



Clause embodied in Report No. 7 of the Humber York Community Council, as adopted by the Council of the City of Toronto at its meeting held on July 24, 25 and 26, 2001.

**Final Report - 3 & 6 Windermere Avenue,
Application to Amend the Official Plan and
Zoning By-law No. 438-86 of the former City of Toronto;
Stelco Inc., (Application by Reon Development Corp.),
Application No. 100033
(Parkdale-High Park, Ward 13)**

(City Council on July 24, 25 and 26, 2001, amended this Clause in accordance with the report dated July 20, 2001, from the Commissioner of Urban Development Services, embodying the following recommendations:

“It is recommended that:

- (1) *the recommendations contained in the Final Report of June 26, 2001, from the Director of Community Planning, South District, be amended by adding to Recommendation No. (5) the following:*
 - “(ee) to immediately conduct a Preliminary Ambient Air Quality Assessment to identify potential air quality impacts including those from all proximal sources of air pollutants and construction activities which exist at or near the subject site, for approval by the Medical Officer of Health, prior to the issuance of a building permit; and*
 - “(ff) to submit an Air Quality Program to the Medical Officer of Health, prior to the issuance of a building permit.”; and*
- (2) *the Section 37 Agreement authorized by the adoption of the Final Report of June 26, 2001 reflect the matters identified in this Supplementary Report.”,*

subject to the following additional amendments:

- (1) *reducing the number of daycare spaces from 72 to 52 and reducing the required interior daycare space to 531.5 square metres and the contiguous exterior daycare space to 334 square metres; and*
- (2) *deleting the following Recommendation No. (9) embodied in the report dated June 26, 2001, from the Director, Community Planning, South District, and authorizing the City Solicitor to introduce the Bills, notwithstanding that the Section 37 Agreement has not been executed:*

“(9) authorize the City Solicitor to introduce the necessary Bills in Council to give effect to these recommendations and to prepare the agreements referred to, and to ensure the agreements are executed prior to the introduction of such Bills, and to report directly to Council if necessary upon resolving any outstanding issues regarding the terms of the Section 37 Agreement described in this report.”

The Humber York Community Council recommends the adoption of the report (June 26, 2001) from the Director, Community Planning, South District, subject to the following:

- (1) that with respect to Recommendation (4), that the provisions set out in the Agreement pursuant to Section 37 as outlined in Appendix D, be binding on all sub-parcels of the site;
- (2) that regarding Recommendation (5)(h) the word “adequate” on the third line be deleted and the word “excellent” be substituted in lieu thereof, to read as follows:

“(5) Require the Owner to:

- (h) submit for the review and approval of the Commissioner of Works and Emergency Services, a functional plan demonstrating the improvements required to Windermere Avenue to provide 4 through lanes and excellent pedestrian amenities, such plan to also identify property requirements, if any, addressed in Recommendation No. 5(g) above;”
- (3) that the Owner be required to include heritage elements from the Stelco plant office building as part of a future landscaping feature, and that this requirement be incorporated in the Section 37 Agreement Provisions;
- (4) that with respect to the Public Art Program, that a jury be formed with one (1) representative from the Swansea Historical Society, two (2) Artists, and (2) representatives from the Developer;
- (5) that easements be obtained from the Developer to secure all passive open space use and public access to: the internal road system; the open space areas on Windermere Avenue adjacent to the CNR right-of-way; the triangular open space area on #3 Windermere Avenue adjacent to the CNR right-of-way; and, the rectangular open space area at the south-west corner of Ellis Avenue and The Queensway; and
- (6) that the applicant be requested to meet with relevant City staff regarding Storm Water Management and Green Roofs Strategies for the site.

The Humber York Community Council reports for the information of Council, having requested the Director, Community Planning, South District, to:

- (a) arrange a meeting with the executive members of the Swansea Ratepayers and representatives of the relevant Condominium Corporations next week, together with the local Councillor, to provide an opportunity for further comments on the Final Report, and to report directly to the July 24, 2001 meeting of City Council, on the comments received;
- (b) meet with representatives of the Swansea Ratepayers regarding the “*Future Directions*” report, particularly as it applies to stable neighbourhoods;
- (c) report further on the idea expressed by the Swansea Ratepayers that residential development be prevented on the lakefront, south of the Gardiner Expressway, between the Humber River and Exhibition Place;
- (d) ensure that all future notices for community consultation meetings and Planning Act public meetings include the telephone number for the relevant Clerk’s office and other alternatives, in order that planning reports are made properly available to the public; and
- (e) obtain the information identified by Mr. David Hanna with respect to modifications to the Minutes, such modifications to be circulated to attendees of the relevant meetings for comment.

The Humber York Community Council also reports for the information of Council, having held a statutory public meeting on July 10, 2001 pursuant to Section 34 of the Planning Act, and that appropriate notice of this meeting was given in accordance with the Planning Act and regulations thereunder.

The Humber York Community Council submits the following report (June 26, 2001) from the Director, Community Planning, South District.

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law to permit three high-rise residential towers, rowhouses, townhouses and stacked townhouses on a former industrial site at 3 and 6 Windermere Avenue.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Appendix B;
- (2) amend the Zoning By-law No. 438-86 for the lands known as 3 and 6 Windermere Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Appendix C;
- (3) authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required;
- (4) require that the Official Plan Amendment and Zoning By-law Amendment stipulate that the owner enter into an agreement pursuant to Section 37 of the Planning Act to implement the matters set out in Appendix D;
- (5) require the owner to:
 - (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;
 - (b) provide and maintain a minimum of 1.4 parking spaces for each residential unit, comprising at least 1.25 spaces for residents and 0.15 spaces for residential visitors;
 - (c) comply with the parking requirements of the Zoning By-law for any non-residential use;
 - (d) comply with the loading requirements of the Zoning By-law;
 - (e) convey to the City, at nominal cost, prior to the issuance of a building permit, a 3.0 metre wide strip of land along The Queensway extending from the southwest corner of Windermere Avenue to a point approximately 50 metres west thereof, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated for public highway purposes;
 - (f) pay all costs associated with the civil works recommended in the Traffic Impact Study prepared by BA Group, dated January, 2001, as summarized below, and submit securities for the improvements to the area road network, in a form satisfactory to the Commissioner of Works and Emergency Services, prior to the issuance of a building permit;

- i) the horizontal re-alignment of Windermere Avenue between The Queensway and the CNR structure, maintaining a four lane cross-section and lane widths satisfactory to the Commissioner of Works and Emergency Services;
- ii) geometric and Traffic Control Signal modifications at the northwest corner of The Queensway and Windermere Avenue required due to the removal of the southbound right-turn channelization;
- iii) geometric modifications to the north side of The Queensway, west of Windermere Avenue, with respect to the TTC bus stop which is impacted by Recommendation No. 5 (f)(ii) above;

(g) convey to the City, at nominal cost, prior to the issuance of a building permit, the lands required, if any, to accommodate the proposed re-alignment of Windermere Avenue as identified in Recommendation No. 5(f)(i) above, incorporating adequate pedestrian amenities and any lands required to provide sidewalk facilities on the south side of The Queensway, such lands to be free and clear of all encumbrances, save and except for utility poles, and subject to a right-of-way for access purposes in favour of the Grantor until such time as said lands have been laid out and dedicated for public highway purposes;

(h) submit for the review and approval of the Commissioner of Works and Emergency Services, a functional plan demonstrating the improvements required to Windermere Avenue to provide 4 through lanes and adequate pedestrian amenities, such plan to also identify property requirements, if any, addressed in Recommendation No. 5(g) above;

(i) submit, at least three weeks prior to the introduction of Bills in Council, to the Commissioner of Works and Emergency Services:

- i) a Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate System, delineating thereon by separate PARTS the proposed parcels, the lands to be conveyed to the City and any appurtenant rights-of-way;
- ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans;

(j) apply to the Commissioner of Works and Emergency Services for revised municipal numbering prior to filing an application for a building permit;

(k) submit, prior to the first site plan approval, for the review and approval of the Commissioner of Works and Emergency Services, a Stormwater Management Report, a preliminary grading and drainage plan and preliminary servicing plan;

- (l) submit, prior to the first site plan approval, a report, satisfactory to the Commissioner of Works and Emergency Services, assessing the requirements and/or upgrades to municipal services, including the upgrade to the existing pumping station, needed to accommodate this development;
- (m) undertake any improvements to the pumping station required prior to any occupancy on site, at no expense to the City;
- (n) engage the services of a qualified Municipal Consulting Engineer satisfactory to the Commissioner of Works and Emergency Services, for design and field supervision of all municipal underground and above ground facilities within the public rights-of-way;
- (o) extend the watermain on Windermere Avenue with a 300mm pipe from the existing 150mm watermain to Lake Shore Boulevard West, at no cost to the City;
- (p) submit a report, prior to the issuance of a building permit, to the Commissioner of Works and Emergency Services, prepared by a qualified Environmental Consultant, confirming that there is no evidence of contamination within the public rights-of-way from previous activities on the site;
- (q) enter into an agreement with the City, should it be determined that remediation of the adjacent rights-of-way is required, in which the owner, or the party responsible for the off-site contamination, commit to carrying out the remedial work plan acceptable to the City;
- (r) agree to engage a peer Environmental Consultant, paid for by the applicant, to review, on the City's behalf, the assessment of contamination of the public rights-of-way and any remedial work plans where required;
- (s) have a qualified Architect/Acoustical Consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement prepared by Valcoustics Canada Ltd. dated May 23, 2001;
- (t) grant permanent easements to the extent required by the Commissioner of Works and Emergency Services, the easement agreement to contain terms and conditions satisfactory to the Commissioner of Works and Emergency Services together with any others that the City Solicitor considers necessary for the:
 - i) existing Pumping station and associated sewers west of Ellis Avenue;
 - ii) open channel storm outfall west of Ellis Avenue;
 - iii) existing storm sewers south of The Queensway east of South Kingsway;

- (u) submit, prior to the issuance of a building permit, details of facilities for storage and collection of garbage and recyclable materials, to the satisfaction of the Commissioner of Works and Emergency Services;
- (v) provide details of a groundwater monitoring program, prior to the issuance of a building permit, to protect existing City municipal infrastructure and structures from the impacts of dewatering operations;
- (w) contribute the incremental cost of relocating the existing westbound and eastbound TTC streetcar platforms at the intersection of The Queensway and Windermere Avenue in conjunction with planned reconstruction of The Queensway;
- (x) contribute funding for the installation of a safety fence on the south side of the TTC right-of-way on The Queensway in the vicinity of the South Kingsway;
- (y) conduct a detailed historical review of all existing and past land uses which could result in negative environmental effects to the subject site for the review and approval by the Medical Officer of Health, prior to the issuance of a building permit;
- (z) conduct a site audit for the identification of all hazardous materials on the site, with the removal of these materials being conducted in accordance with the Ministry of Labour and Ministry of Environment and Energy Guidelines. A report on the site audit should be submitted to the Medical Officer of Health for review, prior to issuance of a building permit;
- (aa) conduct a soil and groundwater testing programme and produce a Soil and Groundwater Management Plan which characterizes soil and groundwater conditions and proposes remediation options, to be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the issuance of a building permit;
- (bb) implement under the supervision of an on-site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion submit a report from the on-site environmental consultant, to the Medical Officer of Health, certifying that the remediation has been completed on accordance with the Soil and Groundwater Management Plan;
- (cc) prepare a Dust Control Plan and submit this plan to the Medical Officer of Health for approval, prior to the issuance of any building permit;
- (dd) implement the measures in the Dust Control Plan approved by the Medical Officer of Health;

(6) Advise the owner:

- (a) of the need to receive approval and obtain building location, access and streetscape permits, prior to construction, from the Commissioner of Works and Emergency Services for all work to be carried out within the abutting public rights-of-way;
- (b) of the need to obtain building location, access and streetscape permits, as well as potentially other permits such as hoarding, piling/shoring etc. from this Department prior to construction;
- (c) that the eastbound left turn movement to Windermere Avenue from the westerly site will be prohibited, subject to the submission of additional technical documentation and functional plans addressing the site line constraints, for the review and approval of the Commissioner of Works and Emergency Services;
- (d) that noise control measures and setbacks must satisfy the requirements of Canadian National Railways;
- (e) of the need to investigate and report to the Commissioner of Urban Development Services on opportunities and costs for pedestrian and bicycle connections between the subject site and the existing Humber River trail network as part of the site plan process; and
- (f) of the need to cost share the recommended pedestrian and bicycle connection(s) between the subject site and the existing Humber Trail.

(7) Require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act prior to the issuance of a building permit.

(8) Require that the necessary steps be taken for the lands conveyed to the City under Recommendation No. 5 (e) above be laid out and thereafter dedicated, by the City, for public highway purposes.

(9) Authorize the City Solicitor to introduce the necessary Bills in Council to give effect to these recommendations and to prepare the agreements referred to, and to ensure the agreements are executed prior to the introduction of such Bills, and to report directly to Council if necessary upon resolving any outstanding issues regarding the terms of the Section 37 Agreement described in this report.

(10) Determine that no further notice is to be given in respect of the proposed by-laws.

Background:

Proposal

The applicant requests permission to remediate and redevelop the site at 3 and 6 Windermere Avenue with a mixture of low and high-rise residential uses, comprised of three towers abutting the CN rail line and a series of rowhouses, townhouses and stacked townhouses along The Queensway and Windermere frontages. The three towers are proposed to be 26, 21 and 20 storeys in height. Two of the towers are proposed to be located on the larger parcel to the west of Windermere Avenue, and the third is proposed for the smaller site to the east.

Further, the applicant seeks to sub-divide the site into five distinct sub-parcels. While development throughout the entire site would not exceed a density of 2.0 times the lot area, the density of each sub-parcel would range from 1.1 to 3.1 times its area. A 0.25-hectare parcel is proposed to be reserved for publicly accessible, privately owned open space on the easternmost portion of the site, opposite the southwest corner of Grenadier Pond.

Site History

These lands have been the site of industrial steel works since 1882, and the property of the Steel Company of Canada (Stelco Inc.) since 1910. In 1989 Stelco vacated the Swansea Works, removed the manufacturing equipment and decommissioned the PCB's stored in the main building. Attempts to sell the lands over the last decade for industrial or commercial purposes have been unsuccessful.

Cityplan By-law No. 425-93 rezoned the subject lands to I1 D2, which permits industrial buildings up to 2.0 times the lot area, and established a height limit of 23.0 metres. The Swansea Area Ratepayers Association appealed the height limit which, through subsequent negotiations, was reduced to 18.0 metres to reflect the height of the existing Stelco building.

The Stelco lands have been identified in the Official Plan report, "Toronto At the Crossroads: Shaping Our Future" as a vacant, brownfield site that has the potential to be redeveloped for more intensive urban uses.

Site and Surrounding Area

This 4.9-hectare site is bounded by The Queensway, Ellis Avenue, the Canadian National Rail line and the South Kingsway cloverleaf. Windermere Avenue runs in a north-south direction between the eastern and western parcels of the site. The following uses surround the site:

North: residential condominium and houseform buildings, Swansea Mews

South: CN Rail/GO Transit corridor, Gardiner Expressway, hotel, site of Joy Oil station (proposed Fred Victor Centre)

East: Grenadier Pond, open space

West: Hydro Transformer Station, South Kingsway ramp, Humber River

Official Plan

The site is currently designated “Mixed Industrial-Residential” in the former City of Toronto Official Plan. This designation permits a limited range of industrial and a wide range of residential uses, including buildings containing only residential uses and having a total residential gross floor area of up to 2.0 times the area of the lot.

Through OPA No. 110, the City updated all of its old Part II Plans to reflect the more current land use designations in the Official Plan. The portion of OPA No. 110 which updates the Swansea Part II Plan is currently under appeal to the Ontario Municipal Board. The existing Swansea Part II Plan, in which the site is designated “Area of Industry”, currently prevails.

Zoning By-law

The site is zoned I1 D2 with a maximum height of 18.0 metres. This zoning category permits a limited range of industrial, employment and non-residential uses and does not permit any residential uses. The maximum permitted non-residential gross floor area is 2.0 times the area of the lot.

Site Plan Control

Site Plan approval is required. The applicant anticipates filing site plan applications for each of the sub-parcels as phased implementation of the proposal proceeds.

Reasons for Application

The applicant proposes to amend the former City of Toronto Part I Official Plan by deleting the current “Mixed Industrial-Residential” designation for the site, and replacing it with the designation “High Density Residence Area”. The applicant proposes to amend the Swansea Part II Plan by deleting the current “Area of Industry” designation, and replacing it with the designation “High Density Residence Area”.

Further, the applicant proposes to insert a site-specific provision in Section 18 of the Official Plan to limit residential density over the entire site to 2.0 times and allow a maximum 0.1 times additional commercial density.

The proposed residential use is not permitted in an I1 district. The highest of the three towers has a proposed height of 92.0 metres, which significantly exceeds the current height limit of 18.0 metres. The applicant proposes to amend the former City of Toronto Zoning By-law No. 438-86 by rezoning the overall site to R2 Z2.0. The heights, setbacks and building envelopes on each of the sub-parcels are proposed to be specifically delineated within the by-law, to secure the general site layout, building location, open spaces and resulting view corridors through the site.

Community Consultation

Prior to filing this application on December 15, 2000, REON held six meetings with representatives from the local community, chaired by the Ward Councillor. Three of these meetings were in the form of working group sessions to discuss specific issues surrounding traffic, built form, aesthetics, environment and landscaping. Following this series of smaller group meetings, a consultation meeting was hosted by REON for the broader public on November 30, 2000, with approximately 75 members of the public in attendance.

A public consultation meeting was held by the Ward Councillor on February 7, 2001 to respond to the proposal as submitted. Approximately 100 residents from the local community attended. As a result of that meeting, three more working group meetings were convened to further discuss traffic and built form issues. REON further revised its proposal for presentation at the community consultation meeting hosted by the City Planning Division on April 25, 2001, attended by approximately 70 members of the public.

City Planning staff have received 20 letters and written comments from area residents. Twelve of these were received from residents of the condominium building at 60 Southport Street, which lies to the north of the site.

Area residents have identified a number of concerns which are summarized below:

- (a) Planning has not undertaken the necessary studies to address the proposed change in use;
- (b) construction of the proposed development will impact the water table, threatening the integrity of existing buildings;
- (c) the nature and extent of soil contamination on the site;
- (d) the heights of the proposed condominium towers will block views to the lake for residents north of The Queensway;
- (e) the proposed towers should be designed in a “point tower” form rather than a “slab” form;
- (f) the estimated population of the proposed development will increase vehicular traffic through the neighbourhood;
- (g) community facilities, amenities and schools will not be able to serve the increased population of the proposed development; and
- (h) the proposed development will create increased noise and air pollution.

These concerns will be discussed further in the ‘Comments’ section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City Departments. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards, and are attached as Appendix A.

Comments:

Land Use

Section 9.41 of the Part I Official Plan requires that Council shall have regard for a number of matters when considering a change in land use in a Mixed Industrial-Residential Area. Among those matters relevant to this application are: the need for existing industrial buildings or uses to retain industrial jobs; the need to maintain industrial buildings in good structural condition or buildings which may have architectural or historical merit; and the extent to which a change in use would adversely affect the continued compatibility of neighbouring uses.

There has been no industrial employment on these lands for the last decade. As noted previously, attempts to sell the land for industrial or commercial purposes have been unsuccessful. The Official Plan policies are in place to protect an adequate inventory of vacant land for industrial uses, but this site has proven undesirable from a market perspective for those uses to continue.

At a walking tour of the site attended by members of the community and Planning staff on September 6, 2000, the Stelco plant office building was identified by the participants as a historically significant structure. The building is not listed on the City's Inventory of Heritage Properties and is currently vacant. Further discussions with community members yielded the suggestion that the building's wooden beams be considered as part of a future landscaping feature. REON has agreed to pursue this option.

Finally, the proposed residential uses would be compatible with existing residential uses to the north of the site, in effect extending the neighbourhood to the south.

According to Section 12.6 of the Part I Official Plan, Council must also have regard for a number of matters related to physical form and residential amenity when enacting by-laws in High Density Residence Areas. Through consultation with the community and City staff, the proposed development responds to these matters in its built form, site layout and public contributions. The proposed roads are positioned to continue the street and block pattern of the neighbourhood to the north while the grade-related townhouses provide a continuous street edge that relates to the existing low-rise built form. The proposed high-rise towers are positioned away from the street to create the best possible microclimatic conditions at grade level, with a considerable distance between buildings to protect view corridors, light and privacy. Planning staff are satisfied that a desirable and safe pattern of pedestrian and vehicular circulation has been achieved. The use of a Section 37 agreement will secure public benefits that contribute to municipal and community services and facilities. It is my opinion that the proposed development has been designed to minimize negative impacts on the built form and residential amenity of the adjacent low density residence area to the north while achieving Council's objectives of intensification and reinvestment on brownfield sites.

The Zoning By-law will redesignate the lands to R2 with a restricted use list which will permit only those uses required for the proposed development as described in this report and will set height limits for the new residential development as described in this report. These new residential heights and densities will be contingent upon the City securing those facilities, services and matters as are appropriate for this new residential project and as set out more particularly in this report.

Servicing

The proposed development would generate an estimated 2,000 residents on the site. Works and Emergency Services staff have identified the need for an upgrade to the sewage pumping station servicing this population, a matter to be resolved through the use of a Section 37 agreement with the applicant.

The industrial building is currently served by 300mm watermains on The Queensway and Ellis Avenue, and by an existing 150mm watermain on Windermere Avenue that terminates at the site. The proposed redevelopment of the site would require an extension of a 300mm watermain to Lakeshore Boulevard West at the expense of the owner, secured through a Section 37 agreement.

Environment

Residents of the neighbouring community claim to have experienced disturbances in the water table as a result of the construction of new high-rise buildings in the area. Concerns were expressed at community meetings that the proposed development would contribute to this problem. REON has submitted a hydrogeological/geotechnical report assessing the potential impact of construction which concludes that, with standard construction techniques, the proposed towers can be built at the planned locations. Works and Emergency Services staff have reviewed the report and concur that its analysis and recommendations regarding ground water control are based on current standard practice and satisfy the design phase. Staff also advise that a groundwater monitoring program to be provided by REON should be extended to include the CNR and Gardiner Expressway underpasses at Windermere Avenue, the South Kingsway overpass and the existing sanitary pumping station.

An environmental investigation of the site conducted in 1990 concluded that the historical industrial operations have impacted the soil and groundwater conditions at the site. As part of a Section 37 agreement with the applicant, the City will require a detailed soil remediation plan and environmental remediation of the entire site to the appropriate provincial and municipal standards.

Density, Height, Massing

The Official Plan permits a maximum residential density of 2.0 times the area of the lot. REON proposes to achieve this density with three high-rise residential towers and a series of rowhouses, townhouses and stacked townhouses along The Queensway and Windermere Avenue frontages. The proposed zoning by-law imposes a maximum density of 97,962 sq. m. which represents 2x the area of the entire site. The Zoning By-law will also permit a range of densities within

different parts of the site, ranging from 1.1 to 3.1. It should be noted that notice of the public meeting stated the range would be between 0.6 to 3.0 times. It also specified that the total density would not exceed 2.0 times lot area. Since the discrepancy between the public notice and the proposed by-law is technical in nature, it is appropriate for Council to determine that no further notice needs to be given in respect of the proposed by-law.

The three towers are proposed to be 21, 26 and 20 storeys in height, as one moves from west to east. While detailed designs have not been submitted at this stage, the two towers on the western parcel are proposed to have a typical “slab” form, oriented in a north-south direction to maximize views between the buildings. The third tower, positioned toward the corner of Windermere Avenue and The Queensway, is proposed to have a “point tower” form, resulting in a smaller floorplate and building footprint.

The proposed towers would lie to the south of existing condominium buildings on the north side of The Queensway. The existing buildings range in height from 9 to 18 storeys on the west side of Windermere Avenue, and from 4 to 17 storeys on the east side. Residents of these buildings have expressed concerns that the proposed towers will compromise their views south to the water. REON responded to these concerns by re-positioning the towers to allow for broader view corridors, while also changing the form of the easternmost tower from a slab to a point tower to open up views toward the downtown core. REON also volunteered to demonstrate the anticipated impact on these views by taking photos from the condominium units of concerned residents and inserting simulated models of the proposed buildings. It is the assessment of Planning staff that while the proposed buildings would be plainly visible from neighbouring buildings, views toward the lake would be preserved to an acceptable degree.

A series of “garden apartments” in the form of rowhouses, townhouses and stacked townhouses is proposed along The Queensway and Windermere Avenue frontages. This scheme allows for a continuous street edge along the length of the site that relates to the low-rise and houseform buildings in the neighbourhood to the north. The garden apartment blocks will also face into the interior of the site, allowing for “eyes on the street” and grade-related activity.

Height, massing and built form proved to be major issues in the community consultation process. While an application for Site Plan approval has not been received to date, the proposed by-law is intended to reflect the general site layout that has resulted from the consultation process. The by-law delineates building envelopes, setbacks, and build-to lines for each sub-parcel of the site. Furthermore, urban design guidelines for the site will be prepared as part of a Section 37 agreement with the developer.

Sun, Shadow, Wind

Sun/shadow and wind studies have not been completed for this site to date. They will be required as part of a Site Plan application and will be used in assessing the best possible location for a day care facility on the site.

Access and Parking

Due to site constraints, the internal roads on the site are proposed to be private. City staff have asked that every effort be made to create the look and feel of public roads through the site as an extension of the Swansea community. To this end, the City would secure an easement to allow for public access over the internal road system. Short-term street parking will also be allowed on the internal roads.

On the western parcel, two vehicular access points are proposed from The Queensway and one from Windermere Avenue. On the eastern parcel, one vehicular access point is proposed from The Queensway and one from Windermere Avenue.

Resident and visitor parking will be provided in an underground parking garage beneath the site. A small amount of surface visitor parking is also proposed to serve daycare drop-off/pick-up traffic as well as patrons of possible convenience commercial uses on the site.

TTC Service

The TTC currently provides east and west streetcar service to the site along The Queensway. The proposed development will result in additional passengers for these transit routes. Therefore, the TTC is requesting relocation and enlargement of the two existing pedestrian platforms on The Queensway. The total cost of the platform relocations is estimated to be \$120,000.00 (escalated from the date of Council approval), for which the TTC is requesting a letter of credit from the applicant, secured through the Section 37 agreement, as a condition of zoning approval.

The TTC is also requesting that a fence be erected at the applicant's expense, on the south side of the existing streetcar tracks, to match that on the northern edge of the tracks to prevent pedestrians from attempting to cross unprotected sections of The Queensway to reach the transit platform.

Pedestrian/Cyclist Connections

The site of the proposed development is very accessible to the Waterfront and High Park recreational trails. However, access to the Humber River Trail system is problematic, even though it is an obvious destination for future residents of the site.

Two options are currently being considered on the south side of The Queensway that would connect with the west side of the Humber River. Both options should be explored further as part of the detailed site planning process by Urban Development Services staff in consultation with Economic Development, Culture and Tourism.

Traffic Impact

The applicant submitted a Traffic Impact Assessment and a supplemental report for review by the community working group and City staff. The applicant's traffic studies concluded that the traffic generated by the proposed development can be accommodated on the area road network. Works and Emergency Services staff concur with the conclusions of this assessment.

Community Services and Facilities

The Toronto District School Board and the Toronto Catholic District School Board have indicated that area schools will not be able to accommodate the anticipated number of students generated by this proposal. The School Boards have advised that students will be bussed to the nearest school with available space.

The Ward Councillor requested City Planning staff to negotiate with REON for a contribution towards a trust fund for playground equipment for Ward 13 area schools. A \$100,000.00 contribution (escalated from the date of Council approval) was agreed on and will be secured as part of a Section 37 agreement with the owner and REON. The \$100,000.00 will be payable when the zoning by-law comes into force and will be paid on an equal basis to three area school trust funds (Keele Street, Runnymede and Humbercrest Public Schools).

Daycare Facility

Pursuant to Section 37 of the Planning Act, discussions with the applicant were held with respect to providing a daycare facility in exchange for extra density and height. The applicant has agreed to enter into a Section 37 agreement to provide 72 daycare spaces at grade in one of the proposed condominium towers.

In accordance with the Ontario Day Nurseries Act requirements, a minimum of 531.5 square metres of interior space at or close to grade, with 334 square metres of adjacent exterior space is required. The outdoor space must be suitably weather protected, with acceptable wind and sun/shade conditions.

The owner must lease the facility to an approved operator. The lease, in a form satisfactory to the City Solicitor, shall be for a term of twenty-five years, renewable at the City's sole option for two further terms of twenty-five years each; then for one further term of twenty-four years, all such terms being rent free.

Boathouse

REON is required, and has agreed, to contribute \$50,000 (escalated from the date of Council approval) towards the construction costs of a City developed and owned canoe/kayak boathouse. Parks and Recreation staff would operate this facility as an out tripping centre for city youth programmes. The boathouse facility would be located west of the Stelco site, on the eastern slope of the Humber River, south of the Petro Canada gas bar and car wash.

Joy Oil Station

Pursuant to the policies of Section 37 of the Planning Act regarding providing public benefits for extra density and height, the applicant has offered and will be required to contribute \$35,000.00 towards the preservation and enhancement of a historically designated building (the Joy Oil Station) which is located south of the Stelco site on the west side of Windermere Avenue.

Open Space/Parkland

A 0.25 hectare parcel at the easternmost edge of the site is proposed to be provided as publicly accessible open space, to be owned and maintained by one or more of the future condominium corporations. The applicant initially intended to provide this parcel to meet parkland dedication requirements. Economic Development, Culture and Tourism staff have indicated that they will require a full cash-in-lieu of parkland dedication payment for the proposed development. This payment must meet the standards for a 'large site' as required under Section 4.18 of the Part I Official Plan. REON has agreed to maintain this parcel as open space; an easement over the site will ensure public pedestrian and cycling access.

Two smaller, landscaped open space features would be provided on either side of Windermere Avenue, north of the rail corridor. These sites would also be accessible for public use, as they would be located along an access route to the waterfront. The detailed design of these open spaces will follow as part of the site plan approval process.

The concept plan submitted with this proposal also envisions additional active and passive recreational open space for use by the residents of the development.

Air Quality and Noise

The applicant has submitted a Noise Impact Statement and Railway Vibration Analysis to address noise concerns related to the proposed development. The consultant's study concluded that, with proper engineering design, all requirements of Chapter 241 of the City of Toronto Municipal Code regarding the project's mechanical equipment can be met, with no adverse noise impact created for the surrounding community. The additional road traffic generated by the proposed development is not expected to create adverse noise impact. The report also recommends certain noise control measures to ensure an acceptable living environment for the residents of the proposed development. Works and Emergency Services staff have reviewed the report and find it satisfactory, with additional information to be supplied at the detailed design stage. Standard dust control measures will be required during construction to minimize impact on the neighbouring community.

Streetscape

The proposal presents a number of opportunities to improve the currently neglected streetscape of The Queensway and Windermere Avenue at this location. The most significant of these is the integration of the proposed development with the planned reconstruction of The Queensway. This will permit City Planning staff, in consultation with staff from Works and Emergency Services and the TTC, to develop a comprehensive concept plan to improve traffic operations, TTC facilities, the streetscapes and the pedestrian environment, and efficiently plan for the future development along this section of The Queensway.

As mentioned previously, the "garden apartment" townhouse blocks proposed along The Queensway frontage will provide a definitive street edge for the site. The improved Queensway is proposed to be reconstructed with a distinctive boulevard character, including two rows of trees lining the south side of the roadway at this location and a potential "greening" of

the TTC right-of-way. The southwest and southeast corners of The Queensway and Windermere Avenue are proposed to be hard-landscaped open spaces, distinctly marking the intersection and providing a “gateway” feature to the Swansea community.

The applicants have proposed to re-align the section of Windermere Avenue adjacent to the site in order to “straighten” the right-of-way and improve sightlines toward the lake, which has been deemed acceptable.

Public Art

Pursuant to the City’s public art policies, REON will contribute one per cent of the construction budget of the development to fund a public art program throughout the site. Potential locations for public art features are noted in the draft urban design guidelines for the site, and include the opportunity to enhance the CN and Gardiner Expressway underpasses at Windermere Avenue. Urban Design staff will continue to consult with the applicant in developing a public art program and guiding it through the appropriate public consultation processes. This provision will be included as part of the Section 37 agreement with the applicant.

Affordable Housing

Pursuant to Section 6.12 of the former City of Toronto Official Plan, the developer will be required to provide 30% of the units of the development as “low-end-of-market” housing units. These are defined as units that, by virtue of their size, are affordable to a specific portion of the population. Care must be taken that a proportional amount of these types of units is provided in each phase of the development, to avoid concentration at one part of the site.

Implementation

The current zoning on the site contains no permissions in respect of residential density or height. The proposed Official Plan Amendment and Zoning By-law Amendment provide residential density and residential height permissions. These new residential densities and heights are to be permitted provided the City has secured the facilities, services and matters set out in this report. The required Section 37 agreement will be finalized prior to the introduction of the Bills in Council. This Agreement is to be registered on title and binds the owner and all successors in title.

The Section 37 issues have been the subject of negotiations with the applicant and are primarily focused on public benefits resulting from the redevelopment of this brownfield site. A number of issues relating to cost of site servicing, sewage and watermain capacity, road re-alignment and impact on public transit are also being secured through the Section 37 agreement.

The recommendations of this report outline the by-laws and agreements that are required to establish the framework for the project to proceed.

Site Plan applications covering the five sub-parcels of the property are required. The design of the individual buildings, and a number of site-specific requirements related to parking, loading, landscaping and access, will be secured through Undertakings for the individual sub-parcels.

Conclusions:

The proposed residential redevelopment of the Stelco brownfield site follows the emerging policy direction of the Toronto Plan Report, “Toronto at the Crossroads: Shaping Our Future”, both in terms of cleaning up a large vacant contaminated industrial site and contributing towards residential intensification in the former City of Toronto.

The approvals recommended in this report will secure a well planned major infill redevelopment. The application has received extensive input from City staff, commenting agencies and residents of the surrounding neighbourhood. Issues concerning the siting and massing of the proposed high-rise buildings were addressed through the community consultation process and by a number of revisions to the original proposal.

The increase in height and permission for residential density on this industrially zoned site are recommended, based on a well developed site plan design and a number of significant community benefits secured through a negotiated agreement under Section 37 of the Planning Act. The public benefits include a daycare centre, low end-of-market units, a preservation contribution to the Joy Oil station, a contribution to the Humber River boathouse project and recreational play equipment for three area elementary schools.

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APPENDIX B

**Proposed Official Plan Amendment
Draft Bylaw**

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

Enacted by Council:

CITY OF TORONTO

Bill No._____

BYLAW NO. _____-2001

To adopt an amendment to the former City of Toronto Part I Official Plan in respect of the lands municipally known in the year 2000 as Nos. 3 & 6 Windermere Avenue and to adopt an amendment to the Part II Plan for Swansea Village regarding the same lands to permit a high-density residential development on the former Stelco industrial lands.

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2000 as No.'s 3 & 6 Windermere Avenue;

AND WHEREAS the Council of the City of Toronto conducted a public meeting on _____, 2001 under Section 17 of the *Planning Act*, R.S.O. 1990 c. P.13 regarding the proposed Official Plan Amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting held _____, 2001 determined to amend the Official Plan for the former City of Toronto;

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

1. The text and maps annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto.
2. This is Official Plan Amendment No. _____.

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

Mayor

City Clerk

SCHEDULE "A"

- 1) Map 1 of the Official Plan Part I for the former City of Toronto entitled "Generalized Land Use" and Map A of Section 19.4 of the said Official Plan entitled "Swansea Part II Plan" are each amended by redesignating to High Density Residence Areas the lands known in the year 2000 as Nos. 3 & 6 Windermere Avenue as identified on the following Map 1 and as shown thereon as High Density Residence Areas.
- 2) Map C of the said Section 19.4 entitled "Swansea Part II Plan" is amended to show the lands municipally known as Nos. 3 & 6 Windermere Avenue as being subject to a Section 18 provision as shown on the attached Map 2.
- 3) Section 18 of the Official Plan Part I for the former City of Toronto is amended by:
 - a) Inserting a new Section 18.XXX, as follows:

18.XXX LANDS MUNICIPALLY KNOWN IN THE YEAR 2000 AS
Nos. 3 & 6 WINDERMERE AVENUE

3 & 6 Windermere Avenue

See Map 18.XXX at the end of this Section

1. Notwithstanding those provisions of this Plan which may restrict the density of the lands shown on Map 18.XXX, (the "Site"), Council may pass by-laws applicable to the Site to permit the erection and use of one or more residential buildings on the Site provided that the total gross floor area for all buildings and structures on the Site does not exceed 98,962 m² of which the total non-residential gross floor area shall not exceed 1000 m² and the total residential gross floor area shall not exceed 97,962 m², and
2. Council may not pass any by-law designating the Site for residential uses, including any by-law described in Section 1 hereof, unless in return for the residential densities and height permissions thereby granted, the owner of the Site is required by such by-law to have first entered into an agreement with the City of Toronto pursuant to Section 37 of the Planning Act to secure the facilities, services and matters set out in Section 3 hereof, and such agreement is in a form satisfactory to the City and is registered on title to the Site as a first priority.
3. In return for the residential densities and height permissions granted a by-law designating the Site for residential uses, including any by-law described in Section 1 hereof, the owner of the Site shall provide the City of Toronto with the following facilities, services and matters:

(Section 37 provisions to be inserted in accordance with the report of Urban Development Services.)

- b) Inserting a new Map 18.XXX as shown on the attached Map 3.

APPENDIX C

Proposed Zoning By-law Amendment

Authority: Toronto Community Council Report No. ___, Clause No. ___,
As adopted by City of Toronto Council on ___, 2001

Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. - 2000

To amend the General Zoning By-law No. 438-86 of the former City of Toronto
with respect to the lands known as Nos. 3 & 6 Windermere Avenue.

WHEREAS the Council of the City of Toronto has been requested to amend its zoning by-law, pursuant to Section 34 of the *Planning Act*, R.S.O. 1990 c. P.13, respecting the lands municipally known in the year 2000 as No.'s 3 & 6 Windermere Avenue;

AND WHEREAS the Council of the City of Toronto conducted a public meeting on _____, 2001 under Section 34 of the *Planning Act* regarding the Zoning Amendment;

AND WHEREAS the Council of the City of Toronto, at its meeting held _____, 2001 determined to amend Zoning By-law No. 438-86, as amended, for the former City of Toronto; The Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the heights and density of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the *owner of the Site* of the facilities, services and matters set out in Appendix 1 hereof, the provision of which shall be secured by an agreement or agreement pursuant to Section 37(3) of the *Planning Act*.
2. Upon execution and registration of an agreement or agreements by the *owner of the Site*, pursuant to Section 37 of the *Planning Act*, securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *Site* is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, being "A By-law To regulate the use of land and the erection, use bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto", shall continue to apply to the *Site*.
4. District Maps Nos. 47H-311 and 47H-312 contained in Appendix "A" of By-law No. 438-86, as amended, are respectively further amended by redesignating to R2 Z2.0 the lands outlined by heavy lines on Map 1 attached to and forming part of this by-law and as respectively shown thereon as R2 Z2.0.
5. Height and Minimum Lot Frontage Map Nos. 47H-311 and 47H-312 contained in Appendix "B" of the said By-law No. 438-86, as amended, are further amended by redesignating the lands shown outlined by heavy lines on Map 2 attached to and forming part of this By-law to "H13.0" as shown on the said Map 2.

6. Notwithstanding the provisions of Sections 6(3) Part I 1 of By-law No. 438-86, as amended, the maximum combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures erected within the *Site* shall not exceed 98,962 square metres and no person shall within any of *block A*, *block B*, *block C*, *block D*, and *block E* erect or use a building or structure:

- (a) where the combined *non-residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceeds the amount set out in the corresponding row for such *block* in Column B below; or
- (b) where the combined *residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceeds the amount set out in the corresponding row for such *block* in Column C below; and
- (c) provided that in no case shall the combined *non-residential gross floor area* and *residential gross floor area* of all buildings or structures within such *block*, as listed in Column A below, exceed the amount set out in the corresponding row for such *block* in Column D below;

| Column A Block | Column B Maximum Non- Residential Gross Floor Area (sq.m) | Column C Maximum Residential Gross Floor Area (sq.m) | Column D Maximum Non- Residential and Residential Gross Floor Area (sq.m) |
|-------------------|-----------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <i>Block A</i> | 0 | 4,948 square metres | 4,948 square metres |
| <i>Block B</i> | 0 | 10,056 square metres | 10,056 square metres |
| <i>Block C</i> | 0 | 28,020 square metres | 28,020 square metres |
| <i>Block D</i> | 0 | 33,930 sq. metres | 33,930 square metres |
| <i>Block E</i> | 1,000 square metres | 23,148 square metres | 24,148 square metres |

7. Section 4(2)(a) of By-law No. 438-86, as amended, shall not prevent the erection or use of a building tower which exceeds the *height* limits imposed by that Section provided such building tower is,

- (a) located entirely within a *Building Tower Envelope*, and
- (b) no part of the building tower exceeds the applicable height limit above *grade* stipulated on Map __ attached hereto for the *Building Tower Envelope* within which the building tower is located.

8. Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall use a *lot* or erect or use a building or structure within any of *block A*, *block B*, *block C*, and *block D*:
 - (a) for any purpose except for the following residential uses, *apartment building*, *day nursery*, *detached house*, *duplex*, *row house*, *rowplex*, *semi-detached duplex*, *semi-detached house*, *semi-detached triplex*, *triplex*; and
 - (b) the following uses *accessory* thereto, a *parking area*, a below grade *parking garage*, *parking station*, *private garage* and one free standing recreational facility providing a portion of the *residential amenity space* for the *Site* and having a floor area above grade of not more than 500 square metres.
9. Notwithstanding the provisions of Section 6(1)(f) of By-law No. 438-86, as amended, no person shall use a *lot* or erect or use a building or structure within *block E*:
 - (a) for any purpose except for the following residential uses, *apartment building*, *day nursery*, *detached house*, *duplex*, *row house*, *rowplex*, *semi-detached duplex*, *semi-detached house*, *semi-detached triplex*, *triplex*,
 - (b) for the following uses *accessory* to a use listed in subparagraph (a) hereof, a *parking area*, a below grade *parking garage*, *parking station*, and
 - (c) for the following non residential-uses, *clinic*, *branch of a bank or financial institution*, *courier service*, *dry-cleaner's distributing station*, *duplicating shop*, *personal grooming establishment*, *private art gallery*, *retail store*, and *parking accessory* thereto as permitted by By-law No. 438-86, as amended.
10. Notwithstanding the provisions of Subsections 2, 3, 4, 5, 7, and 8 of Section 6(3) Part II of By-law No. 438-86, as amended, no part of any building or structure erected or used within the *Site* shall be located, above grade, other than within a *Building Envelope*.
11. The preceding Section hereof, does not apply to the type of structure listed in the column entitled “STRUCTURE” in the following chart, provided that the restrictions set out opposite the structure in the columns entitled “MAXIMUM PERMITTED PROJECTION” are complied with:

| Structure | Maximum Permitted Projection |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Eaves, cornices or ornament | Maximum of 1.0 metre projection |
| Fences and safety railings | No restriction on the extent of the projection provided the height of the structure does not exceed 2.0 metres |
| Canopy | Maximum of 15.0 metres projection on <i>blocks C</i> and <i>D</i> and a maximum of 1.5 metres projection on <i>blocks A, B and E</i> |
| Bay Window | The projection cannot exceed 1.0 metre from the wall to which it is attached |

| | |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Balcony | The projection cannot exceed 1.0 metre from the wall to which it is attached |
| Private community recreational facility built on <i>block C</i> and/or <i>block D</i> . | One private community recreational facility for the use and enjoyment of the residents of the <i>Site</i> built on <i>block C</i> and/or <i>block D</i> provided the <i>height</i> of the facility does not exceed 13.0 m. |

12. No person shall,

- (a) erect or use a building within *block A*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90 % of the length of the said *Build-to-Zone* applicable to *block A*, and
 - (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block A*, and the number of storeys contained in such building provided that such building contains at least two storeys,
- (b) erect or use a building within *block B*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90 % of the length of the said *Build-to-Zone* applicable to *block B*, and
 - (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block B*, and the number of storeys contained in such building provided that such building contains at least two storeys,
- (c) erect or use a building within *block E*, unless such building has a *Build-to-Wall* and,
 - (i) the linear length of such *Build-to-Wall* occupies a minimum of 90 % of the length of the said *Build-to-Zone* applicable to *block E*, and
 - (ii) such *Build-to-Wall* occupies at least 90% of the area of the plane created by the linear length of the said *Build-to-Zone* applicable to *block E*, and the number of storeys contained in such building provided that such building contains at least two storeys.

13. Notwithstanding the provisions of Section 4(4)(b) of By-law No. 438-86, as amended, the *owner* or occupant of every building or structure to be erected or used on the *Site*, shall provide a minimum of,

- (a) 1.25 *parking spaces* for each *dwelling unit*, for residents, in a below grade *parking garage* located within the *Site*, plus
- (b) 0.15 *parking spaces* for each *dwelling unit*, for visitors, in a below grade *parking garage* located within the *Site*, and
- (c) for clarity, in respect of any non-residential uses within *block E*, the *owner* or occupant thereof shall provide, in a below grade *parking garage*, located within the *Site*, the parking for all such non-residential uses as is required Section 4(4)(b) of By-law No. 438-86.

14. Notwithstanding the foregoing Section, surface parking for a maximum of 15 *parking spaces* may be provided on *block E*.

15. Notwithstanding the provisions of Sections 6(3) Part III 1 of By-law No. 438-86, as amended, the minimum combined *landscaped open space* provided on the *Site* shall be equal to 40% of the area of the *Site* and no person shall,

- (a) erect or use a building or structure within *block A*, so that the *landscaped open space* provided on *block A* is less than 30% of the area of *block A*,
- (b) erect or use a building or structure within *block B*, so that the *landscaped open space* provided on *block B* is less than 24% of the area of *block B*,
- (c) erect or use a building or structure within *block C*, so that the *landscaped open space* provided on *block C* is less than 60% of the area of *block C*,
- (d) erect or use a building or structure within *block D*, so that the *landscaped open space* provided on *block D* is less than 45% of the area of *block D*,
- (e) erect or use a building or structure within *block E*, so that the *landscaped open space* provided on *block E* is less than 50% of the area of *block E*.

16. For the purposes of this By-law, the following expressions shall have the following meaning:

- (a) “*block A*”, “*block B*”, “*block C*”, “*block D*”, and “*block E*” mean those lands respectively identified and shown as Block A, Block B, Block C, Block D and Block E in Map ____ attached hereto,
- (b) “*Build-to-Wall*” means the portion of the exterior face of a building which is located within a *Build-to-Zone*,
- (c) “*Build-to-Zone*” means the Build-to-Zone delineated on Map ____ attached hereto,
- (d) “*Building Envelope*” means a Building Envelope as delineated on Map ____ attached hereto,

- (e) *“Building Tower Envelope”* means a Building Tower Envelope as delineated on Map ____ attached hereto,
- (f) *“City”* means the City of Toronto,
- (g) *“owner of the Site”* means the owner of the fee simple of the *Site*,
- (h) *“grade”* for the purposes of the calculation of the *height* of buildings or structures within the *Site* and for the purposes of calculating the height of building towers within the *Site*, shall mean an elevation of 79.5m above sea level based on Geodetic Survey of Canada 1929 mean sea level vertical datum (1978 Southern Ontario Adjustment),
- (i) *“Site”* means those lands delineated as the *Site* on Map ____ attached hereto, and
- (j) each other word or expression, which is italicized in this by-law, shall have the same meaning as each such word or expression as defined in the said By-law No. 438-86, as amended.

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

APPENDIX “1”

SECTION 37 PROVISIONS

The facilities, services and matters set out herein are the facilities, services and matters required pursuant to Section 37(1) of the *Planning Act*, the provision of which to the *City* by the *owner of the Site* shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*:

(provisions to be inserted the bill in accordance with the report of Urban Development Services.)

APPENDIX D

Section 37 Agreement Provisions

The provision of the facilities, services and matters substantially as set out below shall be secured in a Section 37 Agreement between the City and the owner. Further reference should be made to the Final Report dated June 20, 2001 which shall form the basis of the Section 37 Agreement, all to the satisfaction of the City Solicitor in consultation with the appropriate civic officials:

1. Urban Design and Site Plan Guidelines (including provision for public pedestrian walkways and Queensway TTC Streetcar line, landscaping and fencing improvements)
2. Environmental remediation of the entire site
3. Cash payment to the City Parks and Recreation Services in lieu of providing parkland based on the large site standards

4. Daycare Centre
5. Public Art
6. Re-alignment of The Queensway conveyances
7. Re-alignment of Windermere Avenue conveyances
8. Physical improvements within rights of way (The Queensway and Windermere Avenue)
9. Transformer Vaults, Hydro, Bell and Sewer
10. Upgrading Pumping Station
11. Noise Impact/Material Recovery and Waste Reduction
12. TRCA approval of the Stormwater Management Plan (flood proofing)
13. Development phasing (general requirements, including underground garage access)
14. Construction staging and temporary landscaping
15. Provision for public access to five private open spaces
16. Provision for City easement over Grenadier Pond drainage element
17. Creation of new private roadways with public easements
18. CN Crash Protection berm, chain link fence as well as noise and vibration attenuation measures
19. Heritage Contribution (Joy Oil Station)
20. Community contribution to proposed Humber Boathouse
21. Local School Board Playground Enhancements
22. Provision for Low-End-of-Market units
23. Other conditions to protect City interests

The Humber York Community Council also had before it the following communications, during consideration of the foregoing matter:

- (a) (June 20, 2001) from Ms. Eileen Vice, Toronto;
- (b) (July 5, 2001) from Ms. Pauline Heron, Toronto;
- (c) (July 10, 2001) from Dennis and Doreen Martin, Toronto;

- (d) (June 22, 2001) from Mr. John H. Malloy, Toronto;
- (e) (July 4, 2001) from Stephen and Angela Yang, Toronto;
- (f) (June 25, 2001) from Ms. Anne Watkinson, Toronto;
- (g) (June 25, 2001) from Mr. Dieter Schulz, Toronto;
- (h) (June 27, 2001) from Ms. Vivian J. Gibson, Toronto; (attaching a petition)
- (i) (July 9, 2001) from H. Maura Friedland, Toronto;
- (j) (July 9, 2001) from Ms. Anne Kecske, Toronto;
- (k) (July 9, 2001) from Ms. Victoria A. Masnyk, President, Swansea Area Ratepayers' Association and the Swansea Area Ratepayers' Group
- (l) (July 1, 2001) from Ms. Sheila Wood, Toronto;
- (m) (July 9, 2001) Mr. V.R. Braun, Ripley Area Residents Group;
- (n) (July 9, 2001) from Mr. William Roberts, Toronto; and
- (o) (April 3, 1995) from Mr. Joseph P. Ayduk, Toronto;

The following persons appeared before the Community Council in connection with the foregoing matter:

Mr. John Davies, Chief Operating Officer, Reon Development – commented on the cleaning up of the industrial site which is a priority, the condition of the buildings, the tax revenue that will be generated, the proposed buildings and their compatibility with the neighbourhood, the costs involved to improve the infrastructure and remediation, the attraction of new residents to the neighbourhood, and the amendments made to the plan to reflect community concerns,

Ms. Judith Wahl – advised that she has reviewed this development and there seems to be substantial improvements to the community, some of the issues identified on page 9 of the report are not addressed, concerned with the number of vehicles into the area, traffic problems, the obstruction of her view by the towers, the environmental soil report, damage to her building from groundwater as her building was previously damaged and the costs for repairs were substantial, the noise from traffic on the Gardiner, and adequate protection for the community respecting the removal of contaminated soil.

Ms. Lina Volpe – expressed concerns regarding the gaps in the hydraulic geotechnical report, questionned the City's assessment of the document when there is no staff expertise in this area; referred to the outstanding independent report from a geotechnical firm, future impact on the condominium corporation, the increased traffic into the area will create hazardous conditions; residents priorities are the hydraulic, geotechnical issues.

Mr. James Bell – experienced difficulty obtaining a copy of the report which was available late; has been participating in the process, there has been a lot of public involvement, lives very close to the site and will be immediately impacted by the development, Swansea is a very engaged historical community, there are a number of groups that try to meet regularly to deal with area issues to put a positive shape the community, the lateness of the report jeopardizes a year invested in the process by trying to move it forward, there should be more time for residents to have questions and concerns addressed.

V.R. Braun, Ripley Area Residents Group – received a copy of the report late and requested that the matter be deferred; his group is concerned with the size of the project which will place 2,000 people into the Swansea area which has a population of 10,000, in spite of the good work done by Reon in terms of providing expert reports on traffic etc., there is still concern regarding the area being able to properly absorb such a massive project into the community; the main concern which has been reiterated is the height of the towers and the massing of the buildings, and the blocking of the view of the lake, understands that the way two times coverage is calculated is based on the square footage of the entire lot, there is a railway right of way which might be 30 metres in width on which no construction is allowed; questionned whether it was common practice for planning staff to include that portion of land in the calculation of the two times coverage and is concerned with future developments and precedent setting.

Ms. Victoria Masnyk, President, Swansea Area Ratepayers' Association and Swansea Area Ratepayers' Group – requested that this matter be deferred to either September or October since the residents have not be able to obtain and review the final staff report; that the timing of the meeting during the summer months is inappropriate as many residents are on vacation and therefore unable to attend the meeting; that after the notice was given the residents were unable to obtain information from staff regarding this application, that there was difficulty downloading a copy of the staff report from the internet, that the developer has been very helpful in terms of community consultation and appreciates the expected benefits from this project, there are concerns that the proposal is not in keeping with the neighbourhood, referred to page 4 of the report, sub-paragraph (p), regarding the reports to be submitted prior to the issuance of a building permit; enquired as to whether the entire site will be decontaminated and if so, will proof be available, the community has to absorb 2,000 people into the area; expressed concern regarding whether the infrastructure will be able to accommodate the increase.

Ms. Marianne Fenner – expressed concerns regarding the number of new residents into the community and the impact on the already overcrowded school system.

Mr. Joseph Ayduk – represents the residents of 80 and 100 Coe Hill Drive; concerned with the number of new residents and the negative impact on the area; had previous problems with school children and the destruction of property; and objects to the proposal.

Mr. David Hanna – mentioned inaccuracies in minutes of a past meeting and requested that corrections be made.

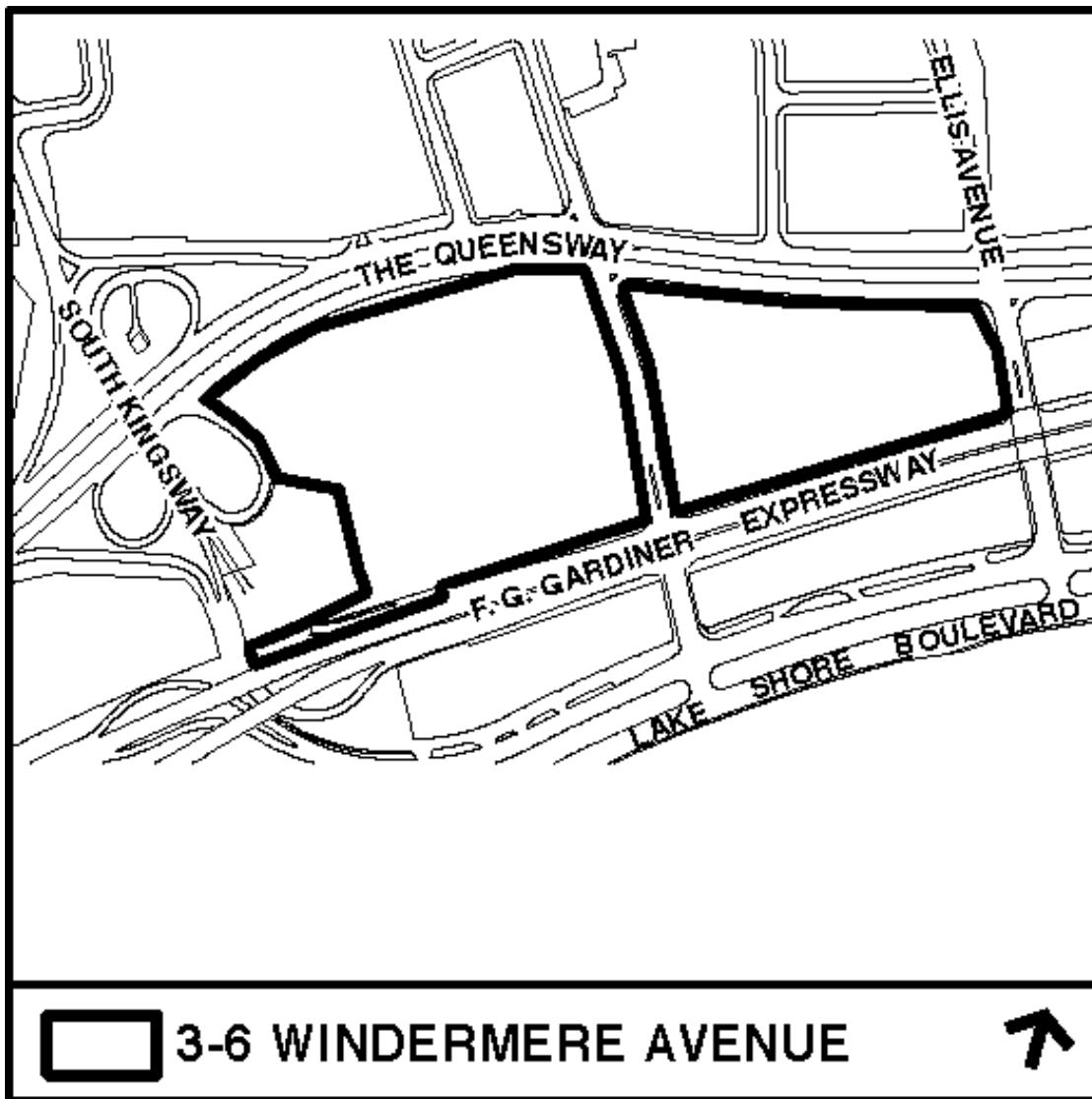
Mr. William Roberts – commented on the unavailability of the staff report, insufficient notice for the public meeting, the timing of the meeting during the summer months, concerns regarding the exclusion of the public from effective involvement, advised that the working committee was set up and difficult questions were not fully answered, has concerns regarding water contamination, soil stability and the water table, enquired as to staff expertise in these areas, the density of the project, the potential for children in the neighbourhood to be bussed to different schools, and requested that this matter be adjourned to September.

(The following Attachments referred to in the foregoing report were forwarded to all Members of the Humber York Community Council with the agenda for its meeting on July 10, 2001, and copies thereof are on file in the office of the Acting City Clerk, York Civic Centre:

Application Data Sheet

Appendix A: Agency Comments
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Massing Model
Attachment 4: Zoning
Attachment 5: Official Plan Part I; and
Attachment 6: Official Plan Part II)

Location Map



(City Council on July 24, 25 and 26, 2001, had before it, during consideration of the foregoing Clause, the following report (July 20, 2001) from the Commissioner of Urban Development Services:

Purpose:

This report is to advise Council of matters raised at a meeting with community representatives; to report on additional comments received from commenting agencies; and to request authorization for changes to the proposed provisions of a Section 37 Agreement with the applicant as reported to Humber York Community Council at its meeting of July 10, 2001.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) *The recommendations contained in the Final Report of June 26, 2001 from the Director of Community Planning, South District be amended by adding to recommendation (5) the following:*
 - “(ee) *to immediately conduct a Preliminary Ambient Air Quality Assessment to identify potential air quality impacts including those from all proximal sources of air pollutants and construction activities which exist at or near the subject site, for approval by the Medical Officer of Health, prior to the issuance of a building permit; and*
 - “(ff) *to submit an Air Quality Program to the Medical Officer of Health, prior to the issuance of a building permit.”*
- (2) *The Section 37 Agreement authorized by the adoption of the Final Report of June 26, 2001 reflect the matters identified in this Supplementary Report.*

Background:

On July 10, 2001 Humber York Community Council adopted the recommendations set out in a report dated June 22, 2001 from the Director of Community Planning, South District regarding the above-noted application. Among these recommendations was authorization to the City Solicitor to prepare an agreement with the applicant under Section 37 of the Planning Act, and to report directly to Council on the resolution of outstanding issues regarding the terms of the agreement.

Subsequent to the Community Council meeting City staff continued negotiations with the applicant with respect to the size and funding of proposed daycare facilities. A meeting with representatives of the Swansea community on July 17, 2001, chaired by the Ward Councillor,

gave rise to amendments and additional matters to be included in the Section 37 Agreement. These matters are outlined below.

Comments:

Daycare

The applicant has agreed to provide an on-site non-profit daycare centre in exchange for increases in height and density. The facility shall be secured through a Section 37 Agreement, which shall obligate the owner to construct, finish, furnish and equip a facility sufficient to accommodate 72 children. Since reporting to Community Council on July 10, 2001, staff have revisited the space and funding requirements for the facility and recommend the following provisions to be included in the agreement:

- *a minimum interior space of 735.8 m² and a minimum contiguous exterior space of 401 m²;*
- *a lease for an initial term of 25 years, renewable for up to 2 terms of 25 years each and one further term of 24 years;*
- *a nominal rental fee;*
- *compensation for the full amount of operating expenses (such as heating, water, etc.) and municipal taxes; and*
- *\$100,000 to be provided to the non-profit daycare provider for operational expenses during the first year of operation.*

The applicant has further agreed to provide the daycare facility within the first phase of the proposed development. Studies of the microclimatic conditions for the site, which indicate the suitability of the proposed daycare location for use by young children, must be submitted prior to site plan approval.

In lieu of the provision of the licensed daycare facility for 72 children, the City will accept funds sufficient to construct, finish, furnish and equip the same facility elsewhere in the vicinity of the subject site, provided:

- *Council is satisfied that the provision of the facility within the development is not practical or feasible, or alternative arrangements for the facility are more preferable; and*
- *arrangements to expend the funds for the provision of the specified facility in a timely fashion at an alternative location have been secured in an appropriate legal agreement.*

Community Meeting

Representatives of the Swansea Area Ratepayers Association and neighbouring condominium corporations met with the Ward Councillor and City staff on July 17, 2001 to discuss outstanding issues of concern.

Members of the community expressed concern that the general public would not have adequate access to the 0.25-hectare parcel of privately owned open space at the east end of the site and the adjacent triangular area to the west. The Section 37 Agreement will incorporate provisions for full public access to these parcels, as well as the open space parcels adjacent to Windermere Avenue, and the internal road system.

Residents expressed a continued concern with the impact of construction activity on the water table. REON has agreed to fund a peer review of the hydrogeological and geotechnical study submitted to the City by its consultants.

The Section 37 agreement will also require REON to expand the groundwater monitoring program to include additional off-site locations throughout the neighbouring area, regular reporting measures, and a proposed time frame within which monitoring will be conducted. The monitoring program will be established to the satisfaction of the Commissioner of Works and Emergency Services. REON has also agreed to provide for a peer review of the monitoring reports and take appropriate actions in the event of impact on the water table, including ceasing construction activity and/or introducing mitigation measures, as deemed necessary by the Commissioner of Works and Emergency Services.

REON also expressed its intent to establish a liaison committee with community representatives at a later date, for the purpose of continuing dialogue on groundwater issues as a result of the site redevelopment.

REON had already agreed to committing \$35,000 toward the preservation of the Joy Oil Station located at 1978 Lake Shore Boulevard West, to the south of the site. Some members of the community do not support the preservation of this historic building in its current location and would prefer to see the funds allocated to moving it to another site. Heritage Preservation Services does not support relocating the station. To allow for flexibility, the Section 37 Agreement will provide for these funds to be used for preservation of this historic building if it is relocated to an alternative site or for another heritage preservation project in the community which Council determines to be appropriate.

The \$100,000 contribution REON has committed to playground enhancements at three Ward 13 schools will be re-allocated to provide \$25,000 to each of Humbercrest, Keele Street and Runnymede Public Schools. The remaining \$25,000 will be secured for capital improvements to Swansea Town Hall.

Representatives of the community also had an opportunity to review the draft by-laws to amend the Official Plan and Zoning By-law for the site. As a result of this meeting, and of further discussions among staff, some minor technical changes have been made to the draft by-laws which do not affect their purpose and intent.

Additional Comments

Since submitting the Final Report from the Director of Community Planning, South District on the proposal to Humber York Community Council, Planning staff have received additional comments from civic officials that warrant Council's attention. These and earlier relevant comments are attached as Appendix A.

Conclusions:

The proposal by REON Development Corporation to redevelop the brownfield Stelco lands in Swansea is a considerable and complex undertaking. Continued discussions with the applicants, area residents, the Ward Councillor and commenting agencies have resulted in an improved plan with benefits to the City and the community.

Contact:

Melanie Melnyk, West Section

Phone: (416) 392-7349; Fax: (416) 392-1330; Email: mmelnyk@city.toronto.on.ca

Appendix A

Additional Comments of Civic Officials

1. CN (January 25, 2001)

We have reviewed your letter received 29 December 2000, regarding the above noted application. Development adjacent to the railway right-of-way is not appropriate without impact mitigation measures to reduce the incompatibility. The proposed development would be expected to comply with the following requirements:

- 1. A minimum building setback from the railway right-of-way of 30 metres is required.*
- 2. The owner is required to engage a consultant to undertake an analysis of noise and vibration in order to recommend abatement measures necessary to achieve the maximum level limits set by the Ministry of Environment and Canadian National Railway.*
- 3. The owner shall:*
 - (a) Construct and maintain an earthen berm a minimum of 2.5 metres above grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the ends.*
 - (b) Construct and maintain an acoustic barrier along the tope of the berm of a minimum combined height of 5.5 metres above top-of-rail. The acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg per square metre of surface area. The Railway may consider other measures, subject to the review of the noise report.*

(c) *Install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.*

(d) *That any proposed alterations to the existing drainage pattern affecting Railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.*

4. *The following warning clause shall be included in the Development Agreement and insert in all Agreements of Purchase and Sale or Lease for each dwelling unit. Provisions must be included in the Development Agreement to ensure that the warning clause survives the release of the Owner's obligations under the Development Agreement and remain on title.*

“Warning: *Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.”*

5. *The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.*

6. *The Owner enter into an Agreement stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.*

We specifically request that the City include the setback requirement in the Zoning By-law Amendment and that the Owner register on title an Agreement with CN, stipulating how CN's concerns will be addressed, prior to the passing of the By-law.

Should Council decide to approve the Amendment without incorporating the above requirements, we have no alternative but to request that this Amendment be referred to the Ontario Municipal Board pursuant to the provisions of the Planning Act, R.S.O. 1990, C.P. 13. We would appreciate the opportunity to comment on any proposed modification prior to its adoption, and ultimately, we request notice of the Amendment being approved.

Should you have any further questions, please do not hesitate to contact the undersigned at (416) 217-6466.

[NB. Subsequent comments from CN dated June 8, 2001 and June 11, 2001 were appended to the Final Report of June 26, 2001 from the Director of Community Planning, South District.]

2. Public Health – Healthy Environments (July 13, 2001)

As a follow up to our discussion this morning, please be advised that I am amending my letter dated July 12, 2001 and replacing “Prior to the introduction of a Bill in Council” with “Prior to the issuance of a permit”.

Therefore, the recommendations are as follows:

Recommendations

1. *That the owner immediately conduct a Historical Review of the site to identify all existing and past land used which could have resulted in negative environmental effects to the subject site. This report should be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the issuance of a permit.*
2. *That the owner conduct a Site and building Audit for the identification of all hazardous materials on the site and in existing building. The removal of these materials must be conducted in accordance with Ministry of Labour and Ministry of Environment guidelines. A report on the site and building audit should be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the issuance of a permit.*
3. *That the owner shall conduct a soil and groundwater testing program and produce a Soil and Groundwater Plan which characterizes soil and groundwater conditions and proposes remediation options, to be submitted to the Commissioner of Urban Development Services, for review by the Medical Officer of Health, prior to the issuance of a permit.*
4. *That the owner implement, under the supervision of an on site qualified environmental consultant, the Soil and Groundwater Management Plan as stipulated in the report approved by the Medical Officer of Health, and upon completion, submit a report from the on site environmental consultant to the Medical Officer of Health certifying that the remediation has been completed in accordance with the Soil and Groundwater Management Plan.*
5. *That the owner prepare a Demolition and Excavation Dust Control Plan and submit this plan to the Medical Officer of Health prior to the issuance of any permits.*
6. *That the owner implement the measure in the Demolition and Excavation Dust Control Plan approved by the Medical Officer of Health.*
7. *The owner shall immediately conduct a Preliminary Ambient Air Quality Assessment to identify potential air quality impacts including those from all proximal sources of air pollutants and construction activities which exist at or near the subject site, for approval by the Medical Officer of Health, prior to the issuance of a permit.*

8. *The owner shall submit an Air Quality Program to the Medical Officer of Health, prior to the issuance of a permit.*

If you have any questions or concerns, please do not hesitate to contact me at 416-338-8059.)

(City Council also had before it, during consideration of the foregoing Clause, the following communications:

- (a) (July 8, 2001) from Ms. Alice Cheung Chu Cheng expressing opposition to the proposed Official Plan and Zoning By-law Amendment, 3 and 6 Windermere Avenue;*
- (b) (July 10, 2001) from Mr. J. Robert Gardiner, Gardiner Miller Arnold LLP, Barristers and Solicitors, on behalf of Metropolitan Toronto Condominium Corporation No. 806 expressing concerns about the proposed re-development of the Stelco site at 3 and 6 Windermere Avenue; and*
- (c) (July 18, 2001) from Mr. Geoff Woods, Development Review Co-ordinator, Canadian National Railway Properties Inc. commenting on the proposed Official Plan and Zoning By-law Amendment, 3 and 6 Windermere Avenue (Stelco site).*