

TORONTO STAFF REPORT

June 12, 2002

To: Humber York Community Council

From: Director, Community Planning, West District

Subject: Final Report
Application to Amend Zoning By-law No. 1-83 and Site Plan Control
601 to 605 Rogers Road (Black Creek Super Value Centre)
Rose Black Creek Ltd. and Genex Black Creek Developments Inc.
File Number: TC CMB 2002 0006
York South-Weston (Ward 12)

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law for a 144 dwelling unit, 10 storey, 11 762 square metre (126,609 square foot) condominium apartment building with 183 parking spaces at 601 to 605 Rogers Road.

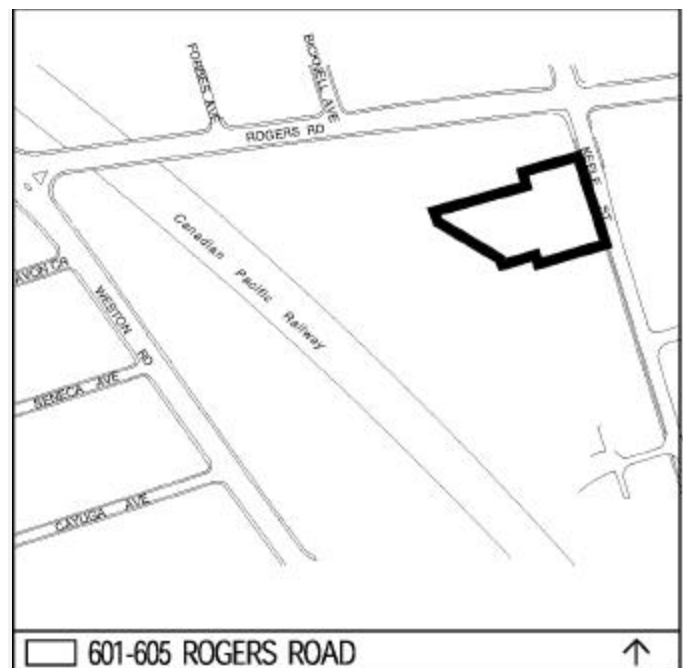
Financial Implications and Impact Statement :

There are no financial implications resulting from the adoption of this report.

Recommendations :

It is recommended that City Council:

- (1) amend Zoning By-law No. 1-83 for the former City of York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5;
- (2) authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;



- (3) require that prior to the introduction of the necessary Bill to City Council for enactment, comments from the Commissioner of Works and Emergency Services shall be received and satisfactorily addressed;
- (4) require that prior to the introduction of the necessary Bill to City Council for enactment, comments from the Canadian National Railway and Canadian Pacific Railway shall be received and satisfactorily addressed;
- (5) require the owner to obtain Site Plan Approval and enter into a Site Plan Agreement or Undertaking with the City under Section 41 of the Planning Act to require the following along with any other matters as the City deems appropriate:
 - (a) provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with this development;
 - (b) submit, prior to the issuance of a building permit, a Material Recovery and Waste Reduction Plan, satisfactory to the Commissioner of Works and Emergency Services;
 - (c) provide, maintain and operate the material recovery and waste reduction measures, facilities and strategies stipulated in the Material Recovery and Waste Reduction Plan approved by the Commissioner of Works and Emergency Services;
 - (d) apply, prior to the issuance of a building permit, to the Commissioner of Works and Emergency Services for revised municipal numbering;
 - (e) submit, prior to the issuance of a building permit, the record of site condition, all environmental site assessment reports and a Statement from a Professional Engineer (sealed and dated), that based on the environmental record of site condition and supporting documents, that:
 - (i) the site is suitable for its intended use; and
 - (ii) based on the above information, it is unlikely that there is any offsite hydrocarbon vapours or contamination on the adjacent rights-of-way that would exceed applicable MOE Guideline objectives or regulations resulting from past land uses;
 - (f) provide, if it is likely that there is contamination, prior to the issuance of a building permit, a certified cheque made out to the City of Toronto in the amount of \$3,000.00 to cover the cost of a peer review of the environmental site assessment reports. Any amount not required for the peer review to be refunded;

- (g) submit, prior to the issuance of a building permit, a storm water management report addressing both quality and quantity control, including a grading and drainage plan, for the review and approval of the Commissioner of Works and Emergency Services;
- (h) provide certification from a qualified architect/acoustical consultant to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services; and
- (i) the applicant provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services.
- (j) submit a lighting plan prior to Site Plan Approval. The lighting plan should also include all street lights abutting the site along Keele Street and the commercial shopping centre. On-site lighting be installed, inspected and deemed to be satisfactory by Community Planning staff prior to the issuance of an occupancy permit; and
- (k) provide for the following:
 - (i) all rooftop mechanical units, flues and vents shall be screened;
 - (ii) landscaped islands planted with trees shall have a minimum width of 1.5 metres to permit healthy tree growth;
 - (iii) all sidewalk crossings of driveways shall be distinguished from driving surfaces through raising the height of the sidewalk to curb level and through the use of special pavers, bricks, scored concrete or other surfacing material satisfactory to the Director of Urban Design and Director of Community Planning, West District or their designates so as to promote pedestrian safety; and
 - (iv) above grade parking levels shall be screened.

Background:

The application site is part of the Black Creek Super Value Centre. In 1988, the shopping centre received site plan approval. The site plan agreement at that time applied to the entire land holdings (5.46 hectares (13.49 acres)), including the now 1.06 hectare (2.6 acre) residential property to the south of the shopping centre property. The following was constructed on the site:

	Building	Use	Location	Floor Area
1.	A-1	Retail	Attached to Zellers* (south)	788 m2 (8,493 ft2)
2.	A-2	Zellers*	East side of the property	5899 m2 (63,500 ft2)
3.	A-3-5	Retail	Attached to Zellers* (north)	984 m2 (10,600 ft2)
4.	B-1-5	Retail	South-west corner of Rogers Road and Keele Street	1161 m2 (12,500 ft2)
5.	C-1 ground floor	Hy & Zel's	North side of the property (abutting Rogers Road)	2719 m2 (29,268 ft2)
6.	C-1 ground floor	Retail	Attached to Hy & Zel's (west)	650 m2 (7,000 ft2)
7.	C-1 second floor	Retail	Attached to Hy & Zel's (west)	2043 m2 (7,000 ft2)
8.	C-2-5	Retail	Attached to Hy & Zel's (south)	1871 m2 (20,145 ft2)
9.	D-1-6	Retail	West side of the property	2248 m2 (24,200 ft2)
10.	Parking garage/office	Office	Attached to Zellers* (north) abutting Keele Street	3753 m2 (40,401 ft2)
Total				22121m2(238,127ft2)

* Formerly K-Mart

Although site plan approval was granted for a 371 square metre (4,000 square foot) retail building at the south-west corner of Rogers Road and Forbes Avenue, it was not constructed. Also two buildings with a total of 1146 square metres (12,336 square feet) of retail gross floor area and located on the now residential property were not constructed.

In 1993, the owner applied for a site plan control amendment for the entire property, and an Official Plan and Zoning By-law Amendment application to permit high density residential development on the southern 1.06 hectares (2.6 acres) of the property. The purpose of the site plan control amendment was to provide vehicular circulation, parking, and landscape improvements to the shopping centre, and to revise the previous site plan and agreement pertaining to the site so that they would no longer apply to the then vacant lands south of the shopping centre. The approval of the amendment application, as well as the fulfilment of any conditions of approval, was a necessary prerequisite to the adoption of the Official Plan and Zoning By-law Amendment for the residential development of the southern vacant portion of the shopping centre lands.

In 1993, The Committee of Adjustment approved a consent application for the severance of the then vacant southern 1.06 hectare (2.6 acres) portion of the property. The Official Plan and Zoning By-law Amendment was approved in 1994 and permitted a 240 unit residential development consisting of 2 apartment buildings and street level townhouses. A 124 unit, 10 storey apartment building and 8 townhouses were constructed on this property.

In 2001, the owner of the above noted property applied for and was granted a minor variation from the approved Site Plan and Landscape Plan drawings and Agreement pertaining to the

development. The minor variations permitted the applicant to modify the existing development as follows:

- (a) remove the six storey combined parking garage and two level office building and create 124 new surface parking spaces in its place;
- (b) remove vacant retail space at the rear of the Hy & Zel's building fronting on Rogers Road and create 163 new car parking spaces;
- (c) rearrange the existing parking spaces and layout on site; and
- (d) provide new landscape treatment along the periphery and within the site.

These modifications were necessary to eliminate vacant, unmarketable retail and garage space and to add and improve surface level parking and improve the landscape development of the site.

In the fall of 2001, the owner completed the demolition of the buildings, addition of parking and landscaping with the exception of the demolition of the parking garage. The office space in the parking and office building was vacated. The main entrance to the Hy & Zel's store relocated to the east wall of the store. The applicant is in the process of completing the remaining landscaping and paving improvements to the shopping centre. The existing development is shown in Attachment 1a.

Comments:

(1) Proposal

The applicant is proposing to sever a 0.525 hectare (1.29 acre) parcel of land abutting Keele Street containing the six and one half storey, 217 space above grade parking structure and 3 753 square metre (40,401 square foot) gross leasable floor area office space (located on the top 2 floors). The owner has submitted a consent application to the Committee of Adjustment to sever the parking and office building from the shopping centre. The application was approved at the June 11, 2002 Committee of Adjustment meeting, subject to conditions. The conditions included a requirement that prior to receiving site plan approval for the apartment building, the owner shall submit a further application to the Committee of Adjustment and receive conditional consent approval to establish an easement with a minimum width of 3 metres (9.8 metres) along the north limit of the lands to be severed where they abut the commercial buildings in favour of the lands to be retained.

The owner is proposing to convert the building into a condominium apartment building with 144 units and 183 parking spaces. A one storey addition to the west of the existing building containing a new entrance, multi-purpose amenity space, garbage and recycling rooms, and management office is proposed. The existing ground level of the parking garage would be converted into a second lobby area and bicycle parking room abutting Keele Street, a mechanical/electrical room, storage lockers, and visitor parking area. The entrance to the garage parking area would be relocated from the north wall of the building to the south-east corner of

the building with access from Keele Street. The 3.5 upper level parking floors would be used for condominium unit owner and visitor parking.

The existing driveway abutting the north limit of the building would be closed to the public via access gates at each end and would be converted into a weather protected hard surface walkway and bicycle parking area. Provisions have not yet been made for maintaining separated service and emergency access for the commercial units that back onto this area.

Abutting to the west of the one storey addition to be constructed is a new fenced outdoor amenity area that would have access from the addition. Abutting the front (western) pedestrian entrance, the applicant proposes to locate a drop off circle and 18 visitor bicycle parking spaces.

The applicant further proposes to demolish a portion of the existing 2 levels of office space and convert the remaining space into apartments. On top of these levels a C shaped four storey addition containing apartments is proposed. Because the configuration of the apartment levels does not occupy the entire footprint of the building, on the 5th floor, the owner proposes to provide a private rooftop garden. Some of the units on the 5th floor would have fenced private terraces abutting this area. The owner proposes a rooftop deck on top of the building.

The project information is summarized as follows (see Attachment 4 – Application Data Sheet):

Existing Use:	Vacant parking and office building
Official Plan:	Mixed Use, Specific Area Policy S. 21.4(i)
Zoning:	LCR and Subsections 16(4), 16(5) and 16(348)

Lot Area:	5 250 square metres
Gross Floor Area:	11 762 square metres
Maximum F.S.I.:	Not specified
Proposed F.S.I.:	2.24

No. of buildings:	1
Proposed Height:	10 storeys (42 metres)
Maximum Height:	15 metres or 5 storeys whichever is greater

Parking Required:	182 spaces (146 occupant, 36 visitor)
Parking Proposed:	183 spaces (144 occupant, 39 visitor)

Bicycle Parking Proposed:	108 spaces (86 occupant, 22 visitor)
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Minimum Interior Amenity Space Proposed:	293 square metres
Minimum Exterior Amenity Space Proposed:	2 997 square metres

Site Description

The subject property is located on the west side of Keele Street approximately 16 metres (52.4 feet) south of Rogers Road (see location map on first page). The property has an area of 0.525 hectares (1.29 acres), with a lot frontage of approximately 80 metres (262 feet) on Keele Street.

The surrounding land uses are as follows:

North: Commercial, beyond which is Rogers Road, and multiple-family residential buildings and commercial land uses

South: Commercial (Black Creek Super Value Centre)

East: Keele Street, beyond which are industrial and commercial land uses

West: Commercial (Black Creek Super Value Centre)

(3) Official Plan

The Official Plan for the former City of York designates the site “Mixed Use” and Specific Area Policy S. 21.4(i). This designation and the site specific policy permit a wide range of employment uses and residential uses, therefore an Official Plan Amendment is not required.

The Official Plan for the former Metropolitan Toronto does not have specific policies for this area of the city. Keele Street south of Rogers Road is not designated a “Metropolitan Corridor” and the site is not designated a “Metropolitan Industrial/Employment Area”. Map 6 – Metropolitan Road System does not designate the section of Keele Street abutting the application site as a “Metropolitan Arterial Road”.

The draft Official Plan for the City of Toronto designates the site “Mixed Use Area”. This designation permits a wide range of employment and residential uses.

(4) Zoning By-law

The site is zoned LCR – Local Commercial Residential Zone and Subsections 16(4), 16(5) and 16(348) in the former City of York Zoning By-law No. 1-83. The LCR zone permits an apartment house and other residential and commercial land uses. Subsection 16(4) permits the existing commercial shopping centre with provision for additional gross floor area. Subsection 16(5) regulates the side and rear yard requirements for the former warehouse use of the property that preceded the existing mall. Subsection 16(348) permits a bingo hall. The proposal requires a rezoning because the proposed apartment building exceeds the maximum front yard setback of 3 metres (9.8 feet), maximum building height of 5 stories or 15 metres (49.2 feet) whichever is lower, and the maximum floor space index of 2.0 specified in the LCR zone.

(5) Site Plan Control

The application requires site plan approval. The applicant submitted the site plan control application on June 4, 2002.

(6) Reasons for Application

The proposal requires an amendment to the Zoning By-law and site plan approval to permit the requested form of residential development.

(7) Community Consultation

A Community Consultation meeting was held on Thursday June 6, 2002 on-site at 601-605 Rogers Road, the Black Creek Super Value Centre to invite community comments regarding the application. Approximately 22 members from the community attended. In summary, the following issues and concerns were expressed:

- a) concern that the apartment building will not be a condominium;
- b) request that the traffic study evaluate the impact on Rogers Road;
- c) request for Rogers Road to be widened;
- d) concern regarding trucks having difficulty turning into and out of the commercial shopping centre;
- e) request for a bus shelter on the south side of Rogers Road, west of the Hy & Zel's store;
- f) request for more benches in the commercial shopping centre and along Rogers Road;
- g) request for a medical centre, pharmacy and doctor's office in the commercial shopping centre;
- h) concern about the lack of parkland and recreational facilities in the area;
- i) concern about not enough indoor and outdoor recreational space being provided for the apartment building;
- j) concern about the Hy & Zel's store having a shortage of parking near its new entrance on the east side of the building;
- k) concern about the lack of parking for the apartment building and unit owners parking in the shopping centre and occupying parking spaces designated for shoppers;
- l) concern regarding the apartment building and commercial shopping centre sharing outdoor amenity area;
- m) request for a crosswalk on Rogers Road between the light at Keele Street and the western entrance of the commercial shopping centre;
- n) concern regarding the building being accessible for the physically challenged and request that some of the units be designated for the physically challenged;
- o) concern regarding the size and affordability of the condominium apartments;
- p) concern regarding the noise of from the Canadian Pacific and Canadian National railway and request for triple pane windows and air conditioning for the apartments;
- q) concern about the parking garage entrance being too close to the intersection of Keele Street and Rogers Road;
- r) concern regarding the landscaped and fenced area at the front (west side) of the building providing an area of entrapment;
- s) concern regarding building security;
- t) request that the commercial shopping centre have a new driveway at Keele Street;
- u) concern regarding the foundation of the existing building being strong enough to support the weight of 4 additional floors;

- v) concern regarding the vacant commercial units in the shopping centre and what type of businesses that the owner is proposing to locate in this space; and
- w) request for the owner to purchase the TTC loop at the north-west corner of Rogers Road and Bicknell Street and develop it as commercial space.

All of the issues raised at the Community Meeting were addressed at the meeting or will be discussed in a relevant section of this report.

(8) Comments and Correspondence Received on the Application from the Public

In addition to the comments received at the Community Meeting, staff have received several telephone calls on the application indicating support for the development. Some callers have expressed concerns regarding traffic impact. No correspondence from the public has been received regarding the application.

(9) Agency Circulation

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

(10) Land Use

The Former City of York Official Plan designates the subject property "Mixed Use" and Specific Area Policy S. 21.4(i). This designation and site specific policy permit residential uses including an apartment building and industrial, design, research, office, business service and major retail activities. The objectives of this designation include: encouraging an increase in residential activity by providing a high quality residential environment for residents in terms of light, privacy, view, and adequate residential amenity space; and improving the appearance, attractiveness, operation and safety of the street environment.

The policies require the following:

- a) generally a maximum building height of 8 storeys;
- b) a maximum floor space index of 2.5;
- c) continuity and enclosure of streets that the building frame;
- d) maintenance and improvement of the pedestrian street environment and public open spaces surrounding the building;
- e) respect for the existing proportions of the streets;
- f) provision of transition between areas of differing development intensity;
- g) a primary building entrance located on a public street frontage;
- h) building design that creates a pleasant attractive and safe public space along public sidewalks;
- i) a continuous building street wall from property to property;
- j) building entrances located at grade and accessible from the public sidewalk;
- k) siting of buildings to avoid creating entrapment areas and to provide visual overlook of

- adjacent streets, public spaces, and above ground parking facilities;
- l) minimizing vehicle crossings of sidewalks;
 - m) prohibiting parking and/or loading areas in the front yard; and
 - o) streetscape improvements including benches, pedestrian scale light fixtures and other street furniture, trees, planters and decorative paving materials.

The applicant, in conjunction with encouragement from staff, has met the intent of all of the above noted policies. Regarding the height of the building, the policy does not set a maximum of 8 storeys but instead states that generally the height limit is 8 storeys. Staff support the increase in height and deem it to be in conformance with the Official Plan policies for several reasons. The building is located in the vicinity of two arterial roads and abuts on all sides other lands designated “Mixed Use”. The building consists of 4.5 levels of above grade parking and 6 levels apartments. The large amount of weather protected parking in the building permits the applicant to minimize the amount of paved at grade parking (only 3 percent of the required parking is being provided at grade). This permits a generous landscaped open space area for the property. In conjunction with adding 4 floors onto the building the applicant proposes to demolish part of the existing 2 levels of office space. The resultant “C” shape of the building assists in breaking up the massing of the building.

The site is located at the junction of two Metropolitan Arterial Roads, is in the vicinity of three other Metropolitan Arterial Roads (Black Creek Drive, Weston Road and Old Weston Road), and has a high frequency of TTC buses serving the site (Route 41-Keele Street, Route 161-Rogers Road, Route 168-Symington and Route 89-Weston Road). The locational attributes of the area for an apartment building are apparent as there are 2 nine storey apartment buildings abutting the Black Creek Super Value Centre. A variety of commercial, industrial and residential uses exist in the area abutting the property. It is anticipated that the development will provide a catalyst to redevelopment of under utilized properties along Rogers Road in the vicinity of the property. From a land use planning perspective, the property is well suited for an apartment building.

Land use compatibility must be achieved with the residential development on the north side of Rogers Road and on low density residential streets east of Keele Street. Massing and streetscaping are discussed in following sections of this report.

(11) Density, Height and Massing

The resultant floor space index is 2.24. The “Mixed Use” designation permits a maximum floor space index of 2.5 and the existing LCR zone has a density restriction of 2.0. Given the locational attributes of the site and the proposal meeting the intent of all other Official Plan policies, staff can support the requested floor space index.

The height of the existing office building is 6.5 storeys and the proposed apartment building would be 10.5 storeys with a rooftop terrace. The LCR zone permit a height of 5 storeys or 15 metres (49.2 feet), whichever is lower. The height of the proposed apartment building is 42 metres (138 feet). The applicant has not submitted a shadow study. Staff do not require a shadow study for the following reasons:

- a) the building has an east front yard setback of 3 metres which is an increase from the zero setback permitted by the LCR zone;
- b) to the east and north of the property are commercial buildings, and two arterial roads; and
- c) north-east and east of the property are lands zoned LCR which could be redeveloped with buildings of a similar height..

The applicant has indicated an interest in masking the 4.5 levels of above grade parking with a metal meshing. From a crime prevention through environmental design perspective it would be desirable to have a level of visibility into the parking levels to promote natural surveillance of this area. As part of the site plan approval process the applicant is prepared to demonstrate how the metal mesh would look on a section of the building.

Planning staff require that the applicant provide a high level of detail on the four exposed elevations. Elevations have been submitted for the east and west facades and not the north and south facades. Planning staff require that the north and south facades have the same level of glazing and metal meshing at the other two facades.

The applicant has not submitted a wind study. Staff do not anticipate wind tunnelling to be an issue.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about existing building being able to support the weight of 4 additional floors. The applicant has been advised by his engineer that the existing foundation can bear the weight of the proposed additional floors.

The massing of the proposed apartment building will be addressed at the time of site plan approval.

(12) Transportation

A Traffic Impact Study (TIS) for the development was submitted by iTRANS Transportation Planning and Traffic Consultants. The study evaluates the impact of the development on Keele Street south of the intersection of Rogers Road. In preliminary discussions with Works and Emergency Services Department staff on the study, staff have indicated that the study is satisfactory. Works and Emergency Services Department staff do not require that the applicant evaluate the impact on existing intersections in the area.

The Works and Emergency Services Department are satisfied with the proposed access on Keele Street and drop off area on the west side of the building. Access will be reviewed at the time of site plan review.

At the Community Consultation meeting held on June 6, 2002, a speaker requested that the owner construct an additional driveway for the commercial shopping centre at Keele Street. The

applicant advised that this is not feasible due to buildings being located along Keele Street and because of a change in grade between the street and commercial shopping centre.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about trucks not being able to properly turn into and out of the commercial shopping centre. Truck turning radii were reviewed at the time of the original site plan approval and reviewed again at the time that the applicant applied for a site plan amendment. The Works and Emergency Services Department will revisit the truck access again at the time of site plan review.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about the lack of TTC shelters in the area. There is a shelter that serves the commercial shopping centre at the south-west corner of Keele Street and Rogers Road. Residents have requested that a shelter be located at the south-west corner of the westerly driveway for the commercial shopping centre and Rogers Road. Staff measured the paved area abutting the south side of the sidewalk. The paved area is 1.47 metres (4.8 feet) wide. Staff have requested that the TTC investigate locating a shelter in this location. The north side of Rogers Road has TTC stops at the north-east corner of Keele Street and Rogers Road and at the north-east corner of Bicknell Avenue and Rogers Road. In both of these locations the sidewalk is not wide enough to accommodate a TTC shelter.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about the traffic on Rogers Road and the need for the road to be widened. The severed property does not abut Rogers Road and therefore a widening the road is not a relevant issue.

At the Community Consultation meeting held on June 6, 2002, a crosswalk on Rogers Road between the light at Keele Street and the western entrance of the commercial shopping centre was requested. Given the close proximity of the two lights, the installation of a crosswalk is not feasible in this area.

(13) Fire Department Access Routes

The Fire Department has requested that the applicant submit mechanical drawings and additional information on the Fire route. Comments will be prepared subsequent to the receipt of this information and will be incorporated into site plan conditions.

(15) Servicing

The applicant has submitted all required servicing plans. Services are currently in place along Keele Street and Rogers Road. It is the policy of City Council to require the infiltration of storm water run-off into the ground for all new buildings, whenever possible. Therefore, storm connections to the City sewer system will only be permitted if it can be demonstrated that infiltrating storm water into the ground is not feasible. The applicant is required to submit a storm water management report identifying the storm water quantity and quality control measures being proposed.

Servicing will be reviewed at the time of site plan approval.

(16) Solid Waste and Recycling

Comments from the Works and Emergency Services Department have not been received. Standard conditions of site plan approval are anticipated with respect to solid waste and recycling. These conditions will require the owner to submit, prior to the issuance of a building permit, a Material Recovery and Waste Reduction Plan, satisfactory to the Commissioner of Works and Emergency Services, and require the owner to provide, maintain and operate the material recovery and waste reduction measures, facilities and strategies stipulated in the Material Recovery and Waste Reduction Plan approved by the Commissioner of Works and Emergency Services.

(17) Easements

As indicated earlier in the report, easements have been addressed with the consent application. The Committee of Adjustment approved the application subject to a condition prior to receiving site plan approval for the apartment building, the owner shall submit a further application to the Committee of Adjustment and receive conditional consent approval to establish an easement with a minimum width of 3 metres (9.8 metres) along the north limit of the lands to be severed where they abut the commercial buildings in favour of the lands to be retained.

(18) Open Space/Parkland

Standard comments provided by the Parks and Recreation Division indicate that cash-in-lieu of parkland is required. This would be secured as a condition of consent or site plan approval.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about the lack of parkland and recreational facilities in the area. The cash-in-lieu of parkland will be applied to the development of parkland or recreational facilities in the area. Concerns were raised regarding the apartment building sharing outdoor recreational space with the abutting commercial shopping centre. The applicant indicated that the outdoor recreational space at grade would be fenced and would be for the exclusive use of the occupants of the apartments.

Concern was also raised regarding the amount of outdoor amenity space for the apartment building. The applicant is proposing an approximately 1 237 square metre (13,320 square foot) of at grade outdoor amenity area, a 125 square metre (1,350 square foot) landscaped amenity terrace on the fifth floor and an approximately 1 635 square metre (17,600 square foot) rooftop terrace. In total 2 997 square metres (32,260 square feet) of outdoor amenity space would be provided. The former City of York zoning by-law requires that an apartment house with more than 20 units provide a minimum of 2 square metres (21.5 square feet) of outdoor amenity space per unit. This standard requires a minimum of 288 square metres (31,000 square feet) of outdoor amenity space for the building. Staff recommend a by-law provision to require a minimum of 1 200 square metres (12,917 square feet) of at grade outdoor amenity space and a minimum of 1 750 square metres (18,837 square feet) of rooftop outdoor amenity area (not including balconies and exclusive use terraces for residential units).

(19) Streetscape

Planning staff require that the site plan and landscape plan incorporate all TTC stops/shelters, hydro vaults, telephone booths and any other service functions. The site plan and landscape plan should also clearly show all building doors.

Staff require that the streetscape along Keele Street be improved. The applicant is proposing the following improvements:

- a) relocation of the parking garage entrance to the south end of the Keele Street façade;
- b) planting 5 trees in the front yard area;
- c) adding a primary building entrance and lobby to the Keele Street side of the building;
- d) locating a bicycle room on the ground floor along Keele Street and providing glazing the length of the room;
- e) providing a canopy in front of the Keele Street entrance;
- f) providing decorative fencing and a gate at the entrance to the driveway at the north end of the building;
- g) providing a vertical column over the entrance area to provide a visual connection to the residential floors;
- h) providing mesing along the Keele Street and other facades to mask the parking levels; and
- i) providing a high level of glazing for all facades containing apartments.

Streetscaping details will be addressed at the time of site plan review.

(20) Committee of Adjustment Consent Application

The Humber York Committee of Adjustment at its June 11, 2002 meeting granted conditional consent approval to sever the property from the larger commercial shopping centre and to create easements and rights-of-way in favour of the severed property on the retained Black Creek Super Value Centre lands (application File No. B 41/02 HY). The provision for an additional easement to give access to the rear of commercial properties was addressed in the consent application staff report. The Committee has imposed a condition requiring that prior to receiving site plan approval for the apartment building, the owner shall submit a further application to the Committee of Adjustment and receive conditional consent approval to establish an easement with a minimum width of 3 metres (9.8 metres) along the north limit of the lands to be severed where they abut the commercial buildings in favour of the lands to be retained. This would permit pedestrian access to Keele Street and the commercial shopping centre from the abutting commercial units to the north of the severed lands.

Possible revisions to the served lot boundaries may be required to ensure that walls with windows comply with the Building Code for the purposes of complying with setback from property line boundaries.

(21) Environment

This project is on a former commercial site and, as such, the applicant will be required to submit a record of site condition, all environmental site assessment reports and a Statement from a Professional Engineer (sealed and dated), that based on the environmental record of site condition and the supporting documents:

- (i) the site is suitable for its intended use; and
- (ii) that it is unlikely there is any offsite hydrocarbon vapours or contamination on the adjacent right-of-ways, including the lands to be conveyed, that would exceed applicable MOE Guideline objectives or regulations resulting from past land uses;

Should it be determined that remediation of the adjacent right-of-ways be required, the owner must enter into an agreement with the City in which the owner, or the party responsible for the off-site contamination, commit to carrying out a remedial work plan acceptable to the City.

The applicant has not submitted a record of site condition. A provision in the Zoning By-law will require submission of the record of site condition prior to Building Permit issuance. Other requirements relating to soil remediation will be addressed in the site plan approval process.

Staff are aware that a Development Review Process: Harmonized Site Remediation Peer Review for Contaminated Sites report was considered by City Council after the date of the preparation of this report. Amendments to the recommended draft Zoning By-law provisions and site requirements may be necessary to reflect City Council's decisions. Any revisions would be addressed in a supplementary report to City Council.

(22) Parking

The applicant is proposing to provide 183 parking spaces consisting of 144 spaces for occupants and 39 spaces for visitors. All of the parking spaces would be located in the above grade parking area with the exception of 6 outside surface level visitor parking spaces located to the west of the apartment building. The former City of York parking standard for a condominium apartment building is 1.0 space per bachelor and one bedroom apartment and 1.2 space per two and bedroom apartment, and 1 visitor parking space for every 4 apartments. Therefore 182 parking spaces consisting of 146 spaces for occupants and 36 for visitors are required. The applicant will be required to designate 2 additional occupant parking spaces in the building. Parking will be addressed in the site plan approval process.

At the Community Consultation meeting held on June 6, 2002, concerns were raised about the Hy & Zel's store having a shortage of parking near its new entrance on the east side of the building. Concerns were also raised regarding the lack of parking for the apartment building and unit owners parking in the shopping centre and occupying parking spaces designated for shoppers. With the recent demolition of commercial building space and re-striping of the parking, the shopping centre now has 576 parking spaces which is a surplus of 50 parking spaces above by-law requirements.

The proposed apartment building would have a surplus of one parking space above the by-law requirements. The applicant is aware that some occupants of apartments may attempt to park in the commercial shopping centre. The applicant has indicated that this is an enforcement issue. It is noted that the applicant intends to include 1 parking space in the price of each condominium apartment. This should avoid people not having a parking space in the building and therefore being likely to park in the commercial shopping centre.

(23) Bicycle Parking Standards

The applicant has indicated bicycle parking areas on the site plan. The City of Toronto Cycling Master Plan anticipates on street bicycle lanes on sections of Bicknell Avenue, Keele Street and Rogers Road in the vicinity of the proposed development. Due to the proximity of existing and proposed bicycle path, lanes and routes to the north, east and south (Black Creek Drive, Eglinton Avenue West and Davenport Avenue), there is a high potential for occupants to travel by bicycle. Staff recommend that bicycle parking standards of the former City of Toronto be incorporated into the draft Zoning By-law for the subject property. The standards are:

- (i) 0.75 bicycle parking space for every apartment of which 80% must be for occupants and 20% must be for visitors;
- (ii) a bicycle parking space is an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - (a) where bicycles are 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;
 - (a) where bicycles are 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; and
- (iii) all bicycle parking spaces shall be provided and maintained in a highly visible weather protected area.

The above noted provisions would result in the following minimum amount of bicycle parking being provided on the site:

- (1) 22 visitor bicycle parking spaces; and
- (2) 86 occupant bicycle parking spaces.

The applicant is proposing a minimum of 108 bicycle parking spaces located in an indoor room (spaces for the bicycles of occupants), and two weather protected visitor parking spaces within 20 metres (65.6 feet) of the main entrance of the proposed apartment building (spaces for both the bicycles of visitors and occupants). Staff are generally satisfied with the proposed bicycle parking areas.

The amount and location of bicycle parking will be addressed at the time of site plan review.

(24) Loading Spaces

The site plan shows two large loading space at the north-west corner of the proposed apartment building. Loading issues will be addressed at the time of site plan review.

(25) Landscape Plan

Overall, the landscape plan submitted by the applicant is satisfactory to Planning staff and the Forestry Section. The landscape plan shall be finalized at the time of site plan review.

(26) On-site Pedestrian Circulation

Planning staff require that where walkways cross drive aisles throughout the site they are to be constructed in a material other than asphalt in order to reinforce and clarify the pedestrian movement patterns on site. This will be addressed at the time of site plan review.

(27) Indoor Amenity Space

The building would include a 293 square metre (3,159 square foot) ground floor amenity area consisting of a gym, theater, meeting room, party room and lobby with seating area and fireplace. Staff recommend a minimum of 2 square metres of indoor recreational space per apartment. This would result in a minimum of 288 square metres of indoor recreational space. The applicant is proposing to exceed this provision. Staff recommend that the zoning by-law provisions include a minimum of 288 of indoor amenity space for the development.

(28) Lighting

Neither the site plan or the landscape plan indicate the proposed lighting on the buildings, walkway lighting and parking lot lighting. Pedestrian safety and security is a major concern. Lighting is an important component in crime prevention through environmental design. Planning staff recommend that a lighting plan be submitted prior to Site Plan Approval. The lighting plan should also include all street lights abutting the site along Keele Street West. Staff also recommend that prior to the issuance of an occupancy permit that on-site lighting be installed, inspected and be deemed to be satisfactory by Community Planning staff.

(29) Fencing

The applicant has shown fencing between the commercial plaza and the lands to be severed. Fencing shall be addressed during site plan review.

At the Community Consultation meeting held on June 6, 2002, concerns were raised regarding this area being an area of entrapment. The applicant advised that the fencing would be see through and landscaping would be kept low to provide property overlook of this area. Crime Prevention Through Environmental Design issues will be addressed at the time of site plan review.

(30) Railway Noise and Vibration

The application was circulated for comments to the Canadian Pacific Railway and Canadian National Railway. Comments on this application have not been received. The apartment would be located a minimum of 145 metres from the Canadian Pacific Railway right-of-way which is the closest railway.

Comments from the Canadian National Railway were received for consent application B41/02HY. The railway requested that a noise study be completed and that warning clauses be included in all offers of purchase and sale.

It is anticipated that they will require conditions of approval related to rail noise and vibration. This Department requires that prior to the introduction of the necessary Bills to City Council for enactment, that comments be received by the Canadian Pacific Railway and Canadian National Railway.

Site plan conditions of approval will require the following:

- (i) that a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the Noise Impact Statement approved by the Commissioner of Works and Emergency Services; and
- (ii) that the applicant provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services.

(31) Other concerns raised at the Community Consultation Meeting on June 6, 2002

At the Community Consultation meeting held on June 6, 2002, concerns were raised regarding the apartment building not being a condominium. The City cannot regulate the tenure of a building. The applicant indicated at the meeting that the building will be a condominium. He has already located a sales trailer on the site and plans on initiating sales in July 2002.

Concerns were raised regarding the floor area of the apartments and the price of the units. The applicant indicated that size of the units would range from approximately 46.4 square metres (500 square feet) to 74.3 square metres (800 square feet). The applicant indicated that the price of the units would range from approximately \$90,000. to \$180,000. with 1 parking space included in the price. Staff consider this price range to be very affordable.

Concerns were raised regarding building security. The applicant indicated that all entrance doors and vehicular access to the building would be via a card reader. Visitors would have to be buzzed into the building by an occupant.

Concerns were raised regarding the building being accessible for the physically challenged and speakers requested that some of the units be designated for the physically challenged. The applicant indicated that the building would be fully accessible for the physically challenged that the some of the units would be designated for the physically challenged.

Speakers requested more benches in the commercial shopping centre and along Rogers Road. The applicant indicated that more benches would be installed in these areas.

Concerns were raised about the vacant commercial units in the shopping centre and the type of businesses that the owner proposed to locate in these units. The applicant indicated that there would be no more discount stores and that neighbourhood serving businesses such as a Portuguese bank, restaurants, food stores would occupy these units. The applicant indicated that he would also pursue the request to locate a medical centre, pharmacy and doctor's office in the vacant commercial units.

Conclusions:

The application has undergone a full circulation and community consultation, where no objections were filed regarding the proposal. The proposal respects the general intent of both the Official Plan and the performance standards of Zoning By-law No. 1-83. The application is recommended for approval subject to the fulfilment of the conditions of approval. The draft Zoning By-law appended as Attachment 5 to permit the development is also recommended for approval. Site plan approval requirements have also been identified.

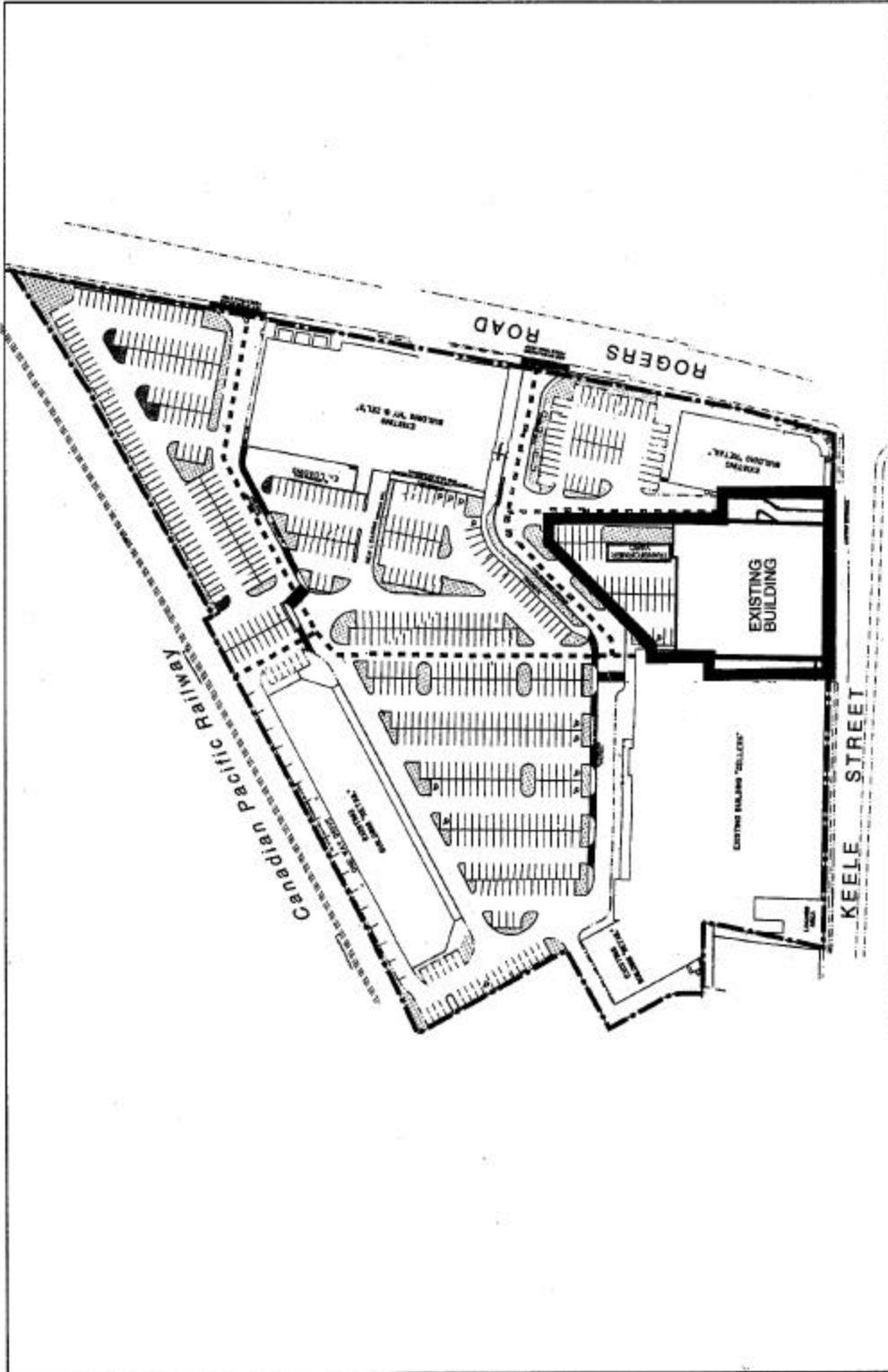
Contact:

Al Rezoski, Senior Planner,
Community Planning, West District
Tel: (416) 394-2615; Fax: (416) 394-2782
E-mail: arezosk@city.toronto.on.ca

Gary Wright, MCIP, RPP
Director, Community Planning, West District

List of Attachments:

Attachment 1a:Site Plan (Existing Shopping Centre)
Attachment 1b:Site Plan (Residential Proposal)
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Draft Zoning By-law Amendment

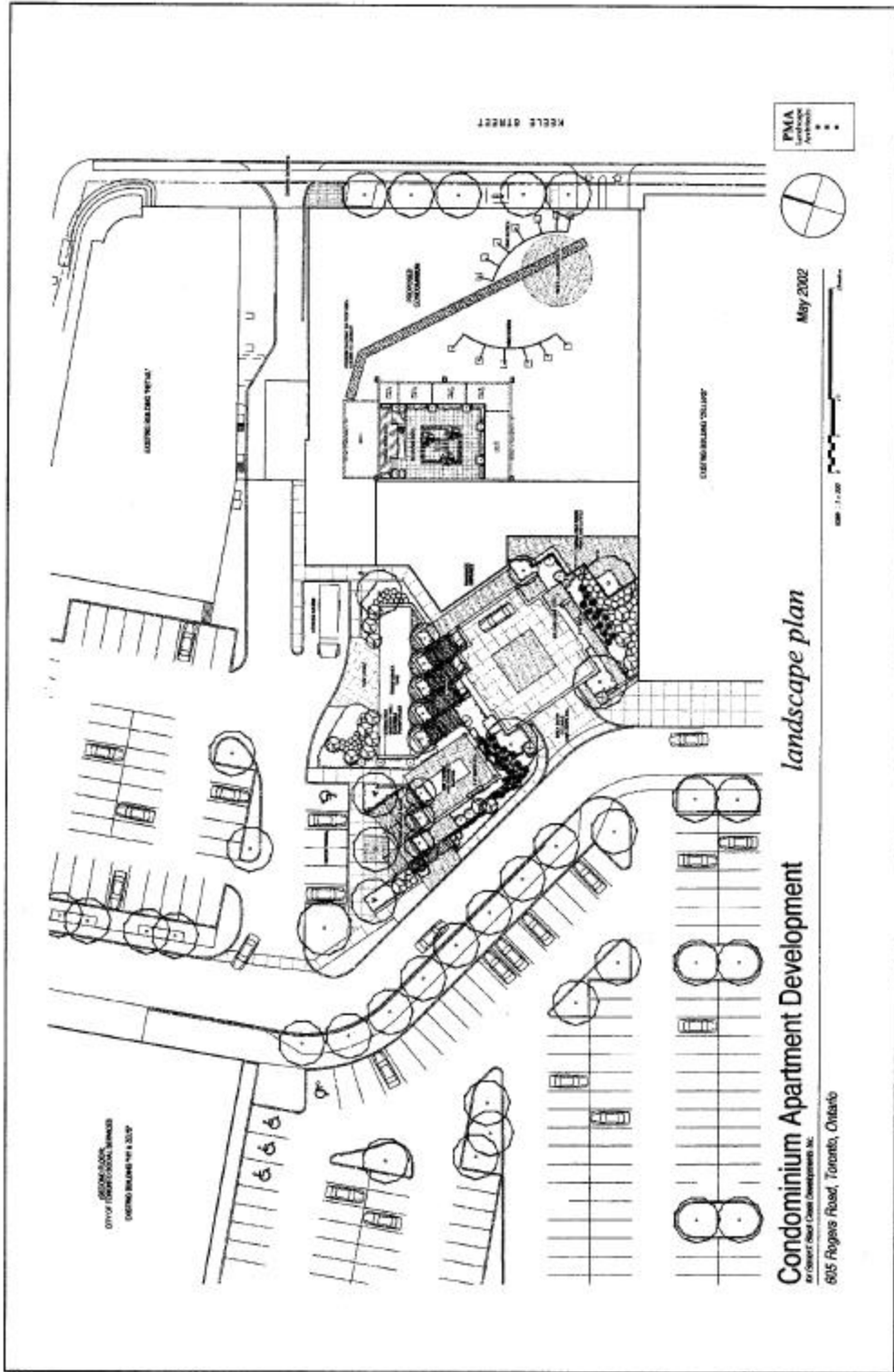


Site Plan (Existing Shopping Centre)
Applicant's Submitted Drawing

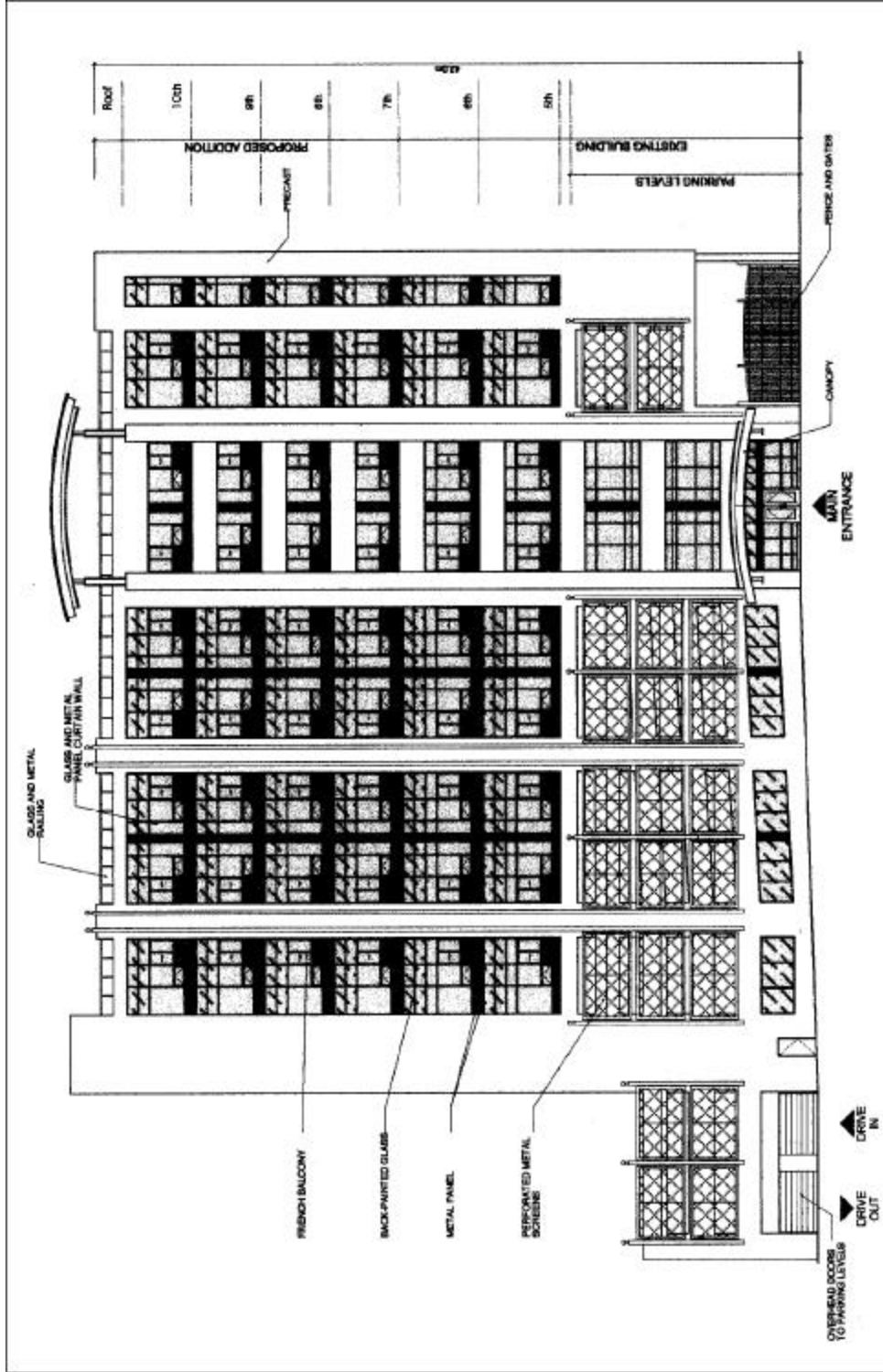
601-605 Rogers Road
File # TC CMB 2002 0006 Drwg. # TC CMB 2002 0006c

Not to Scale
05/16/02

➔ Attachment 1a



Site Plan (Residential Proposal) 601-605 Rogers Road Not to Scale
 Applicant's Submitted Drawing File # TC CMB 2002 0006 05/10/02
 Drwg. # TC CMB 2002 0006a Attachment 1b



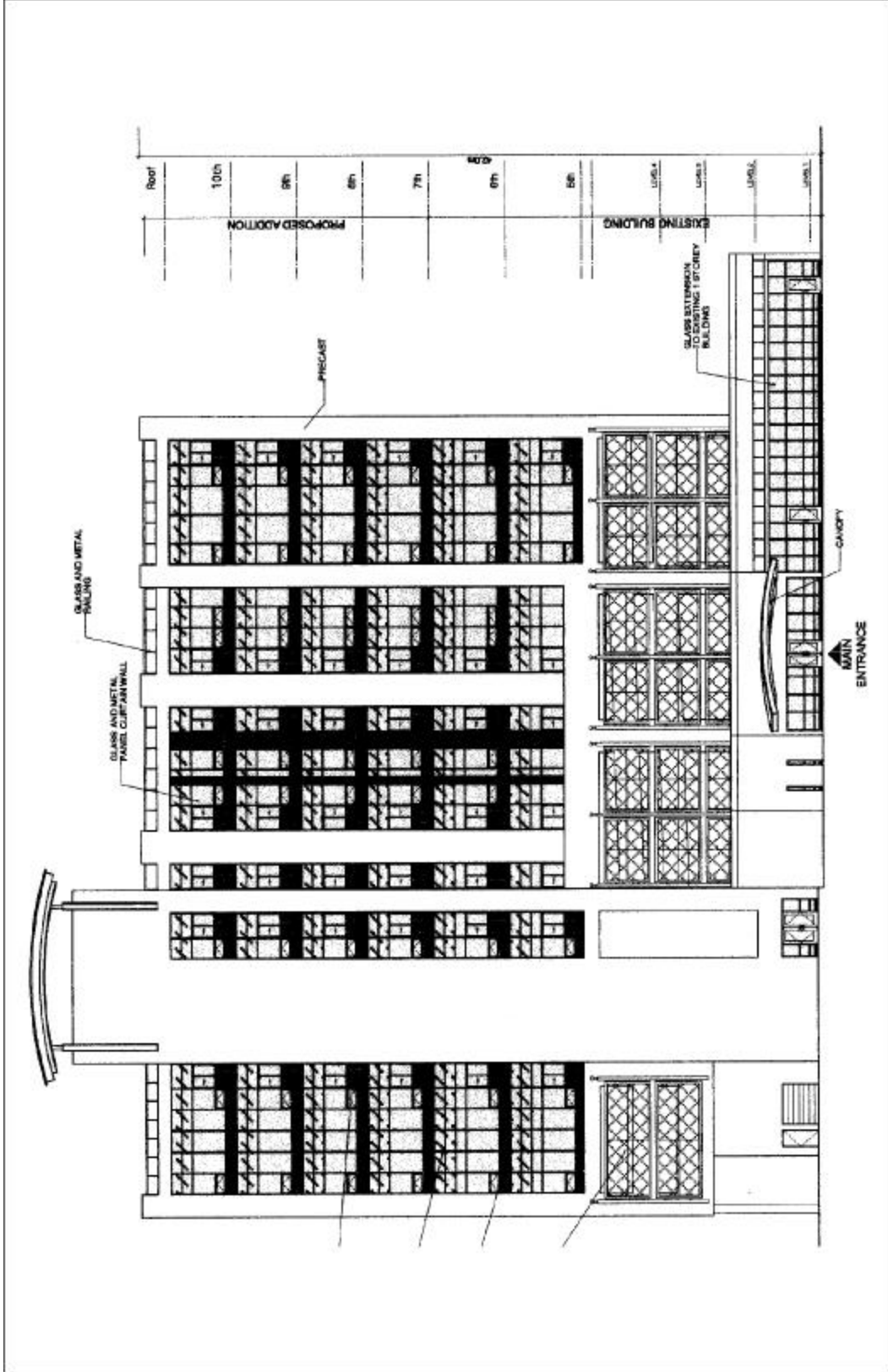
East Elevation

601-605 Rogers Road
File # TC CMB 2002 0006 Drwg. # TC CMB 2002 0006a

Not to Scale
05/14/02

Attachment 2a

Applicant's Submitted Drawing



Not to Scale
06/14/02

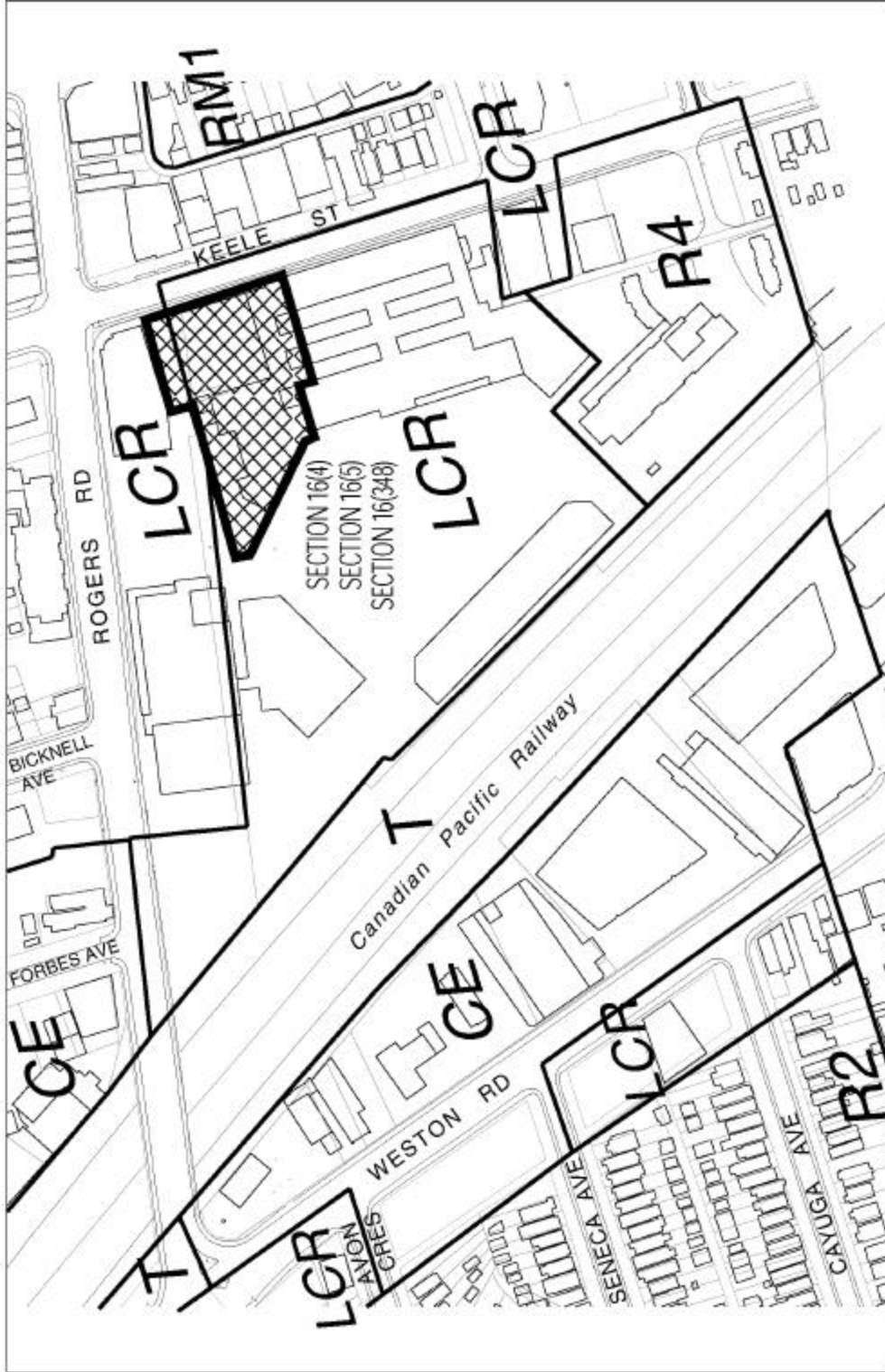
Attachment 2b

601-605 Rogers Road

File # TC CMB 2002 0006 Drwg. # TC CMB 2002 0006a

West Elevation

Applicant's Submitted Drawing



Toronto Urban Development
Services

601-605 Rogers Road

Not to Scale
05/13/02

Attachment 3

File # TC CMB 2002 0006 Drwg. # TC CMB 2002 0006b

Zoning Map

R2 Residential Zone
RM1 Residential Multiple Zone
LCR Local Commercial Residential
T Transportation & Utilities

Attachment 4: Application Data Sheet

APPLICATION DATA SHEET

Combination

Site Plan Approval: Yes
Rezoning: Yes
O.P.A.: No

File Number:
Application Number: **TC CMB 2002 0006**
Application Date: 05/21/2002

Municipal Address: 601 Rogers Rd
605 Rogers Rd

Nearest Intersection: Keele Street and Rogers Road

Project Description: Conversion of an above grade parking garage with two levels of offices on the top floors to a 144 unit apartment building

Applicant:
CASSELS BROCK & BLACKWELL
40 King Street West
Toronto M5H3C2
(416) 869-5977

Agent:

Architect:

Owner:
ROSE BLACK CREEK LTD &
GENERX BLACK CREEK
DEVELOPMENT INC.
200 West Beaver Creek
Richmond Hill, ON L4B 1B4
(905) 762-0408

PLANNING CONTROLS (For verification refer to Chief Building Official)

Official Plan Designation: Mixed Use, Specific Area Policy S.21.4(i) Site Specific Provision: Subsections 16(4), 16(5) and 16(348)

Zoning District: LCR

Historical Status: No

Height Limit (m): 20

Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area: 5250
Frontage: 55
Depth: 108

Height: Storeys: 10.5
Meters: 42

		Indoor	Type	Outdoor	Type	Off Site	Leased
Ground Floor GFA:	1507	Parking Spaces:	177	6		0	0
Residential GFA:	11762	Loading Docks:	2	2			
Non-Residential GFA:	0		0	0			
Total GFA:	11762		0	0			

DWELLING

Tenure Type: Condominium
Rooms: 0
Bachelor: 48
1 Bedroom: 84
2 Bedroom: 12
3+ Bedroom: 0
Total Units: 144
Total Proposed Density: 2.24

FLOOR AREA BREAKDOWN

	Above Grade	Below Grade
Residential GFA:	11762	
Retail GFA:	0	
Office GFA:	0	
Industrial GFA:	0	
Industrial/Other GFA:	0	

Data Valid: June 11, 2002 12:27:02 PM
Area: District - C

Planner: Rezoski, Al Phone: 416-394-2615
Planning Office: Toronto - West (TC)

Attachment 6 - Draft Zoning By-law

Authority : Humber York Community Council Report No. __, Clause No. __
as adopted by City of Toronto Council on July 16, 17 and 18, 2002
Enacted by Council:

CITY OF TORONTO

Bill No.

BY-LAW No. - 2002

To amend former City of York By-law No.1-83
in respect of lands located on the west side of Keele Street approximately 16 metres (52.4 feet)
south of Rogers Road (605 Rogers Road)

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 HEREBY ENACTS as follows:

SECTION 16 AMENDED

1. That Section 16 of Zoning By-law No. 1-83, as amended, of the former City of York, is hereby further amended by adding the following as a new Subsection (412):

“(412) LANDS – 605 Rogers Road

Notwithstanding any provisions of Section 11 and any other provisions of this By-law, the lands municipally known as 605 Rogers Road, more particularly described in Schedule “A” to this Subsection and shown on Schedule “B” hereto, (hereinafter referred to as “the Lands”) may be used for one or more of the following purposes:

- i) an apartment house and accessory uses.

subject to the following provisions:

- a) The building excluding exits, shall be located within the buildable area shown on Schedule ‘C’ to this By-law so as to comply with the maximum dimensions shown. The minimum building setbacks and maximum height of building shall be in accordance with Schedule ‘C’. For the purpose of this subsection, the minimum building setback abutting the north side yard for a maximum distance of 41 metres measured westerly from the Keele Street property line shall be 0 metres

through the first floor level and a minimum of 3.2 metres above the first floor level.

- b) The maximum floor space index shall be 2.3.
- c) The maximum height of the building shall be eleven storeys and 42 metres, exclusive of roof top mechanical floors, walls or structures to screen mechanical equipment, roof stairwell enclosures, parapet walls.
- c) Canopies, awnings and roof overhangs may extend into the front yard and into the minimum setback area of a building a maximum of 3.0 metres but any projecting part of a building shall not:
 - i) encroach onto lands conveyed to or granted as an easement to the City for municipal purposes; or
 - ii) interfere with the use of a driveway required for access to a parking or loading area.
- d) The maximum total gross floor area for all permitted principal uses shall be 11 762 square metres and the maximum gross floor area for accessory buildings shall be 70 square metres.
- e) The Chief Building Official for the City or his designate, prior to the issuance of any building permit for the development shall be provided with a completed “Record of Site Condition” pursuant to the Ministry of the Environment “Guideline for Use at Contaminated Sites in Ontario, February 1997”, as amended or updated, marked as having been received by the Ministry of Environment along with a letter from the Ministry of Environment advising that the Record of Site Condition is not subject to an audit review; or, alternatively, a letter from the Ministry of Environment advising that the Record of Site Condition has passed a Ministry audit for compliance with the Guideline; and the suitable use or uses for the lands set out in Part 3 of the “Record of Site Condition” is consistent with the uses for the lands permitted by this Subsection.
- f) Vehicular access to Keele Street shall be restricted to one full turns access point adjoining the south limit of the property.
- g) All rooftop mechanical units, flues and vents shall be screened.
- h) Bicycle parking spaces shall be provided and maintained in accordance with the following minimum standards:
 - 1) a minimum of 0.75 bicycle parking space for each dwelling unit provided in the following portion: 80 percent as bicycle parking space for occupants and 20 percent as bicycle parking space for visitors;

- 2) not more than 50 percent of the bicycle parking spaces for residential uses shall be provided in a manner that requires a person to park the bicycle in a vertical position;
 - 3) bicycle parking spaces for residential uses shall not be provided in a dwelling unit or a balcony thereof;
 - 4) a bicycle parking space is an area that is equipped with a bicycle rack for the purpose of parking and securing bicycles, and:
 - a) where bicycles are parked on a horizontal surface, such space has horizontal dimensions of at least 0.6 metres wide by 1.8 metres long and a vertical dimension of at least 1.9 metres high; and
 - b) where bicycles are parked in a vertical position, such space has horizontal dimensions of at least 0.6 metres wide by 1.2 metres long and a vertical dimension of at least 1.9 metres high; and
 - 5) all bicycle parking spaces shall be provided and maintained a highly visible weather protected area.
 - i) A minimum of 288 square metres of indoor amenity space consisting of a party room, lobby with seating area, theater, and meeting room shall be provided.
 - j) A minimum of 1 200 square metres of at grade outdoor amenity space and a minimum of 1 750 square metres of rooftop outdoor amenity area (not including balconies and exclusive use terraces for residential units) shall be provided.
 - j) A maximum of 8 surface level parking spaces not located in a building shall be permitted.
 - k) Above grade parking areas shall be screened from the view on the ground by metal meshing or glazing.
 - l) All other provisions of this By-law shall continue to apply except in the case where provisions of this Subsection are in conflict in which case the provisions of this Subsection shall prevail.
3. Subject to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, this By-law shall come into force and effect on the date of its passing.

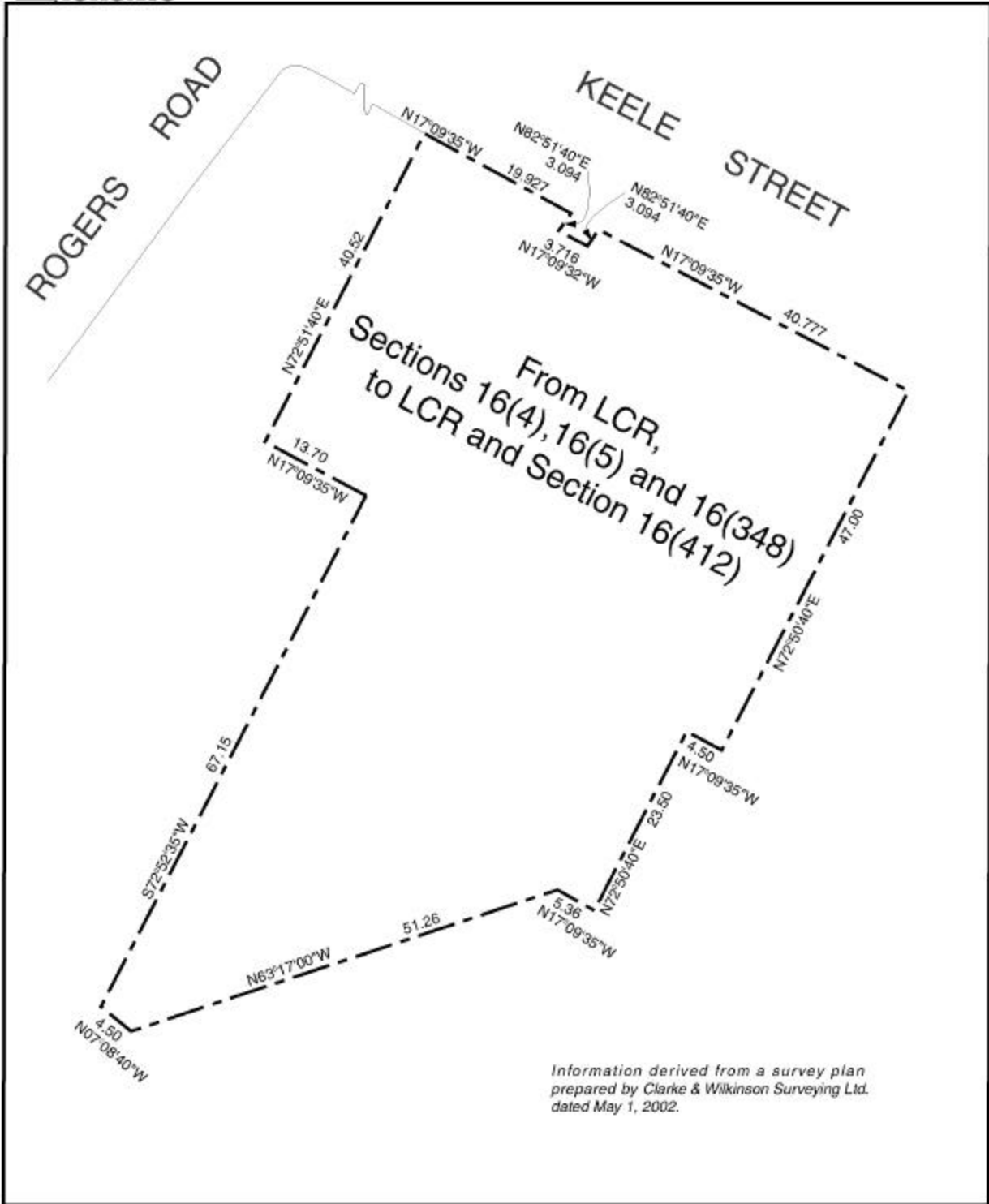
ENACTED AND PASSED this day of A.D. 2002.

Deputy Mayor

City Clerk



Schedule 'A' to By-Law Number _____
and Section 16(412) of Zoning By-Law 1-83



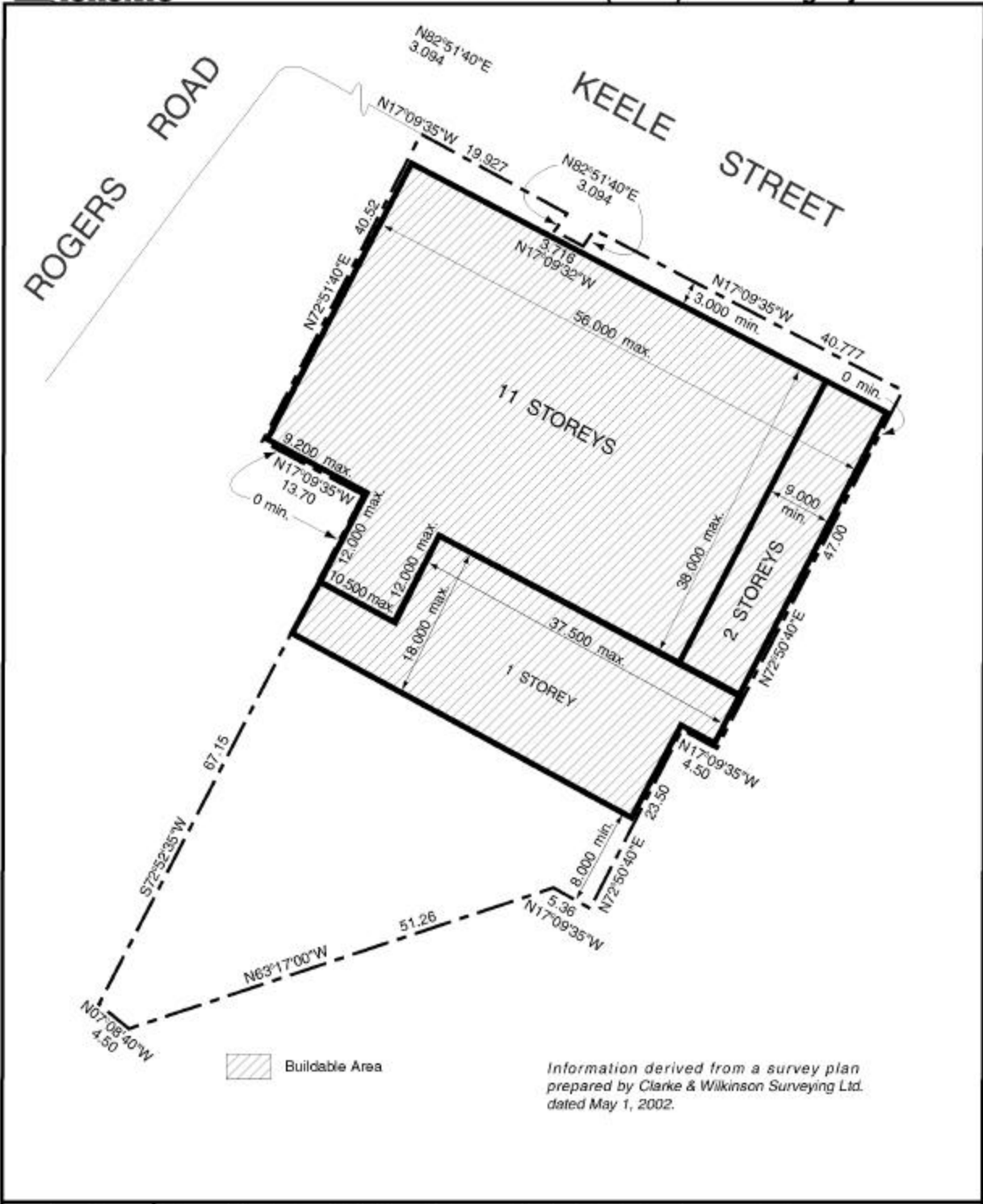
Information derived from a survey plan prepared by Clarke & Wilkinson Surveying Ltd. dated May 1, 2002.

Applicant's Name: Rose Black Creek Ltd. and Generx Black Creek Developments Inc.			
Assessment Map:	Zoning Code Map/s	Not Applicable	
File No. TC CMB 2002 0006	Drawing No. TC CMB 2002 0006f	Date: 06/13/02	Not to Scale





Schedule 'B' to By-Law Number _____
and to Section 16(412) of Zoning By-Law 1-83



Applicant's Name: Rose Black Creek Ltd. and Genrx Black Creek Developments Inc.		Zoning Code Map/s Not Applicable	Not to Scale	
Assessment Map:				
File No. TC CMB 2002 0006	Drawing No. TC CMB 2002 0006e	Date: 06/13/02		