

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.

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**Supplementary Reports
Application to Amend the Official Plan
and Zoning By-law No. 1-83 of the former City of York
2322-2400 Eglinton Avenue West, Westside Developments Ltd.
File Nos. OR00-001, SP00-006
(York South-Weston – Ward 12)**

(City Council at its meeting held on March 6, 7 and 8, 2001, amended this Clause by adding thereto the following:

“It is further recommended that the report dated March 5, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations, be adopted, viz.:

‘It is recommended that:

- (1) Zoning By-law No. 1-83 be amended generally in accordance with the further revised draft Zoning By-law appended to this report as Attachment 3, and worded to the satisfaction of the City Solicitor; and*
- (2) in consideration of the By-law revisions noted in this report, no further notice of a public meeting be given in respect of the revised draft Official Plan Amendment and the further revised draft Zoning By-law.’ ”)*

The Southwest Community Council recommends that:

- (1) the following Supplementary Report (February 8, 2001) from the Director, Community Planning, West District, be adopted, subject to the following conditions:**
 - (a) that the owner agrees to the establishment of a Site Plan Working Group to discuss site plan matters and, that the group meet to finalize the approval of the site plan;**
 - (b) that if an agreement cannot be reached regarding the site plan, that the matter be forwarded up to the Community Council and City Council for a determination;**

- (c) **that the owner be required to deposit with the City, sufficient funds to ensure that the truck arrestors can be maintained in good repair, in a form satisfactory to the City Solicitor; and**
 - (d) **that 140 square metres of finished space be provided in the shopping mall to be used for community meetings; and**
- (2) **the appropriate City officials be authorized and directed to take the appropriate action to give effect thereto.**

Purpose:

This report provides information on the outstanding items required to be address prior to the Official Plan Amendment and Zoning By-law being presented to Council regarding an Official Plan and Zoning By-law Amendment application. The application proposes the redevelopment. This report provides information on the outstanding items required to be address prior to the Official Plan Amendment and Zoning By-law being presented to Council regarding an Official Plan and Zoning By-law Amendment application. The application proposes the redevelopment of an existing shopping mall with approximately 14 990 square metres (161, 356 square feet) of commercial gross floor area in 4 building clusters consisting of a Canadian Tire store, a Price Chopper Food store combined with a Shoppers Drug Mart Store and 2 buildings for local retail/service uses.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the Official Plan for the former City of York be amended generally in accordance with the revised draft Official Plan Amendment appended to this report as Attachment 4, and worded to the satisfaction of the City Solicitor;
- (2) Zoning By-law No. 1-83 be amended generally in accordance with the revised draft Zoning By-law appended to this report as Attachment 5, and worded to the satisfaction of the City Solicitor;
- (3) in consideration of the By-law revisions noted in this report, no further notice of a public meeting be given in respect of the revised draft Official Plan Amendment and the revised draft Zoning By-law;

- (4) City Staff be authorized to take the necessary action to introduce the By-law to adopt the revised draft Official Plan Amendment and the revised draft Zoning By-law for enactment by Council, following fulfilment of the approved conditions of approval to the satisfaction of City staff, including entering into any agreements with the owner to secure fulfilment of the conditions;
- (5) that the following be included as an additional condition to be fulfilled prior to the introduction of the By-laws to City Council for enactment:
 - (a) the owner agreeing to the establishment of a Site Plan Working Group to discuss site plan matters, and that the Group meet a minimum of 2 times and a maximum of 4 times prior to site plan approval.

Background:

At the October 3, 4, and 5, 2000 meeting, Toronto City Council approved the application subject to conditions, including the following:

- (1) That a community consultation meeting be held to provide the community with the staff reports on traffic, fire, community safety and design, environmental conditions and landscaping.
- (2) The submission of a Traffic Impact Study that:
 - (i) is satisfactory to Works and Emergency Services and Urban Development Services; and
 - (ii) contains recommendations that supports the development and access arrangements substantially as proposed.
- (3) The owner providing an undertaking to the satisfaction of the Community Planning Division, that the owner will address all recommendations of the approved Traffic Study and requirements of the City in regards to site access, on-site parking circulation, and signage provision, and off-site road and traffic control alterations or improvements, as part of the site plan review process including entering into agreements, if required.
- (4) The receipt of comments from Works and Emergency Services, Technical Services Division.
- (5) The submission of a landscape inventory to the satisfaction of the Forestry Division of Economic Development, Culture and Tourism.
- (6) The receipt of comments from Canadian National Railway that their requirements with respect to building setbacks, parking on the Railway right-of-way and other matters have been satisfactorily addressed.

- (7) The owner providing an assurance to the satisfaction of the City that he agrees to amend the Subdivision Agreement to the satisfaction of City staff, including any requirements for the dedication and/or protection of property for the future Eglinton West subway line, the proposed Caledonia subway station, and other associated ancillary station facilities.
- (8) The residential component being deleted.

Subsequent to this meeting, the applicant amended the application to increase the size of the Canadian Tire store from 7 029 square metres (75,663 square feet) to 7 246 square metres (78,000 square feet) and added accessory uses including a propane tank refilling station, windshield repair tent and on-site food vendors. The applicant also agreed to donate \$25,000 to the Eglinton Hill BIA.

In January 2001, the applicant submitted revisions to his development plan, the required traffic study, the landscaping inventory, and a record of site condition in order for a Community Consultation Meeting to be scheduled. The Community Consultation Meeting was held on January 25, 2001 and the notes of the meeting were submitted to the Southwest Community Council in a report dated January 29, 2001.

Comments:

a) Summary of the Changes to the Westside Shopping Centre Plan

Changes to the Westside shopping centre plan include the following:

1. the setback of the Price Chopper store to the Canadian National Railway has been increased from 1.52 metres (5 feet) to 9.62 metres (31.5 feet);
2. a berm with a height of 3.5 metres and width of 10 metres is proposed along the railway line;
3. the setback of the Canadian Tire Store to the residential properties to the north has been increased from 7.2 metres (23.6 feet) to 8.8 metres (28.8 feet);
4. improvements to Gabian Way including widening the right-of-way from 20 metres (66 feet) to 23.5 metres (77 feet) and the installation of double southbound left turn lanes;
5. access driveways to Gabian Way reduced from two to one;
6. the following additional ancillary uses specifically requested: a propane storage and tank refilling station, windshield repair tent and on-site food vendors;
7. Eglinton Avenue West streetscaping including a 3 metre wide sidewalk and pedestrian scale lighting;

8. the size of the Canadian Tire Store increased to 8 315 square metres (89,507 square feet) including a garden centre;
9. bicycle parking and benches have been added;
10. the landscaping along Eglinton Avenue West has been upgraded; and
11. the residential component has been deleted.

b) Progress on the Outstanding Issues

i) Traffic Impact Study Review

The Traffic Impact Study has been circulated and Community Planning has not received final comments on the study from the Works and Emergency Services Department.

In summary, the Traffic Impact Study advised that:

1. 235 and 405 net new directional vehicles during the Friday p.m. and Saturday p.m. peak hours would be generated by the development;
2. an eastbound Eglinton Avenue West left turn to Gabian Way stacking lane of 65 metres (213 feet) was required;
3. a southbound Gabian Way left turn to Eglinton Avenue West double stacking lane of 60 metres (196 feet) was required;
4. the traffic light cycle at Eglinton Avenue West and Caledonia Road needs to be increased from 100 seconds to 110 seconds (Friday p.m. design hours);
5. the traffic light cycle at Eglinton Avenue West and Gabian Way needs to be increased from 90 seconds to 110 seconds (Friday p.m. design hours);
6. the right-in/right-out driveway is to be relocated to be 60 metres (196 feet) to the east the centreline of Gabian Way;
7. a truck arrestor at Carnarvon Street needs to be re-installed; and
8. the removal of the ramp at Blackthorn Avenue is required.

The Traffic Impact Study recommended changes to the site plan including:

1. increasing the right-of-way of Gabian Way from 20 metres (65.6 feet) to 23.5 metres (77 feet) from Eglinton Avenue West to the proposed east-west driveway for the site;

2. providing one driveway to Gabian Way instead of the originally proposed two driveways to Gabian Way; and
3. increasing the radii of driveways to provide for easier truck access to loading spaces.

These matters will be addressed at the time of site plan approval.

ii) Landscape Inventory

A landscape inventory has been completed to the satisfaction of the Forestry section. The preservation of the four green ash trees in the Eglinton Avenue West right-of-way is recommended as is the preservation of the vegetation on the top 1/3 of the slope along the north limit of the property.

iii) Fire Department Requirements

The Fire Services Division has provided comments on the fire route and are generally satisfied with the proposal. Servicing plans will be finalized to their satisfaction at the time of site plan approval.

iv) Community Safety Through Environmental Design

With respect to community safety and design, City staff trained in Crime Prevention Through Environmental Design has reviewed the plans and provided comments to improve the design of the plan. These design improvements can be addressed through site plan approval.

v) Soil Suitability

The City has been informed by the Ministry of Environment that a record of site condition has been received by the Ministry. The Record of Site Condition indicates that the soils are suitable for the proposed development. The Ministry has also advised that the Record will not be subject to an audit at this time.

vi) Works and Emergency Services Department Comments

Comments on the application have not been received from the Works and Emergency Services Department, Technical Services Division. Comments are anticipated to permit the presentation of the revised draft Official Plan Amendment for adoption and revised draft Zoning By-law Amendment for passage at the March 6, 7, and 8, 2001 City Council meeting.

vii) Canadian National Railway Requirements

Comments from the Canadian National Railway regarding the setback and buffer along the Canadian National Railway have not been received. The applicant currently leases lands along the eastern boundary of the property from the Canadian National Railway, and has provided the City with a copy of the lease. The applicant has begun negotiations to acquire this property. With the acquired property, the closest building to the railway right-of-way would be 17 metres (55.7 feet). The Railway requested that the Zoning By-law include a 30 metre (98.4 foot) setback to the railway right-of-way in conjunction with an earthen berm. The applicant, subsequent to discussions with the Canadian National Railway, contends that a 17 metre (55.7 foot) setback to the railway in conjunction with a 3.5 metre (11.4 foot) high berm satisfies the Canadian National Railway's requirements. The applicant has advised that it is unlikely that the Railway will provide timely comments to allow presentation of the Official Plan Amendment and Zoning By-law to City Council for enactment on March 6, 7 and 8, 2001. In light of this circumstance, staff recommend that the Zoning By-law be revised to render the lands within 30 metres (98.4 feet) of the Canadian National Railway subject to an H-Holding Zoning designation. The lifting of the Holding Zoning Designation would be subject to fulfilment of either of the following conditions:

- i) Comments have been received by the Director of Community Planning West District from the Canadian National Railway indicating that the proposed rail noise, vibration and safety mitigation measures and their provision are to the satisfaction of the Railway.

Or

- ii)
 - a) A peer review of the proposed rail noise, vibration and safety mitigation measures has been commissioned by the City, funded by the applicant and is completed to the satisfaction of the Director of Community Planning West District which indicates that the proposed mitigation measures will satisfy the Railway's requirements for safety, vibration, noise, and grading and drainage, and
 - b) The owner has entered into an agreement satisfactory to the City to provide the necessary mitigation measures resulting from the peer review.

Until such time as the Holding Zoning is removed, the subject lands can be used for the current parking lot use. These provisions have been included in the draft Zoning By-law contained in Attachment 5.

c) New Issues

i) The Widening of the Gabian Way Right-of-Way

The Traffic Impact Study recommends the widening of Gabian Way from 20 metres (65.6 feet) to 23.5 metres (77 feet) between Eglinton Avenue West and the east-west driveway, to permit two southbound left turn lanes. A 3.5 metre (11.4 foot) right-of-way widening will be addressed in modifications to the subdivision agreement or site plan approval process.

ii) Site Access

The applicant is proposing one access driveway to Gabian Way. Preliminary comments from the Traffic Planning Division of the Works and Emergency Services Department indicate that it would be preferable to have an additional driveway in front of the proposed Canadian Tire store which is extended to intersect with Gabian Way. The draft Zoning By-law requires a minimum of one full turns access driveway to Gabian Way. Access to Gabian Way will be finalized at the time of site plan approval.

iii) Provision of Sufficient Parking

With the revised proposal, the parking requirements have changed. Taking into account minor site plan revisions, the following is a summary of the parking being provided versus the minimum parking required to comply with the proposed By-law:

Parking Spaces Provided

Rear yard	94	
Canadian Tire/Buildings A1&A2	215	(subtracting a minimum of 3 parking spaces for the driveway to Gabian Way)
Buildings B1&B2	23	
Price Chopper	257	(subtracting the 2 parking spaces to achieve a 1.7 encroachment of parking in the front yard)
Total	<u>589</u>	(1 parking space per 23 square metres)

Parking Required

Gross Floor Area (including the Canadian Tire garden centre) = 14 990 square metres at 1 space/28 square metres of gross floor area = 535 spaces

Staff are satisfied that the proposed parking for the site is sufficient.

iv) Landscaping and Fencing

The applicant has provided a revised landscape plan which shows upgraded landscaping along the front yard of Eglinton Avenue West. There are outstanding issues with respect to the landscaping in the rear yard of the Canadian Tire Store. It is anticipated that the Site Plan Working Group will provide direction on the form of landscaping and fencing in this area. These recommendations will be incorporated into the conditions of approval for the site plan.

In regard to the provision of acoustical fencing and landscape screening along the length of the Canadian Tire loading area, staff are recommending a revised acoustical fencing height of 2.5 metres from that side of the fence with the highest grade.

v) Site Plan Working Group

At the January 25, 2001 Community Meeting, the local Councillor initiated the formation of a Site Plan Working Group. The purpose of the Site Plan Working Group is to review the site plan application. Items such as the landscaping and fencing in the rear yard, site access and parking will be addressed. The membership will include Community Planning Staff, the Ward and abutting Ward City Councillors, the applicant, a representative of the Eglinton Hill B.I.A., a representative of the Silverthorn Ratepayers Group, and 3 residents from the south side of Lonborough Avenue abutting the subject property. As a further condition of approval to permit the introduction of the necessary By-laws to permit this development, staff are recommending that the owner agree to the establishment of a Site Plan Working Group to discuss site plan matters, and that the Group meet a minimum of 2 times and a maximum of 4 times prior to site plan approval.

vi) Community Meeting Space

Several residents have requested that community meeting space be provided with the redevelopment of the site. The existing subdivision agreement, existing zoning and staff recommended zoning require that 140 square metres (1,500 square feet) of community meeting space be provided. With respect to the existing mall space not being used for a community meeting space, the Parks and Recreation Division have not pursued this. Regarding the location of the meeting space in the proposed development, the applicant has indicated that the space could be provided in Building B2. Both the Ward and abutting Ward City Councillors have indicated that they will pursue issue of the provision of community meeting space at a subsequent Southwest Community Council Meeting.

d) Compliance with the Official Plan Policies Regarding Intensification on Major Arterial Roads

The Official Plan of the Municipality of Metropolitan Toronto designates the section of Eglinton Avenue West that the subject property is located on as a “Metropolitan Corridor” and “Metropolitan Mainstreet”. The policies in this document promote mixed use reurbanization. The plan encourages area municipalities to adopt official plan policies fostering mainstreet development.

The Official Plan of the former City of York does this by designating the subject property as “Mixed Use”. This designation provides a flexible frame work for future redevelopment on the lands. The policies encourage the growth and vitality of pedestrian-oriented and transit supportive neighbourhood commercial activity and encourage an increase in residential activity. In addition, the policies promote improving the appearance, attractiveness, operation and safety of the street environment. Permitted uses in Mixed Use Areas include housing, stores, offices, restaurants, institutional uses (except for places of worship, hospital, universities, and colleges), recreational uses, theatres and public garages. The applicant requests an amendment to the Official Plan to permit direct vehicular access to Eglinton Avenue West, parking in the front yard abutting Eglinton Avenue West, and buildings with primary entrances that are not located on the public street frontages.

As indicated in previous reports on the application, the site is large (4.71 hectares (11.6 acres)) and already has direct access to Eglinton Avenue West. Given the large scale (total gross commercial floor area of 14 990 square metres (161,356 square feet)), the subject development is viewed to be not a completely “Main Street” form of development. Staff are satisfied that the intent of the Mixed Use policies would be maintained by permitting a minimum of 1 driveway from Gabian Way which flanks the property, one driveway from Carnarvon Street, and one limited access to Eglinton Avenue West, subject to a Traffic Study that is satisfactory to City Staff. From a land use planning basis staff can support the requested amendment to the Official Plan with respect to vehicular access to Eglinton Avenue West.

With respect to parking and/or loading facilities between buildings and the street being prohibited, staff resisted the applicant’s request to have a sizeable parking area in the front yard along Eglinton Avenue West due to the Eglinton Avenue West streetscape being harmed by this visual intrusion. Staff would prefer a continuous building street wall along the entire Eglinton Avenue West right-of-way. The applicant has indicated that this form of development is not feasible. If a continuous building street wall along the entire Eglinton Avenue West right-of-way cannot be provided, staff recommend that the prominent landscaping and features be introduced in the front yard area in order to meet the intent of the Official Plan policies to create pleasant, attractive, and safe public spaces along public sidewalks. Staff are now prepared to permit a minimal encroachment of 1.7 metres (5.5 feet) into the front yard for parking given the upgraded landscaping that is being proposed in the front yard.

With respect to the request to have primary building entrances not oriented to a public street, staff can support this request because of the large size of the development. Staff are satisfied that locating two of the five buildings and requiring primary entrances for these buildings along the Eglinton Avenue West right-of-way will provide an appropriate degree of continuity and enclosure to the Eglinton Avenue West streetscape.

The Mixed Use designation also encourages residential development. Staff originally supported the applicant's request for a 102 unit apartment building above ground oriented commercial uses on the Eglinton Avenue West frontage of the site, but at the October 3, 4, and 5, 2000 City Council meeting the residential component was deleted.

e) Amendments Required to the Draft Official Plan Amendment and Draft Zoning By-law

In light of Council not supporting the residential component at the October 3, 4 and 5, 2000 meeting, the draft Official Plan Amendment has been revised to delete references to the residential component. All provisions in the draft Zoning By-law relating to the residential component have been deleted. Other changes to the draft Zoning By-law include the following:

1. placing a Holding designation on lands within 30 metres (98.4 feet) of the Canadian National Railway because the Railway requested this setback in conjunction with an earthen berm and the applicant is providing a lesser setback (conditions to permit removal of the Holding Zoning Designation have also been included as previously outlined);
2. a provision that excludes walls or structures to screen mechanical equipment, roof stairwell enclosures parapet walls less than 1 metre (3.2 metres) in height from the calculation of maximum building height (this has been added to clarify the interpretation of building height);
3. permitting canopies, awnings and roof overhangs to extend into the front yard and into the minimum setback area of a building a maximum of 3.0 metres (9.8 feet) but any projecting part of a building shall not encroach onto lands conveyed to or granted as an easement to the City for municipal purposes, or interfere with the use of a driveway required for access to a parking or loading area;
4. permitting a limited encroachment of parking spaces in the front yard area to a maximum of 1.7 metres (5.5 feet);
5. requiring a minimum of 1 driveway to Gabian Way instead of 2;
6. specifying a maximum height of the truck arrestor of 2.3 metres (7.5 feet);

7. changing the provision relating to buffering the Canadian Tire store loading docks from the abutting residential lots to require that where a loading space located is within 20 metres (65.6 feet) of a R1 or R2 district, a solid acoustical screening wall with a minimum height of 2.5 metres (8.2 feet) from the highest grade measured on either side of the wall shall extend the entire length of the side or end of the loading space abutting the R1 or R2 district; and
8. permitting accessory uses, such as but not limited to a maximum of one propane storage tank and dispensing facility, a windshield repair tent and on-site food vendors.

f) Amendments required to the Subdivision Agreement

The Legal Division intends to have the owner provide an assurance to the satisfaction of the City that he agrees to amend the subdivision agreement, satisfactorily address the recommendations of the Traffic Impact Study, as well as provide any other assurances as may be deemed necessary. It is anticipated that an agreement or other acceptable documentation will be provided prior to the presentation of the revised draft Official Plan Amendment and revised draft Zoning By-law Amendment at the March 6, 7 and 8, 2001 City Council Meeting.

Conclusions:

Revisions and refinement of the proposed development have been made since City Council approved this application, subject to conditions in October 2000. Consequently, it has been necessary to make minor revisions to the draft Official Plan Amendment and draft Zoning By-law as noted in this report after the Public Meeting held on September 19, 2000 and the community meeting held on January 25, 2001.

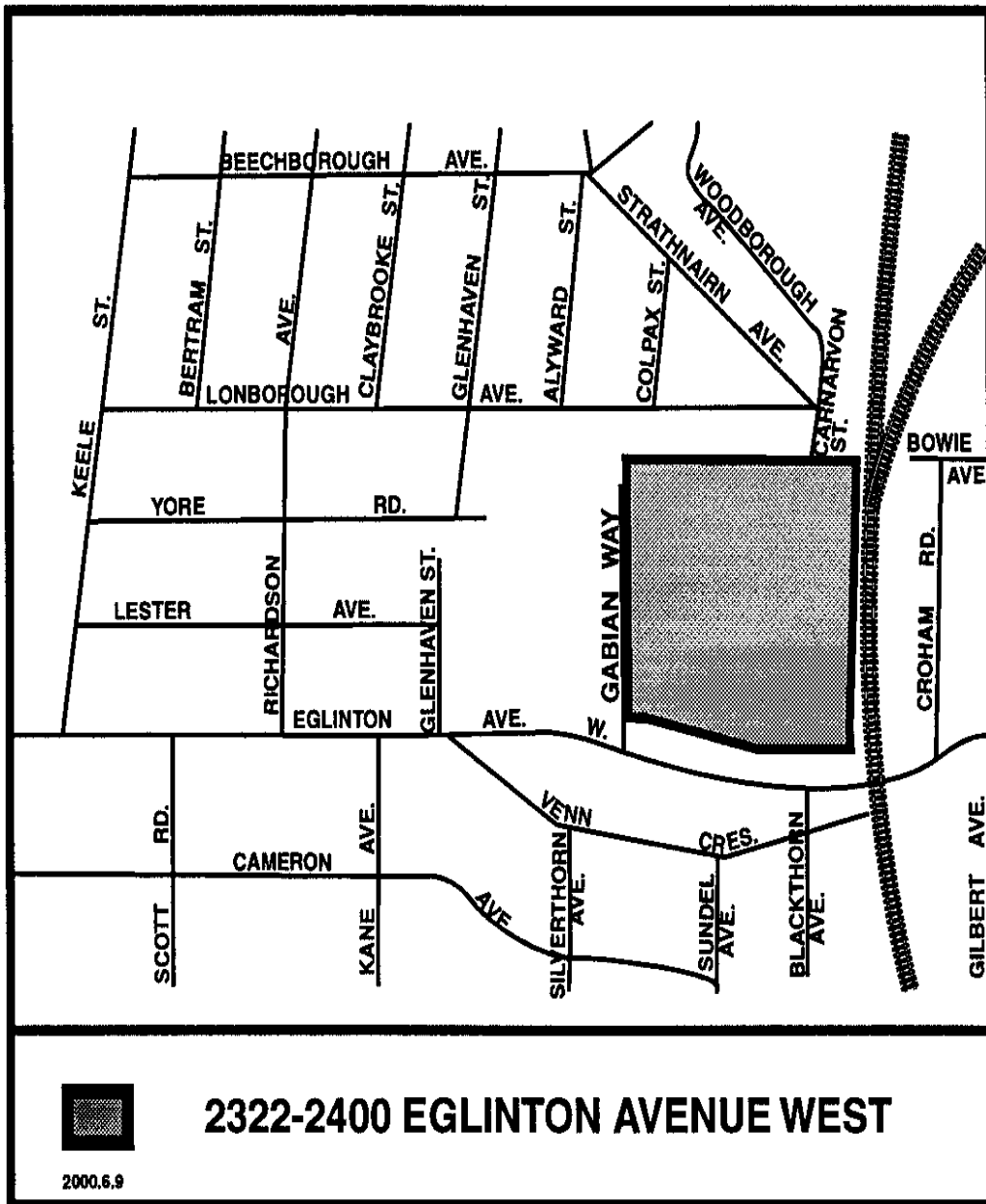
It is recommended that the Official Plan for the former City of York be amended in accordance with the revised draft Official Plan Amendment as attached as Attachment 4 to this report, that Zoning By-law No. 1-83 be amended in accordance with the revised draft Zoning By-law attached as Attachment No. 5 to this report, and that no further notice of a public meeting be given in respect of the revised draft Zoning by-law.

It is further recommended that Staff be authorized to take the necessary action to amend the subdivision agreement as necessary to implement the development, worded to the satisfaction of the City Solicitor.

Contact:

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Location Map



Attachment 1
Revised Site Plan

Attachment 2
Revised Elevations

Attachment 3
Zoning Map

Attachment 4

REVISED DRAFT OPA

PART ONE – PREAMBLE

1.1 PURPOSE/LOCATION

Official Plan Amendment No. 159 applies to a 4.7 hectare (11.6 acre) parcel of land located at the northeast corner of Eglinton Avenue West and Gabian Way (2322-2400 Eglinton Avenue West).

The purpose of this amendment is to add a policy to the Site Specific Development Policies of the Plan to permit a commercial development with limited access to Eglinton Avenue West.

1.2 BASIS

On July 19, 2000 Westside Developments Limited submitted an Official Plan Amendment and Zoning Amendment application to permit a phased commercial and residential development. A community consultation meeting on the application was held on August 9, 2000. The application was subsequently revised to delete the residential component.

The staff report of August 30, 2000 concluded that the required Official Plan and Zoning Amendments were supportable.

At a public meeting held on September 19, 2000, the York Community Council recommended approval of the application, subject to conditions, including but not limited to, the deletion of the residential component.

NOTE:

AS REQUIRED UNDER S 17(16) OF THE PLANNING ACT (BILL 20) THIS CONSTITUTES A DRAFT OF THE PROPOSED AMENDMENT TO BE AVAILABLE PRIOR TO THE PUBLIC MEETING BEING HELD. THE COMPLETED AMENDMENT WIL BE PRESENTED TO COUNCIL FOR ADOPTION FOLLOWING THE APPROVAL OF THE APPLICATION.

PART TWO – THE AMENDMENT

2.1 INTRODUCTION

All of this part of the Amendment, consisting of the following text constitutes Amendment No. 159 to the York Official Plan for the City of York Planning area. The Plan is hereby amended as follows:

TEXT CHANGES

Development of the lands affected by this Amendment will be consistent with the following Site Specific Development Policy which is hereby added as Section 21.4(m):

21.4 (m) Notwithstanding any other provisions of this Plan, the lands located at the northeast corner of Eglinton Avenue West and Gabian Way and municipally known as 2322-2400 Eglinton Avenue may be used for a commercial development, subject to the following conditions:

- (1) direct access from Eglinton Avenue West shall be restricted to one driveway;
- (2) a minimum of two buildings shall be located abutting the Eglinton Avenue right-of-way and have primary entrances facing onto this street; and
- (3) regulations shall be implemented through the zoning By-law for the following development criteria:
 - (a) the rate at which parking spaces are to be provided and maintained;
 - (b) building height and setbacks;
 - (c) loading areas;
 - (d) outside storage;
 - (e) site landscaping;
 - (f) phasing of the development; and
 - (g) site access.

IMPLEMENTATION

The policy established by this Amendment will be implemented through a site-specific amendment to Zoning By-law No. 1-83, Council's conditions of approval, site plan approval and the signing and registering of the appropriate agreements.

INTERPRETATION

The provisions of the Official Plan as they may be amended from time to time with respect to the interpretation of the Plan shall apply with respect to this Amendment.

Attachment 5

REVISED DRAFT ZONING BY-LAW

Authority : York Community Council Report No. Clause ,
As adopted by Council on , 2000

Enacted by Council:

CITY OF TORONTO

BY-LAW No.

To amend former City of York By-law No.1-83
(Re: Lands – northeast corner of Gabian Way and Eglinton Avenue West)

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act.

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

SECTION 6 AMENDED

1. That Section 6 of Zoning By-law No. 1-83, as amended, of the former City of York, be further amended by adding a new Subsection (67) as follows:

“(67) MAP 24

By changing the area shown on District Map 24, municipally known as Lands-Northeast Corner of Gabian Way and Eglinton Avenue West and more particularly described in Schedule “A” hereto, from a RM2 District and Section 16(317) and from Section 16(317) to an MCR District and Section 16(400); and, from a Section 16(317) to MCR and Section 16(400)-H zone as shown on Schedule “B” hereto and by changing District Map 24 accordingly.”

SECTION 16 AMENDED

2. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended as follows:
 - i) by revising the opening paragraph of Section 16(317)so that it reads as follows:

“Notwithstanding the provisions of Paragraph (iv) and Parking Schedule Paragraphs A, D.1, and D.2 contained in Subsection 3.2.1. of Section 3 of this By-law and the provisions of Sections 10.1 and 12 of this By-law, the lands

located on the north side of Eglinton Avenue West abutting the CN-Railway located west of Caledonia Road, which lands are municipality known as 2322 to 2400 Eglinton Avenue West, and which lands are more particularly described in Schedule “A” hereto and shown on the plan attached as Schedule “B” hereto, and the plan attached as Schedule “C” hereto, shall only be used for or to erect or use any building or structure for one or more of the following uses, namely:”

- ii) by deleting in Section 16(317) paragraphs a) to d), both inclusive, paragraphs 1 to 24, both inclusive, and Schedules “C1”, “C3”, “D” and “E” to Subsection 16(317), and adding the following after the opening paragraph:

“a) Residential Uses

Within Block “B” as shown on Schedule “B” hereto, one apartment house and a maximum of 16 townhouses.

Within Blocks “A” and “C” on Schedule “B” hereto, refer to Section 16(400) of this By-law.

b) Commercial Uses

Within Blocks “A” and “C” on Schedule “B” hereto, refer to Section 16(400) of this By-law.

1. The buildings erected and used for the purposes permitted by this Subsection shall be located within the area marked as “Buildable Area” on the plan attached as Schedule “C2” and hereto so as to provide the minimum building setbacks shown on the said Schedules.
2. The maximum height of buildings, exclusive of mechanical floors, recreation buildings and parking garages shall be as shown on Schedule “C2”.
3. Off-street parking for residential buildings shall be provided and maintained at a minimum rate of 1.5 parking spaces per dwelling unit of which 1.25 parking spaces shall be for occupant parking and 0.25 parking spaces shall be exclusively devoted for visitor parking.
4. A minimum of 60% of the exterior façade of all residential apartment houses shall be constructed using glass materials. The balance of the exterior façade shall be constructed predominantly of clay brick.
5. Air conditioning shall be provided throughout all buildings but in no case shall exterior window or wall-mounted unit air conditioners be permitted.

6. Each residential apartment unit shall be provided with an enclosed solarium. No open air balconies shall be permitted.

7. In the case of Block “B”, the following restrictions shall apply:

Maximum Number of Dwelling Units: 232 apartments and 16 townhouses
Maximum Building Area Coverage: 2,650 square metres
Maximum Gross Floor Area: 32,300 square metres
Minimum Indoor Recreational Space per Dwelling Unit: 4.0 square metres
Minimum Outdoor Recreational Space per Dwelling Unit: 28.0 square metres

8. For the purpose of this Subsection the following shall apply:

a) The calculation of Minimum Outdoor Recreational Space shall include:

i) in the case of Block “B” that portion of the westerly half of the lands which are conveyed to the City for roads after the enactment of this By-law comprising the landscaped area of the western boulevard excluding curbs, sidewalks and pavement areas.

b) The calculation of gross floor area shall exclude floor space occupied by enclosed solariums and stairways within residential buildings.

9. In the case of Block “B”, the following minimum net dwelling unit floor areas shall apply:

For Apartment Houses:

Dwelling Unit Type	Minimum Net Dwelling Unit Size
1-Bedroom	72 square metres
2-Bedroom	102 square metres
3-Bedroom	125 square metres

For Townhouses:

A minimum net dwelling unit floor area of 185 square metres shall be provided.

10. For the purpose of this Subsection the following definitions shall apply:

“BLOCK” means the parcels of land shown as Block “B” hereto;

“BUILDING AREA COVERAGE” means the amount of lot or Block surface area permitted to be covered by buildings excluding parking garages, recreational structures and canopies;

“INDOOR RECREATIONAL SPACE” means indoor areas intended and designated for recreational or social purposes for the use of occupants of the residential building and includes all sports areas, swimming pools, saunas, change rooms, space for meetings, hobbies, parties, games or club activities, lounge and lobby areas, and enclosed solariums;

“OUTDOOR RECREATIONAL SPACE” means landscaped on-site open space;

“THE LANDS” means the whole of the lands described in Schedule “A” hereto and shown on Schedule “B” hereto;

“TOWNHOUSE” means one of three or more attached dwelling units divided vertically above-grade by party walls not less than seventy-five percent (75%) in length common to the adjoining dwelling units; and

11. All other provisions of this By-law shall apply except in cases where the provisions and Schedules of this Subsection are in conflict, in which case the provision and Schedules of this Subsection shall prevail.”
3. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended by adding the following as a new Subsection (400):

“(400) LANDS – 2322-2400 Eglinton Avenue West

Notwithstanding any provisions of Section 12 and Subsection (317) of Section 16 and any other provisions of this By-law, the lands municipally known as 2322-2400 Eglinton Avenue West, more particularly described in Schedule “A” to this Subsection and shown on the plans attached as Schedule “B” and Schedule “C” hereto, (hereinafter referred to as “the Lands”) may be used for one or more of the following purposes:

- i) a retail store or stores but not including a flea market; offices, recreational use; theatre; restaurant; licensed; take-out eating establishment; and accessory buildings, uses and structures including associated parking, outdoor display and sales and outdoor eating areas.

subject to the following provisions:

- a) The buildings excluding exits, shall be located within the area shown on the Site Plan attached as Schedule “C” to this By-law. The minimum setbacks shall be those shown on the site plan and the setback shall include any lands conveyed to the City for municipal purposes.

- b) The maximum height of the commercial uses shall be two storeys, exclusive of mechanical floors, walls or structures to screen mechanical equipment, roof stairwell enclosures, parapet walls less than 1 metre in height, and the basement floor.
- c) Canopies, awnings and roof overhangs may extend into the front yard and into the minimum setback area of a building a maximum of 3.0 metres but any projecting part of a building shall not:
 - i) encroach onto lands conveyed to or granted as an easement to the City for municipal purposes; or
 - ii) interfere with the use of a driveway required for access to a parking or loading area.
- d) The maximum gross floor area for commercial uses shall be 14 990 square metres.
- e) The maximum height of any portion of a building shall not be greater than 85% of the horizontal distance of that portion of the building from a R1 or R2 district.
- f) Off-street parking shall be provided and maintained for commercial uses at a rate of 1 parking space for each 28 square metres of gross floor area.
- g) Notwithstanding the provisions contained in Sections d) and f), for a one year period during the phased construction of the commercial buildings, a maximum gross floor area for commercial uses shall be 21 124 square metres. During this time period, parking requirements shall be calculated based on occupied gross floor area.
- h) Off-street parking shall be permitted to encroach 1.7 metres in the front yard. For the purposes of this paragraph, "front yard" shall mean the portion of the area of the lands marked as "Front Yard Area" on Schedule 'C' to this By-law.
- i) Parking spaces shall not be accessed from a driveway which is designated a Fire Route and runs parallel to a front face of building.
- j) The Chief Building Official for the City or his designate, prior to the issuance of any building permit for the development shall be provided with a completed "Record of Site Condition" pursuant to the Ministry of the Environment "Guideline for Use at Contaminated Sites in Ontario, February 1997", as amended or updated, marked as having been received by the Ministry of Environment along with a letter from the Ministry of Environment advising that the Record of Site Condition is not subject to an audit review; or, alternatively, a letter from the Ministry of Environment advising that the Record of Site Condition has passed a Ministry audit for compliance with the Guideline; and the suitable use or uses for

the lands set out in Part 3 of the “Record of Site Condition” is consistent with the uses for the lands permitted by this Subsection.

- k) Vehicular access to Eglinton Avenue West shall be restricted to one restricted turning movement access point. Access to Eglinton Avenue West shall be to the satisfaction of the Works and Emergency Services Department.
- l) Vehicular access shall include a minimum of 1 full turning movement driveway from Gabian Way and 1 full turning movement driveway from Carnarvon Street. Access to Gabian Way and Carnarvon Street shall be to the satisfaction of the Works and Emergency Services Department.
- m) A “Truck Arrestor” with a minimum height of 2 metres and a maximum height of 2.3 metres to the underside of the bar shall be constructed and maintained to restrict truck access to the site from Carnarvon Street. Improved signage to increase awareness of the arrestor shall be erected and maintained.
- n) For commercial units abutting the Eglinton Avenue West right-of-way, the following provisions shall apply:
 - i) the primary entrance shall directly face Eglinton Avenue West; and
 - ii) a minimum of 50% of the exterior façade of any wall abutting the Eglinton Avenue West right-of-way shall be constructed using glass materials.
- o) All rooftop mechanical units, flues and vents shall be screened.
- p) Bicycle parking spaces shall be provided and maintained in accordance with the following:
 - 1) 1 bicycle parking space for every 1 250 square metres of gross leasable commercial floor area and with each building being provided with the required bicycle parking within 30 metres of a primary front entrance to the building;
 - 2) a bicycle parking space is an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - a) where bicycles are parked on a horizontal surface, such space has horizontal dimensions of at least 0.6 metres wide by 1.8 metres long and a vertical dimension of at least 1.9 metres high; and
 - b) where bicycles are parked in a vertical position, such space has horizontal dimensions of at least 0.6 metres wide by 1.2 metres long and a vertical dimension of at least 1.9 metres high; and

- 3) all bicycle parking spaces shall be provided and maintained a highly visible weather protected area.
- q) Where a loading space located is within 20 metres of a R1 or R2 district, a solid acoustical screening wall with a minimum height of 2.5 metres from the highest grade measured on either side of the wall shall extend the entire length of the side or end of the loading space abutting the R1 or R2 district.
- r) All of the front yard area with the exception of permitted parking shall be landscaped on-site open space.
- s) A public activity centre which has a minimum gross floor area of 140 square metres shall be provided and maintained on the main floor of one of the commercial buildings.
- t) All uses save and except for accessory uses shall be conducted within a fully enclosed building. There shall be no open outdoor storage or display of goods or merchandise except for storage and display of seasonal plants and related gardening equipment and material shall be stored and displayed in a screened, fenced or walled enclosure attached to a main building.
- u) Eating areas shall be permitted in the area abutting the façade of the building containing the main entrance to an ice cream parlour; bake shop; restaurant; restaurant, licensed; or take out eating establishment; provided that the area of the outdoor eating area does not exceed fifty percent (50%) of the total floor area devoted to patron use of the associated use and the floor space of the outdoor eating area is included for the purposes of calculating required parking for the use.
- v) Accessory uses, such as but not limited to a maximum of one propane storage tank and dispensing facility, a windshield repair tent and on-site food vendors shall be permitted.
- w) Until the removal of the holding symbol 'H' any portion of the lands designated MCR and Section 16 (400)-H shall be used only for the purposes existing on the day of the passing of the by-law.
- x) The holding symbol 'H' on the lands designated as MCR and Section 16(400)-H shall only be removed when the following conditions have been met:

Either

- i) Comments have been received by the Director of Community Planning West District from the Canadian National Railway indicating that the proposed rail noise, vibration and safety mitigation measures and their provision are to the satisfaction of the Railway.

Or

- ii) a) A peer review of the proposed rail noise, vibration and safety mitigation measures has been commissioned by the City, funded by the applicant and is completed to the satisfaction of the Director of Community Planning West District which indicates that the proposed mitigation measures will satisfy the Railway's requirements for safety, vibration, noise, and grading and drainage; and
 - b) The owner has entered into an agreement satisfactory to the City to provide the necessary mitigation measures resulting from the peer review.
 - y) All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict in which case the provisions of this Subsection shall prevail.
4. For the purpose of the Subsection the following definitions shall apply:
- “FLEA MARKET” means a building or portion thereof where floor space is made available to two or more individual retail operators where such operator is allocated space and where such allocated space is not physically separated from space made available to other operators by floor to ceiling walls;
- “PUBLIC ACTIVITY CENTRE” means floor space operated by or on behalf of the City for various indoor community functions which may include a senior citizen activity centre.
5. Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, this By-law shall come into force and effect on the date of the passing.

ENACTED AND PASSED this day of A.D. 2001.

MAYOR

CLERK

SCHEDULE “A” to BY-LAW No.
and to Section 6 (67) and Section 16 (400) of
ZONING BY-LAW NO. 1-83
SCHEDULE “A”

Schedule B

Schedule C

The Southwest Community Council submits the following Supplementary Report (January 29, 2001) from the Director, Community Planning, West District:

Purpose:

This report provides information on a Community Consultation Meeting held on January 25, 2001, regarding an Official Plan and Zoning By-law Amendment that proposes the redevelopment of an existing shopping mall with approximately 14 818 square metres (159,512 square feet) of commercial gross floor area in 4 building clusters, consisting of a Canadian Tire store, a Price Chopper Food store combined with a Shoppers Drug Mart store, and 2 buildings for local retail/service uses.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that this report providing additional information requested by Toronto City Council with respect to the application, be received.

Background:

At its October 3, 4, and 5, 2000, meeting, Toronto City Council approved the application subject to conditions, including, among others, that a community consultation meeting be held to provide the community with the staff reports on traffic, fire, community safety and design, environmental conditions and landscaping.

In January 2001, the applicant submitted revisions to his development plan and completed the required traffic study, landscaping inventory, and record of site condition in order for a Community Consultation Meeting to be scheduled.

Comments:

Community Consultation Meeting

A Community Consultation meeting was held on January 25, 2001 at which time the applicant presented further revisions to the development plan to address outstanding issues and concerns. At the meeting, residents and business owners expressed concerns regarding traffic impact and vehicular access to the site, parking, truck loading areas, buffering between the residential lots on Lonborough Avenue and the Canadian Tire store, crime prevention, businesses to be located on the site, the potential for residential development, the provision of community meeting space and public washrooms, fencing, site regrading, and site servicing. Also initiated at the meeting by the local Councillor was the suggestion to form a site plan working group to provide input on site plan matters. New concerns were also raised regarding the financial contribution to the Eglinton Hill B.I.A. that had been previously negotiated and accepted. These concerns will be addressed in a further report to address outstanding issues and conditions that were imposed by

Council when it approved the application in October 2000. The notes of the meeting are attached as Attachment 1.

Outstanding Issues

Prior to the Official Plan and Zoning By-law Amendments being presented to City Council, several outstanding issues require resolution such as a commitment to amend the Subdivision Agreement, comments from Works and Emergency Services, comments from the Canadian National Railway regarding the setback and buffer along the Canadian National Railway, the widening of the Gabian Way right-of-way, site access, provision of sufficient parking, landscaping, and fencing. These issues, together with the issue of the proposal being in compliance with the Official Plan policies regarding intensification on major arterial roads as raised by the local area Councillor will be addressed in a further report. Staff anticipate that the further report can be prepared for the April 3, 2001 Southwest Community Council meeting, or in the event that these issues are resolved quickly, a supplementary report could be prepared for the February 13th Community Council meeting.

Conclusion:

That the information be received by the SouthWest Community Council.

Contact:

Al Rezoski, Senior Planner; Community Planning, West District
Tel: (416) 394-2615; Fax: (416) 394-2782; E-mail: arezosk@city.toronto.on

ATTACHMENT 1

Notes of the Community Consultation Meeting

January 25, 2001

To: File No. OR00-001, Application to Amend the Official Plan for the Former City of York and Zoning By-law No. 1-83, Westside Developments Limited, 2322-2400 Eglinton Avenue West - Ward 12 (York South-Weston)

From: Al Rezoski, Senior Planner

Subject: Notes From Community Consultation Meeting held on Thursday, January 25, 2001, 7:00 to 9:30 p.m., York Civic Centre, 2700 Eglinton Avenue West, Toronto, Ontario. Agenda Attached

Attendees: City Councillor Frank Di Giorgio, Ward 12 York South-Weston (chairperson of the meeting)
City Councillor Howard Moscoe, Ward 15 Eglinton-Lawrence
Mr. Al Rezoski, Senior Planner, Community Planning, West District (York)

Mr. Richard Beck, Transportation Engineer/Coordinator, Traffic Planning, District 1
Mr. Mike Wehkind, Program Coordinator, Transportation Planning, West District
Mr. Greg Horgan, Manager, Development Services, Districts 1 & 2
Mr. Murray Goldman, Mr. Barry Ditto, The Goldman Group (applicant)
Mr. Harry Koln, Mr. Sean Lawrence, Stone Kohn McQuire Vogt (architect)
Mr. David Jonas, Terraplan (landscape architect)
Mr. John Barrington, B.A. Group (transportation consultant)
Mr. David Drake, Canadian Tire
Approximately 45 members of the public

Following introductions by Councillor Di Giorgio, and presentations by Al Rezoski (summary of the proposal), Mr. Harry Koln (details of the proposal), and Mr. John Barrington (summary of Traffic Impact Study), the following issues were raised:

1.0 Vehicular Access to the Site

Many of the speakers expressed concern about the infiltration of traffic through the residential streets to the north. The applicant indicated that the truck arrestor would be erected on the right-of-way of Carnarvon Street and that all truck traffic would utilize the driveways at Gabian Way and Eglinton Avenue West. Concern was expressed that the truck arrestor would be knocked down repeatedly. Councillor Moscoe requested that the City require a letter of credit to ensure that the truck arrestor stays up, and that the Works Department investigate narrowing the street to make it difficult for trucks to drive through Carnarvon Street. Some of the speakers requested that the access at Carnarvon Street be closed. The applicant explained that this would not be desirable because local residents in the vicinity of the site use this street to drive to the Westside shopping center and Eglinton Avenue West.

Concern was expressed regarding only one access driveway being provided at Gabian Way. Mr. Barrington explained that the proposed site access was sufficient. The Gabian Way right-of-way will be increased from 20 metres (65.6 feet) to at least 21.75 metres between Gabian Way and the east-west driveway. The road will be reconstructed to include 2 northbound lanes, 2 southbound left turn lanes and 1 southbound right turn lane. Additional access will be provided via the right-in and right-out driveway at Eglinton Avenue West.

Concern was expressed regarding the ramp at the Eglinton Avenue West/Blackthorn Avenue intersection being closed. A member of the public made reference to the subdivision agreement requiring that the ramp remain in place. Staff explained that ramp was installed to provide additional access to the mall. At the time of the construction of the ramp, a residential building was anticipated at the north-east corner of Gabian Way and Eglinton Avenue West. Staff indicated that with the proposed location of the Price Chopper store, the ramp cannot be maintained and that the Traffic Impact Study supports the closure of the ramp. Many residents have expressed support for the ramp being closed to reduce the infiltration of traffic to the residential area to the south and reduce the amount of cut through traffic on the subject property.

Concern was expressed regarding the removal of the light at the intersection of Eglinton Avenue West and Blackthorn Avenue. Mr. Barrington indicated that the signal hardware for the southbound movement would be removed and that the remainder of the signal hardware would be maintained.

Staff indicated that the subdivision agreement will be amended to address changes to the site access and that the site plan agreement will address site access.

A resident on Venn Crescent indicated that the existing cut through traffic on Venn Crescent will increase with the proposed redevelopment of the site. It was requested that the Councillors pursue traffic calming measures on Venn Crescent.

2.0 Provision of Adequate Parking for the Development

Several speaker expressed concern that there is not enough parking provided for the new shopping center. Staff advised that a parking ratio of 1 parking space per 28 square metres (1 per 301 square feet) of gross floor area applied to the development. The applicant is exceeding the parking requirement. Mr. Drake indicated that there is sufficient parking in front of the Canadian Tire store.

3.0 Provision of Adequate Loading Areas

The location of the loading spaces and the turning radii into these loading spaces was questioned. Mr. Barrington indicated that the proposed truck access to the loading docks was satisfactory and that the number and dimensions of loading spaces were satisfactory.

4.0 Buffering Between the Residential Lots on Lonborough Avenue and the Canadian Tire Store

A speaker asked what the proposed rear yard setback of the Canadian Tire store would be. Staff explained that the rear yard setback has been increased from 7.2 metres (23.6 feet) to 8.8 metres (28.9 feet) and that the setback was satisfactory. The applicant was asked to explain the grading of the site, and the elevation of the Canadian Tire store compared to the homes on the south side of Lonborough Avenue. The applicant explained that the Canadian Tire store would be graded to be higher than the existing lower level of the mall and would have a roof height lower than the existing mall. The residents on Lonborough Avenue would have a better view over the new Canadian Tire store than the existing mall. Regarding the preservation of the existing landscaping, and new fencing and landscaping in the rear yard, the applicant indicated that he would like to hear from residents living along the south side of Lonborough Avenue to determine what type of fencing and landscaping that the residents would like to have. The applicant is proposing to rebuild and re-sod the slope, install a chain link or wooden privacy fence, maintain existing landscaping on the top 1/3 of the slope, and supplement the existing landscaping with evergreen trees.

5.0 Crime Prevention

A speaker indicated that a police report on the site plan was expected. Concern was expressed regarding lighting for the site and the potential for criminal activity. Staff explained that the site plan was reviewed by City staff from a Crime Prevention Through Environmental Design perspective. The site plan agreement will specify minimum lighting levels for pedestrian walkways.

6.0 Retail Establishments to be Located in Buildings B1, B2, A1 and A2

Several members of the public questioned what type of businesses would be located in Buildings B1, B2, A1 and A2. The applicant confirmed that he was working with the existing businesses in the mall to relocate the existing businesses into this space. The applicant confirmed that the Shoppers Drug Mart would be double the current size and would be located in Building A2. It was indicated that there was still unassigned space and that business owners wishing to locate in the shopping center should contact Mr. Goldman.

7.0 Potential for Residential Development on the Subject Property

Staff was asked if there could be residential development on the subject property. Staff indicated that at the Toronto City Council meeting on October 3, 2000, the residential component of the project was not supported by Council. The applicant indicated that he has no intention to develop residential uses on the subject property. Staff indicated that a further Official Plan Amendment and Zoning By-law Amendment would be required if a future owner of the property wished to develop residential uses.

8.0 Community Meeting Space

Several residents requested that community meeting space be provided with the redevelopment of the site. Staff explained that the existing subdivision agreement, existing zoning and staff recommended zoning require that 139 square metres (1,500 square feet) of community meeting space be provided. With respect to the existing mall space not being used for a community meeting space, the Parks and Recreation Division have not pursued this. The location of this meeting space in the proposed development was questioned. The applicant indicated that the space could be provided in Building B2. Both City Councillors indicated that they will pursue the community meeting space at a subsequent Southwest Community Council Meeting.

9.0 Provision of Public Washrooms

A member of the public asked if there would be public washrooms provided. The applicant indicated that washrooms would be provided in each store and that there would be no public washrooms because there would no longer be indoor mall space.

10.0 Fencing

Councillor Moscoe requested an explanation of the fencing proposed around the perimeter of the site. The applicant indicated that existing fencing included chain link fence along the Canadian National Railway, and a variety of chain link and wooden privacy fencing along the northern boundary of the subject property. The redevelopment would include chain link fencing along the Canadian National Railway and a wood privacy fence along the north limit of the property. The applicant requested that the residents on the south side of Lonborough Avenue be canvassed to determine what type of fencing was desired. The applicant is also proposing that chain link fencing be used to restrict access to the rear yard of the Canadian Tire store and the Price Chopper store.

11.0 Site Regrading

The applicant was asked to explain the final grading of the site. Concern was expressed over the limited visibility of the Canadian Tire store due to the front yard and the Price Chopper store being higher than the Canadian Tire store. The applicant explained that the Price Chopper store would be higher than the Canadian Tire store but that the majority of the front wall of the Canadian Tire store would be visible from Eglinton Avenue West.

12.0 Site Servicing

Several residents located north of the subject property questioned whether the existing water and sewer lines in the area were adequate to serve the development. Residents indicated that water pressure has been falling in the area over the last ten years. The applicant indicated that the site will be serviced via Eglinton Avenue West and that residents to the north of the subject property would not be impacted. Staff indicated that servicing plans are currently being reviewed by Works and Emergency Services Department staff.

13.0 Formation of a Site Plan Working Group

It was suggested by a member of the public that a Site Plan Working Group be formed to review the site plan application. It was suggested that the membership include Community Planning Staff, one or both City Councillors, the applicant, a representative of the Eglinton Hill B.I.A., a representative of the Silverthorn Ratepayers Group, and three residents from the south side of Lonborough Avenue abutting the subject property. It was suggested that the Group be in existence before and after site plan approval, and that it review the proposed landscaping. Councillor Di Giorgio agreed to coordinate getting volunteers for the group.

14.0 Financial Contribution to the Eglinton Hill B.I.A.

The chairperson of the Eglinton Hill B.I.A. indicated that the applicant has agreed to donate \$25,000.00 to streetscaping in the B.I.A. It was requested that the funds be deposited in a trust fund with the City's Economic Development Division now instead of

the funds being deposited after the completion of the first phase of the streetscaping plan in the year 2002 or 2003. Councillor Moscoe indicated that the developer of the lands at the north-west corner of the Allen Road and Wilson Road agreed to provide \$150,000.00 to the streetscaping of Wilson Avenue.

(City Council on March 6, 7 and 8, 2001, had before it, during consideration of the foregoing Clause, the following report (March 5, 2001) from the Commissioner of Urban Development Services:

Purpose:

To report on the outstanding conditions required to the zoning by-law and the outstanding items required to be addressed prior to the Official Plan Amendment and Zoning By-law Amendment being presented to City Council regarding and Official Plan and Zoning By-law Amendment application. It also advises of revisions to the draft Zoning By-law that have been made following the Public Information meeting as a result of new information received from the applicant. The application proposes the redevelopment of an existing shopping mall with approximately 14 990 square metres (161,356 square feet) of commercial gross floor area in 4 building clusters, consisting of a Canadian Tire store, a Price Chopper Food store, combined with a Shoppers Drug Mart store, and 2 buildings for local retail/service uses. This information is provided in light of the motion to bring forward the Official Plan Amendment and Zoning By-law for this application for consideration by City Council.

Financial Implications and Impact Statement:

There are no financial implications associated with the application.

Recommendations:

It is recommended that:

- (1) Zoning By-law No. 1-83 be amended generally in accordance with the further revised draft Zoning By-law appended to this report as Attachment 3, and worded to the satisfaction of the City Solicitor; and,*
- (2) in consideration of the By-law revisions noted in this report, no further notice of a public meeting be given in respect of the revised draft Official Plan Amendment and the further revised draft Zoning By-law.*

Background:

At the September 19, 2000 meeting, York Community Council recommended the adoption of a report dated August 30, 2000, from the Director, Community Planning, West District, subject to conditions. Clause 6 of Report 9 of the York Community Council, which was adopted as amended by the Council of the City of Toronto at its regular meeting held on October 3, 4 and 5, 2000 and its Special Meetings held on October 6, 10, 11 and 12, 2000 approved the application subject to conditions, including the following:

- (a) *A community consultation meeting be held to provide the community with the staff reports on traffic, fire, community safety and design, environmental conditions and landscaping.*
- (b) *The submission of a Traffic Impact Study that:*
 - (i) *is satisfactory to Works and Emergency Services and Urban Development Services; and*
 - (ii) *contains recommendations that supports the development and access arrangements substantially as proposed.*
- (c) *The owner providing an undertaking, to the satisfaction of the Community Planning Division, that the owner will address all recommendations of the approved Traffic Study and requirements of the City in regards to site access, on-site parking circulation, and signage provision, and off-site road and traffic control alterations or improvements, as part of the site plan review process including entering into agreements, if required.*
- (d) *The receipt of comments from Works and Emergency Services, Technical Services Division.*
- (e) *The submission of a landscape inventory to the satisfaction of the Forestry Division of Economic Development, Culture and Tourism.*
- (f) *The receipt of comments from Canadian National Railway that their requirements with respect to building setbacks, parking on the Railway right-of-way and other matters have been satisfactorily addressed.*
- (g) *The owner providing an assurance to the satisfaction of the City that he agrees to amend the Subdivision Agreement to the satisfaction of City staff, including any requirements for the dedication and/or protection of property for the future Eglinton West subway line, the proposed Caledonia subway station, and other associated ancillary station facilities.*
- (h) *The residential component being deleted.*

At the February 13, 2001 meeting, the South-West Community Council considered a report from the Director, Community Planning, West District dated February 8, 2001 advising of changes to the revised draft Zoning By-law, providing information on outstanding items, addressing new issues and recommending an additional condition of approval. The South-West Community Council recommended the adoption of the supplementary report, subject to the following conditions:

- (1) *The owner agreeing to the establishment of a Site Plan Working Group to discuss site plan matters and that the group meet to finalize the approval of the site plan;*
- (2) *If an agreement cannot be reached regarding the site plan, that the matter be forwarded up to the South-West Community Council and City Council for their determination;*

- (3) *The owner be required to deposit with the City, sufficient funds to ensure that the truck arrestor be maintained in good repair, in a form satisfactory to the City Solicitor; and,*
- (4) *140 square metres (1,500 square feet) of finished space be provided in the shopping mall to be used for community meetings.*

A revised site plan (see Attachment 2) was submitted on March 2, 2001 to make further revisions to address several outstanding conditions of approval.

Comments:

Due to a error in overlaying the proposed TTC Eglinton subway tunnels and the 3 metre (9.8 foot) setback line, the site plan has changed to include a greater front yard setback for the Price Chopper store and retail Building B1. The draft zoning by-law has been further amended accordingly to show a front yard setback for the Price Chopper store of 30 metres (98.4 feet) and a front yard setback for retail Building B1 of 2 metres (6.5 feet). In the Staff report dated February 8, 2001 which was presented at the February 13, 2001 South-West Community Council meeting, the revised draft zoning by-law included a provision to permit an encroachment of 1.7 metres of off street parking in the front yard. Due to the change in the front yard setbacks and an attempt to maximize the amount of parking serving the Canadian Tire store, staff can support a greater encroachment of 4.4 metres (8.2 feet). The draft zoning by-law has been amended accordingly.

In relation to the outstanding items, the following summarizes the actions taken to satisfy the conditions of approval to permit the passage of the Official Plan Amendment and the Zoning By-law.

The community consultation meeting was held on January 25, 2001. Matters relating to traffic impact, fire protection, community safety and design, environmental conditions and landscaping were discussed.

A Traffic Impact Study that recommends access arrangements substantially as originally proposed and off-site road and traffic control improvements has been submitted and reviewed by the Works and Emergency Services Department. The recommendations of the traffic impact study have been secured in a Subdivision Agreement amendment that has been prepared by the City Solicitor and signed by the owner.

Comments from Works and Emergency Services, Technical Services Division were received on February 23, 2001. The comments provide conditions of approval that have been addressed by way of an amended subdivision agreement and will be addressed at the time of site plan approval.

A landscape inventory has been completed to the satisfaction of the Forestry section. The landscaping for the site will be finalized at the time of site plan approval.

Additional comments from the Canadian National Railway dated March 2, 2001 have been received indicating that the proposed rail noise, vibration and safety mitigation measures and

their provision are to the satisfaction of the Railway. In the Staff report dated February 8, 2001, staff recommended imposing an H-Holding designation on the lands within 30 metres (98.6 feet) of the Canadian National Railway. Provisions in the revised draft Zoning By-law required that either 1) comments be received by the Director, Community Planning, West District from the Canadian National Railway indicating that the proposed rail noise, vibration and safety mitigation measures and their provision are to the satisfaction of the Railway, or 2) a peer review of the proposed rail noise, vibration and safety mitigation measures has been commissioned by the City, funded by the applicant and is completed to the satisfaction of the Director, Community Planning, West District which indicates that the proposed mitigation measures will satisfy the Railway's requirements for safety, vibration, noise, and grading and drainage, and the owner has entered into an agreement satisfactory to the City to provide the necessary mitigation measures resulting from the peer review. In light of additional comments being received from the Canadian National Railway, it is not necessary to impose an H-Holding designation on the lands within 30 metres (98.6 feet) of the Canadian National Railway.

The amending Subdivision Agreement includes the conveyance of property for the future Eglinton West subway line, the proposed Caledonia subway station and other associated station facilities, including a bus terminal. Specifically, the agreement requires that the Owner convey to the City lands across the entire frontage of the redevelopment for public transit purposes. The land to be conveyed is south of the line which connects a point approximately 2 metres north of the Eglinton Avenue West right-of-way measured along the east limit of the Gabian Way right-of-way to a point which is approximately 30 metres perpendicular to the north limit of the Eglinton Avenue West right-of-way at a point measured approximately 50 metres west of the east limit of the redevelopment. These lands will be conveyed to the City at a nominal sum, at no cost to the City and prior to the occupancy of any new building in the redevelopment or final inspection to permit occupancy of any new building in the redevelopment.

Revisions have been made to the draft Official Plan Amendment and revised draft Zoning By-law Amendment to delete the residential component.

The Site Plan Working Group met on February 19, 2001 and will continue to meet to finalize the approval of the site plan. If an agreement cannot be reached regarding the site plan, the site plan report will be forwarded to the South-West Community Council and City Council for their determination.

Through the amending Subdivision Agreement, the owner will be required to deposit with the City sufficient funds to ensure that the truck arrestor can be maintained in good repair in a form satisfactory to the City Solicitor.

The amended Subdivision Agreement requires that a 140 square metre (1,500 square foot) finished and furnished community meeting space be provided in Building B1 or B2.

The amending Subdivision Agreement also addresses the phasing of the development, the widening of the Gabian Way right-of-way by 3.5 metres (11.4 feet), the relocation of the westerly TTC bus stop, the provision of driveway improvements, loading areas, and grading and servicing.

Conclusions:

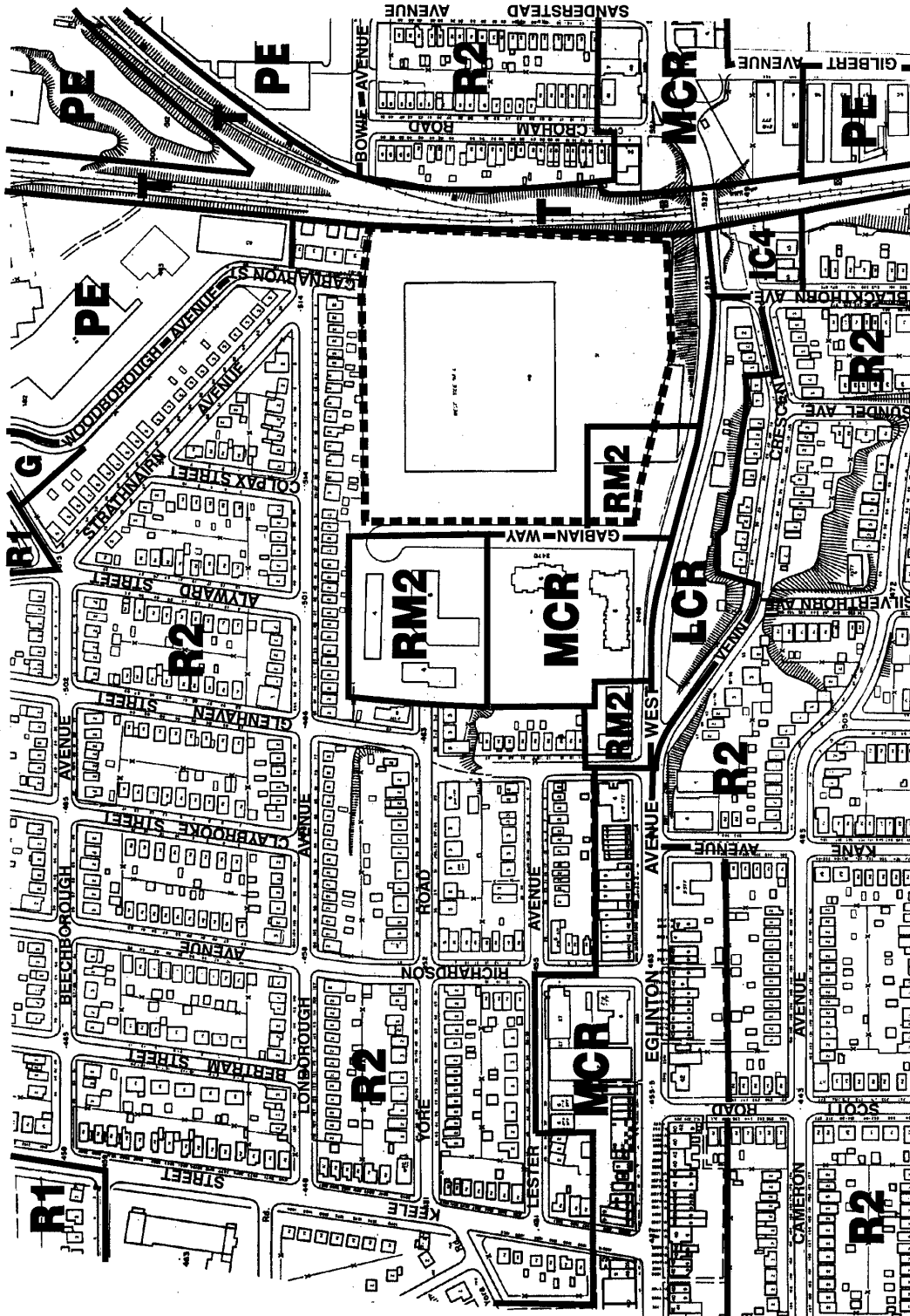
Revisions and refinement of the proposed development have been made since City Council approved this application, subject to conditions in October 2000. Consequently, it has been necessary to make minor revisions to the draft Zoning By-law as noted in this report after the Public Meeting held on September 19, 2000, the community meeting held on January 25, 2001 and the South-West Community Council meeting on February 13, 2001. All conditions of approval have been satisfied to permit introduction of the Official Plan Amendment and Zoning By-law for adoption and enactment by City Council.

Since it has been necessary to make further revisions to the draft Zoning By-law, it is recommended that the that Zoning By-law No. 1-83 be amended in accordance with the further revised draft Zoning By-law attached as Attachment No. 4 to this report, and that no further notice of a public meeting be given in respect of the revised draft Zoning by-law.

Contact:

*Al Rezoski, Senior Planner, Community Planning, West District
Tel: (416) 394-2615; Fax: (416) 394-2782; E-mail: arezosk@city.toronto.on)*

Attachment 1 – Location and Zoning Map



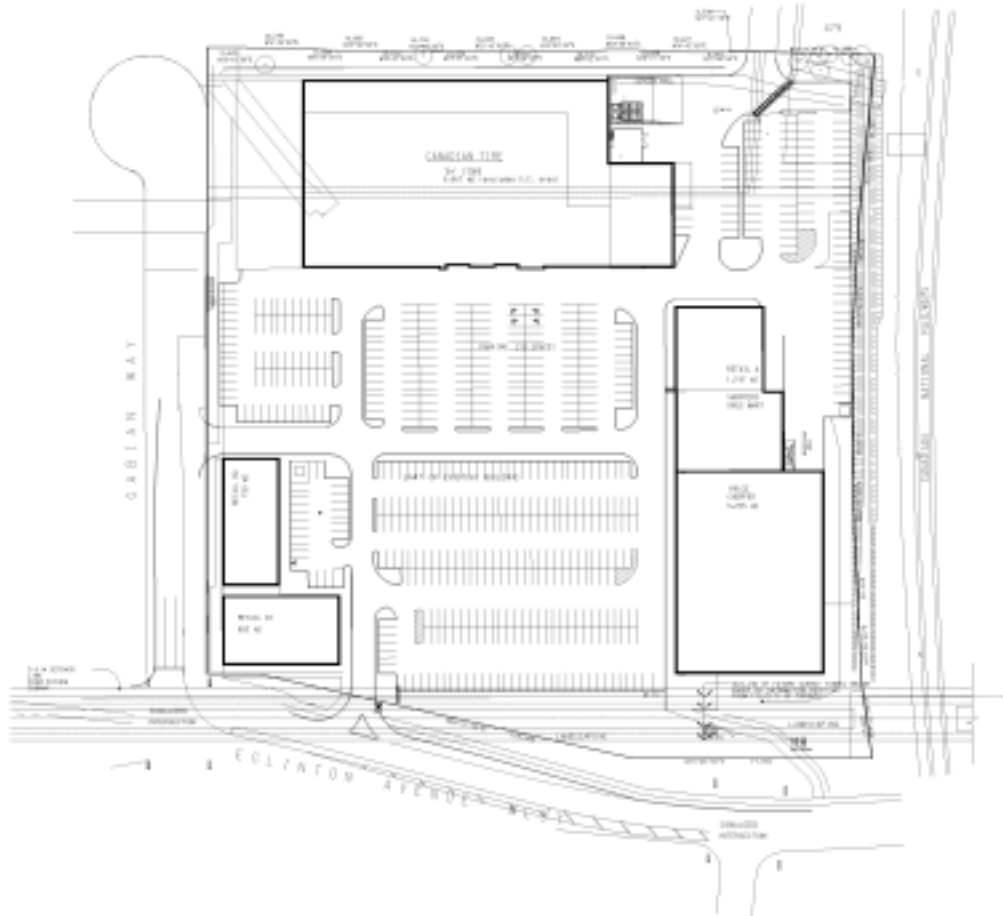
Not to Scale
06/27/2000
↑
Attachment 4

2322-2400 Eglinton Avenue West

File # YCC-SP00-006 0R00-001 Dwg. # 2000.6.9b

Zoning Map

Attachment 2 – Revised Site Plan



Site Plan
Applicant's Submitted Drawing

2322-2400 Eglinton Ave. W.
File # 0R00-001 SP00-006

↑ Not to Scale
02/02/01

Attachment 1

*Attachment 3
Revised Draft Zoning By-law*

Authority : Clause 6 of Report 9 of the York Community Council, which was adopted as amended by the Council of the City of Toronto at its regular meeting held on October 3, 4 and 5, 2000 and its Special Meetings held on October 6, 10, 11 and 12, 2000

Enacted by Council:

CITY OF TORONTO

BY-LAW No.

*To amend former City of York By-law No.1-83
(Re: Lands – northeast corner of Gabian Way and Eglinton Avenue West)*

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law, and whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act.

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

SECTION 6 AMENDED

- 1. That Section 6 of Zoning By-law No. 1-83, as amended, of the former City of York, be further amended by adding a new Subsection (67) as follows:*

“(67) MAP 24

By changing the area shown on District Map 24, municipally known as Lands – Northeast Corner of Gabian Way and Eglinton Avenue West and more particularly described in Schedule “A” hereto, from a RM2 District and Section 16(317) and from Section 16(317) to a MCR District and Section 16(400) as shown on Schedule “B” hereto and by changing District Map 24 accordingly.”

SECTION 16 AMENDED

- 2. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended as follows:*

- i) by revising the opening paragraph of Section 16(317)so that it reads as follows:*

“Notwithstanding the provisions of Paragraph (iv) and Parking Schedule Paragraphs A, D.1, and D.2 contained in Subsection 3.2.1. of Section 3 of this By-law and the provisions of Sections 10.1 and 12 of this By-law, the lands

located on the north side of Eglinton Avenue West abutting the CN-Railway located west of Caledonia Road, which lands are municipality known as 2322 to 2400 Eglinton Avenue West, and which lands are more particularly described in Schedule "A" hereto and shown on the plan attached as Schedule "B" hereto, and the plan attached as Schedule "C" hereto, shall only be used for or to erect or use any building or structure for one or more of the following uses, namely:"

ii) *by deleting in Section 16(317) paragraphs a) to d), both inclusive, paragraphs 1 to 24, both inclusive, and Schedules "C1", "C3", "D" and "E" to Subsection 16(317), and adding the following after the opening paragraph:*

"a) Residential Uses

Within Block "B" as shown on Schedule "B" hereto, one apartment house and a maximum of 16 townhouses.

Within Blocks "A" and "C" on Schedule "B" hereto, refer to Section 16(400) of this By-law.

b) Commercial Uses

Within Blocks "A" and "C" on Schedule "B" hereto, refer to Section 16(400) of this By-law.

- 1. The buildings erected and used for the purposes permitted by this Subsection shall be located within the area marked as "Buildable Area" on the plan attached as Schedule "C2" and hereto so as to provide the minimum building setbacks shown on the said Schedules.*
- 2. The maximum height of buildings, exclusive of mechanical floors, recreation buildings and parking garages shall be as shown on Schedule "C2".*
- 3. Off-street parking for residential buildings shall be provided and maintained at a minimum rate of 1.5 parking spaces per dwelling unit of which 1.25 parking spaces shall be for occupant parking and 0.25 parking spaces shall be exclusively devoted for visitor parking.*
- 4. A minimum of 60% of the exterior façade of all residential apartment houses shall be constructed using glass materials. The balance of the exterior façade shall be constructed predominantly of clay brick.*

5. *Air conditioning shall be provided throughout all buildings but in no case shall exterior window or wall-mounted unit air conditioners be permitted.*
6. *Each residential apartment unit shall be provided with an enclosed solarium. No open air balconies shall be permitted.*
7. *In the case of Block "B", the following restrictions shall apply:*

Maximum Number of Dwelling Units: 232 apartments and 16 townhouses

Maximum Building Area Coverage: 2,650 square metres

Maximum Gross Floor Area: 32,300 square metres

Minimum Indoor Recreational Space per Dwelling Unit: 4.0 square metres

Minimum Outdoor Recreational Space per Dwelling Unit: 28.0 square metres

8. *For the purpose of this Subsection the following shall apply:*
 - a) *The calculation of Minimum Outdoor Recreational Space shall include:*
 - i) *in the case of Block "B" that portion of the westerly half of the lands which are conveyed to the City for roads after the enactment of this By-law comprising the landscaped area of the western boulevard excluding curbs, sidewalks and pavement areas.*
 - b) *The calculation of gross floor area shall exclude floor space occupied by enclosed solariums and stairways within residential buildings.*

9. *In the case of Block "B", the following minimum net dwelling unit floor areas shall apply:*

For Apartment Houses:

<i>Dwelling Unit Type</i>	<i>Minimum Net Dwelling Unit Size</i>
<i>1-Bedroom</i>	<i>72 square metres</i>
<i>2-Bedroom</i>	<i>102 square metres</i>
<i>3-Bedroom</i>	<i>125 square metres</i>

For Townhouses:

A minimum net dwelling unit floor area of 185 square metres shall be provided.

10. *For the purpose of this Subsection the following definitions shall apply:*

“BLOCK” means the parcels of land shown as Block “B” hereto;

“BUILDING AREA COVERAGE” means the amount of lot or Block surface area permitted to be covered by buildings excluding parking garages, recreational structures and canopies;

“INDOOR RECREATIONAL SPACE” means indoor areas intended and designated for recreational or social purposes for the use of occupants of the residential building and includes all sports areas, swimming pools, saunas, change rooms, space for meetings, hobbies, parties, games or club activities, lounge and lobby areas, and enclosed solariums;

“OUTDOOR RECREATIONAL SPACE” means landscaped on-site open space;

“THE LANDS” means the whole of the lands described in Schedule “A” hereto and shown on Schedule “B” hereto;

“TOWNHOUSE” means one of three or more attached dwelling units divided vertically above-grade by party walls not less than seventy-five percent (75%) in length common to the adjoining dwelling units; and

11. *All other provisions of this By-law shall apply except in cases where the provisions and Schedules of this Subsection are in conflict, in which case the provision and Schedules of this Subsection shall prevail.”*

3. *That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended by adding the following as a new Subsection (400):*

“(400) LANDS – 2322-2400 Eglinton Avenue West

Notwithstanding any provisions of Section 12 and Subsection (317) of Section 16 and any other provisions of this By-law, the lands municipally known as 2322-2400 Eglinton Avenue West, more particularly described in Schedule “A” to this Subsection and shown on the plans attached as Schedule “B” and Schedule “C” hereto, (hereinafter referred to as “the Lands”) may be used for one or more of the following purposes:

- i) *a retail store or stores but not including a flea market; offices, recreational use; theatre; restaurant; restaurant, licensed; take-out eating establishment; and accessory buildings, uses and structures including associated parking, outdoor display and sales and outdoor eating areas.*

subject to the following provisions:

- a) *The buildings excluding exits, shall be located within the area shown on the Site Plan attached as Schedule "C" to this By-law. The minimum setbacks shall be those shown on the site plan and the setback shall include any lands conveyed to the City for municipal purposes.*
- b) *The maximum height of the commercial uses shall be two storeys, exclusive of mechanical floors, walls or structures to screen mechanical equipment, roof stairwell enclosures, parapet walls less than 1 metre in height, and the basement floor.*
- c) *Canopies, awnings and roof overhangs may extend into the front yard and into the minimum setback area of a building a maximum of 3.0 metres but any projecting part of a building shall not:*
- i) *encroach onto lands conveyed to or granted as an easement to the City for municipal purposes; or*
- ii) *interfere with the use of a driveway required for access to a parking or loading area.*
- d) *The maximum gross floor area for commercial uses shall be 14 990 square metres.*
- e) *The maximum height of any portion of a building shall not be greater than 85% of the horizontal distance of that portion of the building from a R1 or R2 district.*
- f) *Off-street parking shall be provided and maintained for commercial uses at a rate of 1 parking space for each 28 square metres of gross floor area.*
- g) *Notwithstanding the provisions contained in Sections d) and f), for a one year period during the phased construction of the commercial buildings, a maximum gross floor area for commercial uses shall be 21 124 square metres. During this time period, parking requirements shall be calculated based on occupied gross floor area.*
- h) *Off-street parking shall be permitted to encroach 4.4 metres in the front yard. For the purposes of this paragraph, "front yard" shall mean the portion of the area of the lands marked as "Front Yard Area" on Schedule 'C' to this By-law.*

- i) *Parking spaces shall not be accessed from a driveway which is designated a Fire Route and runs parallel to a front face of building.*
- j) *The Chief Building Official for the City or his designate, prior to the issuance of any building permit for the development shall be provided with a completed "Record of Site Condition" pursuant to the Ministry of the Environment "Guideline for Use at Contaminated Sites in Ontario, February 1997", as amended or updated, marked as having been received by the Ministry of Environment along with a letter from the Ministry of Environment advising that the Record of Site Condition is not subject to an audit review; or, alternatively, a letter from the Ministry of Environment advising that the Record of Site Condition has passed a Ministry audit for compliance with the Guideline; and the suitable use or uses for the lands set out in Part 3 of the "Record of Site Condition" is consistent with the uses for the lands permitted by this Subsection.*
- k) *Vehicular access to Eglinton Avenue West shall be restricted to one restricted turning movement access point. Access to Eglinton Avenue West shall be to the satisfaction of the Works and Emergency Services Department.*
- l) *Vehicular access shall include a minimum of 1 full turning movement driveway from Gabian Way and 1 full turning movement driveway from Carnarvon Street. Access to Gabian Way and Carnarvon Street shall be to the satisfaction of the Works and Emergency Services Department.*
- m) *A "Truck Arrestor" with a minimum height of 2 metres and a maximum height of 2.3 metres to the underside of the bar shall be constructed and maintained to restrict truck access to the site from Carnarvon Street. Improved signage to increase awareness of the arrestor shall be erected and maintained.*
- n) *For commercial units abutting the Eglinton Avenue West right-of-way, the following provisions shall apply:*
 - i) *the primary entrance shall directly face Eglinton Avenue West; and*
 - ii) *a minimum of 50% of the exterior façade of any wall abutting the Eglinton Avenue West right-of-way shall be constructed using glass materials.*
- o) *All rooftop mechanical units, flues and vents shall be screened.*
- p) *Bicycle parking spaces shall be provided and maintained in accordance with the following:*
 - 1) *1 bicycle parking space for every 1 250 square metres of gross leasable commercial floor area and with each building being provided with the required bicycle parking within 30 metres of a primary front entrance to the building;*

- 2) *a bicycle parking space is an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:*
 - a) *where bicycles are parked on a horizontal surface, such space has horizontal dimensions of at least 0.6 metres wide by 1.8 metres long and a vertical dimension of at least 1.9 metres high; and*
 - b) *where bicycles are parked in a vertical position, such space has horizontal dimensions of at least 0.6 metres wide by 1.2 metres long and a vertical dimension of at least 1.9 metres high; and*
- 3) *all bicycle parking spaces shall be provided and maintained a highly visible weather protected area.*
- q) *Where a loading space located is within 20 metres of a R1 or R2 district, a solid acoustical screening wall with a minimum height of 2.5 metres from the highest grade measured on either side of the wall shall extend the entire length of the side or end of the loading space abutting the R1 or R2 district.*
- r) *All of the front yard area with the exception of permitted parking shall be landscaped on-site open space.*
- s) *A public activity centre which has a minimum gross floor area of 140 square metres shall be provided and maintained on the main floor of one of the commercial buildings.*
- t) *All uses save and except for accessory uses shall be conducted within a fully enclosed building. There shall be no open outdoor storage or display of goods or merchandise except for storage and display of seasonal plants and related gardening equipment and material shall be stored and displayed in a screened, fenced or walled enclosure attached to a main building.*
- u) *Eating areas shall be permitted in the area abutting the façade of the building containing the main entrance to an ice cream parlour; bake shop; restaurant; restaurant, licensed; or take out eating establishment; provided that the area of the outdoor eating area does not exceed fifty percent (50%) of the total floor area devoted to patron use of the associated use and the floor space of the outdoor eating area is included for the purposes of calculating required parking for the use.*
- v) *Accessory uses, such as but not limited to a maximum of one propane storage tank and dispensing facility, a windshield repair tent and on-site food vendors shall be permitted.*
- w) *All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict in which case the provisions of this Subsection shall prevail.*

2. *For the purpose of the Subsection the following definitions shall apply:*

“FLEA MARKET” means a building or portion thereof where floor space is made available to two or more individual retail operators where such operator is allocated space and where such allocated space is not physically separated from space made available to other operators by floor to ceiling walls;

“PUBLIC ACTIVITY CENTRE” means floor space operated by or on behalf of the City for various indoor community functions which may include a senior citizen activity centre.

3. *Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, this By-law shall come into force and effect on the date of the passing.*

ENACTED AND PASSED this day of A.D. 2001.

MAYOR

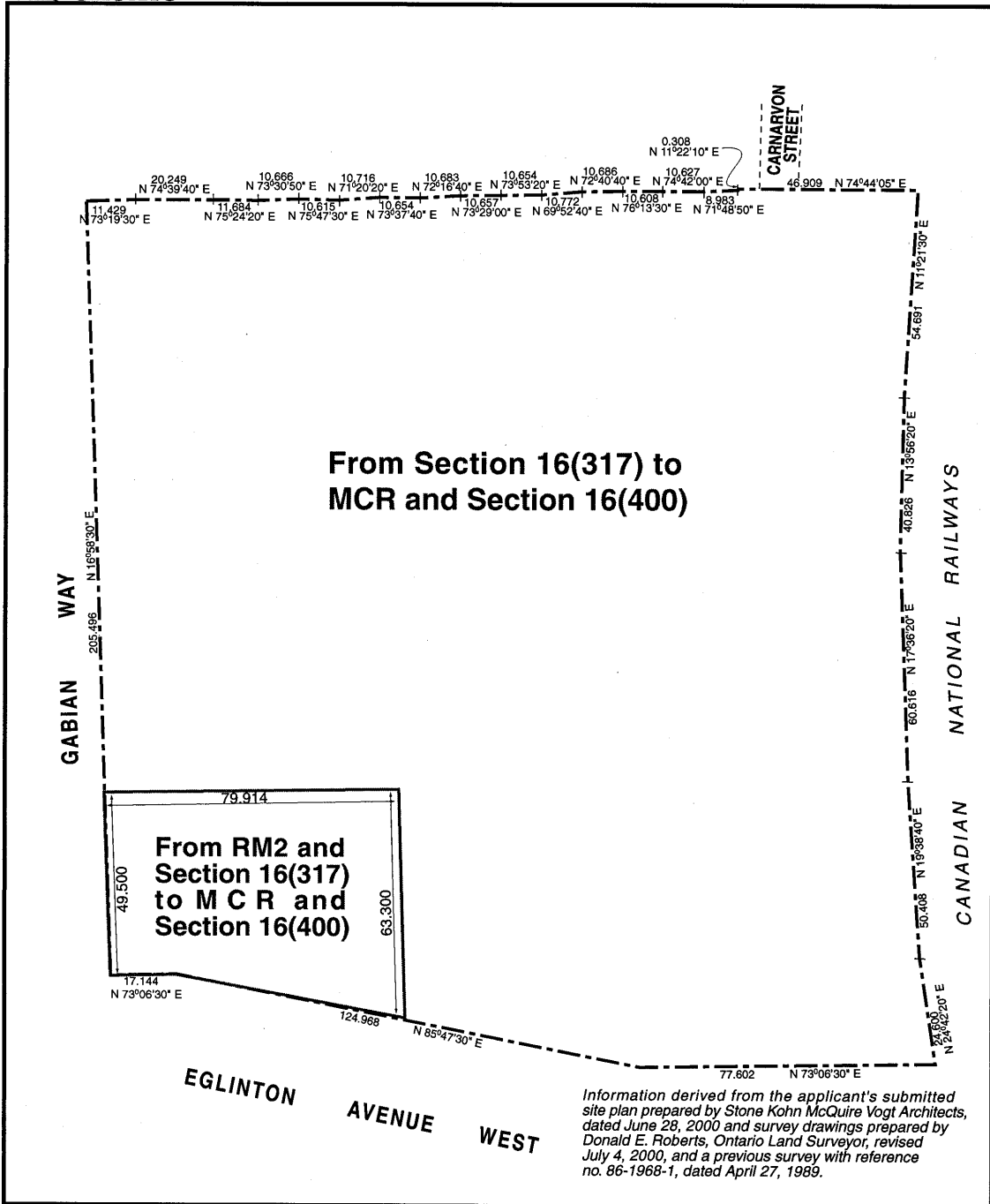
CLERK

*SCHEDULE “A” to BY-LAW No.
and to Section 6(67) and Section 16(400) of ZONING BY-LAW 1-83*

SCHEDULE “A”



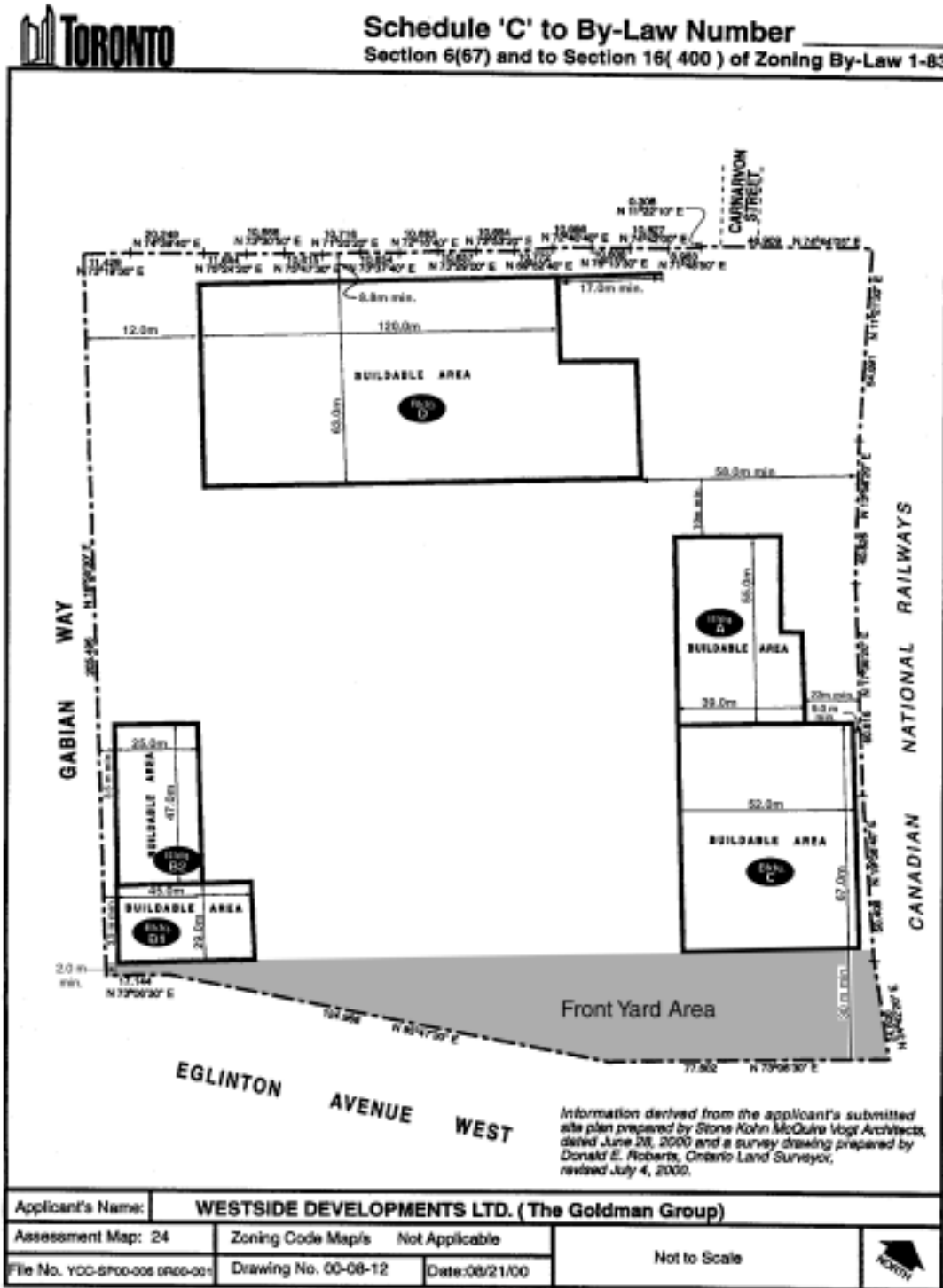
Schedule 'B' to By-Law Number
Section 6(67) and to Section 16(400) of Zoning By-Law 1-83



Information derived from the applicant's submitted site plan prepared by Stone Kohn McQuire Vogt Architects, dated June 28, 2000 and survey drawings prepared by Donald E. Roberts, Ontario Land Surveyor, revised July 4, 2000, and a previous survey with reference no. 86-1968-1, dated April 27, 1989.

Applicant's Name:		WESTSIDE DEVELOPMENTS LTD. (The Goldman Group)	
Assessment Map: 24	Zoning Code Map/s	Not Applicable	
File No. YCC-SP00-006 0R00-001	Drawing No. 00-08-12a	Date: 08/22/00	Not to Scale





(City Council also had before it, during consideration of the foregoing Clause, the following report (March 7, 2001) from the Commissioner of Urban Development Services:

Purpose:

To advise of updated technical information concerning matters included in the Subdivision Agreement as related in the Supplementary report dated March 5, 2001. This information update is provided in light of the motion to bring forward the Official Plan Amendment and Zoning By-law for this application for consideration by City Council.

Financial Implications and Impact Statement:

There are no financial implications associated with the application.

Recommendations:

It is recommended that:

- (1) that this report be received for information and it be noted that information relating to the conveyance of property for the future Eglinton West Subway line appearing in the fifth paragraph on page four of the Supplementary report dated March 6, 2001 is clarified to make reference to the conveyance to the City of a subsurface easement satisfactory to the City for the future Eglinton Avenue West subway line.*

Background:

Following the completion of the Supplementary Report dated March 6, 2001 and its submission to City Council after the start its meeting on March 6, 2001 the applicant, in reading the amending Subdivision Agreement that is required to be signed prior to introduction of the necessary Bills to Council, raised issue with a requirement in the agreement to convey lands outright to the City for the Eglinton Avenue West subway line.

Comments

Planning staff in consultation with Toronto Transit Commission (TTC) staff have negotiated a clarification to the conveyance condition that will now require the applicant to convey a subsurface easement for public transit purposes for a nominal sum and at no cost to the City. This provision will satisfy TTC requirements for the development. The owner is agreeable to this condition. Appropriate wording now has been incorporated in the Amending Subdivision Agreement, which the applicant is to sign to permit the introduction of the necessary bills to Council to permit this redevelopment to proceed.

Conclusions:

A technical clarification has been made to the Amending Subdivision Agreement to require the applicant to convey a subsurface easement for public transit purposes for a nominal sum and at

no cost to the City. This satisfies TTC requirements. With this technical clarification the applicant is prepared to sign the Agreement to permit the introduction of the necessary Bills to Council for this redevelopment. This technical revision does not affect the Official Plan Amendment and the Zoning By-law amendment that are required to be passed to permit the development to proceed.

Contact:

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Tel: (416) 394-2615; Fax: (416) 394-2782; E-mail: arezosk@city.toronto.on)*