

Consolidated Clause in North York Community Council Report 9, which was considered by City Council on November 30, December 1 and 2, 2004.

32

**Final Report - Application to Amend Zoning By-law 7625 -
04 169386 NNY 09 OZ - Independence Way Inc. -
2701 Keele Street (Ward 9 - York Centre)**

City Council on November 30, December 1 and 2, 2004, amended this Clause by adding the following:

“That the following staff recommendations in the Recommendations Section of the supplementary report dated November 30, 2004, from the Commissioner of Urban Development Services, be adopted:

‘It is recommended that:

- (1) the draft undertaking dated November 16, 2004, for conveyance of lands for a public highway received by the applicant be received, and that the City Solicitor, in consultation with the Acting Commissioner of Works and Emergency Services and the applicant, prepare an undertaking for such conveyance to be entered into by the Owner of 2701 Keele Street, prior to condominium approval; and*
- (2) the attached amending zoning by-law for 2701 Keele Street be enacted and no further notice of public meeting of the draft by-law as amended, be required.’ ”*

This Clause, as amended, was adopted by City Council.

Council also considered additional material, which is noted at the end of this Clause.

The North York Community Council recommends that City Council:

- (1) adopt the staff recommendations in the Recommendations Section of the report (October 27, 2004) from the Director, Community Planning, North District; and**
- (2) adopt an additional recommendation, as follows:**

“that the applicant be required to convey land for a public road on the north side of the property.”

Action Taken by the Committee:

The North York Community Council requested the Commissioner of Urban Development Services, in consultation with the Acting Commissioner of Works and Emergency Services, to report to City Council, for its meeting on November 30, December 1 and 2, 2004, on the details of the discussions with the applicant on the conveyance of land for a public roadway.

The North York Community Council held a statutory public meeting on November 16, 2004, and notice was given in accordance with the *Planning Act*.

The North York Community Council submits the following report (October 27, 2004) from the Director, Community Planning, North District, Urban Development Services:

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law to permit a reduced parking standard and direct access to units from outdoors for a stacked townhouse residential development at 2701 Keele Street.

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 Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5.
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

Background:

Proposal

This application proposes to amend the zoning for the lands to permit units to have direct access from the outdoors and to permit a parking standard of 1.35 spaces per unit of which .2 spaces per unit will be for visitors.



Site History

This application relates to a site plan approval application granted by the Ontario Municipal Board on May 14, 2004 to permit the development of the rear portion of the site for 244 stacked townhouse residential units.

Following the Ontario Municipal Board hearing, the applicant submitted an application to the Committee of Adjustment for a minor variance from the Zoning By-law. The two proposed variances were to permit direct unit access from the outdoors rather than through an internal corridor and a parking standard of 1.35 spaces per unit rather than 1.5 spaces per unit.

The minor variance application was heard by the Committee of Adjustment at their meeting of July 15, 2004. The Committee deferred the application sine die at the request of the local councillor to allow the applicant an opportunity to meet with the Councillor, area residents and purchasers of the units to discuss the changes to the proposal.

Site and Surrounding Area

The subject lands are approximately 7 acres in size and are located on the east side of Keele Street, south of Wilson Avenue and directly north of Highway 401. The lands currently support a Canadian Tire gas bar and lube shop at the front of the site at Keele Street. The former Canadian Tire retail store at the rear of the site is currently under demolition and this portion of the site is being redeveloped for the stacked townhouse residential uses approved by the Ontario Municipal Board on May 14, 2004.

Surrounding land uses include Highway 401 to the south, low density residential uses fronting onto Ingleside Drive to the east, a hotel to the north, and Keele Street to the west, beyond which are Ministry of Transportation lands.

Official Plan

City of North York Official Plan

The subject lands are designated Commercial with a Sub-Centre overlay in the former City of North York Official Plan, and are also subject to a site specific amendment (OPA 318). Commercial and residential uses are permitted by the Official Plan.

OPA 318 states City Council's intent to seek access to Wilson Avenue from the Canadian Tire site, and consolidated driveway access to Keele Street when development proposals are received for the lands in the southeast quadrant of the intersection. A Technical Feasibility Study addressing OPA 318 was completed earlier this year. This study forms the basis for a Schedule B Municipal Class Environmental Assessment (EA) which is currently underway under the direction of Works and Emergency Service, Infrastructure Division. The purpose of the EA is to define the right-of-way requirements for a public road alignment through the southeast quadrant of Keele/ Wilson that would improve access and circulation in the area.

Toronto Official Plan

City Council adopted the Toronto Official Plan on November 28, 2002, which contains policies that guide the growth and development of the City. The subject lands are designated Mixed Use Areas on the Land Use Plan and are identified as an Avenues on the Urban Structure Map. This designation provides for a range of residential, commercial and institutional uses.

No amendments to the (former) City of North York Official Plan or the Toronto Official Plan are required to implement the applicant's proposal. The subject application does not impact the EA underway for the lands in the southeast quadrant of the intersection.

Zoning

The subject lands are zoned C1(6) – General Commercial Zone with a site specific exception to permit motor vehicle dealerships and accessory repair shops. The C1 zone permits residential uses, subject to compliance with the provisions of the relevant residential zone.

Although the proposed development form is stacked townhouses, for zoning purposes the proposal is considered to be an apartment building. As a result, the application is subject to the provisions of the RM5 - Multiple Family Dwellings Fifth Density Zone category. Section 2.32.4 of Zoning By-law 7625 defines a Dwelling, Apartment House as a building containing more than four dwelling units each unit having access only from an internal corridor.

Section 6(A)(2) of Zoning By-law 7625 requires that apartment buildings have 1.5 parking spaces per dwelling unit of which .25 spaces per dwelling unit shall be for the use of visitors.

Site Plan Control

Site plan approval to permit the development of the lands for 244 stacked townhouse residential units was granted by the Ontario Municipal Board on May 14, 2004. The subject application does not represent a significant change from the approved site plan.

Plan of Condominium

An application for Plan of Condominium approval has been submitted by the applicant and circulated to relevant Departments and Agencies for comment.

Reasons for Application

An amendment to the Zoning By-law is required to permit direct unit access from outdoors and to permit a reduction in parking standards.

Community Consultation

A community consultation meeting was held at Roding Community Centre on October 20, 2004. Two people were in attendance at the meeting, as well as City planning staff, the local Councillor and the local Councillor's Executive Assistant. One person inquired about access to the site

from Keele Street and the other person inquired about Canadian Tire's plans for redeveloping and/ or upgrading their gas bar operations.

In receiving the preliminary report for this application, North York Community Council amended the report recommendation regarding community consultation, requesting that the applicant provide mailing addresses of all purchasers to the City Clerk so that notice could be sent advising of the community consultation meeting. This information was not provided to the City Clerk.

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. All relevant comments are included as attachment 4 to this report.

Comments:

Direct access to units from the exterior of the building rather than through an internal corridor is appropriate given the townhouse built form of the proposed development.

Works and Emergency Services does not object to a reduced parking standard and their memorandum (Attachment 4) includes conditions related to visitor parking and on-street parking to be addressed to the satisfaction of Works and Emergency Services prior to the approval/registration of the Plan of Condominium.

Conclusions:

The proposed amendment to the zoning by-law to permit a direct access to units from the outdoors is appropriate given the stacked townhouse built form and the proposed reduced parking standard is supportable. This report recommends approval of this application.

Contact:

Sharon Hill, Senior Planner

Tel. No. (416) 395-7106; Fax No. (416) 395-7155; Email: shill@toronto.ca

List of Attachments:

- Attachment 1: Site Plan
 - Attachment 2: Zoning
 - Attachment 3: Application Data Sheet
 - Attachment 4: Agency Comments
 - Attachment 5: Draft Zoning By-law Amendment
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Attachment 5

Authority: North York Community Council Report No. ____, Clause No. ____, as adopted by City of Toronto Council on ____, 2004

Enacted by Council:

CITY OF TORONTO

BY-LAW No. _____

To amend City of North York By-law 7625
in respect of lands municipally known as 2701 Keele Street

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:

1. Schedules "B" and "C" of By-law No. 7625 of the former City of North York are amended in accordance with Schedule "1" of this By-law.
2. Section 64.23 of By-law No. 7625 is amended by adding the following subsection:

64.23(119) C1(119)

EXCEPTION REGULATIONS

(a) DEFINITIONS

- (i) For the purpose of this exception, "Apartment House Dwelling" shall mean a building containing more than four (4) dwelling units each unit having direct access from the exterior of the building.

(b) PARKING

- (i) Parking spaces for apartment house dwellings shall be provided at a minimum of 1.35 spaces per dwelling unit of which .2 spaces per dwelling unit shall be designated for use by visitors.

ENACTED AND PASSED this ____ day of ____, A.D. 2004

Mayor

City Clerk

(Attachments 1 – 4, Schedule “1” to Attachment 5, referred to in the foregoing report were forwarded to all Members of the North York Community Council with the agenda for its meeting on November 16, 2004; and copies are on file in the office of the City Clerk, North York Civic Centre).

The North York Community Council also considered a communication (October 27, 2004) from Karl D. Jaffary, Barrister & Solicitor, on behalf of Independence Way Inc.

Karl Jaffary, Barrister and Solicitor, appeared before the North York Community Council, on behalf of the applicant.

City Council – November 30, December 1 and 2, 2004

Council also considered the following:

Report (November 30, 2004) from the Commissioner of Urban Development Services:

*Subject: Application to Amend Zoning By-law 7625
 2701 Keele Street
 File Number 04 169386 NNY 09 OZ
 York Centre Ward 9*

Purpose:

To respond to a request at the North York Community Council meeting regarding the above-noted application.

Financial Implications:

There are no financial implications resulting from this report.

Recommendations:

It is recommended that:

- 1. The draft undertaking dated November 16, 2004 for conveyance of lands for a public highway received by the applicant be received and that the City Solicitor, in consultation with the Commissioner, Works and Emergency Services and the applicant, prepare an*

undertaking for such conveyance to be entered into by the Owner of 2701 Keele Street prior to condominium approval; and,

- 2. The attached amending zoning by-law for 2701 Keele Street be enacted and no further notice of public meeting of the draft by-law as amended, be required.*

Introduction:

At its meeting of November 16, 2004, North York Community Council adopted the staff recommendations in the Recommendations Section of the report (October 27, 2004) from the Director, Community Planning, North District and adopted an additional recommendation as follows:

That the applicant be required to convey land for a public road on the north side of the property.

The North York Community Council also undertook the following action:

The North York Community Council requested the Commissioner of Urban Development Services, in consultation with the Acting Commissioner of Works and Emergency Services, to report to City Council, for its meeting on November 30, December 1 and 2, 2004, on the details of the discussions with the applicant on the conveyance of land for a public roadway.

Comments

- 1. Additional Recommendation of North York Community Council*

A draft undertaking dated November 16, 2004 was received from the applicant's solicitor agreeing to convey lands for a public highway subject to certain conditions. City staff continue to review the undertaking. This report recommends that the City Solicitor consult with the Commissioner, Works and Emergency Services and the applicant to prepare an undertaking for such conveyance and that such undertaking be entered into by the owner prior to condominium approval.

- 2. Amendment to Draft Zoning By-law*

Condition 1 of the proposed undertaking relates to compliance of the development of the lands with the zoning by-law following conveyance. Rather than include this as a condition in the undertaking, it is appropriate that the draft zoning by-law included as Attachment 5 to the staff report for 2701 Keele Street be amended to address this situation. Attached to this report is a recommended amended zoning by-law to incorporate the following exception:

(c) CONVEYANCE OF A PUBLIC HIGHWAY:

"Notwithstanding the provisions of By-law 7625, for the purpose of this exception, where lands are conveyed to the City of Toronto for a public highway in an alignment that connects the north limit of the site to Keele Street, provided that the development

complies with the zoning by-law prior to conveyance, such conveyance shall not render the development of the site to be in breach of and shall be deemed to be in conformity with the provisions of Zoning By-law 7625.

3. *Environmental Assessment Study*

Staff of Transportation Services and Urban Development Services are currently undertaking a Municipal Class Environmental Assessment Study to examine the need for and the feasibility of a new road connection between Keele Street and Wilson Avenue. As part of this study staff have contacted the directly impacted stakeholders and are currently in the process of responding to and addressing the comments and concerns that have been received.

4. *Action Take by Committee of Adjustment*

In addition to the draft undertaking submitted on behalf of 2701 Keele Street, the owners of 2737 Keele Street (Travelodge Hotel) received conditional approval from the Committee of Adjustment for conversion of the hotel on the lands to a residential condominium with ground floor commercial uses on October 4, 2004. Condition #3 of the Committee's decision requires that:

"the applicant enter into an Agreement with the City of Toronto to provide to the City and to the satisfaction of the City Solicitor and at no cost to the City, the land required for a roadway (and existing encumbrances below) which is specified in 'OPA 318' and is the subject of the current Environmental Assessment process"

A road connection through the southeast quadrant of the intersection of Keele Street and Wilson Avenue will involve four parcels of land: 2701 and 2737 Keele Street and 1055 and 1077 Wilson Avenue. The draft undertaking for 2701 Keele Street and related recommendation of this report, and the condition of the Committee of Adjustment with respect to 2737 Keele Street will allow the City to achieve a portion of a road connection. Future property requirements to accommodate a road with respect to 1055 and 1077 Wilson Avenue will be identified through the ongoing EA process.

This report has been prepared in consultation with Works and Emergency Services staff and they concur with the recommendations contained within.

Conclusion:

This report responds to North York Community Council direction of November 16, 2004. The report recommends that the City prepare an undertaking for the conveyance of a public highway on the applicant's lands to be entered into by the Owner of 2701 Keele Street prior to condominium approval and that the amended zoning by-law for 2701 Keele Street be enacted.

Contact Name:

*Tom Keefe, Director, Community Planning North District, NorthYork Civic Centre
Telephone: (416) 395-7150*

List of Attachments:

Attachment 1: Amended Zoning for 2701 Keele Street

Authority: North York Community Council Report No. ____, Clause No. ____, as adopted by City of Toronto Council on ____, 2004

Enacted by Council: _____

CITY OF TORONTO

BY-LAW No.

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- (i) Parking spaces for apartment house dwellings shall be provided at a minimum of 1.35 spaces per dwelling unit of which .2 spaces per dwelling unit shall be designated for use by visitors.*

(c) CONVEYANCE OF PUBLIC HIGHWAY

- (i) Notwithstanding the provisions of By-law 7625, for the purpose of this exception, where lands are conveyed to the City of Toronto for a public*

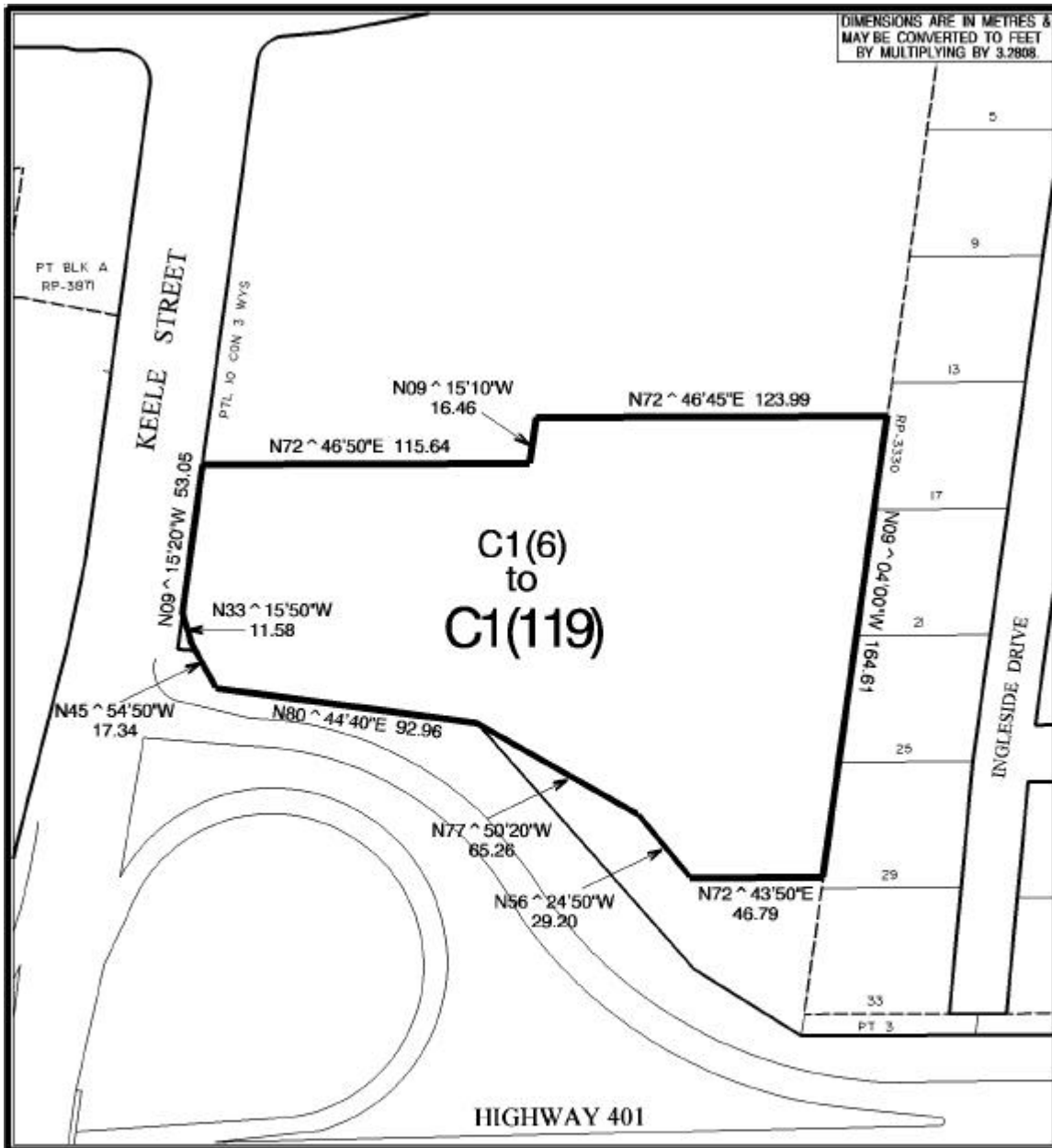
highway in an alignment that connects the north limit of the site to Keele Street, provided that the development complies with the zoning by-law prior to conveyance, such conveyance shall not render the development of the site to be in breach of and shall be deemed to be in conformity with the provisions of By-law 7625.

ENACTED AND PASSED this day of , A.D. 2004

Mayor

City Clerk

City of Toronto Bill No. _____



<p>This is Schedule " 1 " to By-Law _____ passed the _____ day of _____, 20 _____</p>		<p>Toronto City Planning Division</p>
<p>(Sgd.) _____</p> <p>CLERK</p>	<p>(Sgd.) _____</p> <p>MAYOR</p>	
<p>Location: Part of Lot 10, Concession 3, West of Yonge Street, City of Toronto</p>		
<p>File: 04_169386</p>	<p>Prepared by: A.K.</p>	<p>Approved by: S.H.</p>
<p>Date: Oct. 22, 2004</p>		<p>Filename: C1(119)_1</p>
<p><small>Source: Zoning, By-Law, Lot Line, Street Line and Street Name Data - City of Toronto, City Planning Division, North District. Street lines represent street dedications/road allowances and do not represent actual as-built curb lines of streets.</small></p>		