

Deletions noted

[City Council](#) adopted this item on March 10, 2016 with amendments.

- This item was considered by the [North York Community Council](#) on February 23, 2016 and adopted without amendment. It will be considered by City Council on March 10, 2016.

City Council consideration on March 10, 2016

NY12.35	ACTION	Amended		Ward:33
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Final Report - Official Plan and Zoning By-law Amendment Applications, Rental Housing Demolition Application and Plan of Subdivision Application - 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2- 24, 30-44, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway

City Council Decision

City Council on March 10, 2016, adopted the following:

1. City Council amend the Official Plan and Sheppard East Subway Corridor Secondary Plan for the lands at 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway substantially in accordance with the draft Official Plan Amendment 341 attached as Attachment 29 to the report (February 4, 2016) from the Director, Community Planning, North York District, with Attachment 29 amended as follows:
 - a. the third paragraph of section 3, subsection 4.2.6.2 by, replacing "On" in the first line with: "Subject to Section 3.2.1.7 of the Official Plan, on", and by adding after "lot" in the last line: " provided amongst other matters, an agreement pursuant to Section 37 of the Planning Act, to the satisfaction of the City shall be entered into and registered on title to the lands which shall include amongst other matters, a requirement that the owner of the lands provide and maintain replacement social housing dwelling units, all of which have rents geared to income".
2. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to:

- a. enter into an Agreement pursuant to Section 37 of the Planning Act, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
 - i. prior to the issuance of the first above-grade building permit for any building on the Apartment Neighbourhood portion of the site, the owner shall pay to the City the sum of \$1,100,000 to be allocated towards capital improvements in the vicinity of the development site and towards on-site public art, as follows:
 - a. improvements to the East Don River Trail system in the vicinity of the site including the removal of the existing stairs that connect the site to the existing trail system and the construction of new stairs that align with the proposed pedestrian walkway from the courtyard of the condominium;
 - b. streetscape improvements along the west side of Leslie Street between the development site and Sheppard Avenue East which include improvements to the existing pedestrian/cycling entrances to the East Don River Trail system, such streetscape improvements may also include removal of the existing guard rail on the Leslie Street public boulevard;
 - c. ~~an on-site public art installation through Arts Starts, a non-profit community building group within the Villaways; and~~
 - d. \$200,000 of the contribution to be directed towards eligible on-site improvements to be identified through a participatory budgeting process with the Ward Councillor.

The allocation of the remaining \$900,000 shall be determined in consultation with the Ward Councillor and appropriate City Divisions and external agencies and to the satisfaction of the Director, Community Planning, North York District.

The financial contribution shall be indexed in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the Owner to the City.

5. The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:
 - a. the gross floor area of the indoor private recreational amenity area for the condominium building is exempted from the calculation of gross floor area;
 - b. ~~prior to the issuance of the first building permit for the site, the Owner shall convey approximately 3,174m² of land (Block E on the Draft Plan of Subdivision), at nominal cost, to the Toronto and Region Conservation Authority to the satisfaction of the City Solicitor and Toronto and Region Conservation Authority;~~

- c. the Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by 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;
- d. the provision and maintenance, including the conveyance to the City of a public easement and rights of support, at nominal cost of a Privately Owned Public Open Space (POPS) on the southern portion of the lands having a minimum area of 707m2 and designed to include a playground facility to be completed, ready for use and such conveyance to be completed, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- e. the Owner shall provide and maintain one hundred and fifteen (115) replacement social housing units on the 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 3753 Grado Villaway and 1-29, 2-28 Tomar Villaway site for a period of at least 25 years, all of which will have rents geared to income, comprising the following:

Unit Type	Number of Units
3-Bedroom Townhouse	28
3-Bedroom Apartment	60
4-Bedroom Townhouse	20
4-Bedroom Apartment	7
Total	115

- i. where a 3-Bedroom replacement social housing unit shall not comprise less than 790 square feet, with all 3-Bedroom units having an average of 1,081 square feet;
- ii. where a 4-Bedroom replacement social housing unit shall not comprise less than 1,040 square feet, with all 4-Bedroom units having an average of 1,187 square feet; and
- iii. with all detailed floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning;
- f. the Owner shall provide and maintain six (6) replacement social housing units on the 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road site for a period of at least 25 years, all of which will have rents geared to income, comprising the following:

Unit Type	Number of Units
3-Bedroom Apartment	3
4-Bedroom Apartment	3
Total	6

The social housing units shall be provided in accordance with more detailed terms as set forth in the draft zoning by-law attached as Attachment 30 to the

report (February 4, 2016) from the Director, Community Planning, North York District, and also as set out below:

i. ~~prior to any residential use of the market building approved for development, subject of the draft zoning by-law as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District, 115 social housing replacement units shall be completed and ready for occupancy; and~~

ii. ~~prior to any residential use of "Building D" approved for development at 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road as referenced in By-law 615-2013 the remaining 6 social housing replacement units on the 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road site shall be completed and ready for occupancy; and~~

g. the Owner shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms set forth in the draft zoning by-law attached as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District; and

h. the Owner shall prepare a Construction Mitigation and Tenant Communication Strategy, prior to the issuance of the first building permit in each phase of the construction, to the satisfaction of the Chief Planner and Executive Director, City Planning.

6. City Council approve the application to demolish the 121 existing residential units located at 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for the replacement of rental housing:

a. the Owner shall provide and maintain one hundred and fifteen (115) replacement social housing units on the on the 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 3044, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway site for a period of at least 25 years, all of which will have rents geared to income, comprising the following:

Unit Type	Number of Units
3-Bedroom Townhouse	28
3-Bedroom Apartment	60
4-Bedroom Townhouse	20
4-Bedroom Apartment	7
Total	115

i. where a 3-Bedroom replacement social housing unit shall not comprise less than 73.3 square metres, with all 3-Bedroom units having an average of 100 square metres;

ii. where a 4-Bedroom replacement social housing unit shall not comprise less than 96.6 square metres, with all 4-Bedroom units having an average of 110 square metres; and

iii. with all detailed floor plans to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. the Owner shall provide and maintain six (6) replacement social housing units on the 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road site for a period of at least 25 years, all of which will have rents geared to income, comprising the following:

Unit Type	Number of Units
3-Bedroom Apartment	3
4-Bedroom Apartment	3
Total	6

c. the Owner shall provide tenant relocation assistance including the right for eligible tenants to return to a replacement social housing unit to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration, and as further detailed in the draft by-law attached as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District;

d. the Owner shall enter into and register one or more Section 111 Agreement(s) to secure the conditions outlined in Parts 6.a., 6.b., and 6.c. above, and as described in the draft zoning by-law amendment (Attachment 30 to the report dated February 4, 2016, from the Director Community Planning, North York District) to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning; and

~~e. the Owner shall enter into and register, a Section 118 Restriction under the Land Titles Act (to the satisfaction of the City Solicitor) agreeing not to transfer or charge those parts of the lands, comprising the 115 replacement social housing units, without the written consent of the Chief Planner and Executive Director, City Planning or designate, to assist with securing the Section 111 Agreement against future Owners and encumbrances of the lands.~~

f. the Owner shall provide and maintain six (6) replacement social housing units on the 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road site for a period of at least 25 years, all of which will have rents geared to income, comprising the following:

Unit Type	Number of Units
3-Bedroom Apartment	3
4-Bedroom Apartment	3
Total	6

The social housing units shall be provided in accordance with more detailed terms as set forth in the draft zoning by-law attached as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District, and also as set out below:

- i. prior to any residential use of the market building approved for development, subject of the draft zoning by-law as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District, 115 social housing replacement units shall be completed and ready for occupancy; and
- ii. prior to any residential use of "Building D" approved for development at 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road as referenced in By-law 615-2013 the remaining 6 social housing replacement units on the 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road site shall be completed and ready for occupancy.

7. City Council authorize the City Solicitor to amend the Section 37, Section 118 and Section 111 Agreements at 3, 5, 11, 17, 21 Allenbury Gardens and 3, 5 Kingslake Road to secure the matters in Part 6.b. above.
8. City Council authorize the Chief Planner and Executive Director, City Planning to issue preliminary approval to the application under Municipal Code Chapter 667 for any of the existing rental housing buildings in any specific phase of the development after the latest of the following has occurred:
 - a. the satisfaction of the conditions in Part 6 above;
 - b. the Official Plan and Zoning By-law Amendments in Parts 1 and 2 above have come into full force and effect; and
 - c. ~~the Owner has obtained site plan approval satisfactory to the Chief Planner and Executive Director, City Planning, for the development agreed to by City Council in this decision at 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 37-53 Grade Villaway and 1-29, 2-28 Tomar Villaway, subject of the draft zoning by law as Attachment 30 to the report (February 4, 2016) from the Director, Community Planning, North York District.~~
9. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning, has issued the preliminary approval in Part 8 above for any of the existing social housing buildings in any specific phase of the development.
10. ~~City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a permit under Section 33 of the Planning Act no earlier than issuance of the first building permit for the foundation of the development, and after the Chief Planner and Executive Director, City Planning has given the preliminary approval in Part 8 above which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:~~

- a. ~~the Owner erect a residential building on site no later than three (3) years from the day demolition of the buildings is commenced; and~~
- b. ~~should the Owner fail to complete the new building within the time specified in condition 10a. above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of \$20,000 for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.~~

11. City Council request the Executive Director, Social Development, Finance and Administration, to co-ordinate the corporate actions required for the Revitalization of 1-35, 45-69, 6-66 Adra Villaway and 1-25, 2-24, 30-44, 37-53 Grado Villaway and 1-29, 2-28 Tomar Villaway, in conjunction with appropriate City Divisions and the Toronto Community Housing Corporation.

12. City Council authorize the appropriate City officials to take such actions as are necessary to implement the Council's decision, including execution of the Section 37 and Section 111 Agreements.

13. In accordance with the delegated approval under By-law 229-2000, as amended, City Council be advised that the Chief Planner and Executive Director, City Planning intends to approve the draft plan of subdivision as generally illustrated on Attachment 3 to the report (February 4, 2016) from the Director, Community Planning, North York District, subject to:

- a. the conditions as generally listed in Attachment 31 to the report (February 4, 2016) from the Director, Community Planning, North York District, which except as otherwise noted must be fulfilled prior final approval and the release of the plan of subdivision for registration; and
- b. any such revisions to the proposed subdivision plan or any such additional modified conditions as the Chief Planner and Executive Director, City Planning may deem to be appropriate to address matters arising from the on-going technical review of this development.

14. City Council request the Director, Affordable Housing Office to work with Toronto Community Housing Corporation staff to provide up to seven home ownership assistance loans to eligible Toronto Community Housing Corporation residents in the market building as part of the Leslie Nymark re-development.