STAFF REPORT
ACTION REQUIRED

40 Dovercourt Road– Green Roof By-law Complete Exemption Request Report

Date: May 5, 2011
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 18 – Davenport
Reference Number: 10 170854 STE 18 SA

SUMMARY

An application has been made by Triangle West Developments Inc for approval of a complete exemption request from Chapter 492, Green Roof, of the City of Toronto Municipal Code at 40 Dovercourt Road.

This report reviews and recommends either approval or refusal of the complete exemption request.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the request for complete exemption of the Green Roof requirement for the lands at 40 Dovercourt Road; or

2. City Council approve the request for complete exemption of the Green Roof requirement for the lands at 40 Dovercourt Road subject to:
   a. the owner paying to the City of Toronto’s Eco-Roof Incentive
Program, in accordance with Chapter 492, Green Roof, of the City of Toronto Municipal Code, the amount of $63,000.00 as cash-in-lieu of construction of a Green Roof such amount calculated on the basis of $200.00/m2 of Green Roof not provided to the satisfaction of the Chief Building Official.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY

The proposal for an 11-storey mixed use development containing 152 residential dwelling units, including 9 live-work units at grade, and three levels of underground parking was approved through a Rezoning Application in February 2009. The lands are subject to Site Specific Zoning By-law 225-2009.

As part of the Site Specific Zoning By-law, the applicant was required to enter into a Section 37 Agreement with the City of Toronto. A section within the agreement reads:

"roofing materials for 80% of the roof will consist of white, low emissivity materials or a green roof, to be indicated on plans to be submitted prior to Site Plan Approval, all to the satisfaction of the Chief Planner."

The Green Roof By-law 583-2009, applies to new building permit applications for residential, commercial and institutional development made after January 31, 2010. The Green Roof By-law does not apply to Site Plan Control Applications made prior to January 31, 2010. There is no exemption and/or grandfathering provisions for other types of applications, such as Official Plan Amendment or Zoning By-law Amendment applications made prior to this date. The applicant applied for Site Plan Control on May 13, 2010 and therefore is not exempt from the requirement to provide a green roof on their building.

ISSUE BACKGROUND

Proposal
The applicant has submitted an application for a complete exemption request from a required Green Roof.

The application propose to develop the site with an 11-storey mixed use development containing 152 residential dwelling units, including 9 live-work units at grade, and three levels of underground parking.

The total roof area available is 787m². With respect to the City's requirements under the Green Roof By-law 583-2009, the amount of roof area that would be required to be covered with green roof is 315m², or 40% of the available roof area.
The applicant is proposing not to include a green roof for this project for the following reasons:

a. Insufficient zoning height – the depth of the roof build-up may take them higher than the permitted building envelope;
b. Structural loading would be increased and which could impact slab thickness, impacting the zoning height envelope; and

c. Parapet heights may significantly increase, by approximately 500 millimetres (50 centimetres) and this may have a negative visual impact.

**Green Roof By-law**

On May 26, 2009 Toronto adopted the Green Roof By-law (Chapter 492 of the City of Toronto Municipal Code) requiring and governing the construction of green roofs. Exemption from the green roof requirement may be approved by City Council under the By-law, provided that a payment of cash-in-lieu is made in the amount of $200/m² of green roof not constructed. The cash-in-lieu payment is directed to the Eco-Roof Incentive Program, and will be used to provide grants for the installation of green roofs on existing non-residential buildings.

**Site Plan Control**

A Site Plan Control Application was submitted in May 2010.

**Reasons for Application**

The Site Plan Control Application does not comply with the green roof area requirement contained within the Green Roof By-law.

**Cash-in-Lieu Payment**

The cash-in-lieu payment for this project will be $63,000.00. Final calculation and collection of the payment is made prior to Building Permit Issuance.

**CONTACT**

Marian Prejel, Senior Planner  
Tel. No. 416-392-9337  
Fax No. 416-392-1330  
E-mail: mprejel@toronto.ca

**SIGNATURE**

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Gregg Lintern, Director MCIP RRP  
Community Planning, Toronto and East York District
ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 3: East Elevation
Attachment 4: West Elevation
Attachment 5: North Elevation
Attachment 6: Roof Plan
Attachment 1: Site Plan
Attachment 2: South Elevation
Attachment 4: West Elevation
Attachment 5: North Elevation