metres respectively. The 9th floor is setback approximately 23.5 metres from the *Neighbourhood* to the west and 5 metres from the new property line along Marlee Avenue. The 10th floor is setback approximately 26.5 metres from the adjacent properties to the west and 8 metres from Marlee Avenue. The sculpting and setback of the taller elements of the building minimize the impact of the proposed building on the adjacent neighbourhood to the west and the Marlee Avenue streetscape. The road widening along Marlee Avenue of 3.44 metres ensures the building is properly proportioned to the planned right of way width of Marlee Avenue.

The Mid-Rise Guidelines establish that the building be no taller than the adjacent street's planned right of way width to achieve a building that is moderate in height and allows for sunlight on the street. The planned right of way for Marlee Avenue in this location is 27 metres. There is a 3 metre difference between the guideline and the proposed height of 30 metres (excluding mechanical penthouse). Staff have concluded that the building's north-south orientation on the site, its location at the corner of Marlee Avenue and Glencairn Avenue and the stepbacks and massing of the building described above provide an appropriate transition and maintains adequate light and privacy to the adjacent neighbourhood to the west which is in keeping with the intent of the 1:1 height ratio.

As a measure for providing a gradual transition to the *Neighbourhoods* designated properties at the rear, the Mid-Rise Guidelines recommend that buildings meet a 45

degree angular plane. The proposed development largely meets the 45 degree angular plane when taken at the required rear yard setback of 7.5 metres at a height of 10.5 metres. There are minor intrusions of balcony guardrails and the elevator overrun. This provides a lower building at the rear of the property with a gradual transition of height from the adjacent neighbourhood.

The Mid-rise Guidelines recommend that buildings meet a 45-degree angular plane along the front façade, measured at a height of 80% of the right of way width in order to ensure a building envelope that allows for 5 hours of sunlight on the opposite sidewalk as well as ensuring the street wall is in proportion to the planned right of way width of the street. The proposed building generally meets this performance standard along Marlee Avenue with a 2 metre building stepback at the 8th floor, and 3 metre stepbacks at the 9th floor and 10th floors. There are minor intrusions into the angular plane of balcony guardrails on levels 8-10. The height and massing of the proposal is appropriate for this location on Marlee Avenue and provides appropriate transition to the *Neighbourhood* to the west and the *Mixed Use Areas* to the north, south and east.

The resulting density of 4.55 times the area of the lot is acceptable for a site designated *Mixed Uses Areas* located on a Major Street within 250 metres of the Glencairn subway station.

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

Section 4.2.2(b) and (c) of the Official Plan require that new development in *Mixed Use Areas* be located and massed so as to adequately limit shadows on properties in lower-scale Neighbourhoods particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edges of streets and parks to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

A shadow study dated September 4, 2019 indicates the shadows cast by the proposed building at the spring and fall equinoxes pass across the two properties to the west and the front yards of the two properties north across the street on the north side of Glencairn Avenue from 9 am to 10 am. The west side of the Marlee Avenue right of way is in the shadow of the proposed building from 2 pm onwards, with the east side in shadow from 3 pm onwards. The building would cast a shadow on the property on the east side of Marlee Avenue from 4 pm onwards, with the shadow extending further east from at 5 pm and 6pm. The standard of 5 hours of sunlight on adjacent streets is met with the proposed building. The proposed massing of the building with the stepping back of higher floors results in minimal shadow impacts on adjacent properties and the public realm.

The potential sun and shadow impacts of the proposal on adjacent properties and the adjacent streets are acceptable to staff.

A pedestrian level wind study dated June 20, 2018 found wind conditions on and around the proposed development are predicted to be suitable for walking, standing or better year round, with slight improvements to wind conditions in some areas around the development. Wind conditions for the outdoor amenity areas will be reviewed and mitigated if necessary through the Site Plan Control application.

## **Amenity Space**

The proposed development would provide 436 square metres each of indoor and outdoor amenity space which conforms to the standards in the City of Toronto Zoning By-law 569-2013. Indoor amenity space is proposed at grade and on the second floor. The outdoor amenity space is proposed to be provided in a 134 square metre green space at grade, at the rear of the property, and in common terraces on the second floor and on the roof.

## **Traffic Impact, Access, Parking**

An Urban Transportation Considerations report, dated June 21, 2018 by BA Group, was submitted in support of the proposed development. The consultant estimates in this study that the proposed development will generate approximately 60 and 50 two-way trips during the AM and PM peak hours, respectively. The consultant concludes that traffic generated by the proposed development can be accommodated by the adjacent street system without the need for intersection improvements. Transportation Services accepts the conclusions of the TIS report.

Vehicular access to the site is proposed via two new all-moves access driveways. The first is on the north frontage of the site onto Glencairn Avenue. The second is on the south frontage of the site onto Hillmount Avenue. The provision of a 2.1 metre wide sidewalk has also been provided around the property limits of the site. There is currently no sidewalk on the north side of Hillmount Avenue where the driveway is proposed. Students using Hillmount Avenue as a walking route would continue to use the south sidewalk route. The driveway on Hillmount Avenue has been located at the westerly property limit of the site in order to increase the distance from the intersection and increase pedestrian safety. Through the review of the Site Plan Control application the north side of the intersection at Hillmount Avenue and Marlee Avenue would be bumped-out to provide a safer pedestrian crossing and reduce vehicular speeds on Hillmount Avenue. The south side of the curb lane on Glencairn Avenue would be bumped-out to reduce the width of the combined through/right-turn lane.

The development would have 185 vehicle parking spaces in two levels of underground parking with 5 additional surface parking spaces to be used for car-share, visitors to the apartment building and the retail uses. The overall parking supply includes the provision for 168 resident spaces and 22 spaces for resident and retail visitors.

Given the location of this application, close to higher order transit, Transportation Services staff can accept the application of the Policy Area 3 parking rates as outlined in Zoning By-law No. 569-2013. Policy Area 3 rates are applied to areas with access to higher order transit.

The proposed retail on-site is ancillary in nature and will likely not operate as destination retail or generate any noteworthy parking demand. As such Transportation Services staff can accept the combination of retail and visitor parking.



In addition, the site provides the required number of accessible spaces (7) and EV spaces (38) to satisfy both the By-law requirements and the Toronto Green Standards v.3. As such, the proposed parking provisions are acceptable.

The development is proposing 218 bicycle parking spaces, including 21 visitors spaces, in compliance with the performance standards established in Zoning By-law 569-2013. Bike parking spaces are proposed on the ground floor and the P1 level. The location of parking spaces will be further refined through the Site Plan Control application.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Marlee Avenue a 3.44 metre road widening dedication along the Marlee Avenue frontage of the subject site is required. This conveyance to the City is in conformance with the City's Official Plan policies regarding road widening and will be secured through the site plan approval process. The proposed site plan layout reflects this required road widening.

## **Streetscape**

The Official Plan Public Realm policies in Section 3.1.1(6) require that sidewalks and boulevards be designed to provide safe, attractive and comfortable spaces for pedestrians. The proposed development will replace the existing sidewalks along the west side of Marlee Avenue and the south side of Glencairn Avenue with new sidewalks and introduce a new sidewalk along north side of Hillmount Avenue. All new sidewalks would have a minimum width of 2.1 metres. New street trees would be planted along all frontages with a planted landscape buffer between the sidewalk and the roadway along Marlee Avenue. This will improve pedestrian accessibility safety and comfort in the area adjacent to the proposed development. The public boulevard is proposed to be expanded (bumped out) on the south side of Glencairn Avenue at Marlee Avenue and the north side of Hillmount Avenue at Marlee Avenue. This will reduce the pedestrian crossing distance and provide further opportunities for pedestrian amenity. The design of the boulevard width along Hillmount and Glencairn Avenues will be further refined through the Site Plan Control application. Continuous weather protection along the non-residential portions of the building along Marlee Avenue will be reviewed and secured through the Site Plan Control Application.

## **Servicing**

The applicant has submitted a Functional Servicing Study, Stormwater Management Report and Sanitary Capacity Analysis Report, most recently dated August 2019. The report concludes there is sufficient servicing capacity within the existing and planned municipal infrastructure to accommodate the proposed development. Engineering and Construction Services staff have advised that further information to determine the storm water runoff, sanitary flow and water supply is required. It has been identified that sanitary sewer upgrades involving the replacement/upgrading of sections located at Viewmount Park are required to be completed in order to support this development and others in the area. A capital project to complete these upgrades is currently underway and is scheduled to be completed by December 2020. Planning staff recommend that prior to introducing Bills to City Council for enactment, the applicant be required to

submit a revised Functional Servicing Study, Stormwater Management Report and Sanitary Capacity Analysis Report to the satisfaction of the Executive Director of Engineering and Construction Services and that the Owner enter into a financially secured agreement (prior to Bill enactment) for any required improvements determined through the accepted Engineering Reports by the Executive Director of Engineering and Construction Services. Furthermore, Planning staff recommends that no above grade building permits be issued prior to the completion of the Capital Improvement project currently ongoing at Viewmount Park.

## **Housing Issues**

The proposed unit mix provides for 17 three-bedroom units (8% of the total proposed units), and 41 two-bedroom units (19 % of the total proposed units). This adequately supports the unit mix objectives of the Growing Up Guidelines, Official Plan housing policies and the Growth Plan's policies to accommodate within new development a broad range of households, including families with children.

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner and Executive Director.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the Planning Act may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the Building Code Act.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike Planning Act applications, decisions made by City Council under By-law 885-2007 are not appealable to the Local Planning Appeal Tribunal.

With only 5 residential rental dwelling units within this related group of buildings, the City's Official Plan policy requiring the replacement of the existing rental dwelling units does not apply.

Based on the information provided by the applicant, a review of historical property records and a site visit, Staff determined at the time of application that the site contained 11 residential dwelling units within the 6 existing buildings.

Based on the occupancy history of the 11 dwelling units provided by the applicant, staff determined that 6 of the 11 dwelling units were owner occupied prior to being purchased by the applicant for the purpose of redevelopment; the remaining 5 dwelling

units had been used for residential rental purposes for an extended period of time. Currently, all 11 dwelling units are vacant.

As there are six or more existing residential dwelling units and at least one dwelling unit that was used for residential rental purposes, a permit under Section 111 of the City of Toronto Act and Chapter 667 of the Municipal Code is required.

The City's policy is to provide tenant relocation assistance to affected tenants. When the residential rental demolition application was filed in August 2018, 4 of 5 residential rental dwelling units were vacant. The 1 remaining tenant vacated the unit prior to this Final Report. As such, no tenant relocation assistance is required.

### **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 acquisition priority area, as per [Chapter 415, Article III of the Toronto Municipal Code](#).

At the alternative rate of 0.4 hectare per 300 units specified in [Chapter 415, Article III of the Toronto Municipal Code](#), the parkland dedication requirement is 2,907 m<sup>2</sup> or 85.68% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site 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 341 m<sup>2</sup>.

As per the [Toronto Municipal Code Chapter 415-26 C](#), the applicant has agreed to satisfy their parkland dedication requirement through the conveyance of lands off-site, which would expand an existing park as the required parkland dedication. The size and location of the off-site conveyance will be subject to the approval of the General Manager, Parks, Forestry & Recreation and the Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

### **Site Plan Control**

A site plan control application was submitted on February 19, 2019 and is currently under review. The proposed building provides glazing and entrances on the street to provide pedestrian activity and overlook. A variety of materials are proposed which help to articulate the building. Matters which will be further refined and secured through this application include: building materials; design of balconies to address privacy concerns to the *Neighbourhood* to the west; streetscape detailed design; landscaping, lighting and fencing details; design of the at-grade outdoor amenity areas; and location of bike parking.

### **Tree Preservation**

The development is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law).

An Arborist Report and Tree Inventory and Preservation Plan, dated May 24, 2018 and a Landscape Plan dated January 29, 2019 were submitted. These plans indicate the removal of two City owned trees and the planting of 16 new trees within the City's right of way. The removal of five privately owned trees having diameters of over 30cm are proposed to be removed with no new trees proposed. Opportunities for additional planting on site will be pursued during the review of the site plan application, particularly in the ground level amenity area.

The applicant is to submit a tree planting deposit to ensure the planting and survival of 16 new City trees. In addition, Forestry requires a cash in lieu payment, amount to be determined, for the planting of new trees off-site to replace the 5 private trees proposed for removal, should they not be able to be replanted on-site.

### **Toronto District School Board**

The Toronto District School Board has advised that there is insufficient space at the local schools to accommodate students anticipated from the proposed development. Students from the new development will not displace existing students at local schools and alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. The School Board indicates that at this time, the schools anticipated to serve the development are unknown.

The School Board has requested that as a condition of site plan approval the applicant enter into an agreement to put up signs on site advising that students may be accommodated in schools outside of the area until space in local schools becomes available and also include warning clauses in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside of the area, and that students may later be transferred.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured in Zoning By-laws, on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. The Zoning By-law would secure performance measures for the following Tier 1 development features: provision of space for bicycles and Low Emitting Vehicle Spaces. Other performance measures such as sidewalk space and pedestrian connectivity, Waste Collection and Sorting, building design to achieve energy efficiency, landscaped areas with water efficient plants and native species and a green roof will be secured through the site plan control application.

## Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-laws the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The owner has agreed to provide 1 million dollars to be secured in the Section 37 Agreement and directed towards the following:

1. Improvements to local streetscaping and landscaping; and
2. Improvements and/or expansion to local parks; and/or
3. Contribution to the provision of a new community facility or improvements to an existing local community facility within the Ward.

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

1. Off-site parkland dedication;
2. The provision of one bike repair stand with the location to be determined during the review of the Site Plan Control application;
3. The provision of one car share space that is publically accessible, with the location to be determined during the review of the Site Plan Control application;
4. Any servicing infrastructure improvements required to support the development; and
5. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

## Conclusion

The proposal for a 10 storey mid-rise building has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms to and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to intensifying a *Mixed Use Areas* site within close proximity to higher order transit and providing a range of housing types. The proposal provides an appropriate transition to the neighbourhood to the west and provides an improved public realm along all three street frontages with new sidewalks and landscaping. Staff worked with the applicant and the community to address and resolve the following key concerns: the height and massing of the building has been reduced and improved to minimize overlook and shadow concerns, the loading and garbage areas have been internalized within the building to reduce impacts on adjacent properties, and the mechanical room has been re-located from the ground

floor area to the roof to mitigate noise concerns and provide additional green space at grade. The proposal provides residential intensification and public realm improvements to a site that is within walking distance of the Glencairn subway station, an under-utilized station within the subway network, while providing an acceptable transition to the *Neighbourhood* to the west. This development can be the impetus for a revitalized Marlee Avenue and help to provide more housing options for the community with additional residents to support existing and planned transit infrastructure and local business. Staff recommend that Council approve these applications.

## CONTACT

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## SIGNATURE

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Joe Nanos, Director  
Community Planning, North York District

## ATTACHMENTS

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### City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment By-law 7625
- Attachment 6: Draft Zoning By-law Amendment By-law 569-2013

### Applicant Submitted Drawings

- Attachment 7: Site Plan
- Attachment 8: East Elevation
- Attachment 9: West Elevation
- Attachment 10: North Elevation
- Attachment 11: South Elevation
- Attachment 12: South East Rendering
- Attachment 13: South West Rendering

Attachment 1: Application Data Sheet

Municipal Address: 831, 833 and 837 GLENCAIRN AVE & 278, 280 & and 282 HILLMOUNT AVENUE Date Received: June 27, 2018

Application Number: 18 185562 NNY 15 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning application to allow a 10-storey mid-rise, mixed use building. Proposed development would include 218 dwelling units, including 2 live work units and ground floor retail. A total of 190 vehicle spaces and 218 bicycle spaces are proposed.

Applicant	Agent	Architect	Owner
WESTON CONSULTING 201 Millway Avenue Unit 19 Vaughan, ON L4K5K8			MASSETO HOMES INC 150 Ferrand Drive Toronto, ON M3C3E5

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 1.0 (c1.0; r1.0) SS3	Heritage Designation:	N
Height Limit (m):	10.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 3,750 Frontage (m): 82 Depth (m): 46

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	774		2,350	2,350
Residential GFA (sq m):	774		16,509	16,509
Non-Residential GFA (sq m):	266		367	367
Total GFA (sq m):	1,040		16,876	16,876
Height - Storeys:	2		10	10
Height - Metres:	6		30	30

Lot Coverage Ratio ( % ): 62.67 Floor Space Index: 4.55

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)  
 Residential GFA: 16,509  
 Retail GFA: 367  
 Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	5			
Freehold:	6			
Condominium:			218	218
Other:				
Total Units:	11		218	218

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			158	41	17
Total Units:			158	41	17

Parking and Loading

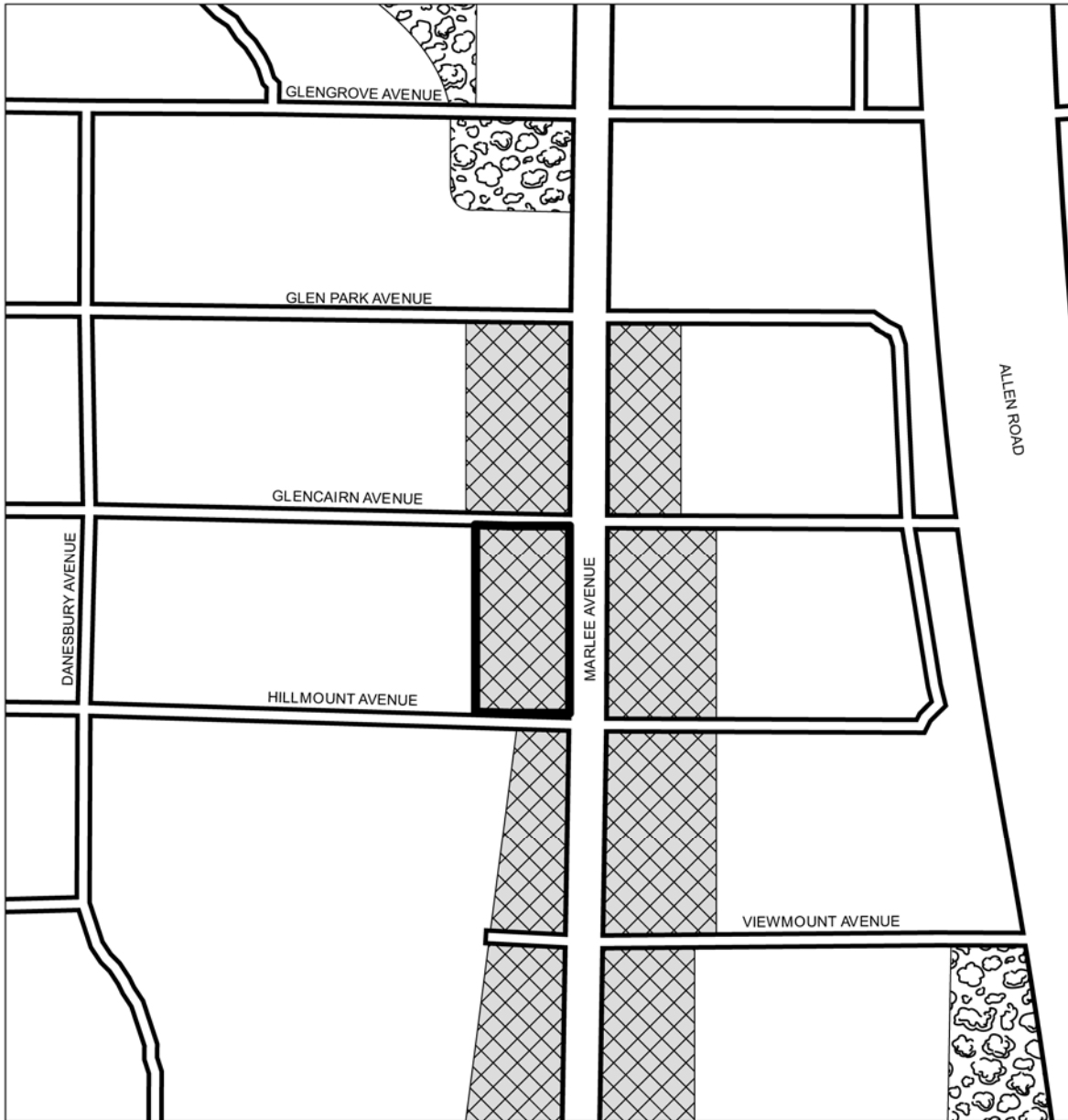
Parking Spaces: 190 Bicycle Parking Spaces: 218 Loading Docks: 1



Attachment 2: Location Map







Attachment 3: Official Plan Land Use Map



831-837 Glencairn Avenue & 278-282 Hillmount Avenue

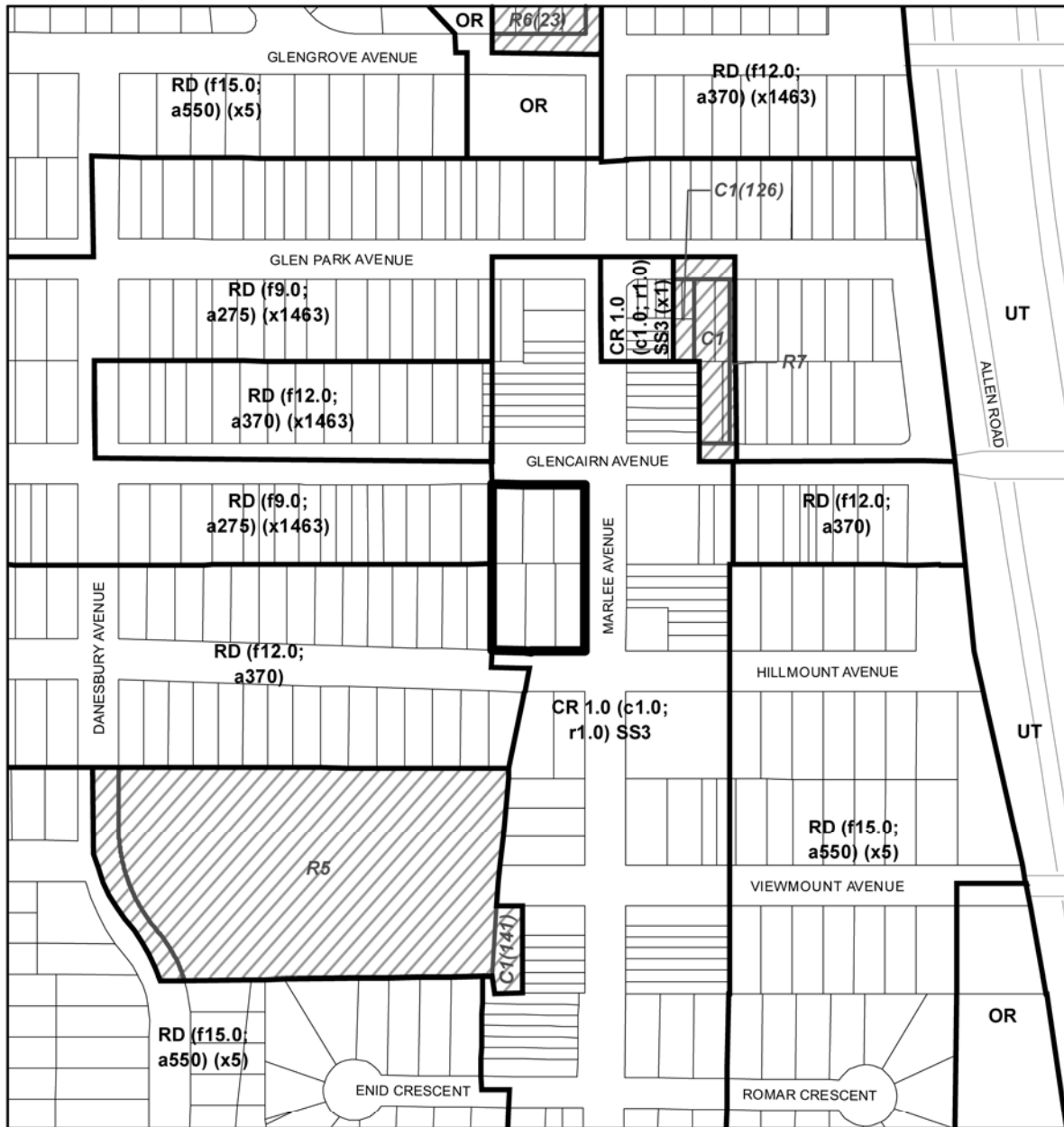
Official Plan Land Use Map #17

File # 18 185562 NNY 15 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks

  
Not to Scale  
08/28/2018

Attachment 4: Existing Zoning By-law Map



831-837 Glencairn Avenue & 278-282 Hillmount Avenue

Zoning By-law 569-2013

File # 18 185562 NNY 15 0Z

Location of Application

RD Residential Detached  
CR Commercial Residential  
OR Open Space Recreation  
UT Utility and Transportation

See Former City of North York By-Law No. 7625

R5 One-Family Detached Dwelling Fifth Density Zone  
R6 One-Family Detached Dwelling Sixth Density Zone  
R7 One-Family Detached Dwelling Seventh Density Zone  
C1 General Commercial Zone



Not to Scale  
Extracted: 08/28/2018

**CITY OF TORONTO**

**BY-LAW No. xxx-2019**

**To amend the former City of North York Zoning By-law No. 7625, as amended with respect to lands municipally known as 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue.**

WHEREAS pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in height or density of development beyond that permitted otherwise by the by-law in return for the provision of such facilities, services or matters 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, or 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 lands known at the date of enactment of this By-law as 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue (the "Lands") has elected to provide the facilities, services or matters as set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 7625, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" attached to this By-law.
2. Section 64.2x of By-law No. 7625 of the former City of North York is amended by adding the following subsection:

**64.2x(xxx)**

**DEFINITIONS**

(a) For the purpose of this exception, "established grade" shall mean a geodetic elevation of 175.25 metres above sea level.

(b) For the purpose of this exception, "gross floor area" shall mean the total area of all of the floors of a building above or below grade measured from the outside of the exterior walls, including indoor residential amenity space, but excluding:

- i. any floor area used for motor vehicle parking, including ancillary areas, ramps, below grade lobbies, and driveways;
- ii. any floor area used for mechanical or electrical equipment, or elevators and elevator shafts;
- iii. any floor area used for stair enclosures providing access to the roof of the building or structure;
- iv. any area used for loading areas;
- v. locker areas;
- vi. the floor area of unenclosed terraces or balconies; and
- vii. any floor area used for bicycle parking.

(c) "Lands" shall mean the lands zoned Mixed Use Commercial Zone C5 – xxx on Schedule "1".

## **PERMITTED USES**

(d) On the lands identified on Schedule '1', the only permitted uses shall be:

- i. Residential: apartment house dwellings, including private recreational amenity areas and accessory uses and live work units.
- ii. Commercial: restaurants, retail stores, personal service shops, public parking lot, and banks.
- iii. Temporary sales office.

## **EXCEPTION REGULATIONS**

### **YARD SETBACKS AND DISTANCE TO BUILDINGS**

(e) Notwithstanding section 27(4)(a), the minimum yard setbacks shall be as shown on Diagram 3, 4, and 5.

### **BUILDING HEIGHT**

(f) Notwithstanding section 27(5)(a), the maximum building height of any portion of the building or structure shall not exceed the height in metres above established grade shown for that portion of the building or structure on Schedule 5 of this By-law.

(g) Enclosures for rooftop mechanical and elevator equipment may exceed the maximum building height shown on Schedule 2 by a maximum 6.0 metres provided such enclosures are located within the area shown as 'Mechanical Penthouse' on Diagram 5. Notwithstanding the above, parapets and other decorative roof elements are permitted to exceed this height.

(h) Elements of the rooftop indoor recreational amenity area may exceed the maximum building height shown on Diagram 5 by a maximum 6.0 metres provided it is located within the area shown as 'Rooftop Amenity Area' on Diagram 5.

(i) Exit Stairs, Elevator Lobby, Elevator Shaft, Rooftop Mechanical Room, and Screen Walls may exceed the maximum building height of 30.0 metres, shown on Schedule 2, by 6.0 metres.

(j) A maximum of 10 storeys, excluding mechanical penthouse, green roof, and rooftop amenity space, is permitted above the Established Grade.

(k) Except as provided herein, Section 2.10 shall continue to apply.

## **DENSITY**

(l) Notwithstanding section 27(6)(a), the maximum density permitted on the lands shall be 4.59 times the area of the lot, as shown on Schedule 1.

## **ENCROACHMENTS**

(m) Despite paragraph (g) and in addition to the projections permitted by Section 6(9) (Permitted Projection into Minimum Yard Setbacks), each of the following structures shall be permitted to project into the setbacks shown on Schedule 2:

- i. a balcony that overhangs may project horizontally a maximum of 1.8 metres from the wall(s) to which it is attached, this does not apply to balconies located on top of the building (i.e. a balcony above a floor below);
- ii. ramps;
- iii. public art;
- iv. a railing; and,
- v. patios, verandahs or porches.

## **MAXIMUM GROSS FLOOR AREA**

(n) The maximum gross floor area permitted shall not exceed 16,875.94 square metres, except where the mechanical penthouse is reduced, the maximum gross floor area permitted shall not exceed 17,193 square metres.

## **NUMBER OF DWELLING UNITS**

(o) A maximum number of 218 dwelling units shall be permitted.

## **INDOOR AND OUTDOOR AMENITY AREA**

(p) A minimum of 2 square metres per dwelling unit of indoor amenity shall be provided and a minimum of 2 square metres per dwelling unit of outdoor amenity shall be provided.

## **PARKING**

(q)The minimum parking spaces shall be calculated in accordance with the following:

### Residential

0.70 space per 1-Bedroom dwelling unit

0.90 space per 2-Bedroom dwelling unit

1.00 space per 3-Bedroom dwelling unit

### Visitors

0.10 space per dwelling unit, 5 spaces will be reserved for the exclusive use of visitors.

### Retail

0; parking for retail is to be shared with residential visitor parking spaces

### Bicycle

#### Resident (long term)

0.90 space per residential unit

#### Visitor (short term)

0.10 space /unit

## **LOADING SPACE DIMENSIONS**

(r) Notwithstanding Section 6A(16)(a) and (b), the minimum number is 1 loading space and the dimensions are 4.0 metres x 13.0 metres and a minimum vertical clearance of 6.1 metres.

(s) Notwithstanding Section 6A(16)(d) the slope of the access to the loading area will have a 1% slope dimension.

## **DIVISION OF LANDS**

(t)Notwithstanding any severance, or division of the lands subject to this exception, the regulations of this exception shall continue to apply to the whole of the lands.

## **SECTION 37 AGREEMENT**

(u) In order to permit an increase in the maximum gross floor area cited in clause 2(o) of this exception, the owner of the Lands shall enter into and register against title to the Lands an agreement or agreements pursuant to Section 37 of the Planning Act securing the provision of the following facilities, services or matters, to the satisfaction of the Director North York Community Planning and the City Solicitor: Please refer to Schedule A.

## **EXEMPTIONS**

(v) The following sections of By-law 7625 shall not apply:

- i. The provisions of 22(10) (Gross Floor Area)
- ii. The provisions of Section 27(4)(a) (Yard Setbacks);
- iii. The provisions Section 27(5)(a) (Building Height);
- iv. The provisions Section 27(6)(a) (Density);
- v. The provisions of Section 6(9) (Permitted Projection into Minimum Yard Setbacks);
- vi. The provisions of Section 6A(2) (Parking Requirements)

ENACTED AND PASSED this ~ day of ~, A.D. 2019.

FRACES NUNZIATA,  
Speaker      City Clerk  
(Corporate Seal)

ULLI S. WATKISS,



## **SCHEDULE A**

### **Section 37 Provisions**

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 5 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:

(1) Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$300,000.

The \$300,000 cash contribution to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) Prior to issuance of an above grade building permit, other than building permit for a temporary sales office/pavilion, the owner shall provide a cash contribution in the amount of \$700,000.

The \$700,000 cash contribution to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(3) The amounts secured in (1) and (2) above will be towards the following community benefits:

a. the expansion and/or improvements to local parks within the Ward to the satisfaction of the General manager, Parks, Recreation and Forestry in consultation with the local Councillor; and

b. streetscaping and public realm improvements nearby the site, within the Ward accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor; and/or

c. a community facility or improvements to existing local community facilities within the Ward, to the satisfaction of the Chief Planner and Executive Director City Planning and in consultation with the local Councillor.

(4) The owner shall provide the following to support the development of the lands;

a. Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey an off-site parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation;

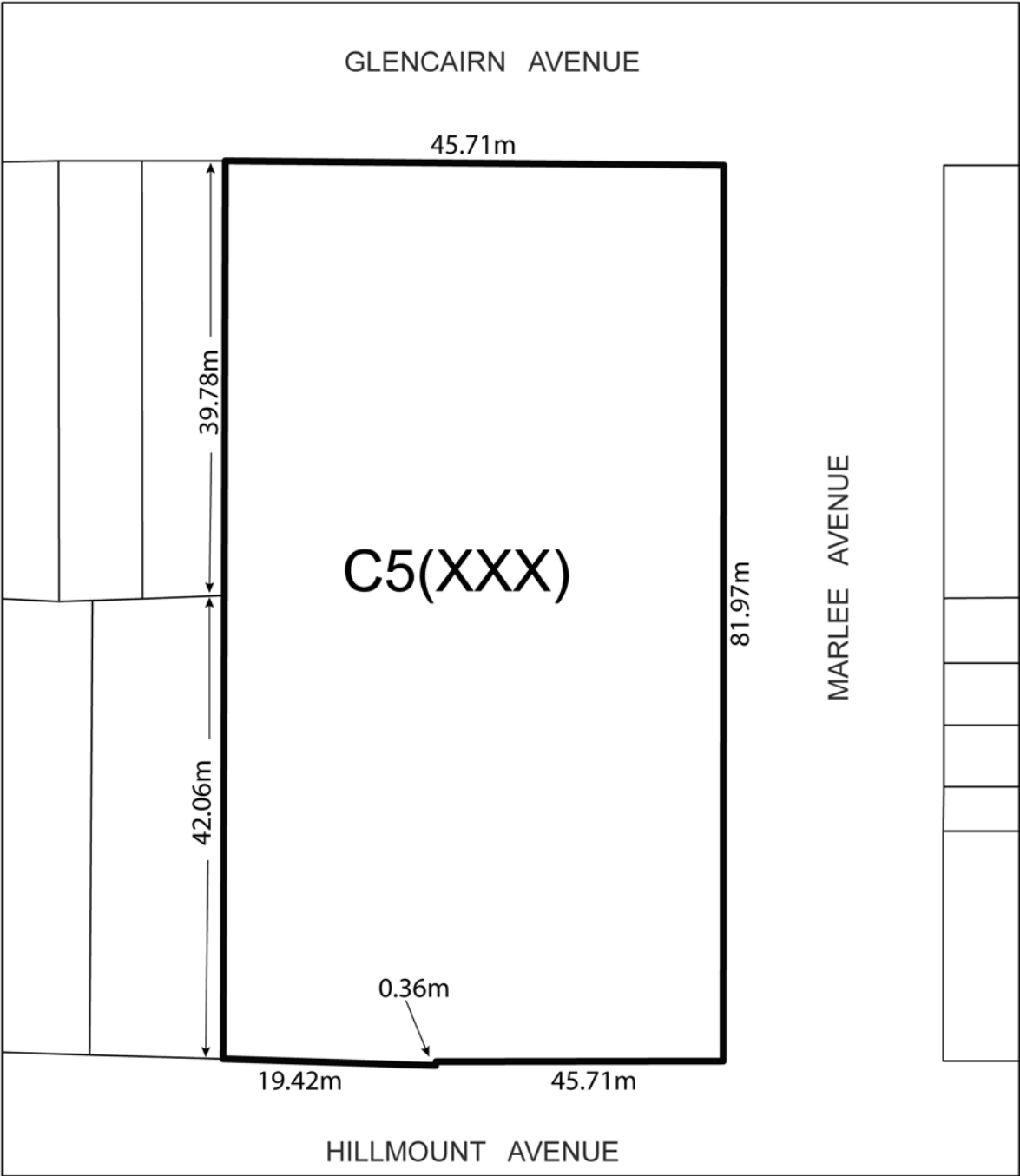
b. The Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;

c. The provision of one bike repair stand with the location to be determined during the review of the Site Plan Control application;

d. The provision of one car share space that is publically accessible, with the location to be determined during the review of the Site Plan Control application; and

e. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

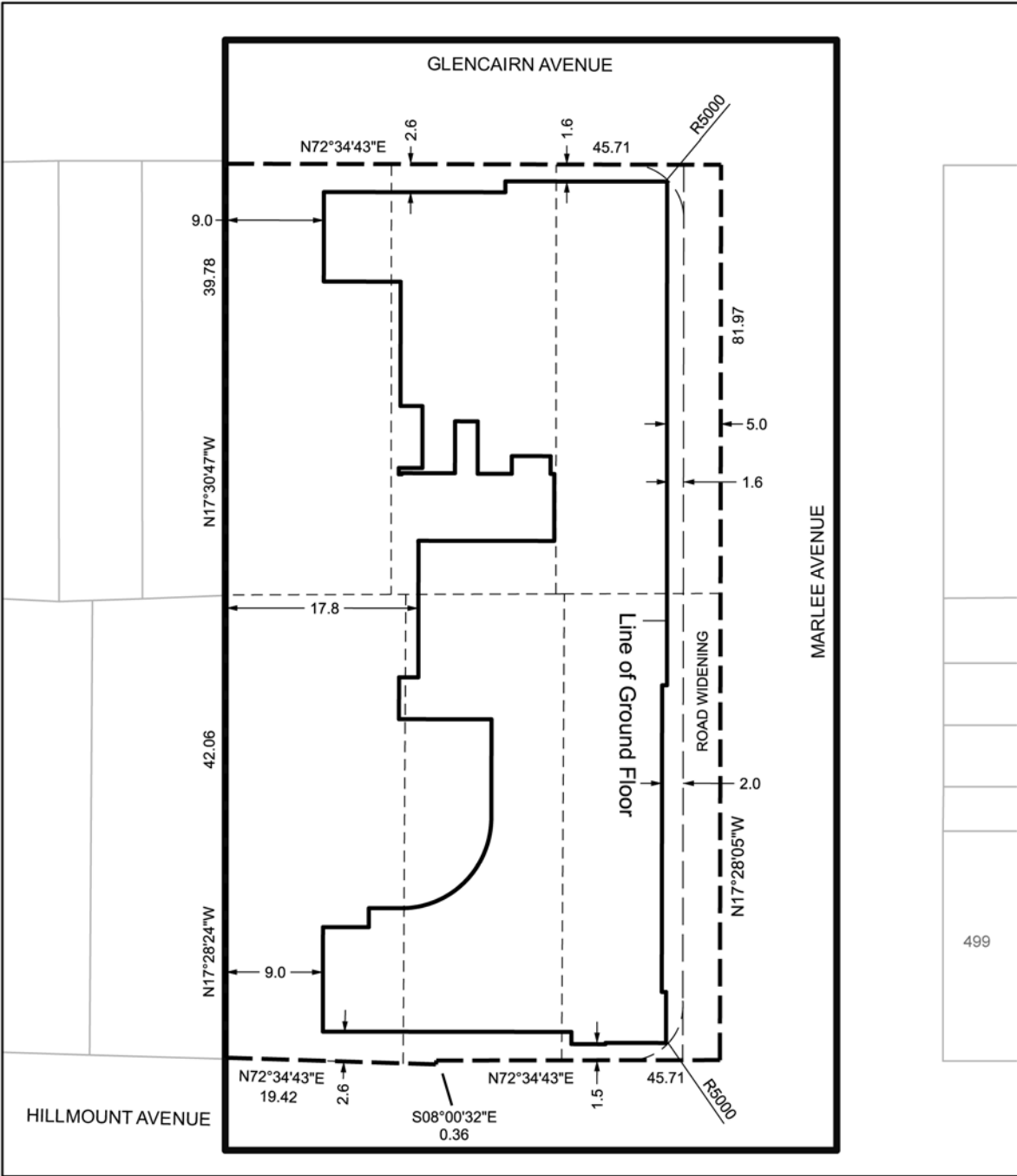
(5) In the event the cash contributions referred to in Sections (1) and (2) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



**Toronto**  
Schedule 1

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
File # 18 185562 NNY 15 02

City of Toronto By-law 569-2013  
Not to Scale  
11/13/2019

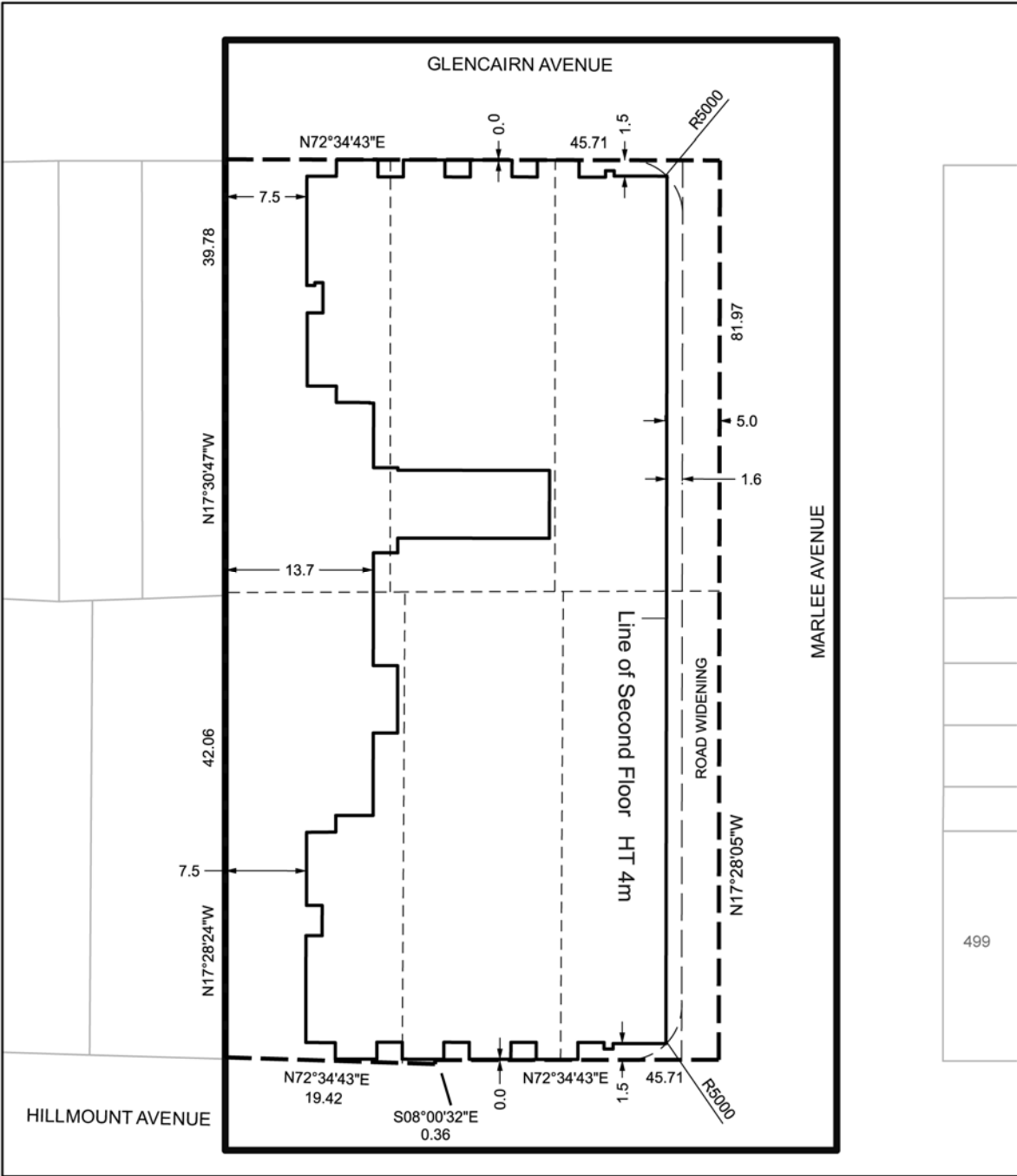


**Toronto**  
Diagram 3

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
File # 18 185562 NNY 15 0Z

**Line of Ground Floor**

City of Toronto By-law 569-2013  
Not to Scale  
11/13/2019



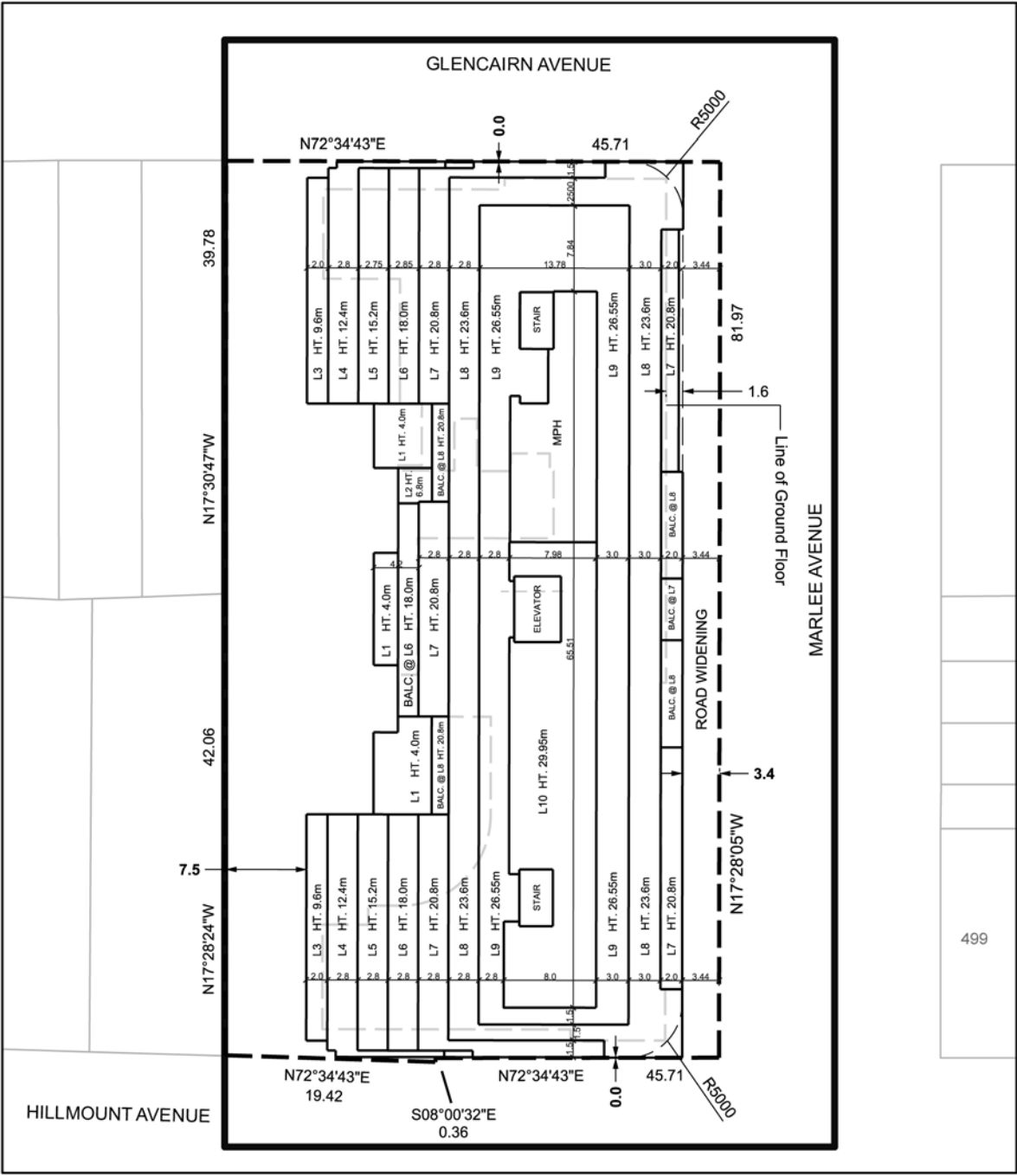
**TORONTO**  
**Diagram 4**

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**

File # 18 185562 NNY 15 0Z

**Line of Second Floor**

City of Toronto By-law 569-2013  
 Not to Scale  
 11/13/2019



**TORONTO**  
**Diagram 5**

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**

File # 18 185562 NNY 15 0Z

City of Toronto By-law 569-2013  
 Not to Scale  
 11/13/2019

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

## **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. XXXX-2019**

### **To amend the City of Toronto Zoning By-law 569-2013 in respect of lands municipally known as 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue**

Whereas Council of the City of Toronto has the authority to 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 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 and 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 matters 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, the 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. 569-2013 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 enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR1.0(c1.0;r1.0)(x####) as shown on Diagram 2 attached to this By-law; and

4. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number [####] so that it reads:

**(##)Exception [Zone Symbol] [####]**

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions.

Site Specific Provisions:

(A) On 831, 833 and 837 Glencairn Avenue and 278, 280, and 282 Hillmount Avenue, if the requirements of by-law [Clerks to supply by-law ##] are complied with, none of the provisions of 40.10.40.10 (5) apply to prevent the erection or use of a building, structure, addition or enlargement permitted in by-law [Clerks to supply by-law ##].

(B) Despite 40.5.40.10(1), the height of a building or structure on the lands is measured as the vertical distance between Canadian Geodetic Datum elevation of 175.25 metres and the highest point of the building or structure.

(C) The maximum gross floor area, as determined by 40.5.40.40(3), for the entire site is 16,490.0 square metres

(D) Despite 40.10.30.40 (Lot Coverage), the maximum building coverage permitted is 65% as shown on Diagram 5.

(E) Despite 40.10.40.10 (3) the maximum permitted height of a building or structure on a lot is as shown on Diagram 5.

(F) Despite 40.10.40.40(1) (Floor Space Index), a maximum floor space index of 4.5 shall be permitted on the lands, as shown on Diagram 5.

(G) Despite 40.10.40.40(5) the required minimum height of the first storey is 4.0 metres.

(H) Despite 40.10.40.70, the minimum setbacks shall be as shown on Diagram 3,4, and 5.



(I) A minimum of 17 three bedroom units are required on the lands as shown on Diagram 5.

(J) A maximum of 218 dwelling units are permitted on the lands shown on Diagram 5.

(K) A minimum of 340 square metres of non-residential on the ground floor of the building facing the Marlee Avenue frontage is required.

## 6. Section 37 Provisions

(A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and 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 lands, to the satisfaction of the City Solicitor.

(B) Where Schedule A of this 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.

(C) 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 A are satisfied.

Enacted and passed on month ##, 20##.

Name, Ulli S. Watkiss,  
Speaker      City Clerk

(Seal of the City)

## **SCHEDULE A**

### **Section 37 Provisions**

**The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the Planning Act whereby the owner agrees as follows:**

(1) Prior to issuance of a foundation permit the owner shall pay to the City a cash contribution of \$300,000.

The \$300,000 cash contribution to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

(2) Prior to issuance of an above grade building permit, other than building permit for a temporary sales office/pavilion, the owner shall provide a cash contribution in the amount of \$700,000.

The \$700,000 cash contribution to be indexed upwardly in accordance with the Statistics Canada Apartment Building Construction Price Index for Toronto, calculated from the date of the Section 37 Agreement to the date the payment is made.

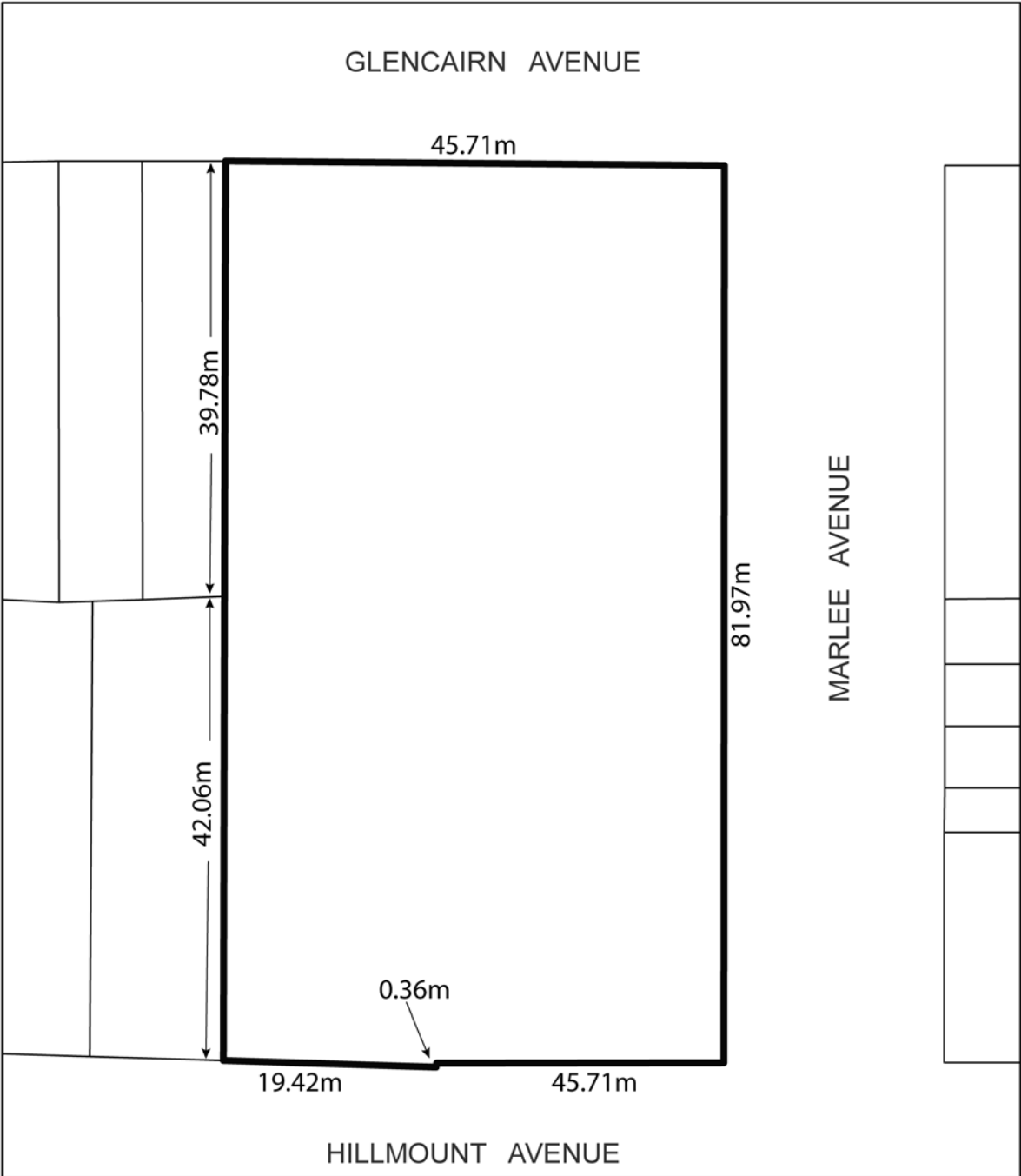
(3) The amounts secured in (1) and (2) above will be used towards the following community benefits:

- a. the expansion and/or improvements to local parks within the Ward to the satisfaction of the General Manager, Parks, Recreation and Forestry in consultation with the local Councillor;
- b. streetscaping and public realm improvements nearby the site, within the Ward in accordance with the Streetscape Manual to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the local Councillor; and/or
- c. a community facility or improvements to existing local community facilities within the Ward, to the satisfaction of the Chief Planner and Executive Director City Planning and in consultation with the local Councillor.

(4) The owner shall provide the following to support the development of the lands;

- a. Prior to the issuance of the first above-grade building permit, the owner shall make arrangements to convey an off-site parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- b. The Owner shall be required to secure the design and construction, and provide financial securities for, at no cost to the City, any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Functional Servicing Report and Stormwater Management Report and Hydrological Review, and related engineering reports ("Engineering Reports"), to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades are required to support the development, according to the accepted Engineering Reports;
- c. The provision of one bike repair stand with the location to be determined during the review of the Site Plan Control application;
- d. The provision of one car share space that is publically accessible, with the location to be determined during the review of the Site Plan Control application; and
- e. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard.

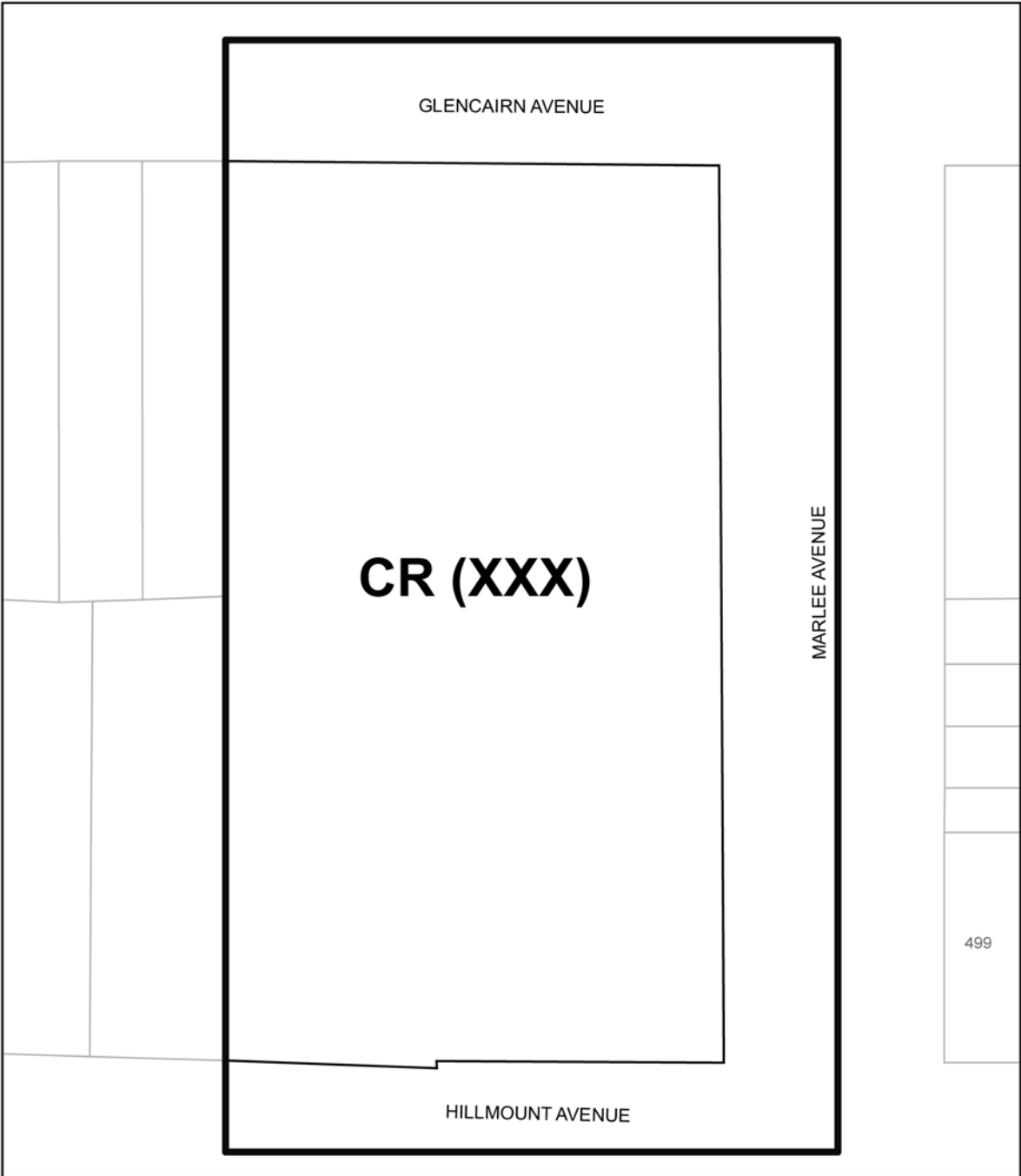
(5) In the event the cash contributions referred to in Sections (1) and (2) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.



**Toronto**  
**Diagram 1**


**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
 File # 18 185562 NNY 15 02

City of Toronto By-law 569-2013  
 Not to Scale  
 11/13/2019

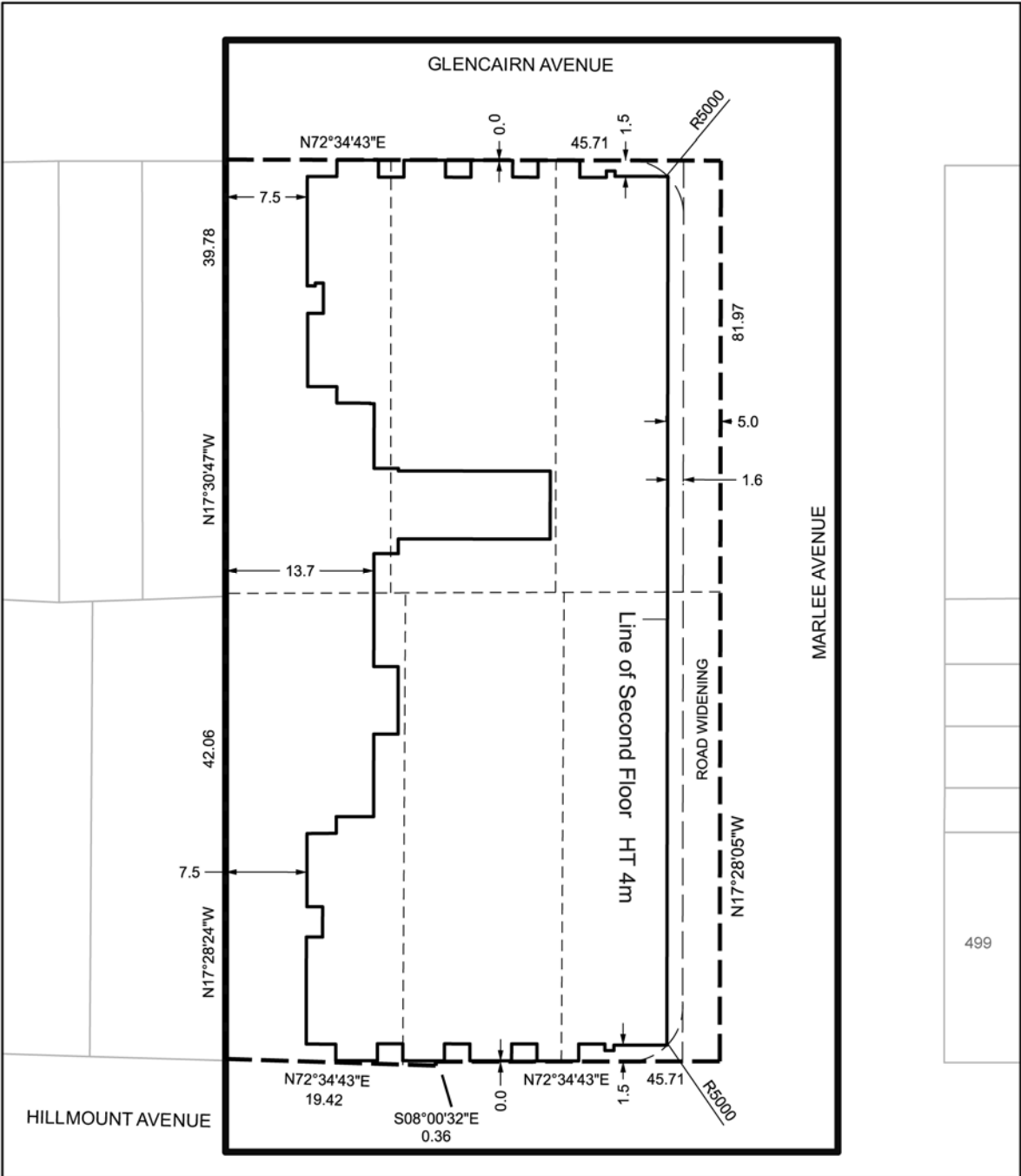


 **TORONTO**  
Diagram 2

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
File # 18 185562 NNY 15 0Z

  
City of Toronto By-law 569-2013  
Not to Scale  
11/13/2019



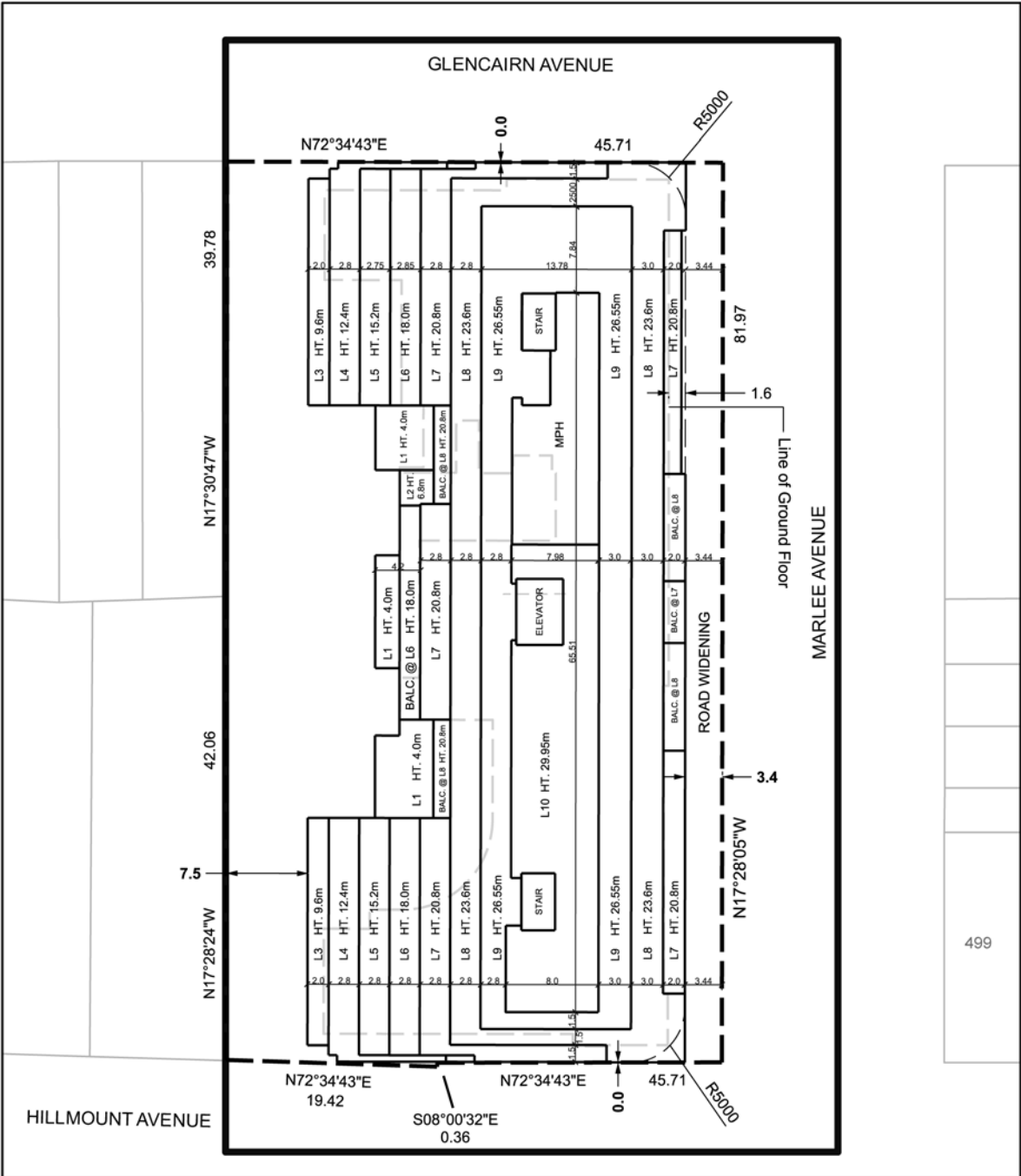


**TORONTO**  
**Diagram 4**

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
 File # 18 185562 NNY 15 0Z

**Line of Second Floor**

City of Toronto By-law 569-2013  
 Not to Scale  
 11/13/2019



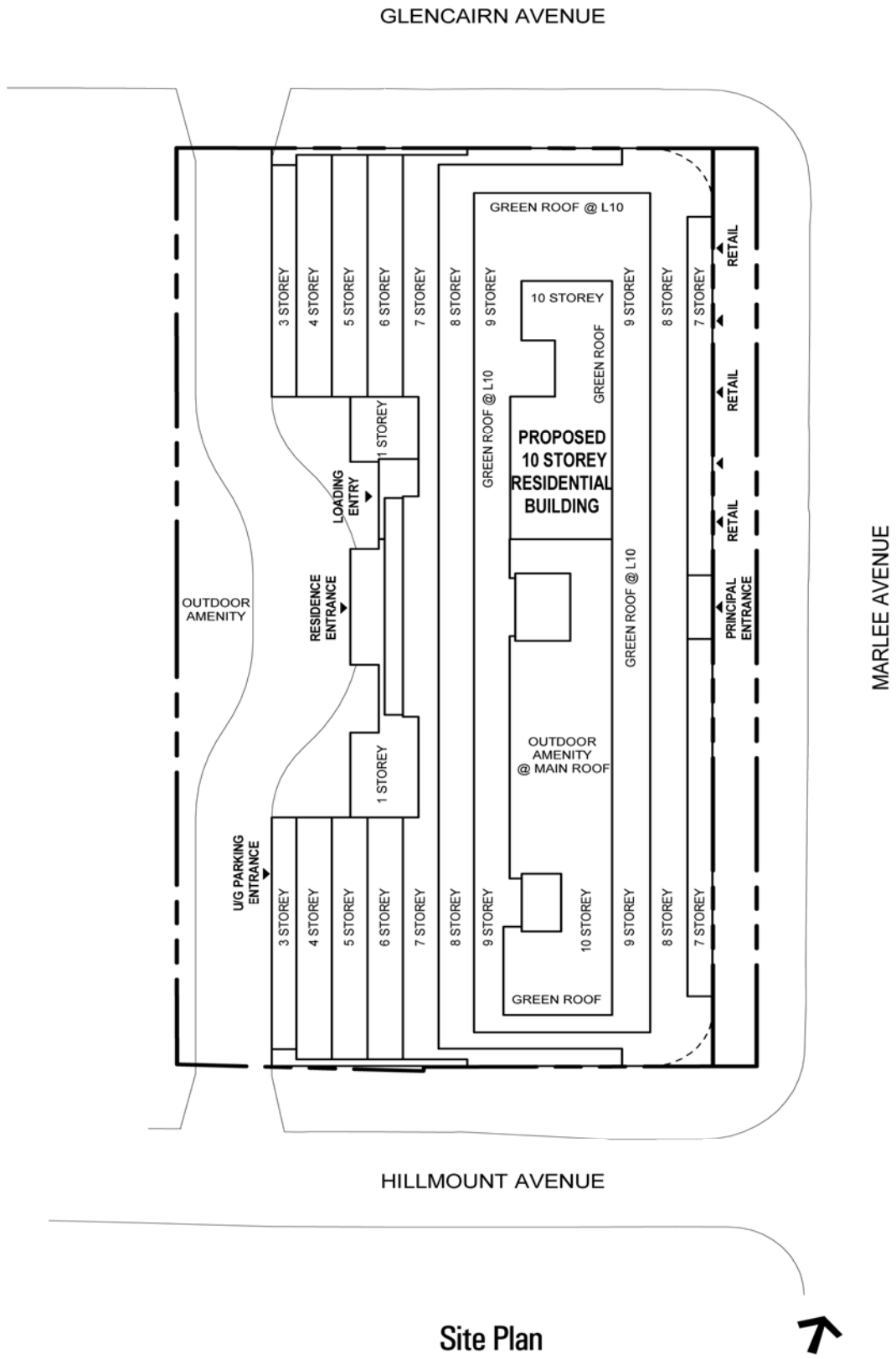
**Toronto**  
Diagram 5

**831-837 Glencairn Avenue**  
**278-282 Hillmount Avenue**  
File # 18 185562 NNY 15 0Z

City of Toronto By-law 569-2013  
Not to Scale  
11/13/2019

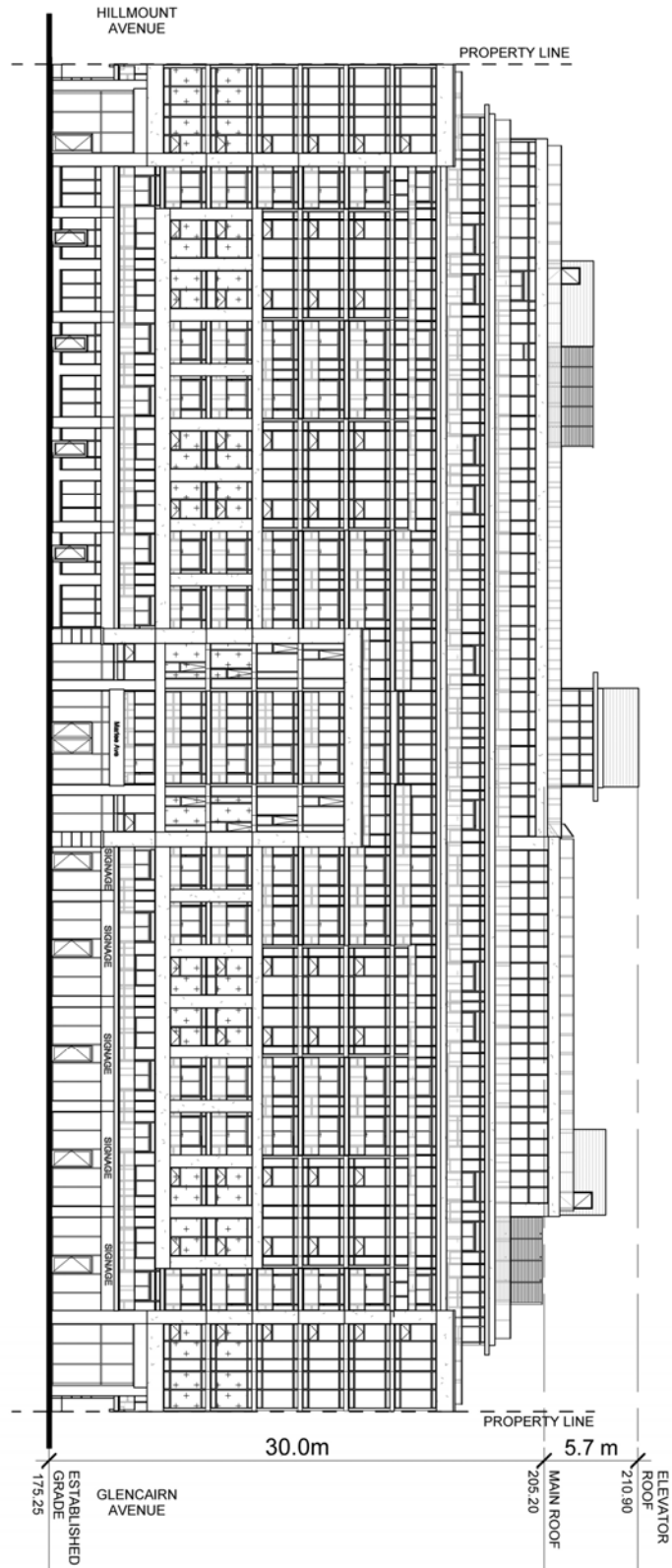


Attachment 7: Site Plan



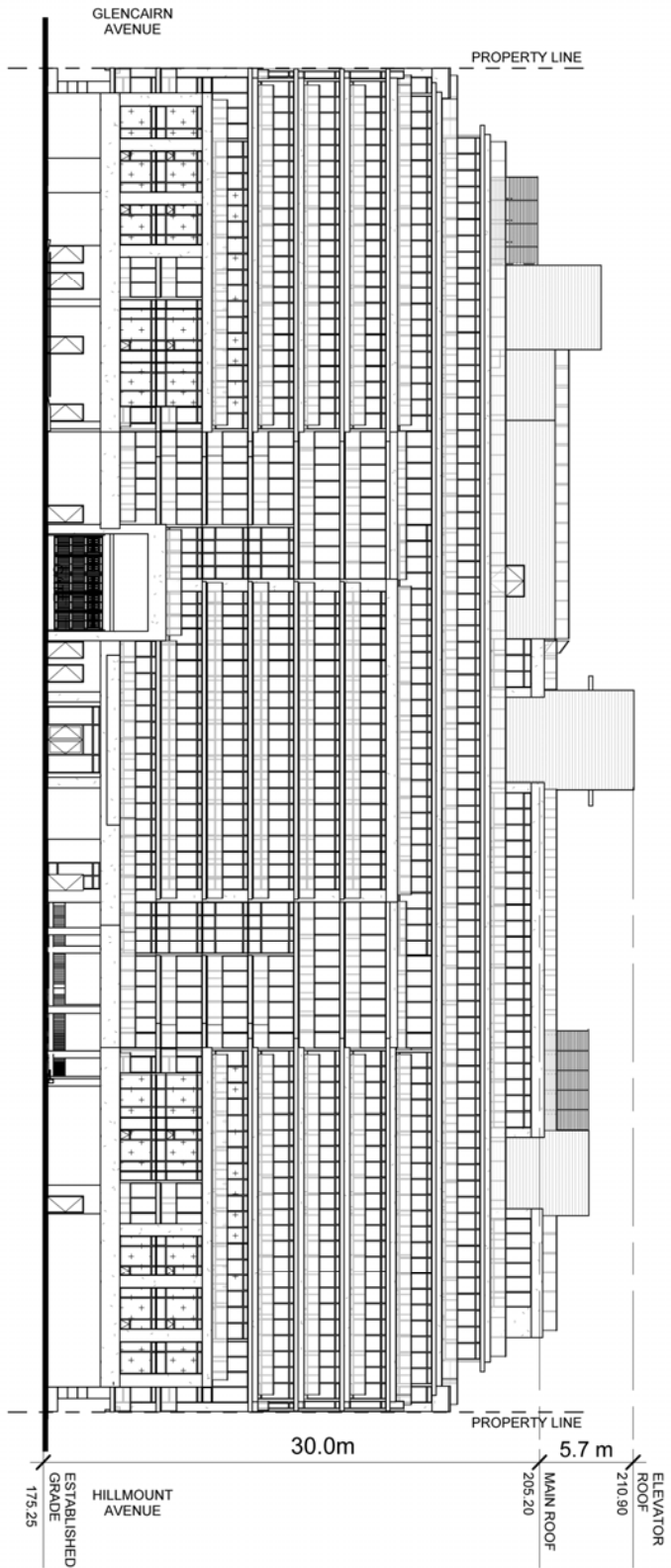
Attachment 8: East Elevation

East Elevation

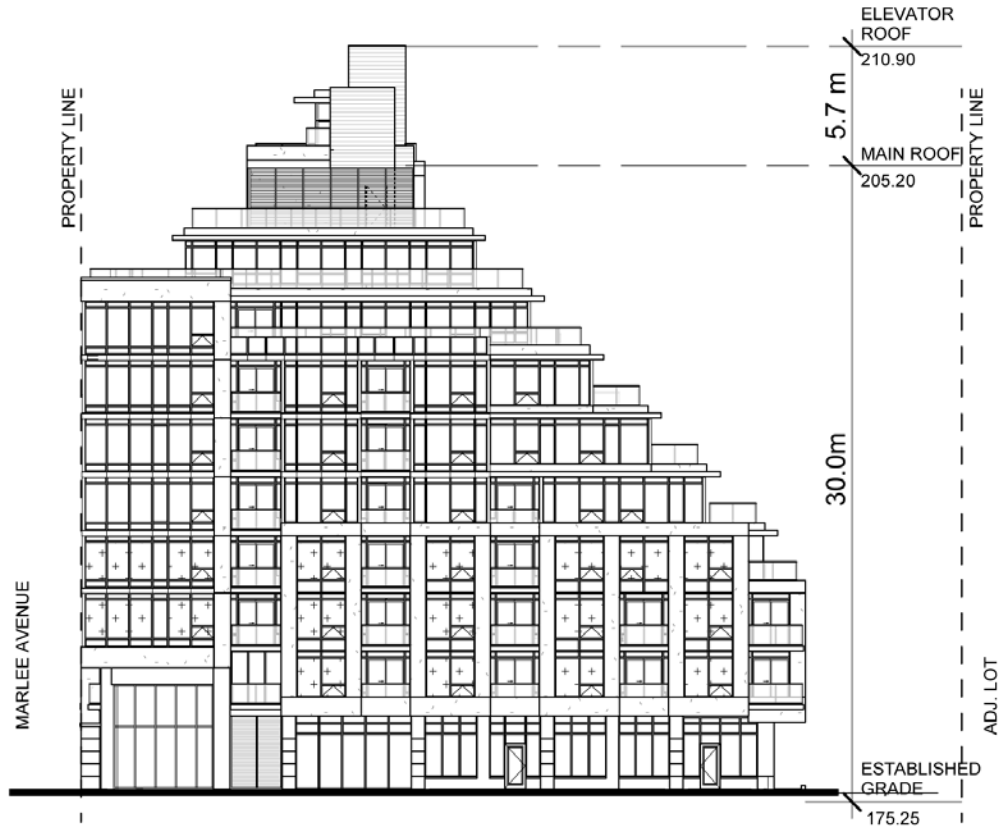


Attachment 9: West Elevation

West Elevation

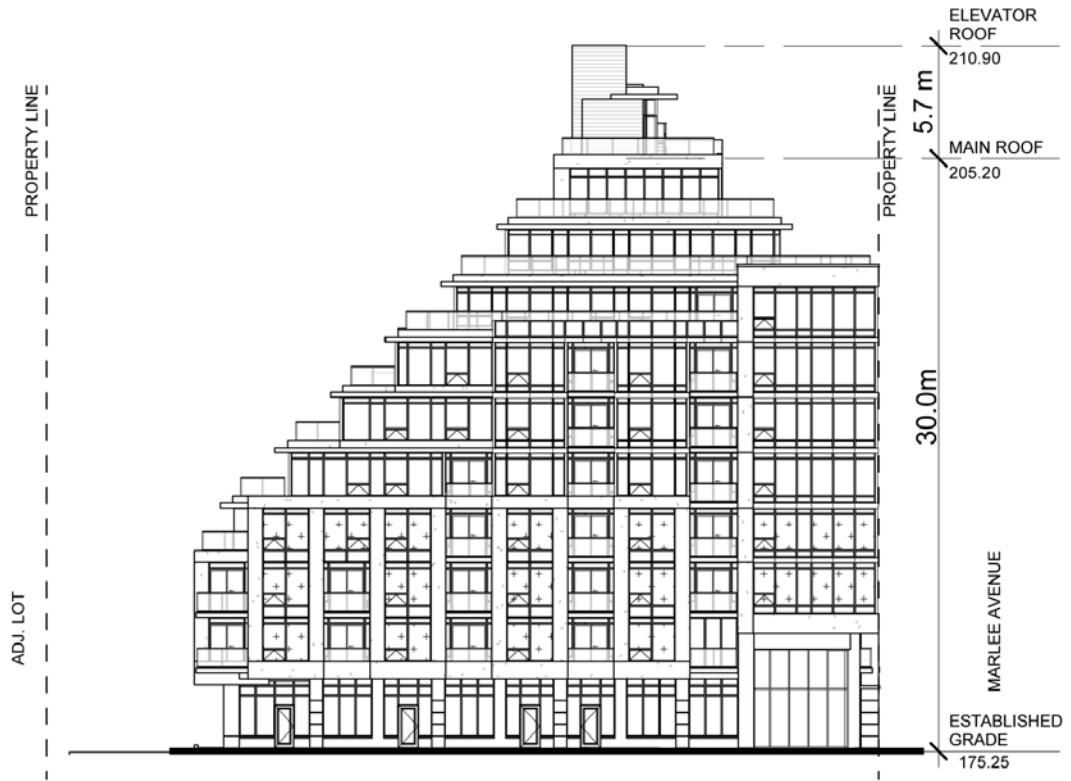


Attachment 10: North Elevation



North Elevation

Attachment 11: South Elevation



South Elevation

Attachment 12: South East Rendering



South East Rendering

Attachment 13: South West Rendering



South West Rendering