

Supplementary Report - 1030 and 1040 Islington Avenue - Zoning By-law Amendment Application

Date:	February 22, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	13 274561 WET 05 OZ

SUMMARY

This Supplementary Report provides additional information and amendments to the previously submitted Final Report from the Director, Community Planning, Etobicoke York District, dated February 4, 2016.

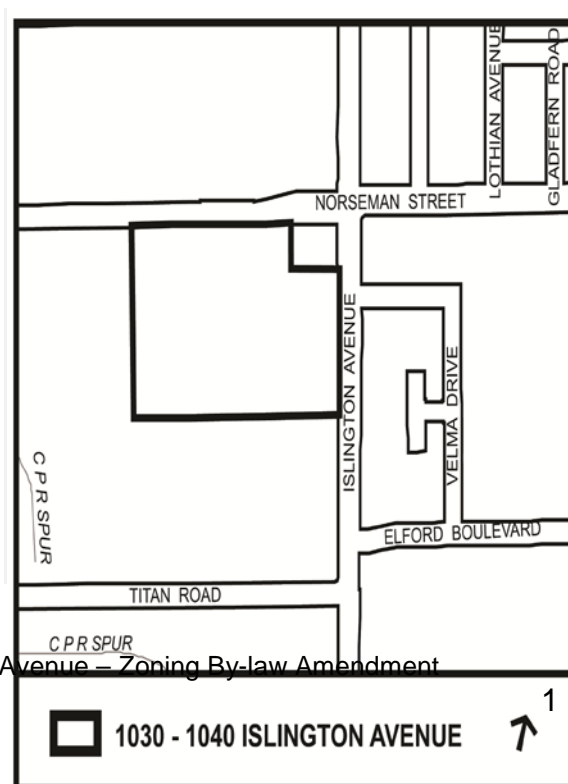
The amendments relate to:

- Draft Zoning By-law Amendments, which were not included in the February 4, 2016 report;
- revisions to the recommended allocation of Section 37 community benefits; and
- the deletion of Recommendation 3(b)(ii.).

RECOMMENDATIONS

The City Planning Division recommends that the Recommendations contained in the report (February 4, 2016) from the Director, Community Planning, Etobicoke York District, be amended as follows:

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1. Recommendation 1 be deleted and replaced with the following:

1. City Council amend the former Etobicoke Zoning Code, for the lands at 1030 and 1040 Islington Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 1 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, for the lands at 1030 and 1040 Islington Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 2 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.

2. Recommendations 3.a.i. and 3.a.ii. be deleted and replaced with:

- i. \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
- ii. \$10,000.00 towards capital improvements to Fairfield Park.

3. Recommendation 3.b. ii. be deleted.

4. The remaining recommendations be renumbered accordingly.

So the Recommendations, as amended, now read as follows:

1. City Council amend the former Etobicoke Zoning Code, for the lands at 1030 and 1040 Islington Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 1 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013, for the lands at 1030 and 1040 Islington Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment 2 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. Prior to site plan approval, the owner shall construct and implement noise abatement measures as described in the Environmental Noise Feasibility Study prepared by Valcoustics Canada Ltd. dated December 11, 2013 to the satisfaction of the Executive Director, Engineering and Construction Services.

5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act*, satisfactory to the Chief Planner and Executive Director, City Planning Division, and the City Solicitor, such agreement to be registered on title to the lands at 1030 and 1040 Islington Avenue, in a manner satisfactory to the City Solicitor to secure the following matters at the owner's expense:
 - a. An indexed cash contribution of \$325,000.00 to be paid to the City prior to the earlier of site plan approval or issuance of the first above-grade building permits, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
 - ii. \$10,000.00 towards capital improvements to Fairfield Park.

The cash contribution identified in '5.a.' above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

In the event the cash contributions referred to '5.a.' above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. 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 Management Committee.

CONTACT

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SIGNATURE

Neil Cresswell, MCIP, RPP
Director of Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment (Former City of Etobicoke Zoning Code)

Attachment 2: Draft Zoning By-law Amendment (City of Toronto Zoning By-law 569-2013)

**Attachment 1: Draft Zoning By-law Amendment
(Former Etobicoke Zoning Code)**

Authority: Etobicoke 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. ~-20~

To amend Etobicoke Zoning Code, as amended, with respect to the lands municipally known in 2016 as 1030 and 1040 Islington Avenue

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. That the zoning map referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), be and the same is hereby amended by changing the classification of parts of the Lands located in the former Township of Etobicoke as described in Schedule 'A' annexed hereto from Class I Industrial Zone (I.C1) to Group Area Fourth Density Residential Zone (R4G) and the following provisions shall apply to the development of the I.C1 and R4G lands identified in Scheduled 'A' attached hereto.

Notwithstanding Sections 304-31, 304-33, 320-18, 320-19, 320-23, 320-69, 320-70 and 320-71 of the Etobicoke Zoning Code, the following development standards shall apply to the I.C1 and R4G Lands described in Schedule 'A' attached hereto.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, the provisions of this By-law shall apply.

2 Definitions

The provisions of Section 304-3 Definitions of the Zoning Code shall apply unless inconsistent with the provisions of this By-law. For the purposes of this By-law the following definitions will apply:

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"Building" means a wholly or ally enclosed structure with a roof supported by walls, columns, piers or other structural systems.

"Building Envelope" means the building area permitted within the setbacks established in this By-law, as shown on Schedule 'B' attached hereto.

"Grade" means the average of the natural, unaltered elevation of the ground level at the intersection of the site lot lines and the minimum front yard setback.

"Gross Floor Area" shall have the same meaning as the Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: mechanical floor area; unenclosed balconies.

"Group Housing" also known as “group dwelling”, two or more dwellings on a lot. means one or a series of more than two attached buildings comprising group housing or townhouse dwellings or both where each building is divided vertically from one another by a party wall and each unit has independent and direct access from the outside.

"Gross Floor Area" means the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor

"Height" means, with respect to each building erected within a Building Envelope, the vertical distance between the grade of the Lands as defined in this By-law and the mid point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, architectural elements, stairs and stair enclosures located on the roof of such building provided the maximum height of the top of such elements is no higher than 3.0 metres above the highest point of the roof surface of the building

"Lands" shall mean the Lands described *in* Schedule "A" attached hereto; and for the purposes of this By-law shall be based on the Lands prior to land dedications and conveyances,

"Main Wall" means any exterior wall of a building, including all structural members essential to the support of a roof over a fully or partly enclosed area,

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls within a building or structure above or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical equipment, elevator shafts, or telecommunications equipment that serve only such building.

"Minor Projections" means minor building elements which may project from the main walls of the buildings into required yards and beyond the Building Envelopes,

including roof eaves, landscape retaining walls, steps and landscape features to within 0.1m from the lot line, decks on the rear of dwelling units to within 2.5 metres of the lot line, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, doors, canopies, exterior stairs and covered ramps, parapets and vents to a maximum projection of 1.5 metres.

3. Permitted Uses

(a) No building or structures shall be erected or used on the Lands with a Zone

Symbol R4G, except for the following uses:

- (i) Group housing, Townhouse Dwelling.
- (ii) Accessory structures, including access roads, television antennae, exterior stairs, garbage enclosures, stair enclosures, noise barriers and ventilation shafts.
- (iii) Nothing in this By-law shall prevent the use of the Lands for a temporary sales office or temporary sale structure for the purpose of marketing and sales related to the group housing permitted on the property, within a building on the same Lands. There shall be no development standards for the temporary sales office or structure.

(b) The following uses shall not be permitted on the Lands with a Zone Symbol I.C1:

- i) educational facilities, schools, colleges and training centres, hotels, places of worship, daycares, hospitals, medical uses, medical office/clinics, playgrounds, community centres, libraries.

4 Gross Floor Area

The maximum total Gross Floor Area permitted in the residential lands with , a Zone Symbol R4G shall be 35,000 square metres.

5 Minimum/Maximum Height

- (a) The maximum building heights above grade to be permitted on the Lands with a Zone Symbol R4G and identified on Schedule 'A', attached hereto, shall be as shown on Schedule 'B', attached hereto.
- (b) The minimum building height above grade to be permitted on the Lands with a Zone Symbol R4G south of the public road and identified on Schedule 'B', attached hereto, shall be 9.0 metres and this minimum height must be provided along the full width of the building.

- (c) The minimum building height above grade to be permitted on the Lands with a Zone Symbol I.C1 and identified on Schedule 'B', attached hereto, shall be 15.1 metres.

6. Setbacks / Floor Plate Restrictions / Building Envelope

- (a) On the Lands with a Zone Symbol R4G and identified on Schedule 'A' attached hereto, no building or structure shall be located other than within the Building Envelopes shown on Schedule 'B'.
- (b) For any building or structure on the Lands with a Zone Symbol R4G south of the public road and identified on Schedule 'A' attached hereto,
 - i) the maximum setback from the south side lot line of the Lands shall be 0.6 metres,
- (c) On the Lands with a Zone Symbol I.C1 and identified on Schedule 'A', attached hereto,
 - i) no building or structure shall be located other than within the Building Envelope shown on Schedule 'B'
 - ii) the maximum distance from the northernmost part of building to the north side lot line of the Lands (Norseman Street) shall be 16.0 metres.
 - iii) the maximum distance from the southernmost part of building to the south side lot line of the Lands (parallel to Norseman Street) shall be 2.0 metres.
- (d) Notwithstanding Section 6 (a) of this By-law, the following provisions shall apply:
 - (i) Any portion of any building or structure, which is located below the finished exterior ground level immediately adjoining such building or structure, may be located outside of the Building Envelope for that building or structure.
 - (ii) Minor Projections shall be permitted to project outside the Building Envelope Permitted accessory structures, canopies, wheelchair and covered ramps, exterior stairs, retaining walls, temporary sales offices, safety railings, and other landscape features shall be permitted outside of the Building Envelopes.

7. Parking and Loading Requirements

- (a) For the Lands with a Zone Symbol I.C1
 - i) Vehicular parking shall be provided at a rate of 1 space for each 100 square metre of gross floor area.

- ii) Bicycle parking spaces shall be provided at a minimum rate 5 per cent of the minimum vehicle parking requirement.
- (b) Minimum vehicle parking stall dimensions, excluding accessible parking stalls, shall be 3.9 metres wide, 5.6 metres in perpendicular length, with a minimum 6.0 metres wide access aisle. A vertical clearance of 2.1 metres shall apply.
 - i) A minimum of 1 parking space for every 25 parking spaces or part thereof must comply with the minimum dimensions for an accessible parking space.

8. Landscaping

- (a) For the Lands with a Zone Symbol R4G a minimum 35% of the Lands shall be reserved for Landscaped Open Space.
- (b) Notwithstanding Section 6 (a) of this By-law, solid acoustic barriers of at least 9 metres in height shall be provided and constructed as shown on Schedule "B" as attached.

Section 37

9. The density of development permitted by this By-law is subject to the Owner of the land, at its expense, providing the following capital facilities and/or cash contributions toward specific capital facilities pursuant to Section 37 of the *Planning Act* as follows:

- c. An indexed cash contribution of \$325,000.00 to be paid to the City prior to the earlier of site plan approval or issuance of the first above-grade building permits, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
 - ii. \$10,000.00 towards capital improvements to Fairfield Park.

The cash contribution identified in '9.a.' above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

In the event the cash contributions referred to '9.a.' above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified

in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:

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 Management Committee.

- e. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in '9.a.' above and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- f. Where '9.a.' above of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- g. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of '9.a.' above are satisfied.
10. Within the Lands with a Zone Symbol of R4G shown on Schedule 'A' 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.
11. Nothing in this By-law shall apply to prevent the phased construction of the development provided that the requirements of the By-law are complied with upon full development, except that any phasing must comply with the provisions of Section 10 of this By-law.

12. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
13. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

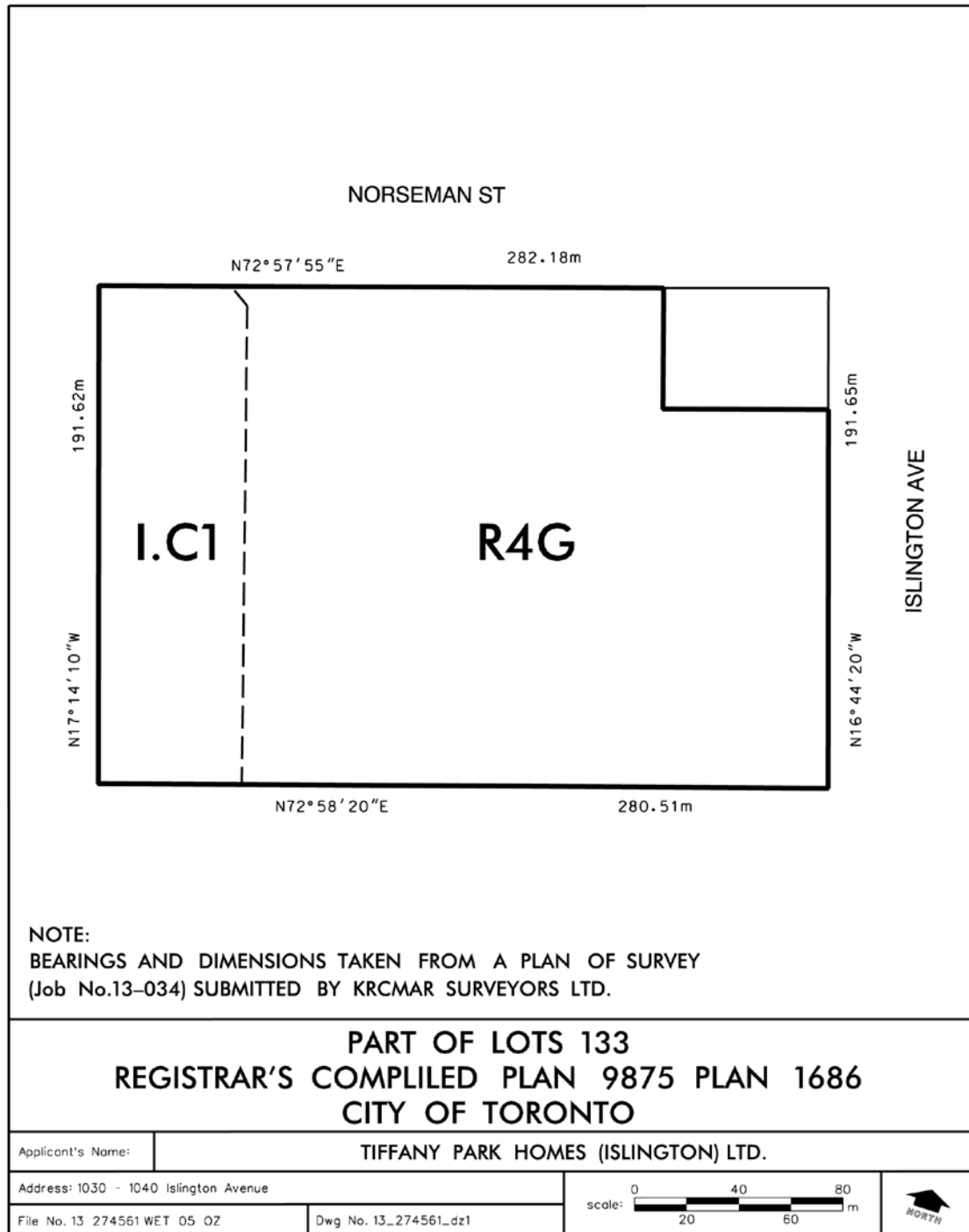
BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
- 2016	Lands located on the west side of Islington Avenue south of Norseman Street known as 1030 and 1040 Islington Avenue.	To rezone 1030 and 1040 Islington Avenue from I.C1 to I.C1 and R4G subject to site specific development standards to permit employment and residential development.
- 2016		

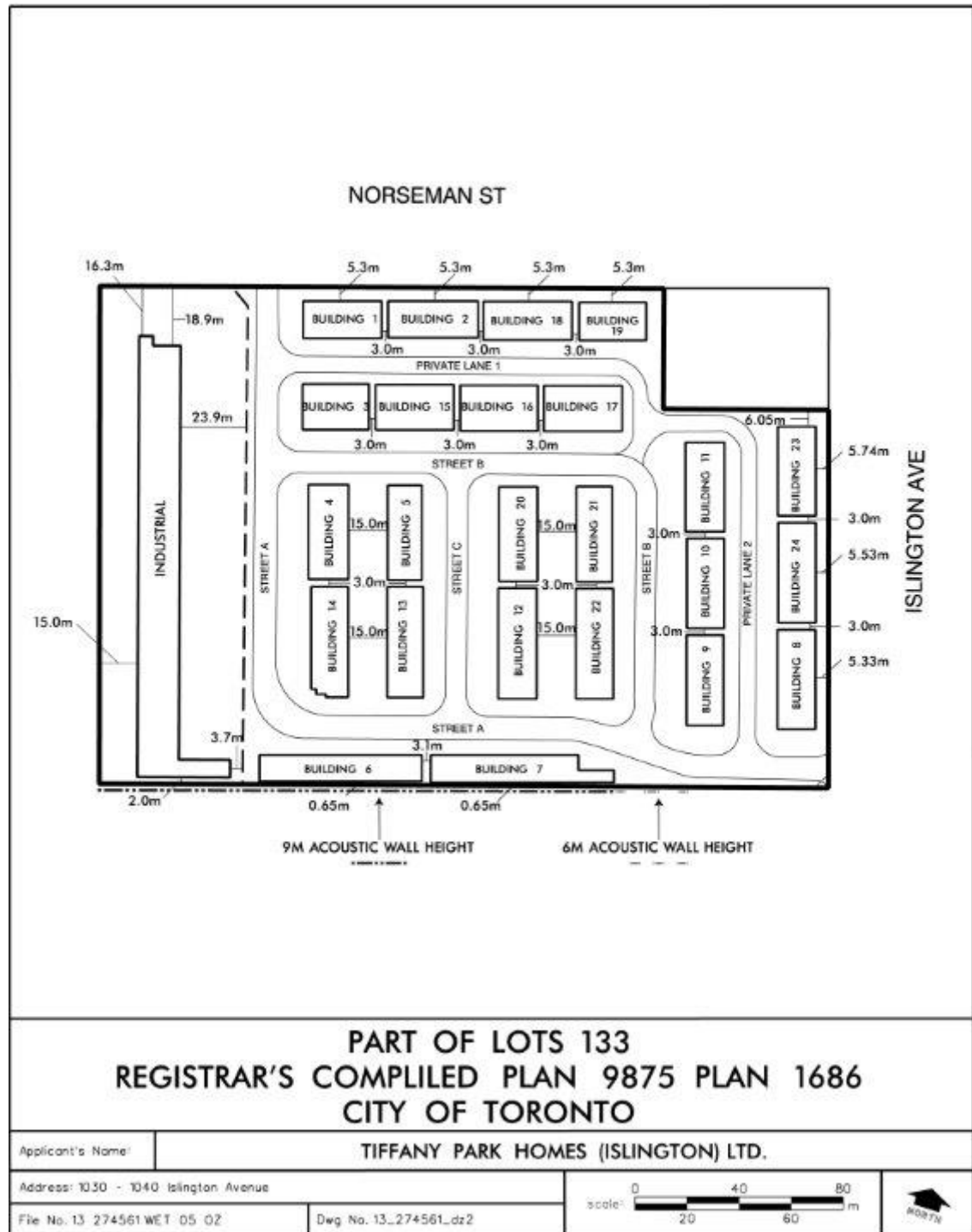
ENACTED AND PASSED this ~ day of ~ , 2016

JOHN TORY
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)





**Attachment 2: Draft Zoning By-law Amendment
(City of Toronto Zoning By-law 569-2013)**

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto Council on ~, 2016.

Enacted by Council: ~, 2016

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ - 2016

To amend Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2016 as, 1030 and 1040 Islington Avenue

Whereas Council of the City of Toronto has the authority to pursuant to 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 the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development;

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out 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 and matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

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

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1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The lands are amended by lifting the exemption on the lands from Zoning By-law 569-2013.
3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: RT(d0.75)(x77), and EL(x55) as shown on Diagram 2 attached to this By-law; and
4. Zoning By-law 569 -2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height and storey label to these lands: “HT 12.4, ST 3” for the RT portion, and “HT 15.1 m, ST 2” for the EL portion, as shown on Diagram 3 attached to this By-law;
5. For the purposes of the By-law Section 10.5, Chapter 200, Table 200.5.10.1, Chapter 220, and Section 220.5.10 shall not apply.
5. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.5.10.77 Exception Number 77 so that it reads:

Exception RT (x77)

Notwithstanding Sections 10.60.20, 10.60.20.20, 10.60.20.100, 10.60.30, 10.60.30.10, 10.60.30.20, 10.60.30.40, 10.60.40.10, 10.60.40.40, 10.60.40.70, 10.60.40.80, 10.60.40.81 of Zoning By-law 569-2013, the following development standards shall apply:

(A) Former City of Etobicoke by-law [Clerks to supply by-law #]

6. Zoning By-law 569-2013, as amended, is further amended by amending Article 900.5.10.77 Exception Number 5 so that it reads:

Exception EL (x5)

Notwithstanding Sections 60.10, 60.10.20, 60.10.20.10, 60.10.20.20, 60.10.20.100, 60.10.30, 60.10.30.20, 60.10.30.21, 60.10.40.10, 60.10.40.11, 60.10.40.70, 60.10.40.71, 60.10.50.10, 60.10.60.10, 60.10.80, 60.10.90 of Zoning By-law 569-2013, the following development standards shall apply:

(A) Former City of Etobicoke by-law [Clerks to supply by-law #]

7. Section 37 Provisions

- a. An indexed cash contribution of \$325,000.00 to be paid to the City prior to the earlier of site plan approval or issuance of the first above-grade building permits, to be allocated in Ward 5 Etobicoke-Lakeshore, generally as follows:
 - i. \$315,000.00 towards streetscape improvements along The Queensway between Islington Avenue and Royal York Road; and
 - ii. \$10,000.00 towards capital improvements to Fairfield Park.

The cash contribution identified in '7.a.' above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

In the event the cash contributions referred to '7.a.' above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purposes are identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
 - i. 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 Management Committee.
- c. Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 2 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in '7.a.' above and which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

- d. Where '7.a.' above of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- e. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of '7.a.' above are satisfied.

ENACTED AND PASSED this ~ day of ~ , 2016

JOHN TORY
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)

