

**319 Carlaw Avenue – Rezoning Application
Directions Report**

Date:	June 17, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	07-264464 STE 30 OZ

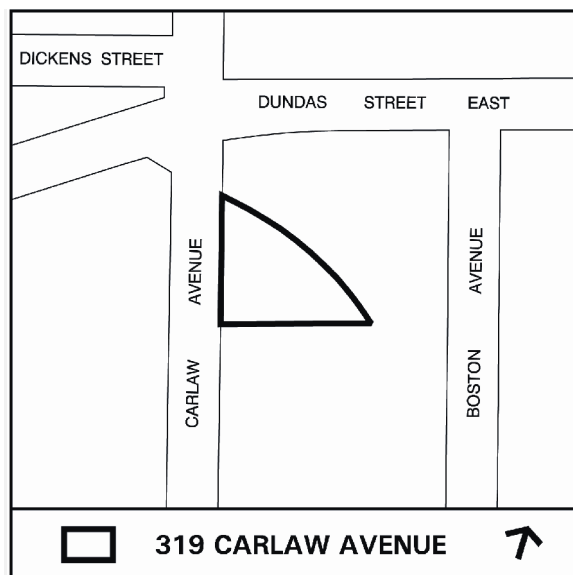
SUMMARY

This application was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes to construct an 11 storey mixed-use building at 319 Carlaw Avenue containing employment uses on the first 2 floors, and 129 residential units above. Within the entire residential portion of the building, future owners would be permitted to both live and work within their units, subject to the site specific by-law.

The purpose of this report is to recommend a settlement position to Council and authorize the City Solicitor to present that position at an Ontario Municipal Board Hearing scheduled to begin on August 11, 2008

Following ongoing discussions, the applicant submitted a revised proposal on March 17, 2008. Staff are prepared to support the revised proposal subject to the conditions contained in this report.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council support the revised applications to amend the Zoning By-law and the associated Site Plan Application respecting the construction of an 11-storey residential building containing 2 storeys of employment uses at 319 Carlaw Avenue, substantially in accordance with the draft zoning by-law contained in Attachment 7 to this report, subject to securing appropriate Section 37 community benefits;
2. City Council authorize staff to continue to negotiate with the applicant to secure appropriate Section 37 community benefits and authorize the entering into and execution of an agreement pursuant to Section 37 of the Planning Act to secure those community benefits;
3. City Council authorize the City Solicitor, the Chief Planner and Executive Director, City Planning Division, and any other appropriate staff to appear at the Ontario Municipal Board in support of the City's position as set out in Recommendations 1 and 2;
4. City Council authorize the City Solicitor to request the OMB to withhold its Order approving the Zoning By-law amendment until:
 - a. Section 37 benefits have been determined and agreed to;
 - b. the Zoning By-law amendment is prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning Division; and
 - c. the owner has entered into a Site Plan Agreement under Section 41 of the Planning Act to the satisfaction of the Chief Planner and Executive Director of City Planning Division.
5. City Council direct City Planning staff to review Site and Area Specific Policy No. 154 of the Official Plan to ensure it meets City Council's objectives for lands subject to this policy; and
6. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Decision History

On March 7, 2008, the applicant filed an appeal of the Rezoning application to the Ontario Municipal Board, citing Council's failure to make a decision on the application within there

respective time frame as prescribed by the Planning Act. A 5 day hearing is scheduled to commence on August 11, 2008.

Proposal

On October 9, 2007 Aird and Berlis LLP, on behalf of 319 Carlaw Inc. applied for a Zoning By-law amendment to construct an 11 storey mixed use building containing employment units on the first 2 floors, and 129 residential units above (live-work units). Units would range from Studio/Bachelor (46-50 square metres), 1 bedroom units (53-71 square metres), 2 bedroom units (77-99 square metres), up to a 3 bedroom unit (220 square metres).

The proposed total gross floor area is 12,193 square metres or 6.9 times the area of the lot and the proposed height is 33.9 metres. A total of 120 parking spaces located in 3 levels of underground parking is proposed. See Attachment 6: Application Data Sheet.

Site and Surrounding Area

The 1,766 square metre site is located on the east side of Carlaw Avenue, just south of Dundas Street East. The site is currently occupied by a 2 storey commercial building with some surface parking at the northern half of the site.

The surrounding uses are as follows:

North: vacant former rail spur lands and automobile service station

South: 5 storey live/work building with outdoor surface parking

East: a commercial parking lot and 2-3 storey detached and semi detached residential dwellings

West: 3-4 storey live/work building

Provincial Policy Statement and Provincial Plans

The new Provincial Policy Statement 2005 (PPS) applies to this proposal. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under Section 3 of the Planning Act and sets the policy foundation for regulating the development and use of land. Section 3 of the Planning Act was amended in 2005 to ensure that all municipal planning decisions are required to be “consistent with” the PPS. City Council’s planning decisions are required to be consistent with the PPS.

The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and

- d) ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS defines employment areas as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe and find it consistent with and conforming to the above policies.

Official Plan

The Official Plan designates the site "*Employment Areas*", which provides for offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

In addition to the general policies of the Official Plan, Site and Area Specific Policy No. 154 also applies to the site, and states:

A mix of employment and residential uses are permitted provided that:

- a) if the property is designated *Employment Areas*, the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent areas.

Zoning

The property is zoned I2 D3 under By-law 438-86, with a height limit of 18 metres and permits a variety of industrial uses up to a density of 3 times the area of the lot. Residential uses are not permitted.

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan approval has been submitted.

Reasons for Application

The applicant proposes uses which are not permitted in the I2 zone in Zoning By-law 438-86. In addition, the applicant proposes a building height of 33.9 metres which exceeds the permitted height limit of 18 metres in the I2 zone.

Community Consultation

Two community consultation meetings were held one on February 7 and the other on April 9, 2008 at the Queen Street East Presbyterian Church. Approximately 100 members of the public attended the first meeting, which was a joint meeting to discuss a similar proposal at 1201 Dundas Street East. Approximately 50 members of the public attended the second meeting which strictly dealt with this application. Issues raised by the public included:

- the height and density of the proposed building;
- loss of employment use on site;
- compatibility with adjacent non-residential uses to the south and low rise neighbourhood to the east;
- lack of greenspace in neighbourhood;
- design of the building and streetscape;
- adequacy of the number of parking spaces for residents and visitors;
- traffic; and
- shadowing, privacy and overlook.

City Planning staff have also received written comments from approximately 30 of residents in the area. These comments are addressed in this report.

Agency Circulation

The application was circulated to appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

Since Council adopted the new Toronto Official Plan in 2002, the Carlaw and Dundas area has evolved from an area of mostly *Employment Area* uses into an area that includes a mix of live/work, employment and residential uses.

This proposal includes, within the building, both residential and employment uses. This satisfies Site and Area Specific Policy No. 154 with respect to the permission of a mix of employment and residential uses which will be secured in the implementing zoning by-law.

The non-residential component of the proposal comprises the first two floors of the building (2,349 square metres) and it consists of two parts. The first part includes 1,566 square metres of office and manufacturing/studio uses as provided for through Policy 1 of *Employment Areas*.

The second part of the non-residential component includes 783 square metres of retail uses. The proposed zoning by-law limits the retail uses in both overall scale and individual unit size, to 783

and 300 square metres respectively. Consistent with Policy 1 of *Employment Areas*, these small scale retail uses will serve businesses and workers in the Carlaw and Dundas area. In addition, these retail uses will also serve area residents given that Site and Area Specific Policy No. 154 provides for residential uses as part of a mix of employment and residential uses in the Carlaw and Dundas area.

Staff are satisfied that the residential component of the proposal will provide a compatible, satisfactory living environment in terms of the proposed building and adjacent area.

Density, Height, Massing

The proposed height of 10 storeys plus penthouse (34.9 metres, including mechanical penthouse) is acceptable on this site. A number of the existing and approved, but not yet constructed, buildings along Carlaw Avenue have heights which range from 5-8 storeys. Due to larger than standard floor-to-ceiling heights (3.9-5.2 metres) in these buildings, the absolute building heights range from 26 metres to 28.5 metres, not including a mechanical penthouse. The proposed building will not be significantly higher. The proposal has a significant set back for the top floor and wraps the mechanical penthouse with a residential unit.

The proposed building is 34.9 metres high and would be constructed to the edge of all property lines on the first 2 storeys (the non-residential uses). As a result of consultation with staff, the proposed rear terracing and other setbacks have been increased. Setbacks are as follows:

- 5.5 metres starting at the third floor along the rear property line, adjacent to the former rail spur (north and east property lines).
- 5.5 metre setback starting at the fifth floor along the south property line.
- 1.8 metre front yard (west) setback and further 3.6 metre setback above the eighth floor.

The applicant proposes private balconies which can encroach 1.8m into the setback.

The development site is a minimum of 50 metres from the existing low scale residential neighbourhood to the east and separated from the neighbourhood by a former rail spur and an existing surface parking lot. The distance separation will provide an effective buffer to mitigate issues of overlook, privacy and shadowing.

Staff are of the opinion that the height and massing of the proposal is in keeping with the buildings along this portion of Carlaw Avenue.

Shadow

Urban Design staff have conducted a review of shadow studies submitted by the applicant and have concluded that the proposed height and massing would not create significant negative impacts on Carlaw Avenue or in the surrounding neighbourhood.

Traffic Impact, Access, Parking

During the community meeting, in response to questions raised, the applicant offered to submit a traffic impact analysis for the proposal. The analysis was submitted to the City in January 2008, and concluded that the proposed development of this site would not adversely impact traffic

along Carlaw Avenue during the a.m. and p.m. peak hours. Transportation Planning and Technical Services staff concur with the conclusions of the traffic impact analysis and find it to be acceptable.

Vehicular access to the underground garage, which is directly off Carlaw Avenue at the south limit of the site, is acceptable.

A total of 120 parking spaces in a three level underground garage are proposed to serve this development. Parking would include 97 spaces for residents (including 1 car-share space), 19 spaces for residential visitors and 9 spaces for the employment component of the development. Technical Services staff are of the opinion that the parking supply is acceptable.

Transit Infrastructure

The site is well served by public transit with two streetcar lines; the Queen and Gerrard Street lines both approximately 360 metres away. In addition to these two streetcar lines there is bus service along Carlaw Avenue.

Servicing

Municipal services are available to service the site and proposed development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate parkland dedication. The parkland contribution that would apply to this site is 10%. The required parkland dedication will be satisfied through cash in lieu.

The applicant has submitted an arbourist report which has been reviewed by the City's Urban Forestry Section. Urban Forestry has concurred with the applicant that no privately owned trees protected under the City of Toronto's Private Tree By-law will be impacted by the proposed development.

Streetscape

The proposal includes 4 trees in the public boulevard along Carlaw Avenue and will include upgraded pavers. The width of the sidewalk will also be increased from 2.2 metres to 3.8 metres.

Private Amenity Space

The By-law requires a minimum of two square metres of both indoor and outdoor amenity space for each residential unit. The applicant is proposing provide 238 square metres of indoor amenity space and 287 square metres of outdoor amenity space. This exceeds the minimum By-law requirement. Outdoor amenity space will be provided through the provision of an accessible landscaped area located on the roof.

Although the outdoor space on the roof is not contiguous with the indoor amenity space located on the second floor, planning staff are satisfied with the locations and total area.

Cycling Infrastructure

The applicant proposes to provide the minimum number of required residential bicycle parking spaces in accordance with the zoning. The applicant proposes 71 bicycle parking for residents, 19 spaces for visitors, and 5 spaces for the non-residential component. The bicycle parking for visitors and residents would be located on the ground floor and within the underground parking garage levels.

There are designated bicycle lanes on Dundas Street East which is just north of the site.

Toronto Green Development Standard

The Toronto Green Development Standard checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 31 performance targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- bicycle parking that meets or exceeds 0.75 spaces per dwelling unit (residential);
- the developer is supplying appliances, 70% are Energy Star compliant; and
- green roof installed with at least 50% coverage of the roof. The rest of the available roof space will be covered with light coloured roofing materials.

Section 37

Staff are currently in negotiation with the applicant on a suitable Section 37 benefit package.

Development Charges

It is estimated that the development charges for this project will be \$800,427. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Other Issues

Site Specific Policy No. 154 applies to many sites in the City. The review of recent development proposals in the Carlaw and Dundas area has indicated that there is merit in having City Planning staff review the Site and Area Specific Policy in order to ensure it meets Council's objectives.

CONTACT

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SIGNATURE

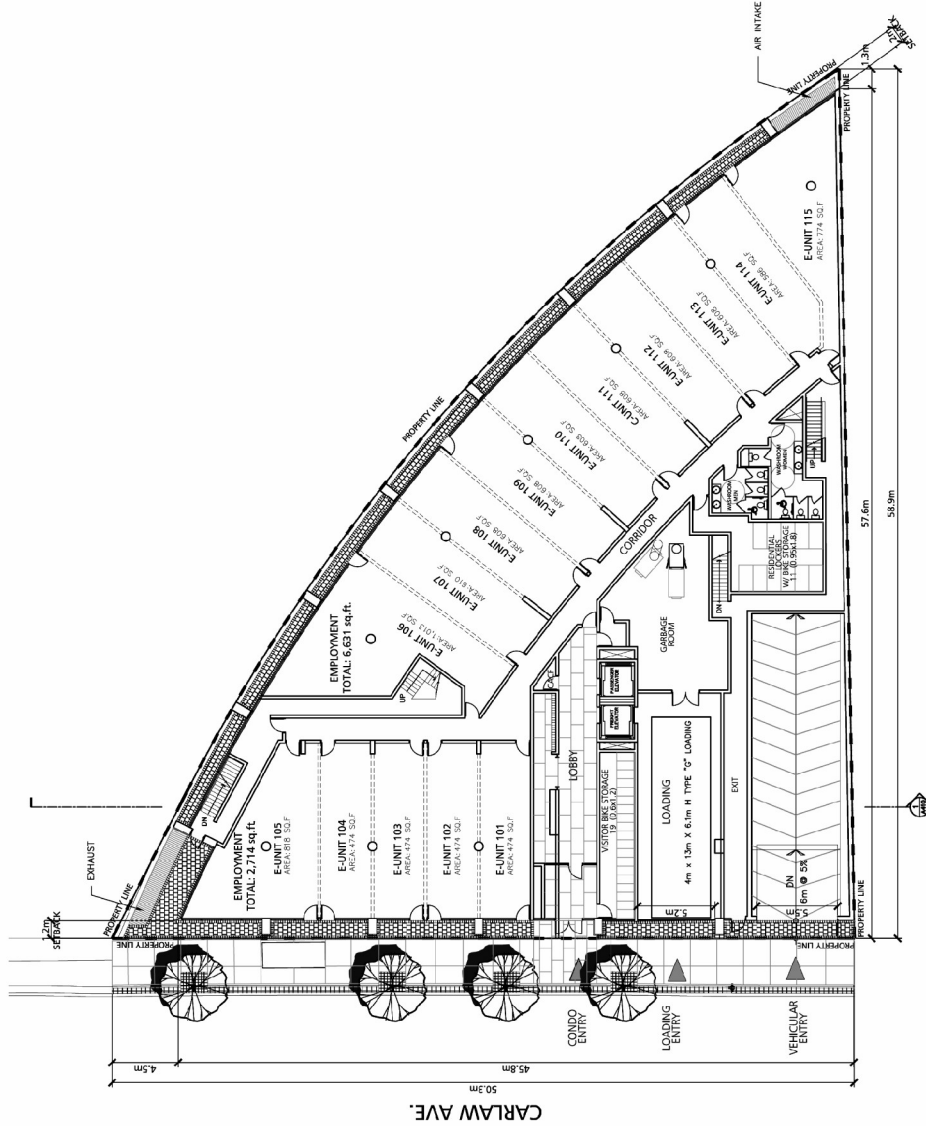
Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Zoning
Attachment 6: Application Data Sheet
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



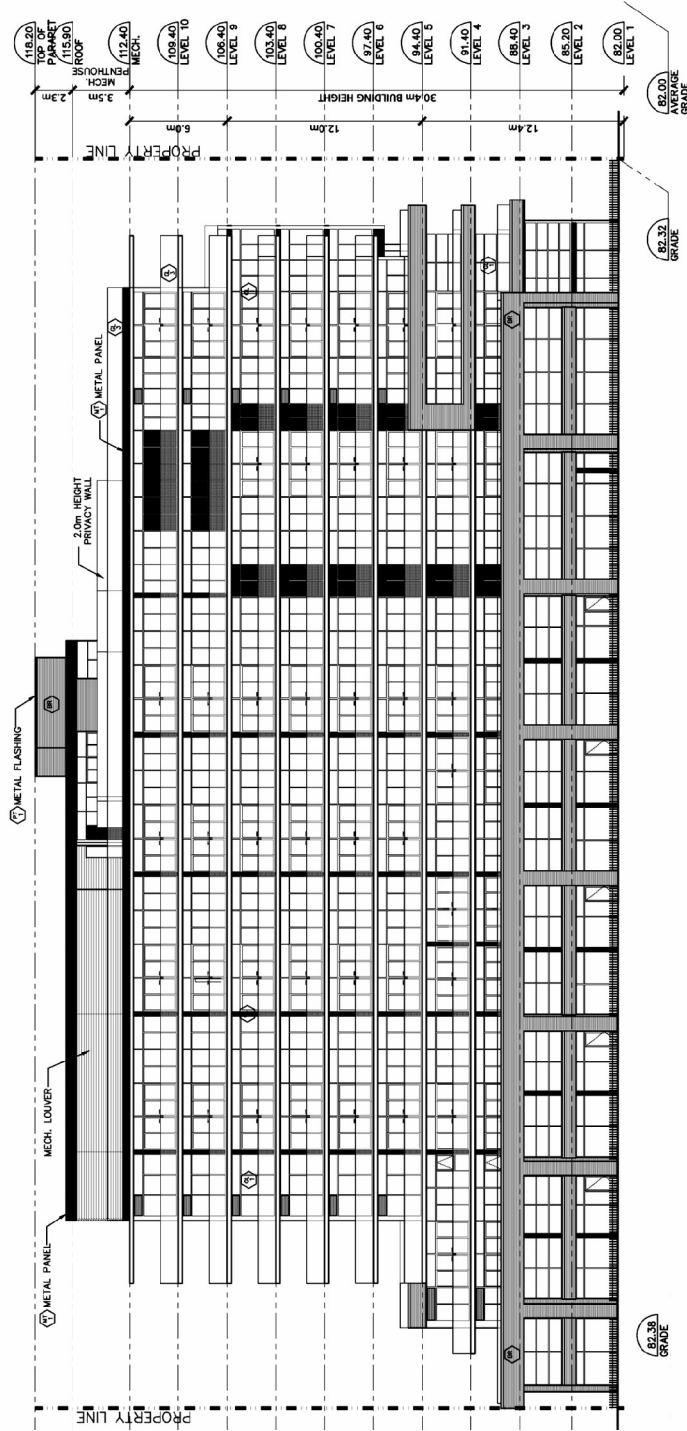
319 Carlaw Avenue

Site Plan
 Applicant's Submitted Drawing

File # 07_264464

Not to Scale
 05/3/08

Attachment 3: Elevations



319 Carlaw Avenue

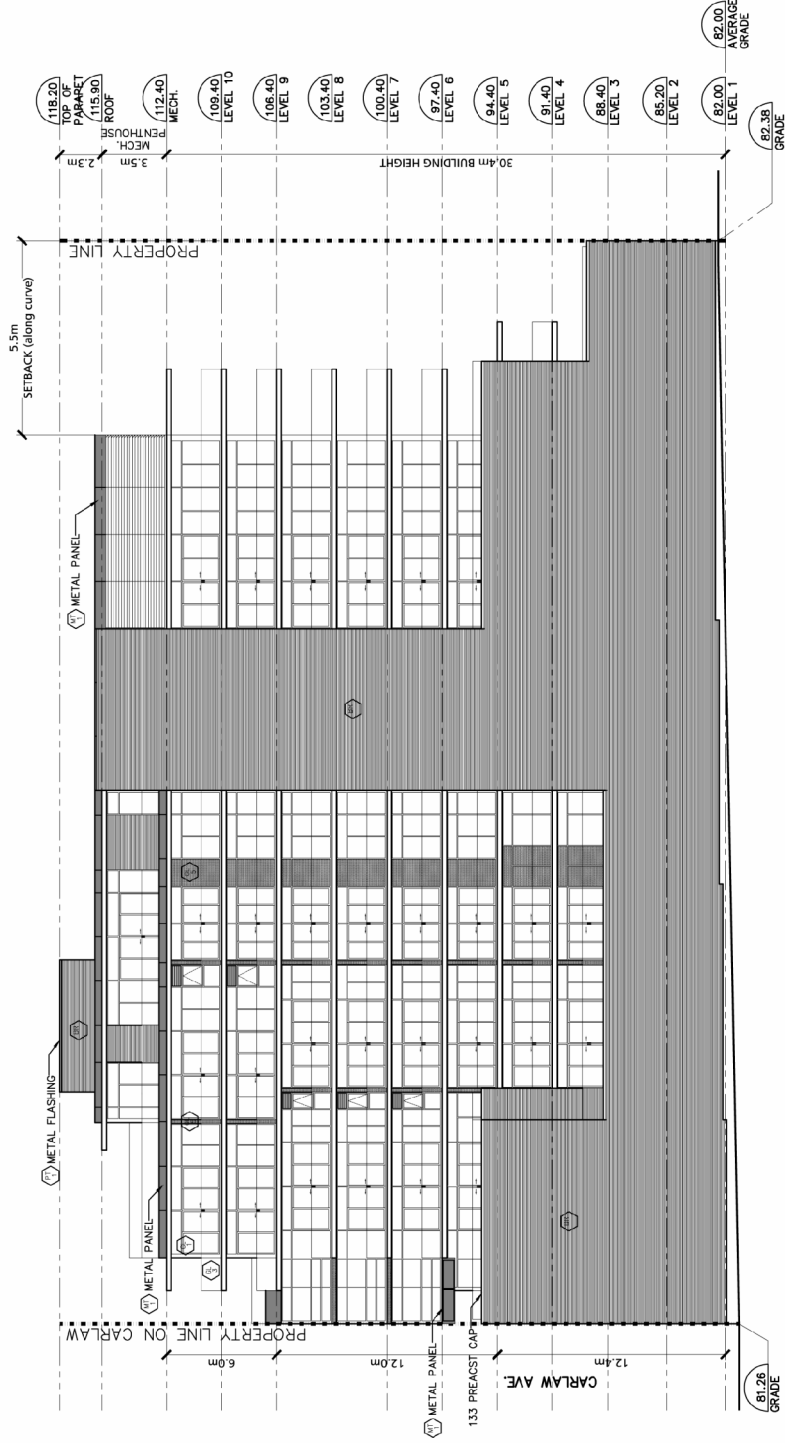
North - East Elevation

Applicant's Submitted Drawing

Not to Scale
05/31/08

File # 07_264464

Attachment 4: Elevations



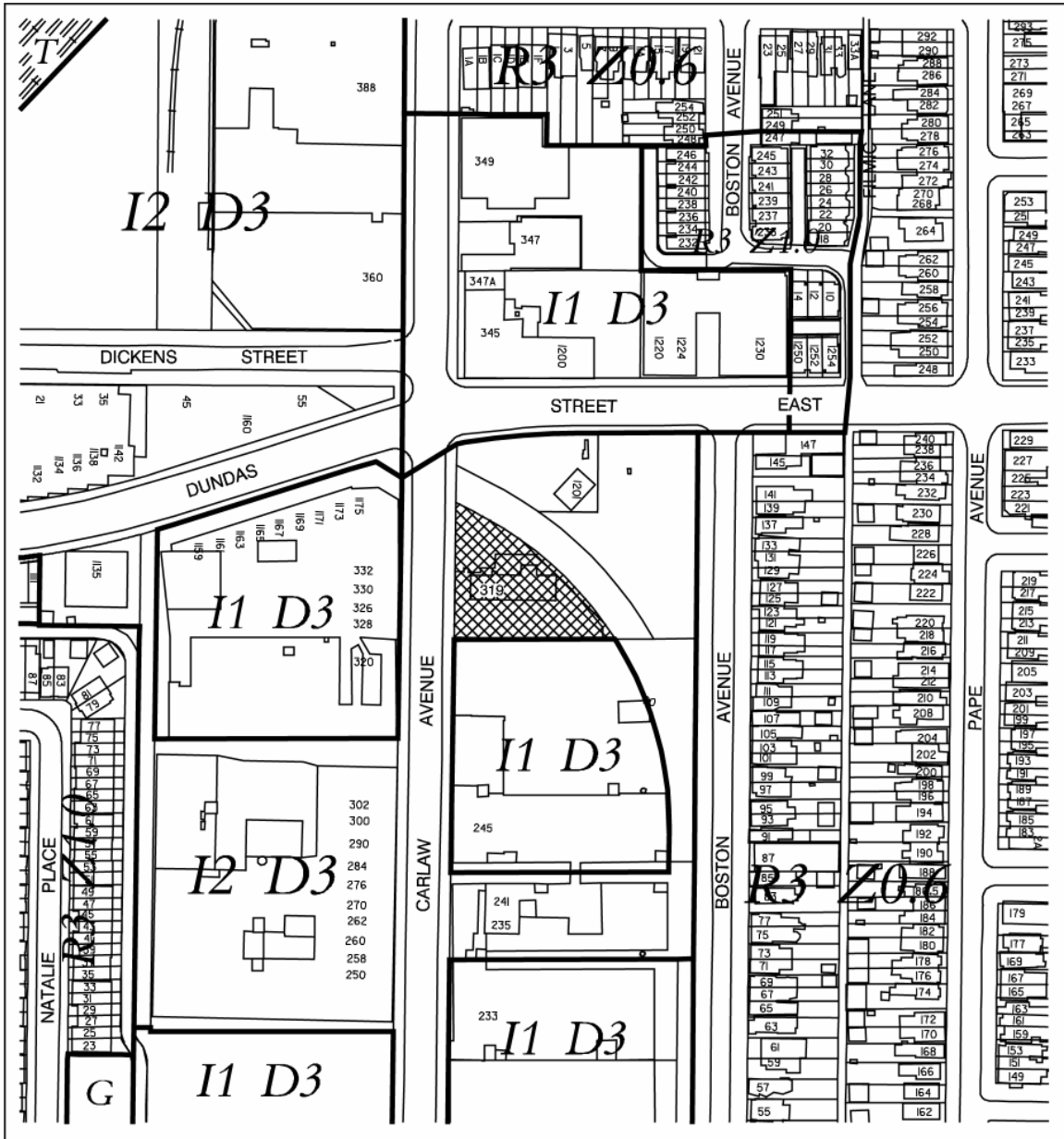
319 Carlaw Avenue

South Elevation
 Applicant's Submitted Drawing

Not to Scale
 05/37/08

File # 07_264464

Attachment 5: Zoning



319 Carlaw Avenue
File # 07_264464

- R3 Residential District
- I1 Industrial District
- I2 Industrial District
- T Industrial District
- G Parks District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 10/22/07 - TA

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	07-264464 STE 30 OZ
Details	Rezoning, Standard	Application Date:	September 24, 2007

Municipal Address: 319 CARLAW AVE
 Location Description: PL 96 PT LT1 **GRID S3008
 Project Description: Proposed 10-storey plus penthouse mixed-use building containing employment uses on the first two floors, and 119 live-work units above.

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis Kim Kovar			319 Carlaw Inc

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:	
Zoning:	I2 D3	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1766.7	Height:	Storeys:	11
Frontage (m):	50.3		Metres:	33.9
Depth (m):	58.9			
Total Ground Floor Area (sq. m):	1609.1			Total
Total Residential GFA (sq. m):	9067		Parking Spaces:	120
Total Non-Residential GFA (sq. m):	2349		Loading Docks	1
Total GFA (sq. m):	11416			
Lot Coverage Ratio (%):	91			
Floor Space Index:	6.46			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	29
1 Bedroom:	68
2 Bedroom:	22
3 + Bedroom:	0
Total Units:	119

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	9067	0	0
Retail GFA (sq. m):	783	0	0
Office GFA (sq. m):	1566	0	0
Industrial GFA (sq. m):	0	0	0
Institutional/Other GFA (sq. m):	0	0	0

CONTACT: PLANNER NAME: Michael Mestyan, Senior Planner
TELEPHONE: (416) 396-7026

Attachment 7: Draft Zoning By-law Amendment

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend Zoning By-law No. 438-86, as amended,
With respect to the lands municipally known as,
319 Carlaw Ave**

WHEREAS the Ontario Municipal Board, by way of Order No. _____ issued on _____, following an appeal pursuant to section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, in respect of lands municipally known as 319 Carlaw Avenue;

THEREFORE By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended is further amended by the Ontario Municipal Board as follows:

1. District Map No. 52H-312 contained in Appendix “A” of By-law No. 438-86, 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 City of Toronto”, as amended, is further amended by redesignating the lands shown outlined with heavy lines on Map 1, attached to and forming part of this By-law, from I2 D3 to I1 D3.
2. None of the provisions of Sections 2(1) *grade, height, parking space*, 4(2)(a), 4(4)(b), 4(6)(b), 4(12), 9(1)(a) and (f) and 9(3) Part I 2 and 3 of By-law No. 438-86, as amended, or Section 2 of By-law No. 494-2007, shall apply to prevent the erection and use of a *mixed-use building* on the *lot* containing *live-work units* and non-residential uses, provided:
 - (a) the *lot* is comprised of at least those lands shown outlined by heavy lines on Map 1 attached to and forming part of this By-law;
 - (b) the *mixed-use building* contains:
 - (i) not more than 9,075 square metres of *residential gross floor area*; and
 - (ii) not less than 2,349 square metres of *non-residential gross floor area*, provided that the total cumulative amount of *non-residential gross floor area* for *retail stores* shall not exceed 783 square metres and that no individual *retail store* shall exceed 300 square metres of *non-residential gross floor area*;
 - (c) the following residential uses are permitted in the *mixed-use building*:
 - (i) a maximum of 119 *live-work units*;
 - (d) the following non-residential uses are permitted in the *mixed-use building*:

- (i) *artist's or photographer's studio;*
- (ii) *bake-shop;*
- (iii) *branch of a bank or financial institution;*
- (iv) *caterer's shop;*
- (v) *clinic;*
- (vi) *commercial school;*
- (vii) *communications and broadcasting establishment;*
- (viii) *community or social agency;*
- (ix) *courier service;*
- (x) *custom workshop;*
- (xi) *data processing establishment;*
- (xii) *designer's studio;*
- (xiii) *dry-cleaning shop and dry-cleaning distribution station;*
- (xiv) *duplicating shop;*
- (xv) *newsstand;*
- (xvi) *office;*
- (xvii) *performing arts studio;*
- (xviii) *personal grooming establishment;*
- (xix) *premises of a charitable institution or non-profit institution;*
- (xx) *private art gallery;*
- (xxi) *public art gallery;*
- (xxii) *publisher;*
- (xxiii) *restaurant and take-out restaurant;*
- (xxiv) *retail store;*
- (xxv) *service, rental or repair shop;*
- (xxvi) *showroom;*

(xxvii) *software design and development establishment*

(xxviii) *tailoring shop*; and

(xxix) *trade school*.

- (e) no portion of the *mixed-use building* above finished ground level shall be located otherwise than wholly within the areas delineated by heavy lines on Map 2, attached to and forming part of this By-law, with the exception of the following:
- (i) cornices, light fixtures, awnings, ornamental elements, parapets, landscape features, trellises, eaves, window sills, ventilation shafts, guardrails, balustrades, railings, stairs, stair enclosures, doors, wheel chair ramps and underground garage ramps and associated structures, and
 - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2;
- (f) notwithstanding the building setbacks illustrated on Map 2, the building will be setback a minimum of 1.2 metres from Carlaw Avenue frontage at the the 1st and 2nd storeys only.
- (g) no portion of the *mixed-use building* shall have a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on Map 2 attached to and forming part of this By-law, with the exception of the following:
- (i) a structure used for outside or open air recreation, safety or wind protection purposes, elements of a green roof, a chimney stack or other heating, cooling or ventilating equipment, a screen around such equipment, window washing equipment, ornamental elements, landscaping elements, privacy walls, trellises, parapets, stairs, stair enclosures, guardrails and railings, and
 - (ii) balconies and canopies provided they extend no more than 1.8 metres beyond the areas delineated by heavy lines on Map 2;
- (h) not less than 120 *parking spaces* are provided and maintained on the *lot*, of which at least 14 *parking spaces* are for the exclusive use of visitors, at least 79 *parking spaces* are for the exclusive use of residents of the *live-work units*, at least 9 *parking spaces* are for the exclusive use of the non-residential uses in the building and one *car-share parking space* shall be provided;
- (i) each *parking space* shall have minimum dimensions of 2.6 metres in width by 5.6 metres in length; and
- (j) not less than 2.0 square metres of indoor *residential amenity space* per *live-work unit* and not less than 2.4 square metres of outdoor *residential amenity space* per *live-work unit* shall be provided and maintained in the *lot*.

3. For the purposes of this By-law:

- (k) “*car-share*” shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable;
- (l) “*car-share parking space*” shall mean a *parking space* that is reserved and actively used for *car-share* purposes;
- (m) “*grade*” shall mean 82.0 metres Canadian Geodetic Datum;
- (n) “*height*” shall mean the vertical distance between *grade* and the highest point of the building or structure on the *lot*;
- (o) “*live-work unit*” shall mean a *dwelling unit* which may be used for work purposes by the by the resident of the unit and which may also be used for work purposes by persons not residing in the unit; and
- (p) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.

4. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.

5. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

6. Within the lands shown on Schedule "~" 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.

PURSUANT TO ORDER NO. _____ OF THE ONTARIO MUNICIPAL BOARD ISSUED ON _____, 2008 IN BOARD CASE NO. PL_____.

