

Clause embodied in Report No. 2 of the Southwest Community Council, as adopted by the Council of the City of Toronto at its meeting held on March 6, 7 and 8, 2001.

2

**Appeal regarding 103-105 West Lodge Avenue
Ontario Municipal Board Hearing
(Parkdale-High Park- Ward 14)**

(City Council at its meeting held on March 6, 7 and 8, 2001, adopted this Clause, without amendment.)

The Southwest Community Council recommends the adoption of the following motion (February 13, 2001) by Councillor Korwin-Kuczynski:

WHEREAS the Ontario Municipal Board hearing regarding an appeal of the City's decision as noted in Clause No. 92, Report No. 12 of the Toronto Community Council, which was adopted without amendment, by City Council at its meeting held on September 28 and 29, 1999, is scheduled to be held on Monday, February 19, 2001; and

WHEREAS the Southwest Community Council at its meeting held on February 13, 2001, recommended that the City hire an outside Planner and Solicitor to appear before the Ontario Municipal Board; and

WHEREAS this recommendation must be approved by City Council at its meeting to be held on March 6, 2001, several weeks after the OMB hearing date; and

WHEREAS in the interim, the local Councillor, Chris Korwin-Kuczynski, will be meeting with representatives of the West Lodge Tenants' Association and the Landlord, in an attempt to resolve outstanding issues of concern, in order to reach a satisfactory agreement; and

WHEREAS the Southwest Community Council at its meeting on February 13, 2001, requested the Ontario Municipal Board to adjourn the hearing date of February 19, 2001, conditional upon a satisfactory agreement being reached between the West Lodge Tenants' Association and the Landlord, prior to the February 19, 2001 OMB hearing date; and

WHEREAS if an agreement is reached between the West Lodge Tenants' Association and the Landlord, the request for an adjournment will not be necessary and will therefore be withdrawn; and that if an agreement is not reached between the two parties, the request for an adjournment by the Southwest Community Council will stand;

THEREFORE BE IT RESOLVED THAT Council authorize the City Solicitor to hire an outside Planner and Solicitor, to appear before the Ontario Municipal Board, to defend the City's decision with respect to this matter.

The Southwest Community Council had before it a communication (February 5, 2001) from Councillor Chris Korwin-Kuczynski, requesting that a Planner and a Solicitor, attend the Ontario Municipal Board Hearing on February 19, 2001, at 10:00 a.m. regarding an appeal for 103 West Lodge Avenue.

Reference OMB File No. PL001206.

The Southwest Community Council submits, for the information of Council, the following Clause 92 in Report No. 12 of the Toronto Community Council, which was adopted, without amendment by the Council of the City of Toronto at its meeting held on September 28 and 29, 1999:

(City Council on September 28 and 29, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends that:

- (1) City Council not approve the draft by-law appended to the report (April 13, 1999) from the City Solicitor;**
- (2) the Director, Municipal Standards and Licensing be requested to withhold approval of any remaining outstanding orders until the meeting with Parkdale Community Legal Services and representatives of the West Lodge Tenants Association occurs, and issues resolved (as requested by the Toronto Community Council), provided that such meeting is held on an expedited basis; and**
- (3) the Director, Municipal Standards and Licensing and the Deputy Chief Building Official ensure that work orders are in 100% compliance before they are cleared.**

Recommendation Nos. (1) and (2) were carried unanimously as follows:

Yeas - Councillors McConnell, Adams, Bossons, Bussin, Fotinos, Johnston, Korwin-Kuczynski, Miller, Silva and Walker - 10

Recommendation No. (3) was carried unanimously as follows:

Yeas - Councillors McConnell, Chow, Fotinos, Johnston, Korwin-Kuczynski, Miller, Rae and Walker - 8

The Toronto Community Council reports, for the information of Council, having:

- (1) invited the Director of Parkdale Community Legal Services and representatives of the West Lodge Tenants' Association to meet with the Deputy Chief Building Official and the Director, Municipal Standards and Licensing to review all building standard and building code issues that are of concern to the tenants and their representatives;

- (2) advised the Planning and Transportation Committee that it:
- (a) endorses the recommendations for a Tenant Defense Fund presented to the Planning and Transportation Committee, at its meeting held on September 13, 1999;
 - (b) supports the recommendations of the Sub-Committee to Restore Rent Control, including its request for a meeting with the Honourable Steven Gilchrist, Minister of Municipal Affairs and Housing; and
- (3) referred the following communications to the Deputy Chief Building Official, the Director, Municipal Standards and Licensing and the City Solicitor:
- (September 14, 1999) from Mr. Marko Lavrisa;
 - (September 12, 1999) from Mr. Vilko Zbogar; and
 - (September 14, 1999) from Dr. Harpreet Singh Chaggar

The motion to advise the Planning and Transportation Committee was carried unanimously as follows:

Yeas - Councillors McConnell, Chow, Fotinos, Johnston, Korwin-Kuczynski, Miller, Rae and Walker - 8

The motions to request the meeting with the Director of Parkdale Community Legal Services and representatives of the West Lodge Tenants' Association, and to refer the communications were carried unanimously as follows:

Yeas - Councillors McConnell, Adams, Bossons, Bussin, Fotinos, Johnston, Korwin-Kuczynski, Miller, Silva and Walker - 10

The Toronto Community Council further reports, for the information of Council, that notice of the public meeting was given in accordance with the Planning Act. The public meeting was held on May 26, 1999 and September 14, 1999, and the following addressed the Toronto Community Council:

On May 26, 1999:

- Mr. Vilko Zbogar, Parkdale Community Legal Services;
- Mr. Bart Poesiat, Common Front in Defense of Poor Neighbourhoods;
- Mr. Bob Levitt, Parkdale Tenants' Association;
- Dr. Harpreet Chaggar;
- Mr. Suk Tumsee;
- Mr. A. Lynch;
- Ms. Anna Thaker, Westlodge Tenants' Association;
- Mr. David Drake, EMC Group Ltd.;
- Ms. Daramdeo Sukdeo; and
- Mr. Paul Wynn.

On September 14, 1999:

- Mr. Paul Wynn, Trustee;
- Mr. Jeff Wynn, Property Manager;
- Mr. Bart Poesiat, Parkdale Community Legal Services;
- Mr. Vilko Zbogor, Toronto, Ontario;
- Ms. Shirley Woods, West Lodge Tenants' Association;
- Ms. Marian MacGregor, Parkdale Community Legal Services;
- Ms. Anna C. Thaker, Parkdale Tenants' Association;
- Ms. Sookranie Lucknaut, Toronto, Ontario;
- Dr. Harpreet Chaggar, Audiologist;
- Mr. Chris Wilsack, Toronto, Ontario;
- Mr. John Connor, West Lodge Tenants' Association;
- Ms. Desiree Rose, Jameson Tenant Association;
- Mr. Jeff Phillips, Phillips Consultant;
- Ms. Kham Nguyen, Toronto, Ontario;
- Mr. Marko Lavrisa, Levitt-Goodman Architect Association;
- Ms. Thu Nguyen, Statistics Canada;
- Ms. Evelyn Simpson, Toronto, Ontario;
- Mr. Ngoc Le, Toronto, Ontario;
- Mr. Peter Romanov, Toronto, Ontario; and
- Mr. Karuna Karan, Toronto, Ontario.

The Toronto Community Council submits the following report (April 13, 1999) from the City Solicitor:

Purpose:

This report provides the necessary Zoning By-law amendment to allow for a reduction in required parking for the apartment complex located at 103 West Lodge Avenue to a minimum of 401 spaces, 31 of which may be located offsite at 105 Lansdowne Avenue.

Funding Sources, Financial Implications and Impact Statement:

The enactment of the Draft By-law has no direct financial implications for the City. It requires no funding.

Recommendations:

It is recommended that:

- (1) the Toronto Community Council hold a public meeting in respect of the Draft By-law in accordance with the provisions of the Planning Act.

Following the public meeting and in the event the Toronto Community Council wishes to approve the Draft By-law, it could recommend:

- (2) subject to receipt of a signed Undertaking as set out in Recommendation 3 of the report (May 7, 1999) of the Commissioner of Urban Planning and Development Services, that the Draft By-law attached to the report (April 13, 1999) of the City Solicitor be approved and that authority be granted to introduce the necessary bill in Council to give effect thereto.

Council Reference/Background/History:

Toronto Community Council will have before it the Final Report of the Commissioner of Urban Planning and Development Services (May 7, 1999) at its meeting to be held on May 26, 1999 concerning the above noted subject. The Commissioner's report recommends, inter alia, that a Draft By-law be prepared by the City Solicitor to allow for a reduction in required parking for the apartment complex. The owner of the site is required to enter into an Undertaking together with appropriate security dealing with those matters set out in Recommendation 3 of the report (May 7, 1999) of the Commissioner of Urban Planning and Development Services prior to the by-law being passed by Council.

Comments and/or Discussion and/or Justification:

This report contains the necessary Draft By-law, which, if enacted, will give effect to the planning report.

Contact Name:

Robert Balfour, Solicitor
Telephone: (416) 392-7225; Fax: (416) 392-0024; E-mail: rbalfour@city.toronto.on.ca

DRAFT BY-LAW

Authority: Toronto Community Council Report No. , Clause No. ,
as adopted by Council on

Enacted by Council:

CITY OF TORONTO

BY-LAW No. -1999

To amend Zoning By-law Nos. 22037 and 438-86 for the former City of Toronto
with respect to lands known as 103 West Lodge Avenue.

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

1. None of the provisions of Sections 1(4) and 1(5) of By-law No. 22037, being "A By-law To amend By-law No. 20623 respecting certain lands abutting West Lodge and O'Hara Avenues, Cunningham Street and the Right-of-Way of the Canadian Pacific Railway" or of Sections 2(1) - definition of "*parking station*" as it pertains to *accessory* use, 4(4)(b), 6(2),

21(i) as it pertains to landscaping, (iv), (v) and (vi), and 6(3) Part III 1(b) of By-law No. 438-86, being "A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", as amended, shall apply to prevent the use of the building existing in the year 1998 located at 103 West Lodge Avenue provided:

- (1) the *lot* municipally known in the year 1998 as 103 West Lodge Avenue consists of at least those lands shown within the heavy lines on Plan 1 attached hereto;
- (2) *landscaped open space* is provided and maintained to the extent of at least 58 percent of the *lot* area;
- (3) a minimum of 401 *parking spaces* are provided and maintained for the exclusive use of residents of and visitors to the *residential building* of which:
 - (i) not less than 365 *parking spaces* are located within the existing *parking garage* on the *lot*;
 - (ii) 36 *parking spaces* are designated for visitors to the *residential building*, of which 31 *parking spaces* may be provided in a *parking station* located on the lands municipally known in the year 1998 as 105 Lansdowne Avenue;
 - (iii) 3 *parking spaces* designated for the handicapped are located within 30 metres of an accessible entrance and 1 *parking space* designated for the handicapped is located within 45 metres of an accessible entrance; and
- (4) 2 *loading spaces - type G* are provided and maintained to serve the *residential building* on the *lot* each with generally level surfaces and a concrete base pad with capacity to store not less than 12 compactor containers and with access designed to permit vehicles to enter and exit the *lot* in a forward motion.

2. For the purpose of this by-law, each italicized word or expression, unless otherwise provided herein, shall have the same meaning as each such word or expression as defined in By-law No.438-86, as amended.

The Toronto Community Council also submits the following report (May 7, 1999) from the Commissioner of Urban Planning and Development Services:

Purpose:

This report recommends approval of a reduction in the parking requirement for an apartment complex at 103-105 West Lodge Avenue (near the intersection of Queen and Dufferin Streets) to a minimum of 401 spaces, of which 365 will be located in the existing parking garage, 5 in surface courtyard spaces and 31 spaces off-site at 105 Lansdowne Avenue.

Source of Funds:

Not applicable.

Recommendations:

It is recommended that:

1. Zoning By-law No 438-86 as amended, and Site Specific By-law No 22037 be amended as necessary so as to:
 - a) exempt 103-105 West Lodge Avenue from Zoning By-law No. 438-86 Section 4(4)(b) (number of required parking spaces) and Site Specific By law No. 22037, Section 1(4) (amount of rooftop landscaping required), Section 1(5) (location of parking within the garage structure) provided that:
 - (i) a minimum of 401 parking spaces are provided and maintained and of these, at least 365 parking spaces are located within the garage;
 - (ii) 36 parking spaces are designated for visitors only, of which 31 spaces can be provided off-site at 105 Lansdowne Avenue;
 - (iii) 3 handicapped parking spaces are located within 30m of an accessible entrance and 1 handicapped parking space is located within 45m of an accessible entrance;
 - (iv) 1 Type G loading space is provided and maintained at 103-105 West Lodge Avenue to serve each building on the site, with generally level surfaces and access designed so that trucks can enter and exit the site in a forward motion; and
 - (v) a concrete base pad with a slope not exceeding 2% adjacent to the front of each Type G loading space for the storage of at least 12 compactor containers on collection day is provided and maintained.
2. To permit the use of 105 Lansdowne Avenue for a parking station by exempting it from the definition of parking station from Zoning By-law No. 438-86, Section 2(1) (parking station).
3. That prior to the introduction of a Bill in Council, the owner undertakes to:

Provide, maintain and operate the safety plan measures and facilities as stipulated in the letter dated January 7, 1999, and plans dated December 1, 1998, with redlined revisions dated February 1, 1999, all prepared by Marshall Macklin Monaghan, all such matters to be secured by a Letter of Credit.

4. That the owner be advised that:
 - (a) all storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and approval by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff.

Comments:

1. The Site

The site is located north of Queen Street and west of Dufferin Street, at the end of West Lodge Avenue. It abuts the CN rail corridor. It contains a 717 unit, 2 tower apartment complex with a 4-storey parking garage. To the west of the site are low density residential dwellings.

2. The Proposal

The applicant originally proposed to demolish the existing parking garage and relocate the parking at-grade in the same area. The existing landscaped open space was also proposed to be used for parking which would have resulted in a significant reduction in landscaped open space.

This application proposes that the parking requirement be reduced to 423 spaces from the required 698 parking spaces. These spaces will be accommodated within the 4 storey parking garage which will be repaired. The unused portion of the third floor, the entire fourth, basement and sub-basement levels will be blocked off using barricades.

The landscaped open space would remain the same, with additional landscaping material provided. Additional parking spaces would consist of 5 surface courtyard spaces and 31 spaces off-site at 105 Lansdowne Avenue.

3. Current Official Plan and Zoning Designations

The site is designated Low Density Residence Area in the Part I Official Plan. An Official Plan Amendment is not necessary to permit the proposed changes.

By-law No. 438-86, as amended, zones this site R2 Z2.0. In addition, there is a Site Specific By-law No. 22037 passed in 1964 that gives permission for the existing building. This by-law requires 698 parking spaces to be contained in the multi-level parking structure attached to the apartment building next to the adjacent rail corridor. The by-law also requires that 58 percent of the lot be landscaped open space.

4. Consultation Process

There were two public meetings held on this application on March 12, 1998, and May 20, 1998. Approximately 20 residents attended both meetings. At the request of the residents, the minutes from these meetings have been included in Appendix 'C'.

5. Planning Issues

The following issues were raised at the public meetings and/or in the Preliminary Report:

i) Number of Parking Spaces

This application seeks to reduce the number of parking spaces to be provided to reflect the actual parking demand generated by this project. Currently, there are 79 on-street permit parking spaces allocated to residents of this project. A Parking Assessment report, based on statistical information and comparisons to similar buildings in different parts of the City, was provided by the applicant, and reviewed by Department of Works and Emergency Services staff. This report and additional documentation indicates that a minimum of 401 parking spaces will meet the current needs. This figure factors in the permit parking spaces. The applicant is proposing to provide 423 spaces which is more than required to meet the minimum requirement, but less than the current by-law standard. This is acceptable to the Commissioner of Works and Emergency Services.

ii) Location of Parking

The parking garage is currently being repaired and, following completion of this work, it will continue to provide the majority of parking spaces. With the exception of the below grade spaces, the entire garage is being renovated. It is intended that the unused portions be barricaded in order to better monitor the use of the facilities. This is acceptable to the Commissioner of Works and Emergency Services.

The remainder of the parking supply consists of 5 parking spaces located at-grade in the courtyard, and 31 parking spaces to be provided off-site at 105 Lansdowne Avenue.

Residents raised the concern that at some future date, this number of parking spaces might be insufficient. Should there be a substantial increase in the number of spaces required, the applicant is able to increase the parking provision by relocating the barriers.

iii) Safety of the Garage

A safety plan for the garage was included in the improvements required in the refurbishing of the parking garage structure. Safety measures that will be incorporated include: cameras, panic buttons, lighting and signage. The Commissioner of Works and Emergency Services has approved the safety plan measures and facilities.

The applicant has agreed to provide a letter of credit prior to the introduction of the Bill in Council in an amount sufficient to cover the cost of the safety plan measures.

iv) Permit Parking Spaces

There are currently 79 permit parking spaces for on-street parking issued to tenants of these buildings. These were allocated to the tenants on the basis that the garage was not safe. At the public meeting, staff were asked for assurances that when the garage is completed, existing street parking permits would be revoked and no more would be issued. However, City staff do not have the authority to do this as they must respond to requests for permit parking, particularly if they are based on a safety concern. Any change to this policy would have to be approved by Council.

v) Phasing of the Use of the Garage

The applicant has submitted a report on the phasing of the use of the garage and the outside at-grade spaces as the repairs are completed and the parking levels are made available. The Commissioner of Works and Emergency Services has approved these recommendations.

vi) Cunningham Street Fence

Residents expressed concerns that the fence between the site and Cunningham Street was in disrepair. The applicant has agreed to repair and maintain the fence. It will be left shut except when required for access.

vii) Garbage Enclosure Bins

Concerns were raised that the existing garbage disposal system was poorly maintained. As a result, it is my understanding that the garbage enclosure area has been screened by cedar hedges.

Contact Name:

Helen Coombs

Telephone: (416) 392-7613; Fax: (416) 392-1330; E-Mail: hcoombs@city.toronto.on.ca

Application Data Sheet

Site Plan Approval:	Y	Application Number:	197024
Rezoning:	Y	Application Date:	September 16, 1997
O. P. A.:	N	Date of Revision:	August 10, 1998

Confirmed Municipal Address: 103 and 105 West Lodge Ave.

Nearest Intersection: East of Lansdowne Ave., south of Dundas St. W.

Project Description: Replace existing parking structure with at-grade parking.

Applicant:	Agent:	Architect:
EC. Group Ltd.	EC. Group Ltd.	
200 - 7577 Keele St., Concord.	200 - 7577 Keele St., Concord.	
738-3939	738-3939	

Planning Controls (For verification refer to Chief Building Official)

Official	Plan	LARA	Site	Specific	51-79; 22037
Designation:			Provision:		
Zoning District:	R. Z2.0		Historical Status:	No	
Height Limit (m):	10.0		Site Plan Control:	Yes	

Project Information

Site Area:	26488.0 m ²	Height:	Storeys: 19
Frontage:			Metres:
Depth:			

Ground Floor:	Parking	Indoor	Outdoor
	Spaces:	387	36
Residential GFA:	Loading		
Non-Residential	Docks:		
	(number,		
	type)		

GFA:

Total GFA:

Density

Residential Density: 2.80	Non-Residential Density:	Total Density: 2.80
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Comments

Status: Final report submitted to TCC for May 26, 1999 meeting.

Data valid: April 30, 1999	Section: CP West	Phone: 392-7333
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Copies of the following Appendices attached to the foregoing Clause are available in the Clerk's Office at the York Civic Centre:

Appendix A – Comments of Civic Officials;

(October 14, 1998) from the Medical Officer of Health

(March 16, 1999) from Urban Planning and Development Services

(May 6, 1999) Works and Emergency Services

(February 16, 1999) Works and Emergency Services

Appendix B – Minutes of Public Meeting held on May 20, 1998

Minutes of Public Meeting held on March 12, 1998