STAFF REPORT
ACTION REQUIRED

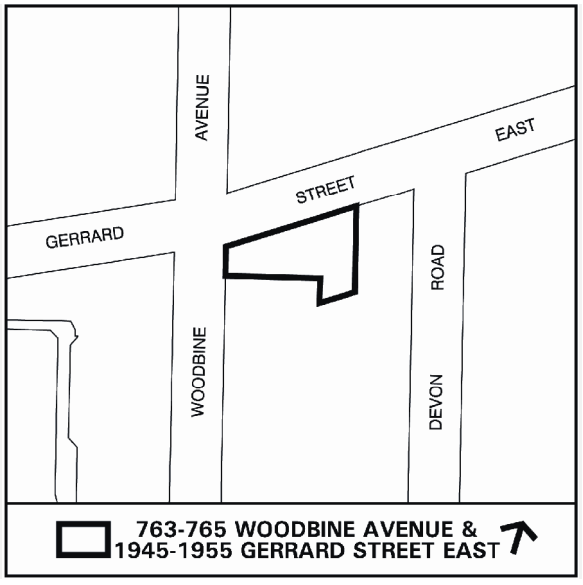
763-765 Woodbine Avenue & 1945-1955 Gerrard Street East – Zoning Amendment Application and Site Plan Control – Request for Direction Report – Supplementary Report

Date:	March 15, 2013
To:	City Council
From:	Chief Planner & Executive Director, City Planning Division
Wards:	Ward 32 – Beaches – East York
Reference Number:	P:\2013\Cluster B\PLN\City Council\CC13026

SUMMARY

The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law amendment and Site Plan Control approval at 763-765 Woodbine Avenue & 1945-1955 Gerrard Street East.

A Request for Direction Report was before Toronto and East York Community Council on February 26, 2013. The Toronto and East York Community Council decision was to submit the item to City Council without recommendation. Staff has now addressed outstanding issues with the applicant regarding built form and Section 37 benefits and supports a settlement at the Ontario Municipal Board. A draft Zoning Bylaw amendment is provided.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor and Planning staff to attend the Ontario Municipal Board hearing in support of a settlement on the development proposal at 763-765

Woodbine Avenue and 1945-1955 Gerrard Street East as described in the reports dated February 5, 2013 and March 15, 2013, from the Chief Planner and Executive Director, City Planning Division and subject to the applicant agreeing to the Section 37 benefits set out in the report dated March 15, 2013 from the Chief Planner and Executive Director, City Planning Division.

2. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required to implement the foregoing.

3. The City Solicitor request the OMB to withhold the final order pending finalization of the Site Plan Control approval to the satisfaction of the Director of Community Planning, Toronto and East York District.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The applications for Zoning By-law amendment and Site Plan Control approval were initially submitted in July 2007 to permit the construction of a six-storey mixed-use building containing 36 residential units. The applicant revised their proposal increasing the height to 23.9 metres (excluding mechanical penthouse), reducing the number of residential units to 29, and making changes to the first floor. The applicant appealed the applications to the Ontario Municipal Board in July 2008.

City Planning prepared a Request for Direction report dated September 18, 2008, which recommended refusal of the application in its current form. On October 31, 2008 Toronto City Council adopted the staff recommendations. The report can be accessed via the following link:

http://www.toronto.ca/legdocs/mmis/2008/te/bgrd/backgroundfile-15841.pdf

City staff attended the Ontario Municipal Board in opposition to the proposal. The Ontario Municipal Board approved the proposed development, withholding its final order pending finalization and receipt of the site plan agreement. The site plan agreement was not finalized and the file remains before the Ontario Municipal Board.

Since this time, the property has been purchased by Carlyle Communities who submitted a revised proposal in July 2012. The applicant has approached the Ontario Municipal Board to request a one-day hearing in mid-April.

ISSUE BACKGROUND

At its meeting of February 26, 2013, Toronto and East York Community Council received a Request for Direction Report from the Director, Community Planning Toronto and East York District dated February 5, 2013.
http://www.toronto.ca/legdocs/mmis/2013/te/bgrd/backgroundfile-55882.pdf

The report identified that the proposed land use for the site was appropriate, and that Planning staff would continue to work with the applicant to resolve outstanding built form issues. Staff identified three issues that required resolution. The issues are as follows:

- greater sensitivity between the proposed building and the adjacent 5-storey building to the south;

- improved transition to the low density residential neighbourhood to the east of the site;

- improved relationship of the building to the street and revisions to enhance the pedestrian realm.

COMMENTS

The built form issues outlined in the February 5, 2013 Request for Direction Report from the Director, Toronto and East York District have now been addressed with the applicant to the satisfaction of City Planning Staff.

Improved Sensitivity and Transition to Adjacent Buildings

The revised building includes a parking vent located close to the adjacent building to the south. Staff had concerns regarding the nature of the vent and potential noise impacts on the adjacent building. The applicant has provided wall openings at the south-west corner of the building to ensure passive ventilation of the parking garage and transformer to minimize the noise impact on the adjacent building.

Staff had raised concerns with the proposed massing of the revised building, relating to its transition to the low density residential neighbourhood to the east of the site. The applicant has redesigned the eastern face of the building to alleviate staff concerns.

Improvements to Pedestrian Realm

Staff had advised the applicant that it should provide an appropriate stepback at the 6th floor on both the Woodbine and Gerrard frontages to improve streetscape conditions and enhance the pedestrian realm. The applicant indicated that it had based the design of the building on the Ontario Municipal Board approved building envelope, which did not provide for the requested stepback. Shadow studies have been provided that demonstrate that there is no significant difference between the proposed revised building and that approved previously by the Ontario Municipal Board. Staff is satisfied that the proposal is consistent with the earlier OMB approval.

Section 37

The applicant has agreed to make a Section 37 cash contribution to be put towards streetscape improvements in order to improve the pedestrian realm along Woodbine Avenue and Gerrard Street within the vicinity of the site. Staff, working with the Ward Councillor, are still negotiating with the applicant to reach an agreement on the Section 37 contribution to be secured. Staff has evaluated the proposed amendment and have determined that a Section 37 contribution of $60,000 is appropriate for this development. The community benefits recommended to be secured are as follows:

1. A cash contribution in the amount of $60,000, indexed from the date of the issuance of the Ontario Municipal Board Order, to be paid prior to the issuance of any above grade building permits for the development of the *lot*, such sum to be paid as follows to be used towards one or more of the following capital facilities in the vicinity of the site:

    i) $60,000 for streetscape improvements that are not adjacent to the site along Woodbine Avenue and Gerrard Street in Ward 32.

Conclusion

Staff support the Zoning By-law amendment for this site as contained within Attachment 6, attached to this report.

CONTACT

Kelly Jones, Planner
Tel. No. 416-392-7574
Fax No. 416-392-1330
E-mail: kjones2@toronto.ca

SIGNATURE

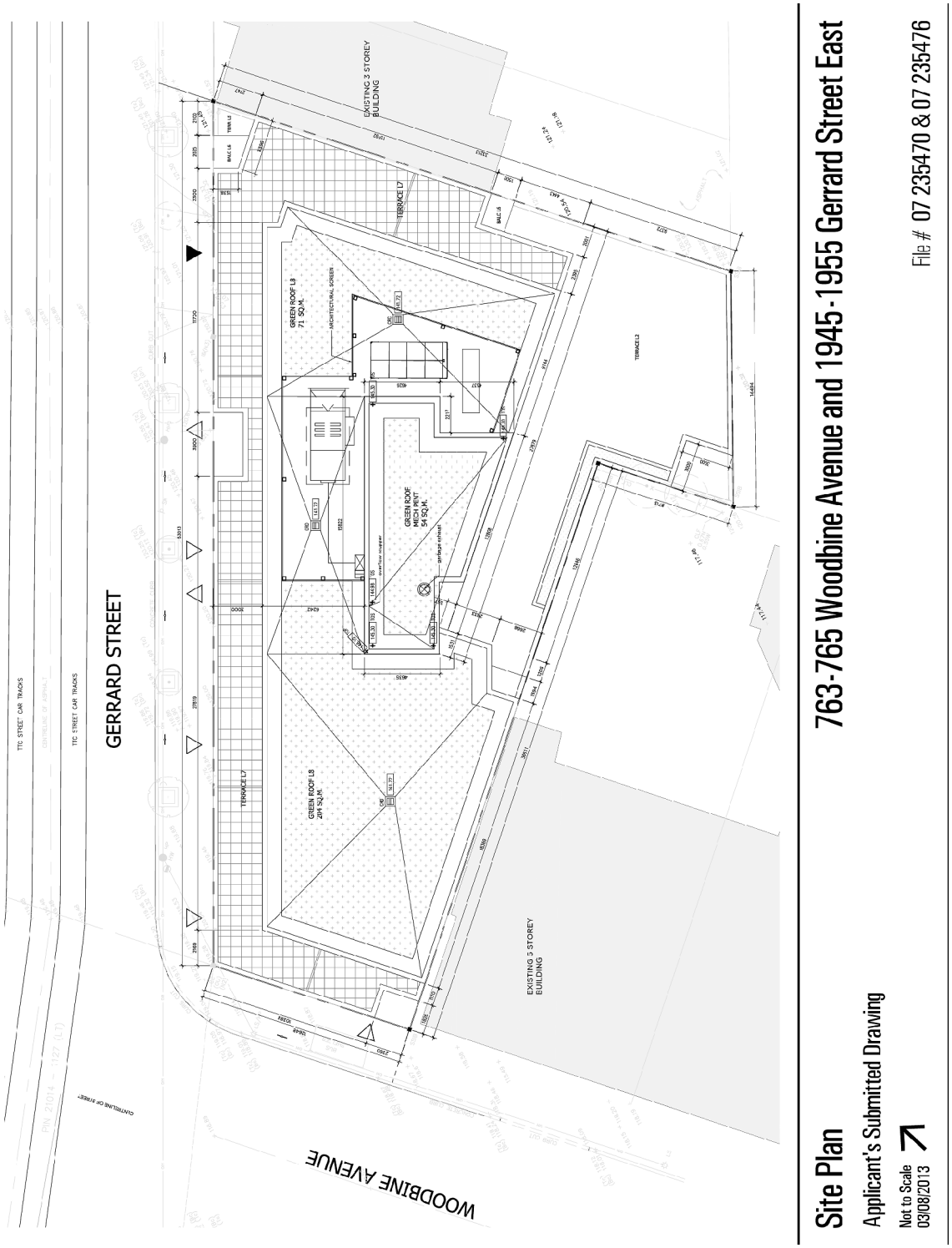
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Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner & Executive Director
City Planning

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Elevations
Attachment 6: Draft Zoning By-law

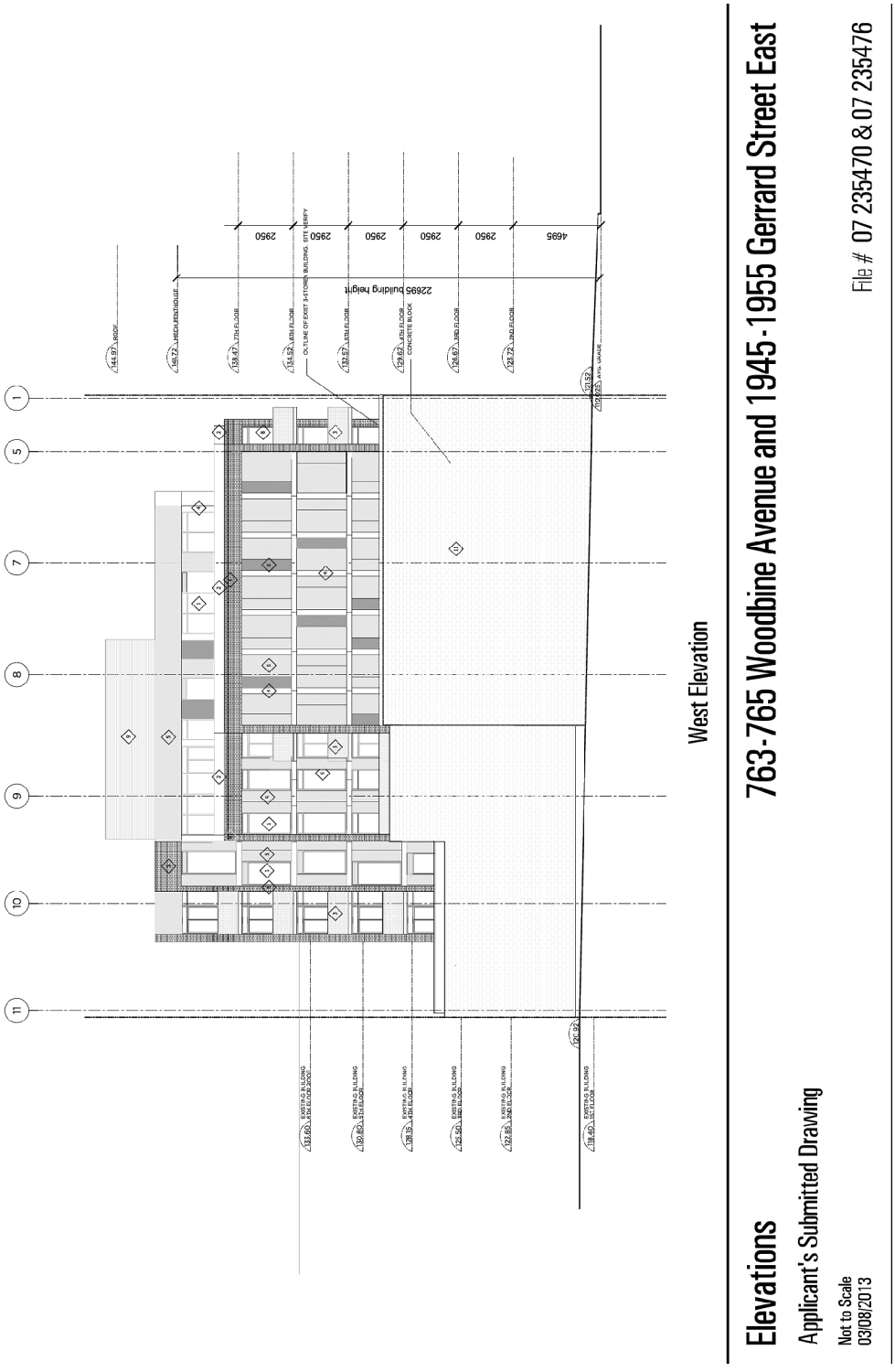
Attachment 1: Site Plan



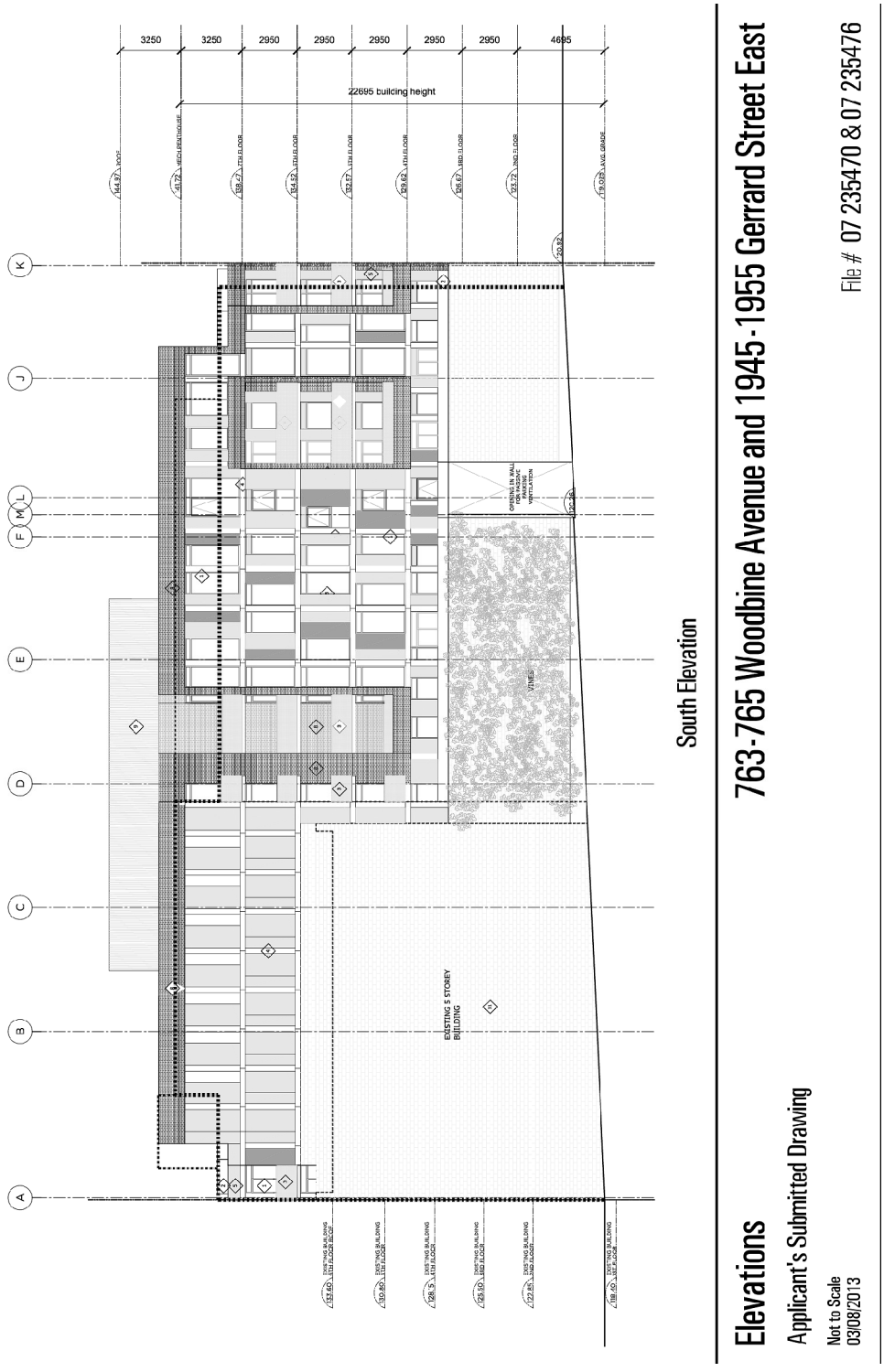
Attachment 2: Elevations



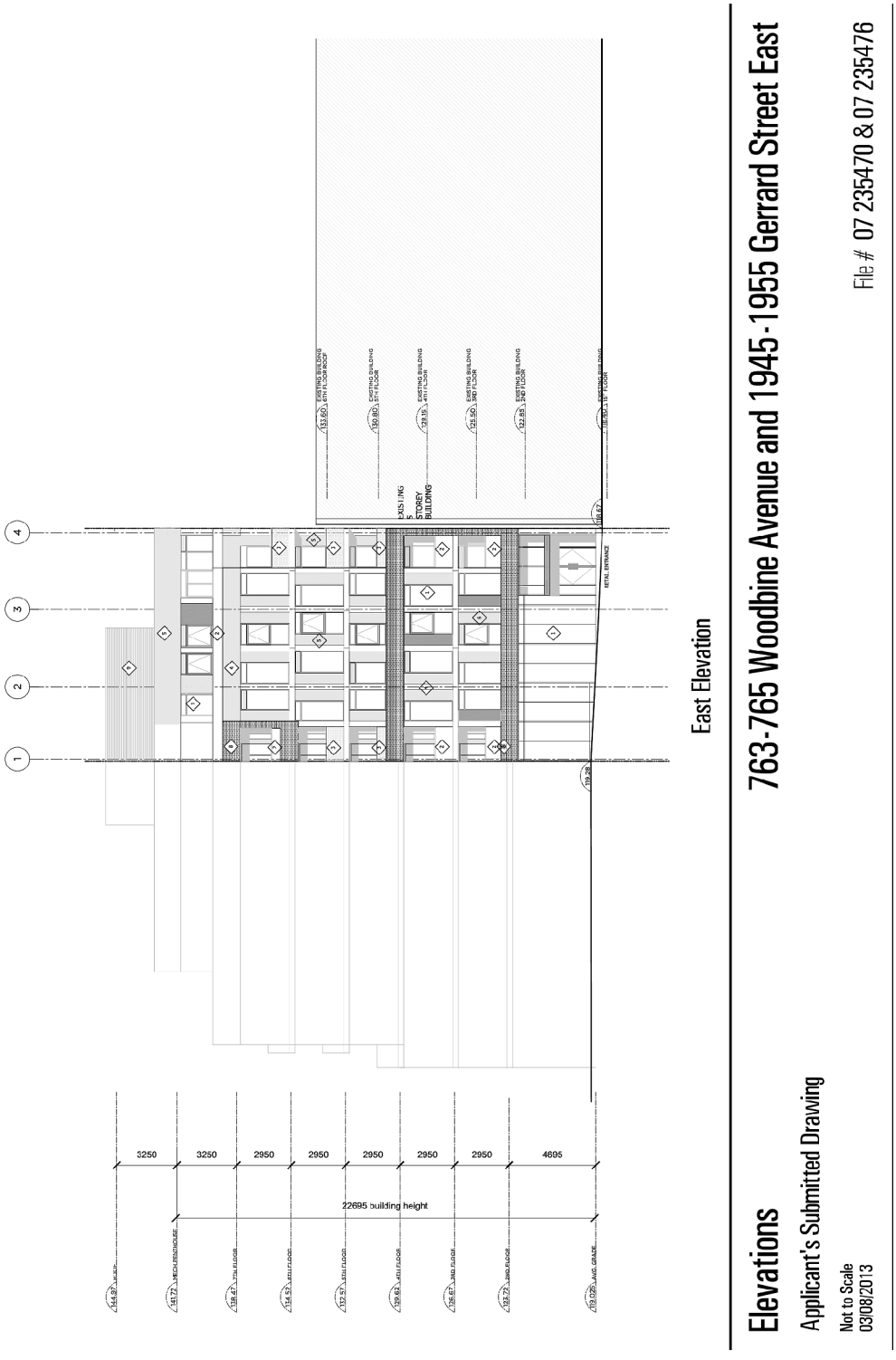
Attachment 3: Elevations



Attachment 4: Elevations



Attachment 5: Elevations



Attachment 6: Draft Zoning By-law

CITY OF TORONTO

BY-LAW NO. _____

To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 763 to 765 Woodbine Avenue and 1945 through 1955 Gerrard Street East

WHEREAS authority is given to the Ontario Municipal Board by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS the Ontario Municipal Board, pursuant to an Order issued , 2009 and Decision/Order No. _____ issued on _____, 2009, have determined to amend By-law No. 438-86, as amended, of the former City of Toronto, as follows:

THEREFORE By-law No. 438-86, as amended, of the former City of Toronto, is amended as follows:

1. None of the provisions of Section 8 of Zoning By-law No. 438-86, 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", as amended, shall apply to prevent the erection and use on the *lot* of one *mixed use building* containing both residential and non-residential uses, including uses *accessory* thereto, provided that:

(1) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;

(2) no portion of any building or structure erected on the *lot* above *established grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law;

(3) despite subsection (2) herein:

(a) balconies are permitted to project a maximum of 0.5 metres beyond the heavy lines in the locations shown as 'balcony' on Map 2; and

(b) lighting fixtures, window sills, balustrades, stairs, stair enclosures, wheel chair ramps, canopies, landscape features, parapets, guardrails, screens, terrace and balcony railings and dividers, planters, elements of a green roof, window washing equipment, chimney stacks, make-up air units, emergency generator,

garbage chute overruns, lightning rods, cellular phone towers and exhaust stacks may extend beyond the heavy lines shown on the attached Map 2.

(4) the total combined *residential gross floor area* and *non-residential gross floor area* erected or used on the *lot* does not exceed 5,000 square metres, of which:

(a) the *residential gross floor area* does not exceed 4,675 square metres and shall not comprise more than 64 *dwelling units*; and

(b) the *non-residential gross floor area* does not exceed 325 square metres;

(5) no person shall erect or use a building or structure on the *lot* having a greater height than 23 metres from *established grade*.

(6) subsection (5) herein shall not prevent the erection and use of:

(a) a mechanical room to a maximum height in metres as specified on the attached Map 2.

(7) residential amenity space shall be provided and maintained on the *lot* for the shared use of the residents of the *lot* in accordance with the following minimum requirements:

(a) not less than 150 square metres of outdoor *residential amenity space*; and

(b) a minimum of 90 square metres of indoor *residential amenity space* shall be provided, which indoor *residential amenity space* may be located on any floor in a multi-purpose room or contiguous multi-purpose rooms, at least one of which contains a kitchen and a washroom.

(8) the following minimum parking space requirements shall be provided and maintained on the *lot* and where the calculation of the number of *parking spaces* required to be provided and maintained by this section results in a fraction of a *parking space*, if equal to or greater than 0.5 it shall be taken to be 1.0 *parking space*, and if the fraction is less than 0.5 it shall be excluded from the required number of parking spaces:

Residents' Parking:

(a)	Studio Units	0.30 *parking spaces per dwelling unit*
(b)	1 Bedroom Units	0.70 *parking spaces per dwelling unit*
(c)	2 Bedroom Units	1.0 *parking spaces per dwelling unit*
(d)	3 Bedroom Units	1.2 *parking spaces per dwelling unit*

Visitor Parking:

(a)	Visitor Parking	0.05 *parking spaces per dwelling unit*

Non-Residential Floor Area: Nil

(9) despite the requirements set forth in subsection (8), no more than 42 *parking spaces* shall be required to be provided on the *lot*.

(10) a minimum of 54 *bicycle parking spaces* shall be provide and maintained on the *lot*, of which;

(i) a total of 41 bicycle parking spaces shall be provided and maintained for the exclusive use of residents and retail occupants of the building, 18 shall be located at grade on the *lot*, and 23 shall be located below grade in the building located on the *lot*;

(ii) a total of 13 *bicycle parking spaces* shall be provided and maintained for the exclusive use of residential visitors and retail visitors, and shall be located at grade on the *lot.*

(11) one *loading space - type G* shall be provided and maintained on the *lot.*

2. None of the provisions of By-law No. 438-86, as amended shall apply to prevent a temporary *sales office* on the lot as of the date of the passing of this By-law.

3. the *owner* shall enter into and comply with one or more agreements with the City pursuant to Section 37 of the Planning Act which are registered on title to the lot to the satisfaction of the City Solicitor to secure the following:

(a) A cash contribution in the amount of $60,000, indexed from the date of the issuance of the Ontario Municipal Board Order, to be paid prior to the issuance of any above grade building permits for the development of the *lot*, such sum to be paid as follows to be used towards one or more of the following capital facilities in the vicinity of the site:

i. $60,000 for streetscape improvements, that are not adjacent to the site, along Woodbine Avenue and Gerrard Street within Ward 32.

such allocation to be determined by the City's Chief Planner in consultation with the Ward Councillor.

The following matters are secured for legal convenience:

(b) the owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as

adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee.

(c) the payments required in clause (a) herein, shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement or, if the site specific by-laws for the project are appealed to the Ontario Municipal Board, from the date of the Board order approving the by-laws, to the date of submission of the funds by the owner to the City.

(d) the payments required in clause (a) shall be paid prior to the issuance of the first above *grade* building permit to permit construction of a building or a portion of a building on the *lot*.

(e) the owner of the lands enters into an agreement with the City of Toronto pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required in Section 3(a) through (e) herein and registers such agreement against title to the *lot* as a first charge, all to the satisfaction of the City Solicitor.

4. Within the lands shown on Map 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

(a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and

(b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance, partition or division occurred.

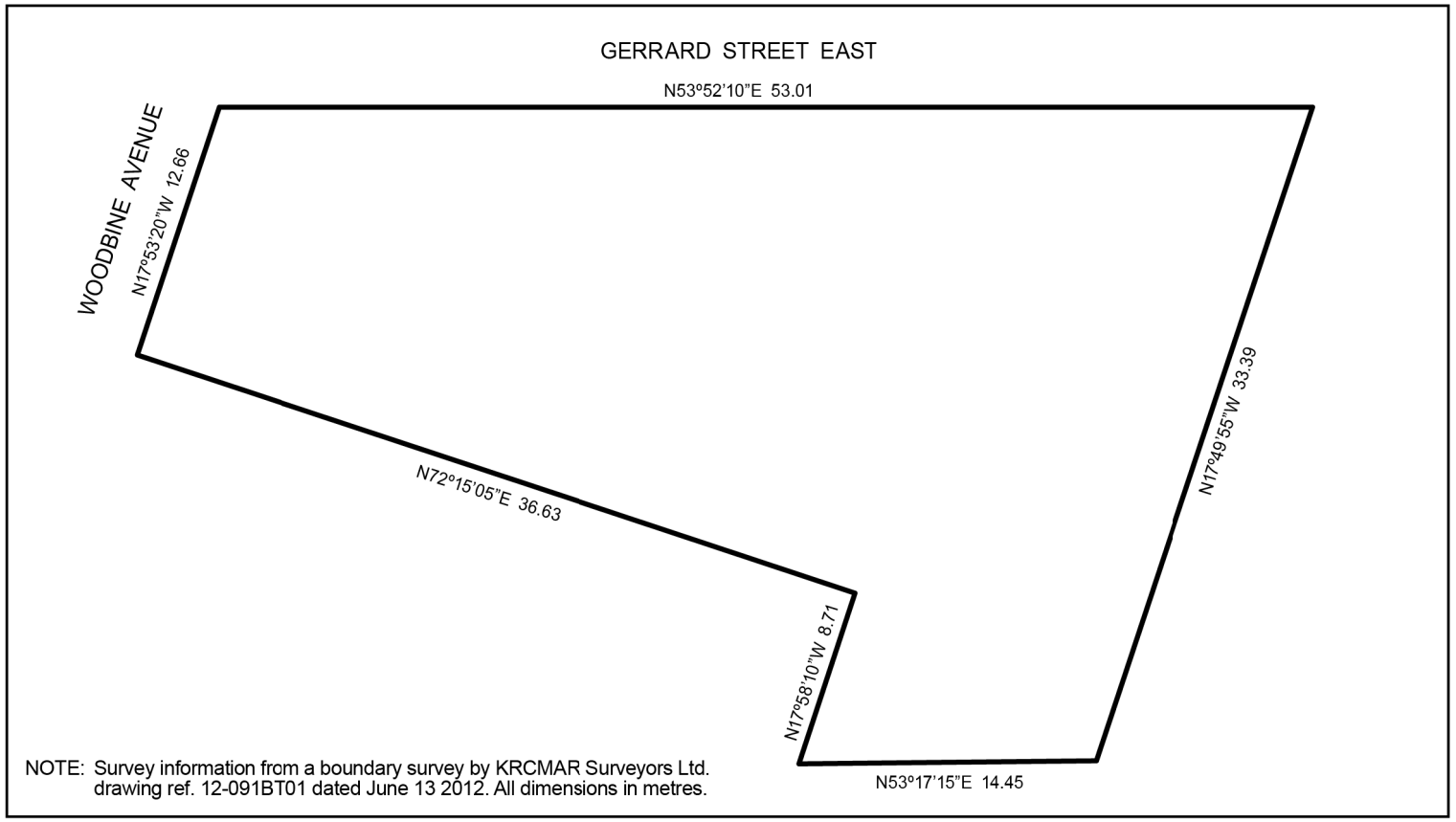
7. Definitions:

For the purposes of this By-law each word or expression that 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, except for the following:

(a) "*established grade*" means geodetic elevation 119.025 metres; and

(b) "*sales office*" means an office located in a building or structure, whether temporary or otherwise, located on the *lot*, used exclusively for the sale of *dwelling units* to be erected on the *lot*.

PURSUANT TO AN ORDER ISSUED , 2009 AND ORDER/DECISION NO. _____ ISSUED ON _____2009 OF THE ONTARIO MUNICIPAL BOARD IN



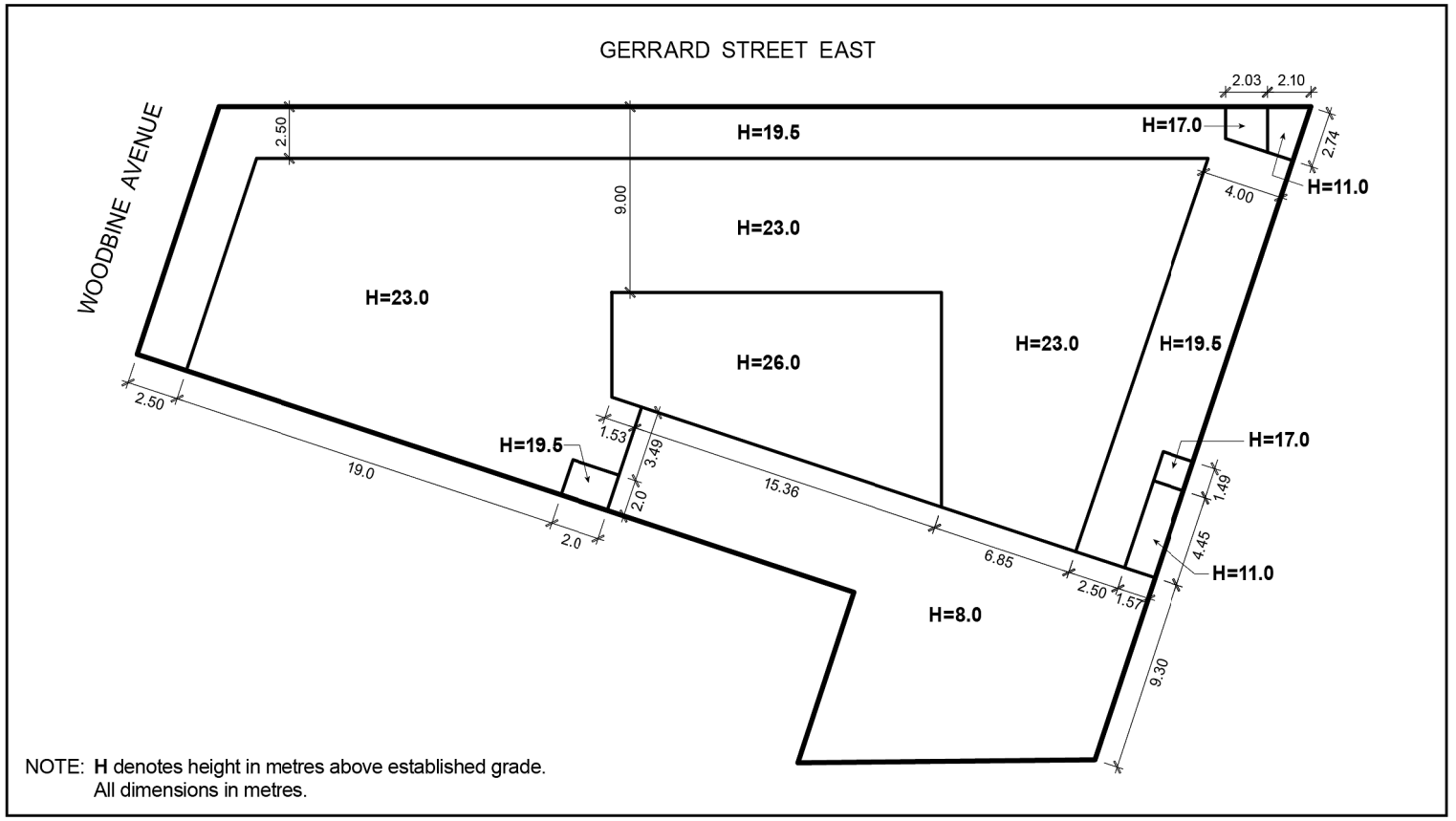
TORONTO City Planning

Map 1

763-765 Woodbine Avenue and 1945-1955 Gerrard Street East

File # 07 235476 OZ

Not to Scale
01/28/2013



TORONTO City Planning

Map 2

763-765 Woodbine Avenue and 1945-1955 Gerrard Street East

File # 07 235476 OZ

Not to Scale
03/07/2013