

1603 – 1607 Eglinton Avenue West – Zoning Amendment Application – Final Report

Date: June 14, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward no. 15 – Eglinton-Lawrence

Planning Application Number: 09 199813 NNY 15 OZ

SUMMARY

This application proposes to amend the zoning by-law in order to amend Section 37 provisions of Site Specific Zoning By-law 998-2011 for 1603-1607 Eglinton Avenue West.

The purpose of the amendment is to allow a cash contribution originally directed toward the provision of monthly TTC transit passes for a period of 12 months to be instead applied to local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

The proposal addresses a City Council motion from its meeting of May 22, 23, 24, 2018, requesting City Planning to bring forward a zoning by-law amendment to amend the Section 37 provisions of Site Specific Zoning By-law 998-2011 for 1603-1607 Eglinton Avenue West.

This report reviews and recommends approval of the amendment to the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law #998-2011, for the lands at 1603-1607 Eglinton Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. The Owner be required to enter into a Section 37 Amending Agreement reflecting the changes set out in the Zoning By-law Amendment to the satisfaction of the City Solicitor.
4. The amendment is technical in nature and Council is being requested to determine that no further notice is required pursuant to Section 34(17) of the *Planning Act*.
5. City Council authorize the appropriate City Officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 Amending Agreement.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

A zoning by-law amendment application (File # 09-199813 NNY 15 OZ) was made to the City of Toronto on December 24, 2009 proposing a 14-storey mixed-use building and 12 street townhouses (a total of 172 residential units) for the lands at 1603 and 1607 Eglinton Avenue West. The application was appealed to the Ontario Municipal Board (OMB) on May 27, 2010. On July 6, 2010, City Council passed a motion supporting a settlement with the applicant. The OMB approved the application as submitted on December 23, 2010 (File # PL100535) for a 14-storey building and 12 street townhouses.

On February 21, 2013, application was made to the City of Toronto, North York Committee of Adjustment (File # 13-122527 000 00 MV / A133/13NY) to modify the proposed development and permit a 16 storey building, with an 8-storey base along Eglinton Avenue West and seven 3-storey townhouses fronting onto Lanark Avenue. The application also proposed the inclusion of a City owned

Green P parking lot at grade, over which the proposed development would be cantilevered. The Committee of Adjustment approved the minor variance application on May 8, 2013.

As a result of the OMB settlement and implementing zoning by-law amendment, a Section 37 Agreement between the City and the owner, Empire Communities, was entered into to secure community benefits (the "Section 37 Agreement"). Among the community benefits secured through the application was an agreement to provide a monthly TTC transit pass for each residential tenancy for a period of 12 months. The total amount for this Section 37 provision has been determined to total \$384,345.00 ($\$146.25 \text{ per pass} \times 12 \text{ months} \times 219 \text{ units} = \$384,345.00$).

A copy of the OMB ordered Zoning By-law Amendment 998-2011 (OMB) decision can be found as Attachment 2 to this report.

At its meeting of May 22, 23, 24, 2018, City Council adopted a motion from local Councillor Colle directing staff to bring forward a zoning by-law amendment for 1603 and 1607 Eglinton Avenue West to amend the Section 37 provisions of Site Specific Zoning By-law 998-2011 to permit a cash contribution originally directed towards a monthly TTC transit pass for each residential tenancy to be applied to local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue.

A link to the City Council direction can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.MM41.34>

COMMENTS

The owner has commenced construction of the development contemplated by Site Specific Zoning By-law 998-2011 for 1603-1607 Eglinton Avenue. The Section 37 cash contribution in the amount of \$384,345.00 required prior to issuance of an above grade building permit for a monthly TTC transit pass per residential unit has been paid to the City. The funds have not been allocated. The owner, City staff, and the Ward Councillor have agreed that the cash payment of \$384,345.00 would be more appropriate to direct toward local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue.

Amendments to Appendix "1" Section 37 Provisions of Site Specific Zoning By-law 998-2011 as well as the Section 37 Agreement are required to implement this change.

Appendix "1" Section 1, Subsection 1.2 of Site Specific Zoning By-law 998-2011 provides that amongst other matters:

Monthly Transit Pass

The Owner agrees to provide a monthly transit pass at no cost to the tenant for each residential tenancy for a period of 12 months, such transit pass to run with the unit for that period, irrespective of who may be occupying that unit.

City Planning staff in consultation with the Ward Councillor, are recommending that the wording of Appendix "1" Section 1, Subsection 1.2 of the Site Specific Zoning By-law 998-2011 be revised to the following:

Public Realm, Public Art and Local Community Improvements

"The owner agrees to provide a cash contribution of \$384,345.00 which will be directed towards local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue."

A corresponding change is proposed to the Section 37 Agreement.

These amendments to Site Specific Zoning By-law 998-2011 and the Section 37 Agreement are necessary to allow the option to redirect funds to much needed local park improvements, streetscape improvements, public library improvements and public art in the area surrounding the development. The property owner has been consulted and is in agreement with this revision.

Reallocating the funds provides the benefit of securing additional improvements to local parks, streetscape, public libraries and for public art in the Eglinton Avenue West and Oakwood Avenue community.

An amendment to the Section 37 Agreement is necessary to reallocate the Section 37 funds as outlined above. The Site Specific Zoning By-law will need to be amended in order to revise the Section 37 provisions and provide authority for amending the Section 37 Agreement. The amending Section 37 Agreement will be drafted in consultation with City Planning, Legal Services, and the property owner, and will be registered on title.

This amendment will not result in a change to the proposed development, presently under construction, but is required to reassign Section 37 contributions towards local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue.

As this is a matter that is technical in nature, it is recommended that Council determine that no further notice is required pursuant to Section 34(17) of the *Planning Act*.

CONTACT

Ben DiRaimo, Senior Planner, Tel. No.416-395-7119, Fax No.416-395-7155,
E-mail:ben.diraimo@toronto.ca

SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Draft Zoning By-law Amendment

Attachment 2: OMB ordered Zoning By-law Amendment 998-2011 (OMB)

Attachment 3: Location Map

Attachment 1: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of
Toronto Council on ~, 2018

Enacted by Council: ~ 2018

Bill No. ~

CITY OF TORONTO BY-LAW No. --2018

To amend Site Specific Zoning By-law No. 998-2011, as amended, with respect to the lands municipally known as, 1603 and 1607 Eglinton Avenue West

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 enacts as follows:

Appendix "1" Section 1, Subsection 1.2 be deleted and replaced with the following:

Public Realm, Public Art and Local Community Improvements

1.2 The owner agrees to provide a cash contribution of \$384,345.00 which will be directed towards local park improvements, streetscape improvements, public library improvements and public art in the area surrounding Eglinton Avenue West and Oakwood Avenue."

ENACTED AND PASSED this ~ day of ~, A.D. 2018.

JOHN TORY, ULLI S. WATKISS,
Mayor City Clerk
(Corporate Seal)

CITY OF TORONTO

BY-LAW No. 998-2011(OMB)

To amend the former City of York Zoning By-law No. 1-83, as amended, with respect to lands municipally known as 1603 Eglinton Avenue West.

WHEREAS the Ontario Municipal Board by Decision/Orders issued on November 30, 2010, December 23, 2010 and July 6, 2011, pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of York Zoning By-law No. 1-83 with respect to lands municipally known, in the year 2010, as 1603 Eglinton Avenue West; and

WHEREAS pursuant to Section 37 of the Planning Act, a By-law passed under Section 34 of the Planning Act may authorize increases in the height or density of development beyond that otherwise permitted by the by-law 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 or matters in return for an increase in the height or density of development, a 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 lands known at the date of enactment of this By-law as 1603 Eglinton Avenue West (the "Lands") has elected to provide the facilities, services or matters as are set out in this By-law; and

WHEREAS the increase in height and density of development permitted under this By-law beyond that otherwise permitted on the Lands by By-law No. 1-83, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the owner of the Lands and the City of Toronto;

The Ontario Municipal Board orders as follows:

1. Pursuant to Section 37 of the Planning Act, the heights and density of development permitted in this By-law are permitted subject to compliance with all the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense and in

accordance with and subject to the agreement with the City referred to in this By-law.

2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Appendix 1 hereof, the lot is subject to the provisions of this By-law.
3. Except as otherwise provided herein, the provisions of the By-law No. 1-83, as amended, shall continue to apply to the lot.
4. None of the provisions of Subsection 2(2a), (4), (54), (56), (59), (64) and (86d), Subsection 3.2.1 (v) and (a)(i) with respect to parking space size and requirements for a den, Subsection 3.3.1(a) and (b), Subsection 3.3.2, Subsections 3.4.7(a)(l) and (5), Subsection 3.4.15, Sections 5, 6, and 12.3 of By-law No. 1-83 of the former City of York, 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 former City of York, as amended, shall apply to prevent the erection and use of an apartment house and street townhouse on the lot, which is zoned MCR provided:
 - (1) the lot consists of at least the lands delineated by heavy lines on the attached Map 1;
 - (2) a temporary new home sales and marketing office is permitted on the lot accessory to the apartment-house permitted herein provided it does not exceed a gross floor area of 300 square metres and a height of building of one full storey and shall not be permitted once an apartment-house is erected or used on the lot shown on Map 2 attached hereto;
 - (3) not more than 172 dwelling units and 12 street townhouse units are erected and used on the lot;
 - (4) non-residential permitted uses shall include the following:
 - (i)
 - retail store,
 - office,
 - restaurant, restaurant licensed, take-out establishment, bake-shop,
 - commercial school,
 - any accessory to any of the foregoing uses;

- (ii) maximum non-residential gross floor area shall not exceed 1,425 square metres;
- (5) the gross floor area erected on the lot shall not exceed 16,575 square metres, which is exclusive of amenity space erected and used in the building for the exclusive use of residents of the building, mechanical/electrical and telecommunications purposes, loading facilities, storage and parking of motor vehicles and bicycles, below established grade storage lockers, moving rooms, garbage/recycling rooms, elevator lobbies, vestibules, corridors and exit stairs;
- (6) no portion of the building or structure erected on the lot or used above established grade is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2;
 - (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
 - (iii) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.0 metres beyond the heavy lines shown on Map 2, provided that such balcony does not project beyond the boundary of the lot;
- (7) no person shall erect or use a building or structure above established grade on the lot having a greater height of building in metres than the height of building in metres specified by the numbers following the symbol H on Map 2 attached hereto;
- (8) in addition to the height of building restrictions in subsection (6) herein, the maximum height of building of the apartment-house shall be 14 storeys, exclusive of parking levels, mechanical rooms, and any retail mezzanine level;
- (9) parking spaces shall be provided and maintained on the lot in accordance with the following:
 - (i) Resident Parking: a minimum of 98 parking spaces

Non-residential and resident visitor parking: a minimum of 20 parking spaces

- (ii) Required parking for non-residential uses may be shared with visitor parking for the apartment house.

(10) loading space shall be provided and maintained on the lot in accordance with the following:

- (i) 1 type "G" loading space

(11) amenity space shall be provided and maintained on the lot within the building and as shown on Map 2 attached hereto for the exclusive use of all residents of the building with equal access to such space provided to all residents of the building, in accordance with the following standards:

- (i) a minimum of 2.0 square metres of indoor residential amenity space for each dwelling unit erected, and
- (ii) a minimum of 2.0 square metres of outdoor residential amenity space for each dwelling unit;

(12) bicycle parking spaces shall be provided and maintained on the lot in the building as shown on Map 2 attached hereto for use without charge by the residents and visitors to the building in accordance with the following standards:

- (i) a maximum of 103 bicycle parking space-occupant, and
- (ii) a minimum of 0.15 bicycle parking spaces - visitor.

5. Definitions:

(1) For the purposes of this By-law, the terms set forth in italics, subject to Section 5(2) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 1-83, as amended:

(2) The following definitions shall apply:

- (a) "apartment-house" shall mean a building, other than an apartment-hotel, erected for the purpose of providing dwelling units, together with required indoor residential

amenity space, underground parking spaces to serve the residents and visitors of such building;

- (b) "bicycle parking space-occupant" means an area that is equipped with a bicycle rack or locker for the purpose of parking and securing bicycles for residents, and
 - a. where the bicycles are to be parked on a horizontal surface, has horizontal dimensions of at least 0.6 metres by 1.8 metres and a vertical dimension of at least 1.9 metres, and
 - b. where the bicycles are to be parked in a vertical position, has horizontal dimensions of at least 0.6 metres by 1.2 metres and a vertical dimension of at least 1.9 metres;
- (c) "bicycle parking space - visitor" means an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles and may be located outdoors or indoors but not within a secured room, enclosure or bicycle locker;
- (d) "established grade" shall mean 167.46 metres Canadian Geodetic Datum;
- (e) "indoor residential amenity space" shall mean an enclosed common area or areas within the building, at least one of which contains a kitchen and a washroom, which are provided for the exclusive use of residents of a building on the lot for recreational or social purposes;
- (f) "loading space - type G" shall mean a loading space with a length of at least 13 metres, a width of at least 4 metres and a vertical clearance of at least 6.1 metres;
- (g) "lot" shall mean the -lands delineated by heavy lines on the attached Map 1 to this By-law; and
- (h) "outdoor residential amenity space" shall mean an unenclosed common area or areas on the lot which are provided for the exclusive use of residents of a building on the lot for recreational or social purposes.

6. Despite any existing or future severance, partition, or division of the lot, the provisions of this By-law shall continue to apply to the whole of the lot

as if no severance, partition, or division occurred included, but not limited to the future 3.44 metre widening on Eglinton Avenue West.

7. Building permit issuance with respect to the lands to which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

PURSUANT TO THE DECISION/ORDERS OF THE ONTARIO MUNICIPAL BOARD ISSUED ON NOVEMBER 30, 2010, DECEMBER 23, 2010 AND JULY 6, 2011 IN BOARD FILE NO. PL100535.

Appendix "1"

Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot 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 City with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding and registration and priority of agreement:

1. Cash Contribution

Capital Contributions

- 1.1. The Owner agrees that it shall make a cash contribution to the City of Two thousand dollars (\$2,000) per unit, which amount shall be payable on the issuance of the First Above-Grade Building Permit.

Monthly Transit Pass

- 1.2. The Owner agrees to provide a monthly transit pass at no cost to the tenant for each residential tenancy for a period of 12 months, such transit pass to run with the unit for that period, irrespective of who may be occupying that unit.

2. Public Art

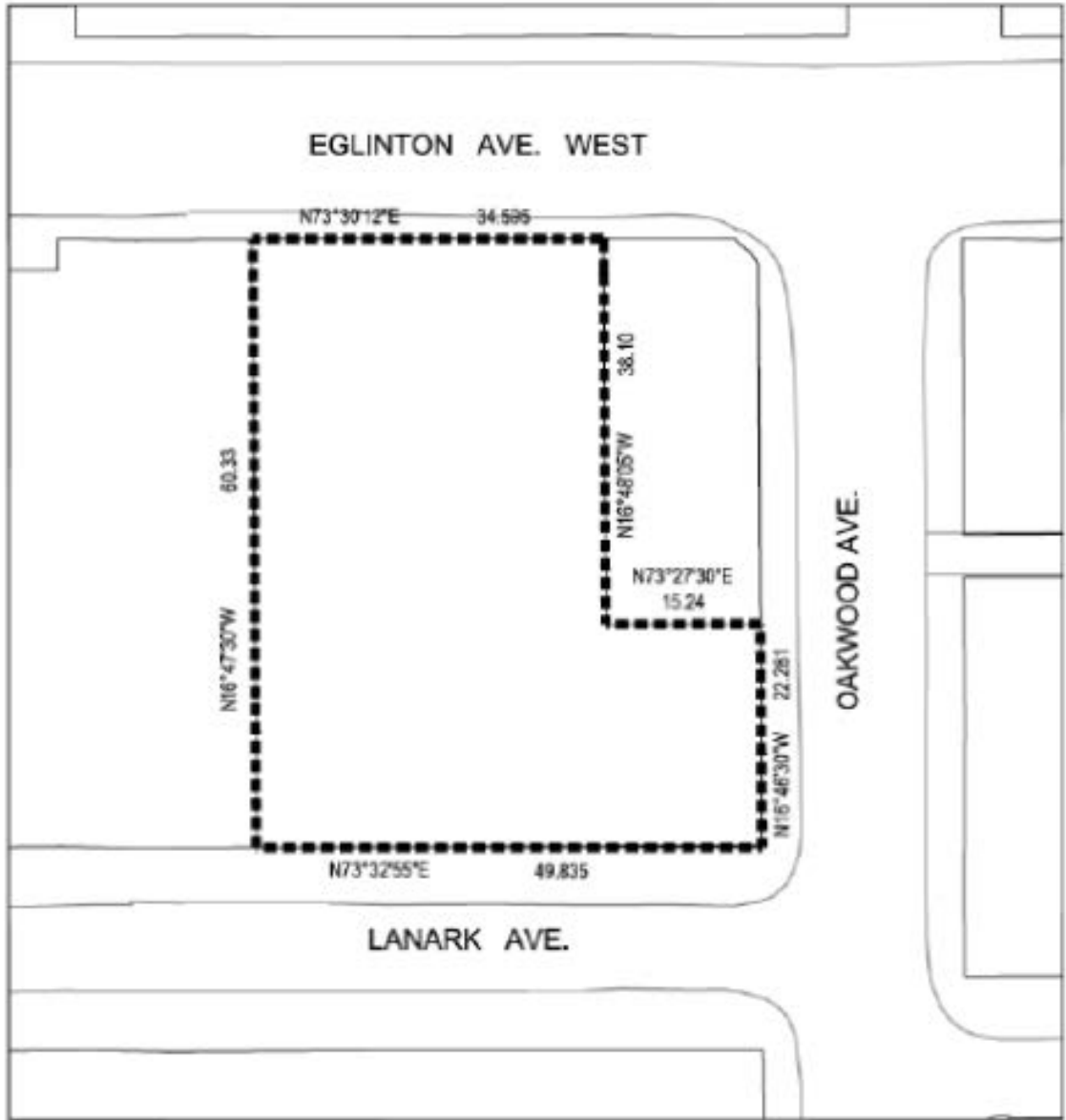
- 2.1. The Owner agrees that it shall pay 1/2% of Gross Construction Cost of the development, all inclusive, as per the Percent for Public Art Program Guidelines, such monies to be payable prior to the issuance of the First Above-Grade Building Permit for the development.

Explanatory NOTE FOR A ZONING BY-LAW AMENDMENT RESPECTING THE PROPERTY MUNICIPALLY KNOWN AS 1603 EGLINTON AVENUE WEST

This is an application to amend the former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known as 1603 Eglinton Avenue West which is located on the south side of Eglinton Avenue West and west of Oakwood Avenue in the former City of York ("The Subject Site" see Maps 1 and 2 attached).

The Subject Site is currently zoned "Main Street Commercial/Residential Zone (MCR)" pursuant to the former City of York Zoning By-law (By-law No. 1-83), as amended (the "By-law"). The lands would remain zoned MCR and would be subject to a site-specific exception.

The proposed site-specific exception to the MCR zone would permit a mixed use building at a maximum height of 14 storeys (49.2 metres) and at a maximum gross floor area of 16,575m² containing 172 dwelling units and 12 street townhouse units fronting onto Lanark Avenue. Ground Floor retail and service commercial uses are to be located on the ground floor of the mixed use building.

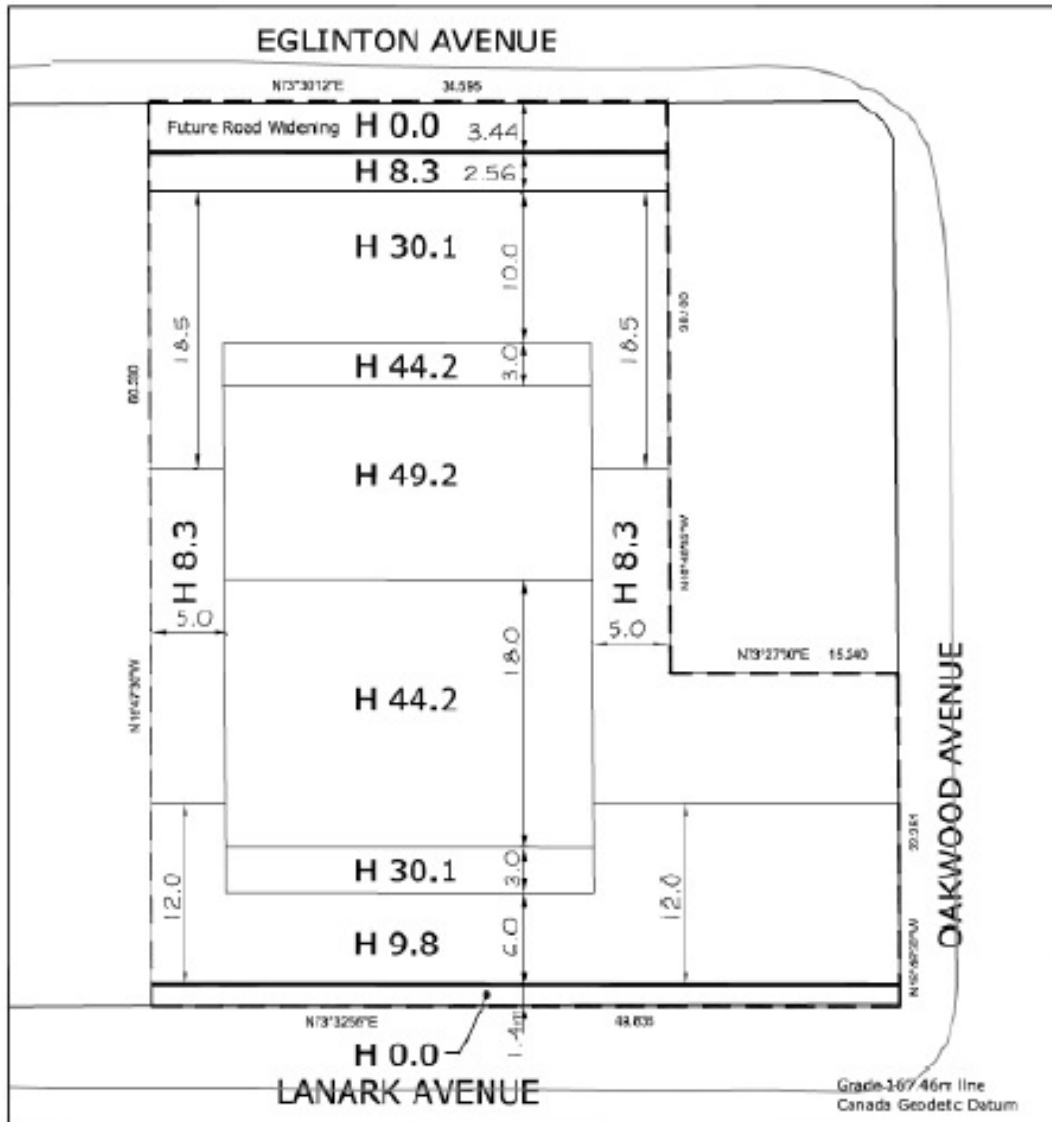


1603 Eglinton Avenue West

Map 1

File #10 _____





1603 Eglinton Avenue West

Map 2

File #10 _____



Attachment 3: Location Map

