

5 Capri Road – Zoning By-law Amendment Application – Supplementary Report

Date: November 10, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: Ward 2 - Etobicoke Centre

Planning Application Number: 21 125098 WET 02 OZ

SUMMARY

A Decision Report – Approval, dated October 25, 2023, was submitted for the November 13, 2023 Etobicoke York Community Council meeting (2023.EY9.5). The October 25 report included recommendations regarding required Parkland Dedication in accordance with Section 42 of the Planning Act, as well as potential over-dedication of parkland that were subsequently identified as being incorrect. The Supplementary Report rectifies the Parkland Dedication amounts.

The Supplementary Report also provides an update to the proposed parking rates, further to a reconsideration by Transportation Services of parking analysis information provided by the applicant. A revised Draft Zoning By-law Amendment is attached that reflects the adjustments.

Further, this report provides clarity on the effect of the Draft Zoning By-law Amendment as it relates to the adjacent sites (7 Capri Road and 580 The East Mall) currently under Exception 107, and on the minimum size for a day nursery should one be provided.

RECOMMENDATIONS

The Director, Community Planning, Etobicoke York District recommends that:

1. City Council amend the City of Toronto By-law 569-2013 for the lands at 5 Capri Road substantially-in-accordance with the draft Zoning By-law Amendment attached as Attachment 1 to this report.

2. Etobicoke York Community Council delete Recommendation 3 in the October 25, 2023 report titled 5 Capri Road – Zoning By-law Amendment – Decision Report – Approval and replace it with the following:

City Council approve that, in accordance with Section 42 of the Planning Act, prior to the issuance of the first above ground building permit, the owner shall convey to the City, an on-site parkland dedication having a minimum size of 1305 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

3. Etobicoke York Community Council delete Recommendation 5 in the October 25, 2023 report titled 5 Capri Road – Zoning By-law Amendment – Decision Report – Approval and replace it with the following:

City Council allow either the 4% Community Benefits Charge to be paid by the owner in full or allow the owner of 5 Capri Road to convey the 472 square metres of additional parkland (the "parkland over-dedication") as an in-kind contribution pursuant to subsection 37(6) of the Planning Act, in part, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition, prior to the issuance of the first above ground building permit, which is above the value of the Section 42 parkland dedication requirement, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.

4. Etobicoke York Community Council delete Recommendation 6 in the October 25, 2023 report titled 5 Capri Road – Zoning By-law Amendment – Decision Report – Approval and replace it with the following:

City Council attribute a value to the parkland over-dedication equal to a percentage of 4% of the value of the land (net of any exclusions or exemptions authorized under the Community Benefits Charge By-law), as determined the day before the first above ground building permit is issued in respect of the development, and the difference between this value and the 4% value of the land is to be paid by the owner as Community Benefits Charge.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

COMMENTS

Parkland Dedication

The application at 5 Capri Road abuts Provincial Highway 427, which includes a Ministry of Transportation (MTO) setback requirement for the proposed development of 14 metres from the highway.

Parks, Forestry and Recreation Division in the West District has been netting out the MTO setback from the development area in the calculations that determine parkland dedication requirements. However, an interpretation of the Municipal Code has recently been made clear that only conveyances for public purposes, such as public roads, should be netted out of the development area. This affects the parkland dedication amount for 5 Capri Road. Parks, Forestry and Recreation Division requests that the Section 42 Parkland Dedication requirements in the recommendations in the Decision Report – Approval be revised accordingly and applied to the MTO portion of the lands adjacent to the new development block. Provisions have also been added to provide clarity related to timing.

Draft Zoning By-law Amendment Parking Spaces

The Decision Report, dated October 25, 2023, and the Draft Zoning By-law Amendment included parking rates for the proposed building (Block 2) of 0.77 resident parking spaces per dwelling unit and 0.1 visitor parking spaces per dwelling unit. Since, Transportation Services has reassessed the applicant's latest parking analysis information. Transportation Services advises that the parking rates can be reduced to 0.58 occupant (resident) parking spaces for each dwelling unit and a minimum of two parking spaces plus 0.05 parking spaces for each dwelling unit for residential visitors. The revised Draft Zoning By-law Amendment (Attachment 1) adjusts these rates accordingly, under provision (DD)(i).

Draft Zoning By-law Amendment Exception Number 107

The provisions for 5 Capri Road result in by-law compliance issues for 7 Capri Road and 580 The East Mall as all three properties are subject to Exception Number 107. The Draft Zoning By-law Amendment amends Exception Number 107 and states that existing buildings or structures on 7 Capri Road and 580 The East Mall are considered to be in compliance with By-law 569-2013.

Day Nursery

While the applicant proposes a 693 square metre private daycare, it is not required that one be provided. Non-residential uses are also not required. The Draft Zoning By-law Amendment includes provision (R)(ii)(a), which permits a maximum gross floor area for non-residential uses of 810 square metres, of which the required minimum interior floor area for a day nursery (daycare) is 700 square metres. The intent of this provision is to

secure a minimum area for a daycare as a component of the non-residential use, should one be provided.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Zoning By-law Amendment

Revised Draft Zoning By-law Amendment provided separately.