TORONTO

STAFF REPORT
ACTION REQUIRED

1955 to 1985 Yonge Street, 3 Belsize Drive and 18 to 22 Millwood Road Zoning Amendment

Date:	February 1, 2011
To:	City Council
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 22 – St. Paul's
Reference Number:	cc11007 (File No. 09-191738 STE 22 OZ, IBMS No. cc5069679053)

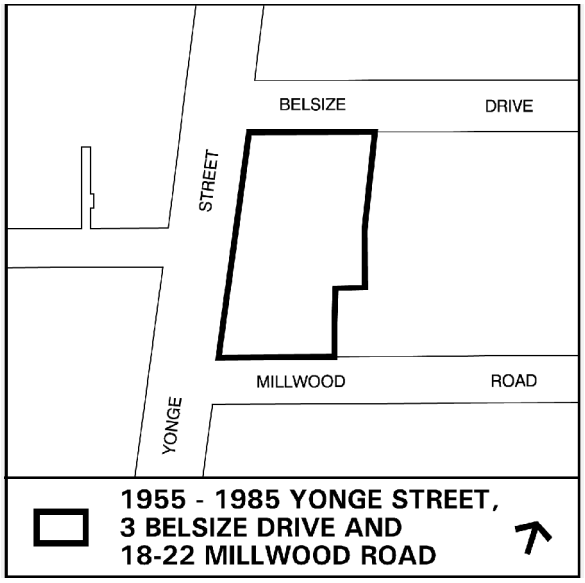
SUMMARY

A statutory public meeting was held by Toronto and East York Community Council on August 17, 2010 for the required amendments to By-law No. 438-86 to allow the construction of a proposed 8-storey mixed-use building at 1955 – 1985 Yonge Street, 3 Belsize Drive and 18 – 22 Millwood Road. City Council adopted the Final Rezoning Report and draft by-law on August 25, 2010.

Subsequently, the new consolidated Zoning By-law (1156-2010) was enacted by Council on August 27, 2010 but it is currently under appeal to the Ontario Municipal Board.

To obtain a building permit after the date of enactment of By-law No. 1156-2010, the project must be authorized by amendments to both the in force By-law No. 438-86 (as presented at the August 17, 2010 public meeting) and the newly enacted (but under appeal) Zoning By-law No. 1156-2010.

City Staff recommend that pursuant to subjection 34(17) of the *Planning* Act, a second statutory public meeting to amend the new Zoning By-law is not necessary and that Council determines that no further notice is required.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law No. 1156-2010 substantially in accordance with the draft Zoning By-law Amendment in Attachment No. 1 to this report from the Chief Planner and Executive Director, dated February 1, 2011.

2. City Council adopt the recommendation of City Staff that, pursuant to subsection 34(17) of the *Planning Act*, no further notice of the proposed amendment to the new Zoning By-law 1156-2010 is required.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on August 25, 2010 City Council adopted the following final report and draft by-law without amendment and without debate:
http://www.toronto.ca/legdocs/mmis/2010/te/bgrd/backgroundfile-32464.pdf

ISSUE BACKGROUND

Toronto and East York Community Council held a statutory public meeting on August 17, 2010 with respect to amendments to Zoning By-law No. 438-86 to permit the proposed 8-storey mixed use building at 1955-1985 Yonge Street, 3 Belsize Drive and 18-22 Millwood Road. The draft zoning by-law was included as Attachment 10 to the Final Planning Report, item TE36.13, dated July 23, 2010.

Notice was given in accordance with the *Planning Act*. Four public speakers addressed the Toronto and East York Community Council, who adopted the Final Report without amendment. City Council adopted the Final Report on August 25, 2010 without amendment and without debate.

On August 27, 2010 City Council passed By-law No. 1156-2010 which is the new consolidated Zoning By-law for the City of Toronto. None of the former in-force general zoning by-laws of the former municipalities were repealed. After the date of enactment of By-law No. 1156-2010, and until all the appeals to the Ontario Municipal Board are completed or withdrawn, both the in-force Zoning By-law No. 438-86 and the new Zoning By-law No. 1156-2010 apply to respective sites throughout the City (unless a site has been exempted from the provisions of the new By-law).

During this interim period, the Chief Building Official must consider both new and old zoning by-laws and apply the most restrictive standard when processing building permit applications. Zoning by-law permissions for the development project must be recognized in both the new and old zoning by-laws in order to approve building permit applications after August 27, 2010. In this instance only a portion of the site is exempted from the new by-law. Therefore the new By-law must be amended.

The amending by-law attached to this report permits the same development proposal considered at the August 17, 2010 statutory public meeting and approved by Council on August 25, 2010.

CONTACT

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SIGNATURE

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Gary Wright
Chief Planner and Executive Director
City Planning Division

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ATTACHMENTS

Attachment 1: Draft Amendment to Zoning By-law 1156-2010

Attachment 1: Draft Amendment to Zoning By-law 1156-2010

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2011

To amend Zoning By-law No. 1156-2010 of the City of Toronto, as amended, With respect to the lands municipally known as 1955-1985 Yonge Street, 3 Belsize Drive and 18-22 Millwood Road

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*; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 1156-2010 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. This By-law applies to the lands delineated by a heavy line on Diagram 1 attached to and forming part of this By-law

2. Pursuant to Section 37 of the *Planning Act*, the heights 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 and services and matters set out in Section 11 hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the *Planning Act*.

3. Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the Planning Act, securing the provision of the facilities and services and matters set out in Section 11 hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.

4. Except as otherwise provided herein, the Regulations of Zoning By-law 1156-2010 continue to apply to the lands.

5. Zoning Map 1 of By-law 1156-2010 is amended by adding to the Zoning By-law Map the lands and zone label in accordance with Diagram 1 attached to this By-law.

6. Zoning By-law No. 1156-2010, as amended, is amended by adding the lands known as 1985 Yonge Street in the year 2010 to the Height Overlay Map and showing the subject lands as having a maximum height of 16 metres.

7. Zoning By-law No.1156-2010, as amended, is amended by adding the lands known as 1985 Yonge Street in the year 2010 to the Policy Area Overlay Map and showing the subject lands as included in Policy Area 3 on the policy area overlay.

8. Zoning By-law No.1156-2010, as amended, is amended by adding the lands known as 1985 Yonge Street in the year 2010 to the Rooming House Overlay Map and showing the subject lands as included in Area B3 on the rooming house overlay.

9. Zoning Map 1 of By-law 1156-2010 is amended by removing Exceptions (931), (2407) and (2424) from the lands delineated by heavy line on Diagram 1 of By-law xxx-2011.

10. Zoning Map 1 of By-law 1156-2010 is amended by adding Exception (2576) to the lands delineated by heavy line on Diagram 1 of By-law xxx-201110. Zoning

By-law 1156-2010, is amended by adding Exception CR (2576) to Chapter 900.11.10, so that it reads:

Exception CR 2576

The lands subject to this exception must comply with the following:

(A) The **lot** consists of at least the lands outlined by heavy lines on Diagram 1 of By-law xxx-2011.

(B) The applicable prevailing section of former City of Toronto by-law 438-86, being Article 955.10.(758).

(C) The applicable prevailing section of former City of Toronto by-law 438-86, being Article 955.10.(759).

(D) None of the provisions of 5.10.40.1 (1), 5.10.40.10, 5.10.40.60, 5.10.40.70 (1) through (4), 5.10.50.10, 5.10.80.1, 5.10.80.20 (1), 5.10.80.40, 5.10.90.1 (1), 5.10.90.10 (1), 5.10.90.40, Chapter 10.5.1 through 10.10.90.1, 40.5.1.10 (2), 40.10.40.1 (1), 40.10.40.10 (1) and (4), 40.10.40.50, 40.10.40.60, 40.10.40.70 (4) and (6), 40.10.40.80 (2), 40.10.80.30 (1), 40.10.90.40 (1), 40.10.100.10 (1), 200.5.1.10 (2)(c), 200.5.10.1 (1), Table 200.5.10.10, 200.15.1.5 (2), 200.15.10, 230.5.1.10 (4)(5) and (9), 230.5.10.1, 230.40.1.10 (2), 900.2.10 (931), 900.11.10 (2407), 900.11.10 (2424), 955.10.(758), and 955.10.(759) will apply to prevent the construction of a mixed use commercial residential **building** on the lands covered by this exception and used for the uses permitted if the whole of the premises covered by this exception collectively comply with the provisions in (E) to (P).

(E) The lands municipally known as 3 Belsize Drive in the year 2010 will not be used for any of the non-residential uses symbolized by the letter 'c', permitted by 40.10.20.10(1) or 40.10.20.20(1).

(F) No portion of a **building** or **structure** is to have a height in metres greater than the height in metres specified by the numbers following the symbol H on attached Diagram 2 of By-law xxx-2011 except that;

(i) a mechanical penthouse having a maximum height of 5.5 metres is permitted within the area on Diagram 2 of By-law xxx-2011 outlined by a solid line labeled as Mechanical Penthouse.

(ii) canopies, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, window

washing equipment, landscape and public art features, and outdoor furniture are permitted to extend above the heights shown on Diagram 2 of By-law xxx-2011 and above the additional heights permitted in (b) (i), above;

(G) The height of a **building** or **structure** is measured as the vertical distance between **grade**, which is Canadian Geodetic Datum elevation of 156.3 metres, and the highest point of the **building** or **structure** except for those elements prescribed in Section (B) (i) and (ii) above.

(H) The **building** or **structure** above grade must be located within the areas delineated by heavy lines on Diagram 2 of By-law xxx-2011, except that;

(i) balconies, canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guard rails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their features, and outdoor furniture may extend beyond the heavy lines shown on Diagram 2 of By-law xxx-2011.

(ii) despite (i) above, balconies may extend a maximum of 1.5 metres beyond the heavy lines on Diagram 2 of By-law xxx-2011, as measured perpendicular to the exterior walls of the **building**.

(I) A maximum of 206 **dwelling units** is permitted.

(J) The **gross floor area** of **buildings** and **structures** must not exceed 23,763 square metres, and;

i) the **gross floor area** of **buildings** and **structures** occupied by residential uses symbolized by the letter 'r' permitted by Regulations 10.10.20.10 (1), 10.10.20.20 (1), 10.10.20.30, 40.10.20.10 (1), 40.10.20.20 (1) and 40.10.20.30 must not exceed 21,537 square metres.

ii) the **gross floor area** of **buildings** and **structures** occupied by commercial uses symbolized by the letter 'c' permitted by Regulations 40.10.20.10 (1), 40.10.20.20 (1) and 40.10.20.30 must not exceed 2,226 square metres.

(K) A minimum of 200 **parking spaces** must be provided , of which 25 **parking spaces** must be provided for residential visitor **parking spaces**;

(L) A maximum of 247 **parking spaces** are required for the **lot**;

(M) A minimum of 155 **bicycle parking spaces** must be provided, of which 124 **bicycle parking spaces** must be for 'Long-Term Bicycle Parking' and 31 **bicycle parking spaces** must be for 'Short-Term Bicycle Parking'.

(N) On a **lot**, a **veterinary hospital**, artist's studio, **retail store**, **financial institution, personal service shop, holistic centre, pet services, art gallery, eating establishment, take-out eating establishment**, and **funeral home** are permitted uses, subject to the parking rate requirement of this By-law for such uses that do not exceed 550 square metres of **gross floor area**;

(O) On a **lot**, a **veterinary hospital**, artist's studio, **retail store, financial institution, personal service shop, holistic centre, pet services, art gallery, eating establishment, take-out eating establishment**, and **funeral home** may not exceed 550 square metres of **gross floor area** unless **parking spaces** are located on the same **lot** as the use at a rate of 1 **parking spaces** for each 30.0 square metres of **gross floor area**;

(P) For the purposes of (N) and (O) above, each independent use shall be a use that gains principal access to the use from the exterior wall of the **building** in which it is located and is within 1.5 metres of the **lot line** adjacent to the **street**.

(Q) If all of the requirements of provisions (E) through (P) are not complied with, despite parking rate requirements to the contrary, on these lands the following parking rates apply:

(i) if a **building** with 12 **dwelling units** or less, is located on a **lot** with a **lot frontage** of 12.5 metres or less, then **parking spaces** must be provided:
(a) for the **dwelling units** at a minimum rate of 1 for each 3.0 metres of lot **frontage**; and
(b) at the minimum rate required by Chapter 200 for all other uses on the **lot**, if the **gross floor area** of those non-**dwelling unit** uses is more than 1.0 times the **lot area**; and

(ii) if a **building** has more than 12 **dwelling units** or 12 **bed sitting rooms** or is located on a **lot** that has a **lot frontage** greater than 12.5 metres, then **parking spaces** must be provided at a minimum rate of:
(a) 1.0 for each 6 **bed-sitting rooms**;
(b) 0.5 for each bachelor and one-bedroom **dwelling unit**;
(c) 0.75 for each **dwelling unit** with two or more bedrooms; and
(d) 0.06 for each **dwelling unit** and used only for visitor parking.

(R) Despite any severance, partition or division of the lands shown on Diagram 1 of By-law xxxx-2011, the regulations of By-law xxx-2011 will continue to apply to the whole of the lands as if no severance, partition or division had occurred.

(S) Pursuant to Section 37 of the Planning Act, the height and density of the development is permitted to increase beyond that otherwise permitted on the lands by this By-law and in return the owner will, at its sole expense, provide the City with the facilities, services and matters set out in Section 11 of By-law no.xxx-2011 and enter into an agreement with the City respecting such facilities, services and maters. The agreement will be registered on title to the lands as a first charge at the owner's sole expense, and such agreement and registration will be to the satisfaction of the City Solicitor.

11. The facilities, services and matters set out herein are the matters required to be provided by the owner of the lands at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act in a form satisfactory to the Chief Planner and Executive Director, City Planning Division and the City Solicitor and such agreement(s) shall be registered against title to the lands as outlined in heavy lines on Diagram 1 to secure the following facilities, services or matters;

(1) the *owner* shall pay to the City a payment of $435,000.00 of which $100,000 will be payable prior to the introduction of the Bills in City Council and the remaining $335,000.00 will be payable prior to the issuance of the first building permit. Such payment shall be indexed to the non-residential Construction Price Index for Toronto for the period from the date of Council enactment of this by-law and the date of payment. Such payment will be deposited to the Planning Act Reserve Fund to be used for the construction and associated costs of the Neshama Accessible Playground at Oriole Park and/or for the purchase, design and construction of lands for a new park facility on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West.

(2) the owner shall provide and maintain not less than 33 new replacement rental dwelling units on the lands, comprising at least 27 affordable rental *dwelling units* and 6 rental *dwelling units* with rents no higher than mid-range rents, which units shall generally be of the same type and size as in the buildings existing on the lands at the date of enactment of this by-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:

(a) the replacement rental dwelling units shall comprise 18 one-bedroom units, 14 two-bedroom units and 1 three-bedroom unit;

(b) the replacement rental *dwelling units* shall be maintained as rental units for at least 20 years, beginning with the date that each unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units; and

(c) the 33 replacement rental *dwelling units* shall be ready and available for occupancy no later than the date by which not more than 60% of the other *dwelling units* erected on the lands are available and ready for occupancy.

(3) the *owner* shall provide and maintain affordable rents charged to the tenants who rent each of the 27 designated affordable replacement rental *dwelling units* during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above-guideline increases.

(4) owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent each of the designated 6 replacement rental *dwelling units* with mid-range rents during the first 10 years of its occupancy, with mid-range rents on the same basis as (3) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type.

(5) rents charged to tenants occupying a replacement rental *dwelling unit* at the end of the 10-year period set forth in (3) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so long as they continue to occupy their *dwelling unit* or until the expiry of the rental tenure period set forth in (2(b)) with a phase-in period of a least three years for rent increases.

(6) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10-year period set forth in (4) will not be

subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement.

(7) the owner shall provide, prior to the introduction of bills in City Council, and implement a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each eligible tenant at 18 to 22 Millwood Road the right to return to a replacement rental unit, assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant, with provisions for special needs tenants.

The following matter is recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

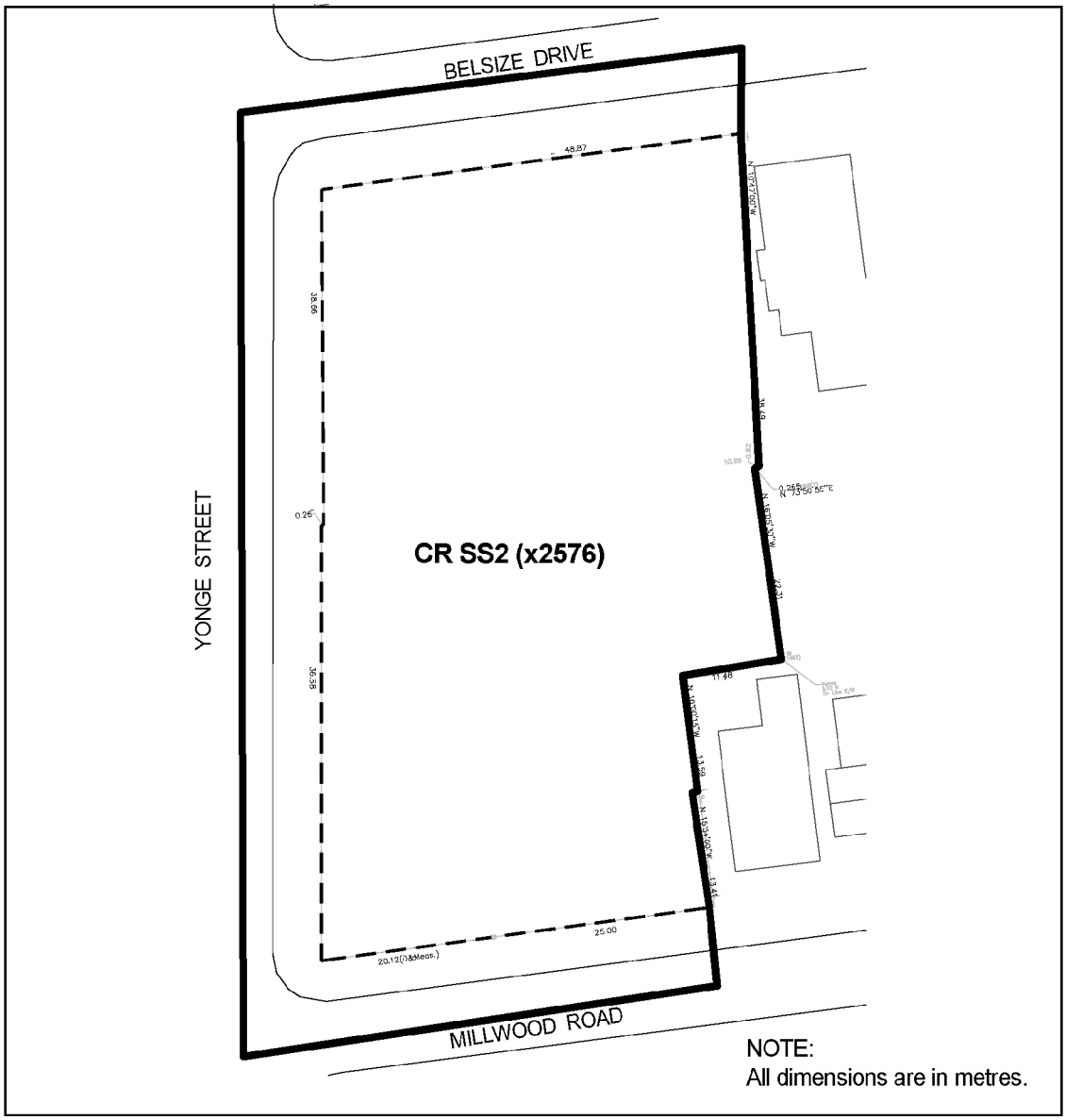
(8) the owner shall incorporate in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for the development's Yonge Street, Belsize Drive and Millwood Road elevations.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



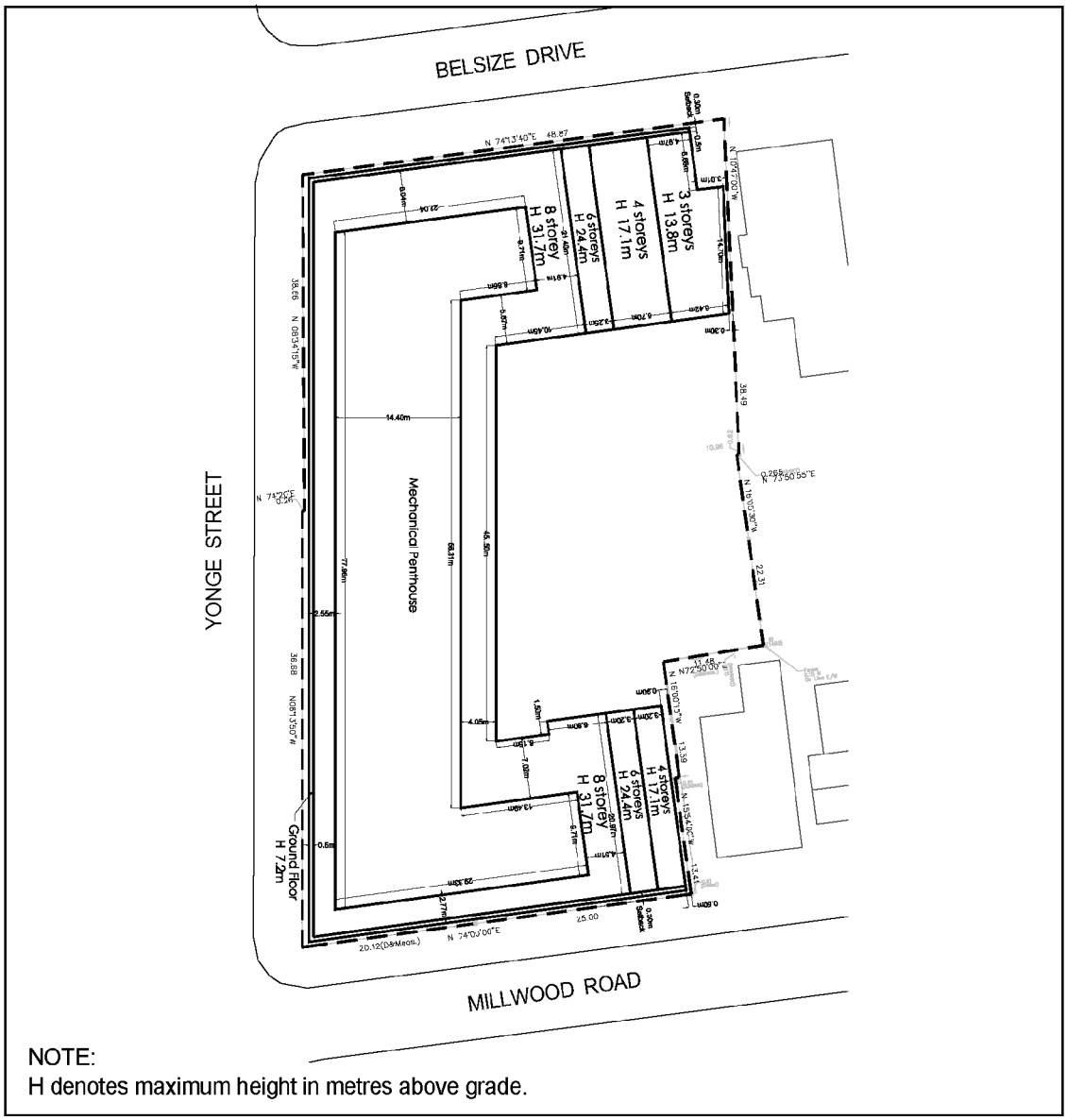
TORONTO City Planning

Diagram 1

1955-1985 Yonge Street and 3 Belsize Drive

File # 09_191738

City of Toronto By-Law 1156-2010
Not to Scale
01/31/2011



TORONTO City Planning

Diagram 2

1955-1985 Yonge Street and 3 Belsize Drive

File # 09_191738

City of Toronto By-Law 1156-2010
Not to Scale
01/31/2011