



REPORT FOR ACTION

4700 Keele Street - The Quad Phase 2 Student Housing - Zoning By-law Amendment Application – Supplementary Report

Date: February 3, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 7 - Humber River-Black Creek

Planning Application Number: 18 266532 NET 07 OZ

SUMMARY

A Final Report reviewing and recommending approval of the application to amend the Zoning By-law to permit two 8-storey private academic accommodations with non-residential uses at grade at 4700 Keele Street was before the January 8, 2020 meeting of Etobicoke York Community Council. At that meeting, the item was deferred to the February 5, 2020 meeting of Etobicoke York Community Council.

The purpose of the deferral was to provide Planning staff an opportunity to work with the applicant to refine the Recommendations and the Draft Zoning By-law Amendment attached to the Final Report.

The applicant has requested that the recommendation in the Final Report that requires cash for the Percent for Public Art Program be revised to require a Letter of Credit and has requested that the provision of an easement for a POPS (Publicly-Accessible Privately-Owned Open Space) be removed as a requirement for approval of the application. The applicant has also requested a number of revisions to the Draft Zoning By-law Amendment attached as Attachment 6 to the Final Report.

The applicant has recently filed an application for Site Plan Control Approval (Application No. 20 102 537 WET 07 SA) for the proposed student housing development, which has now been circulated.

RECOMMENDATIONS

The City Planning Division recommends that Recommendations 1 through 4 of the December 18, 2019 Final Report from the Director, Community Planning, North York District be deleted and replaced with the following:

1. City Council amend former City of North York Zoning By-law No. 7625 for the lands at 4700 Keele Street substantially in accordance with the Revised Draft Zoning By-law Amendment attached as Attachment No. 1 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to provide the final versions of the Southwest Precinct Plan, the accompanying Urban Design Guidelines and the supporting strategies, all to the satisfaction of the Director, Community Planning, Etobicoke York District.
4. Before introducing the necessary Bill to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following:
 - a. Prior to the issuance of the first above-grade building permit, a letter of credit shall be submitted, in the City's standard form in the amount of \$500,000 to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Program to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the terms of the Percent for Public Art Program shall be set out in the Section 37 Agreement.
 - b. Prior to the issuance of the first above grade building permit, the owner shall make a cash contribution to the City in the amount of \$1,500,000.00 to be used for local park improvements to be determined by the Director, Community Planning, Etobicoke York District in consultation with the Ward Councillor. The financial contribution amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto for the period from the date of the registration of the Section 37 Agreement to the date of payment for the local park improvements.
 - c. In the event the cash contribution referred to in Section 4.b. above has not been used for the intended purposes within three (3) years of the By-laws coming into force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 7.
 - d. The owner shall provide a minimum of 7.4% of the private academic accommodations in Buildings C3 and C4 as affordable rental housing in accordance with the following provisions on terms and conditions to be further set out in the Section 37 Agreement with the City and to the satisfaction of the Chief Planner and Executive Director, City Planning Division:

- i. The affordable rental housing will comprise a minimum of 7.4% of the private academic bedroom accommodations within a range of residence unit types comprising bachelor, 1, 2, 3 and 4 bedrooms.
 - ii. The owner will maintain the private academic affordable bedroom accommodations in Buildings C3 and C4 as rental housing, and agrees that none of the rental housing will form part of an application for Condominium Registration for at least fifteen years from the date upon which the first new rental housing unit is occupied.
 - iii. Affordable rents will be charged to the tenants who occupy one of the affordable bedroom accommodations for a period of 15 years following the initial occupancy of each of Buildings C3 and C4, providing that the affordable rental bedroom accommodations commence occupancy at the same time, subject to the provisions in 4.d. (iv) and (v).
 - iv. The affordable rents will be based on an average rent level derived from an average rent for comparable existing student residence accommodations on the York University campus for the academic year in which the affordable rental bedroom accommodations will be occupied, adjusted further to reflect differences in lease terms and arrangements for television services in the private academic accommodations, and varied by residence unit type and to reflect single or shared bedroom accommodations.
 - v. After the expiry of the 15 year period, rents charged to tenants newly occupying one of the affordable rental bedroom accommodations will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement entered into under this by-law.
 - vi. Eligibility criteria for students who rent one of the affordable rental bedroom accommodations will require that such student is receiving financial assistance under the Ontario Student Assistance Program.
 - vii. The residence units which contain affordable rental bedroom accommodations shall be furnished and equipped with kitchen and bathroom facilities.
- e. The following matters are to be secured in the Section 37 Agreement as a legal convenience:
- i. The applicant shall construct and maintain an area of not less than 740 square metres at grade for use by the general public as publicly accessible open space at the northwest corner of the site in a location generally identified in the Zoning By-law Amendment, on terms and conditions to be set out in the Section 37 Agreement, including maintenance, operations, insurance and indemnity obligations, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, with the specific configuration and design of the public space to

be determined and secured through the Site Plan Control application approval process to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor.

ii. The applicant shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, Version 3.

iii. Prior to issuance of the first above grade building permit for Building C4, the owner shall financially secure all municipal infrastructure and servicing obligations, enter into a subdivision agreement and register the phase of the approved draft plan of subdivision corresponding to Buildings C3 and C4 together with the extension of Leitch Avenue between The Pond Road and Assiniboine Road, to the satisfaction of the Chief Planner and Executive Director, City Planning.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

On January 8, 2020, Etobicoke York Community Council deferred the report from the Director, Community Planning, North York District dated December 18, 2019 to the February 5, 2020 meeting of Etobicoke York Community Council. The additional time was intended to provide Planning staff and the applicant an opportunity to resolve a number of matters, as outlined below.

COMMENTS

Percent for Public Art Securities

The applicant expressed concern that the City was requesting a cash contribution to secure for public art on the lands under the Percent for Public Art Program. Recommendation 4.a. of this report recommends that a letter of credit in the amount of \$500,000 be required to secure for public art rather than cash.

Privately Owned Publicly Accessibly Open Space

An urban square has been proposed at the southeast corner of The Pond Road and the future extension of Haynes Avenue, framed by Building C3. The intent is that this rectangular-shaped parcel of land, which is owned by York University, would be maintained as a publicly accessible space. York University expressed concern with the requirement that an easement would be taken over the lands and registered on title through the City's standard POPS process. Recommendation 4.e.i has been revised to require York University to provide public accessibility over the proposed urban square, with the terms to be contractually secured in the Section 37 Agreement, without a requirement to register an easement on title to the university lands. The detailed design

of the square would be determined through the Site Plan Control application approval process and secured in a site plan agreement. Both York University and the applicant concur with this approach.

Draft Zoning By-law Amendment

A revised Draft Zoning By-law Amendment for the proposed development was submitted by the applicant to City Planning for review on January 15, 2020. The Draft Zoning By-law Amendment proposes revisions to the Draft Zoning By-law Amendment that was attached to the Final Report dated December 18, 2019 from the Director, Community Planning, North York District. The proposed revisions include the provision of bicycle parking within the internal courtyard of Building C4, the provision of residential units on the ground floor of Building C4, increasing the combined maximum amount of non-residential uses for Buildings C3 and C4, increasing the combined maximum amount of residential accommodations within Buildings C3 and C4, increasing the maximum number of residential units in both Buildings C3 and C4 and decreasing the minimum residential unit size within Buildings C3 and C4.

A Site Plan Control application was submitted to City Planning on January 9, 2020 and has been circulated and is under review. Planning staff have reviewed the applicant's proposed Zoning By-law Amendment revisions in conjunction with the submitted Site Plan Control application material.

An updated Draft Zoning By-law Amendment has been attached to this report as Attachment 1. Planning staff have accepted the majority of the applicant's proposed changes to the Draft Zoning By-law Amendment. Those revisions include the identification of a grade elevation, the provision of residential units on the ground floor of Building C4 provided those units do not face a public street, clarification of the minimum number of required parking spaces for the development, an increase to both the maximum non-residential and residential gross floor areas, an increase to the total number of residential units within each building in conjunction with a decrease to the individual unit sizes, and clarification as to the number of amenity rooms to be provided on each floor of the two residential buildings.

Planning staff have concerns with some of the applicant's proposed changes to the Draft Zoning By-law Amendment. In such cases, staff have incorporated new wording into the Draft Zoning By-law Amendment that would be acceptable. For example, the definition of 'long term bicycle parking' now includes a requirement that long term residential bicycle parking spaces be provided within a building rather than in an exterior location.

Finally, the Draft Zoning Bylaw Amendment has been revised to include housekeeping and other provisions that were inadvertently missing in the original by-law. A definition of a 'stacked bicycle parking space' has been included in the Draft Zoning By-law Amendment as has a clause to permit the inclusion of secure bicycle parking rooms as a permitted accessory use on the ground floor of a building. In addition, bicycle parking space dimensions have been incorporated into the Draft Zoning By-law Amendment, and clarification has been provided that the calculation of outdoor recreational amenity

area shall not include the land between Buildings C3 and C4 that would form part of a future right-of-way, should a private road be necessary.

Planning staff are recommending approval of the Draft Zoning By-law Amendment attached as Attachment 1 to this report.

Other Section 37 Requirements and Phased Subdivision Matters

The Notice of Decision letter relating to the Draft Plan of Subdivision for the north portion of the Southwest Precinct Plan Area was issued by the Chief Planner and Executive Director, City Planning Division on January 16, 2020. Phase 1 which includes the already constructed extension of Haynes Avenue west of the subject lands is expected to be registered in the near future and will permit that road to be opened to the public. The subject development comprises Phase 2A of the Draft Plan of Subdivision. The subdivision obligations relating to The Quad Phase 2, comprising Buildings C3 and C4, will include the extension of Leitch Avenue east of the subject site between Assiniboine Road and The Pond Road for continued orderly development of the lands.

To ensure a timely registration of the phases of the subdivision in the context of development, it is proposed that a requirement to register the Phase 2A plan prior to issuance of the above grade building permit for Building C4 be secured as a Section 37 matter in the Draft Zoning By-law Amendment as contemplated in the conditions of approval. Within the same timeframe, the applicant will also be required to financially secure all municipal servicing obligations, including the extension of Leitch Avenue between The Pond Road and Assiniboine Road and certain The Pond Road improvements. These requirements have been incorporated into the Draft Zoning By-law Amendment attached and will be incorporated into the Section 37 Agreement. Completion of the new street is tied to occupancy of the new Buildings C3 and C4.

Other Phase 2 obligations related to the conveyance of parkland and renaturalization of the Black Creek Valley Priority Restoration Area were previously secured in the initial By-law 1161-2015 for Phase 1 and in the associated Section 37 Agreement dated February 1, 2016 (registered Instrument AT4152441). York University continues to work toward finalizing these matters.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Revised Draft Zoning By-law Amendment

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(See Separate Attachment)