

Toronto STAFF REPORT

March 13, 2003

To: North York Community Council

From: Acting Director, Community Planning, North District

Subject: Final Report
Application to amend Zoning By-law
Daniels Kenaston Gardens
25-39 and 28-38 Kenaston Gardens
TB ZBL 2002 0008
Ward 24 - Willowdale

Purpose:

This report reviews and recommends approval of an application to amend the Zoning By-law for a 28-storey condominium apartment building with grade related units at the south terminus of Kenaston Gardens, located south of Sheppard Avenue and east of Bayview Avenue.

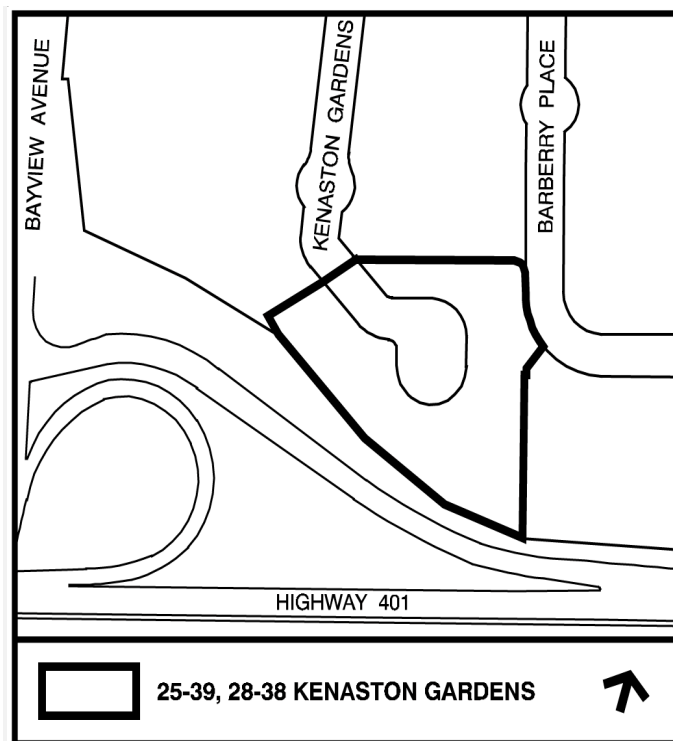
Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report. The Administration Committee and North York Community Council will be dealing with a report with respect to surplus land declaration and the proposed closing of a portion of the Kenaston Gardens road allowance.

Recommendations:

It is recommended that City Council:

- (1) Amend Zoning By-law 7625 for the former City of North York substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.



- (2) Authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
- (3) Before introducing the necessary Bills to City Council for enactment, the owner is required to satisfy the following conditions:
 - (i) enter into an Agreement under Section 37 of the Planning Act for the exemption of indoor private recreational amenity area from the calculation of gross floor area to a maximum of 1,000m²;
 - (ii) deposit a letter of credit or certified cheque in the amount of \$10,000.00 to the satisfaction of the Director, Community Planning, North District, for future traffic monitoring to be undertaken;
 - (iii) obtain Site Plan approval under Section 41 of the Planning Act; and,
 - (iv) provide confirmation that arrangements have been made to satisfy the requirements of the Works and Emergency Services Department as outlined in their memorandum dated February 26, 2003.

Comments:

Proposal

Daniels Kenaston Corporation ("Daniels") is proposing to amend the zoning by-law to permit a 28-storey apartment building with grade related units. The building has been designed to accommodate up to 435 dwelling units. The development will have a gross floor area of approximately 35,319.3m² yielding a density of 3.0 FSI. Vehicles will access the site from Barberry Place/Rean Drive. All parking is located below grade. A statistical summary of the project is provided in Attachment 5.

The proposal originally filed with the application has been revised. The height, gross floor area, and number of units have been reduced and the properties municipally known as 22 and 24 Kenaston Gardens no longer form part of this application. These properties have been consolidated with another development application, recently received by the Department, comprising lands assembled on the west side of Kenaston Gardens (no.12-24).

The development site comprises fourteen residential properties currently developed with single detached dwellings and incorporates 2,447.1m² of area associated with the Kenaston Gardens road allowance. In August 2002, Works and Emergency Services received a request from Daniels to close the cul-de-sac portion of the Kenaston Gardens road allowance south of No. 26 Kenaston Gardens, with the intention to include them as part of the rezoning application. Staff of the various departments are working co-operatively to target the final report on the planning application and the report on the surplus land declaration, proposed road closing and sale so that they can be dealt with concurrently by Council.

The applicant is proposing a land exchange with the City. A portion of the applicant's site comprising 1,143.8m² of land at the north end of the development will be conveyed to the City for municipal road purposes in exchange for an equal portion of the Kenaston Gardens right-of-way (refer to Attachment 4). A new east-west municipal road is planned along the north edge of the site that will ultimately connect Kenaston Gardens to Barberry Place. As with previous approvals in the area, the closure of surplus portions of the road allowance will be exchanged for the new road to be constructed and revenue will be generated from the eventual sale of the excess lands. A summary of the land exchange is as follows:

Kenaston Gardens cul-de-sac land (to be declared surplus and closed)	2,447.1m ² (26,340.58ft ²)
Future east-west municipal road land (to be conveyed to City)	<u>1,143.8m² (12,311.86ft²)</u>
Kenaston Gardens cul-de-sac land (to be sold to the applicant)	1,303.3m ² (14,028.72ft ²)

Site and Surrounding Area

The site comprises 1.04 hectares of land (10,469m²/112,696ft²) at the south terminus of Kenaston Gardens. The land assembly comprises 14 residential lots each developed with a single detached dwelling (25-39 and 28-38 Kenaston Gardens) as well as 2,447.1m² of the Kenaston Gardens road allowance. The site is located within approximately 100 metres of the Bayview station on the new Sheppard Subway line.

The following is a summary of the area context:

North:	single detached dwellings fronting Kenaston Gardens; a future 8-storey apartment building fronting Barberry Place (The Chelsea);
South	Highway 401 off-ramp to Bayview Avenue;
East:	28-storey and 20-storey apartment buildings currently under construction (NY Towers Inc.); and,
West:	North York YMCA.

North York Official Plan

The lands are designated Mixed Use (MU) under the Sheppard East Subway Corridor Secondary Plan (OPA 392) which permits mixed use development, multiple family development and parkland. The lands are part of a key development area (Bayview Node) assigned a maximum density of 3.0 FSI.

The Context Plan for this quadrant of the Bayview Node, adopted by Council in March 2001, has been used to evaluate this application. The Context Plan consists of a structure plan, height diagram, and block pattern diagram integrating the transportation and open space options for the area as well as, urban design guidelines to assist Council in its decisions on development applications. Together, the maps and design principles provide a framework for the co-ordinated incremental development of these lands. Refinements to the development criteria are to be examined as applications proceed through the review process.

New Official Plan

The new Official Plan was adopted by Council on November 28, 2002 and designates the site as a *Mixed Use Area*. *Mixed Use Areas* are to consist of a broad range of commercial, residential and institutional uses, as well as parks and open spaces. The current policies of the Sheppard East Subway Corridor Plan have been carried forward and incorporated into the new Official Plan. This application is consistent with the new Official Plan.

Zoning

The lands are currently zoned R4 (One Family Detached Dwelling Fourth Density Zone) which generally permits single detached dwellings.

Site Plan Control

An application for site plan approval is being processed. It is recommended that the applicant obtain site plan approval for the project before introducing any Bills to City Council for enactment.

Reasons for the Application

The current R4 zoning does not permit the proposed uses and built form.

Community Consultation

The applicant's proposal was presented to local residents at a Community Consultation meeting held on February 18, 2003. By Council motion, an expanded notification area was directed in consultation with the Ward Councillor. The meeting was attended by the local Councillor and his Executive Assistants, the proponent – Daniels Corporation, the proponent's planner, transportation consultant and project architects and City Planning staff. Approximately 15 members of the public were in attendance. The community expressed concerns that the development would increase traffic congestion in the immediate neighbourhood as well as, create a nuisance during the construction phase (i.e., noise, dust, fumes, mud, debris, and traffic).

Comments:

Parking

By-law 7625 requires parking be provided for apartment buildings at a rate of 1.25 parking spaces/unit plus 0.25 parking spaces/unit for visitors. However, given the policies of the Sheppard East Subway Corridor Secondary Plan and the site's access to rapid transit, Works and Emergency Services will accept a reduced rate of 1.0 parking space/unit. The traditional rates for visitors would be maintained at 0.25 spaces/unit in recognition of the lack of public parking facilities in the neighbourhood.

Given the above parking rates, a minimum of 544 parking spaces would be required for the proposal. This includes a total of 109 spaces that would need to be reserved for visitors. The applicant's proposal accommodates a total of 550 spaces. Traffic certification relating to site circulation and layout will be addressed through the site plan approval process.

Transportation Planning

The development conforms to the transportation policies of the Secondary Plan and meets the objectives of the Context Plan for the Southeast Bayview Node. The overall goal of the transportation and roads component is to promote development and linkages that support walking, cycling and the use of public transportation. The provision of east-west routes help distribute traffic evenly and improve the operations of the intersections with Sheppard Avenue.

The proposed land assembly facilitates integration of the building into the planned road network concept (Attachment 4). A portion of the future east-west road connection proposed north of the site (i.e. the extension of Kenaston Gardens to Barberry Place) is being achieved through this application. The north edge of the site will form the edge of the planned east-west road that will ultimately connect Kenaston Gardens to Barberry Place. As development proposals come forward, opportunities for funding and land acquisition for transportation improvements will be presented to implement the road network and block plan maps as indicated in the Context Plan.

The intersection of Barberry Place and Sheppard Avenue will be signalized as a result of the NY Towers project. The signalization will provide an opportunity for pedestrians to safely cross Sheppard Avenue. The Works and Emergency Services requirement to construct a sidewalk across the frontage of the site will provide good pedestrian linkages with neighbouring projects, the subway and Bayview Village Shopping Centre. These linkages should decrease the need for automobile trips by residents of the proposed building to area amenities.

The applicant has submitted a traffic study and traffic certification which have been accepted by Works and Emergency Services, Transportation Services. In order to monitor the traffic impacts of this development, staff is recommending the applicant provide a financial contribution of \$10,000.00 to Urban Development Services to undertake a traffic monitoring study in the future.

Built Form, Massing and Landscaping

The proposal for a 28 storey tower located on a 2 to 4-storey townhouse base has generally been massed and organized to satisfy the urban design policies of the Secondary Plan and meets the design objectives of the Context Plan.

The plan advances the new Kenaston Gardens right-of-way connecting to Barberry Place. The setback required by the Ministry of Transportation along Highway 401 contains a 1.5m wide publicly accessible pedestrian path which provides connections to Kenaston Gardens and the neighbouring NY Towers site to the east. Landscaping, tree preservation, lighting and other pedestrian amenities along the streets and open spaces will be secured at the site plan approval stage.

A 3 to 4-storey base with grade related townhouses define the new Kenaston Gardens streetscape. The townhouses will be set back 3.5m on the street face to provide for landscaped gardens adjacent to the public sidewalk. A 2-storey base with townhouses defines and addresses a publicly accessible open space at the west end of the site at a comfortable scale. Further articulation and detailing of the base building facing the publicly accessible open space and the associated landscaping will be secured through the site plan approval process.

Shared passenger drop-off/servicing/parking ramps access for the development is from landscaped courtyard accessible from Barberry Place at the east portion of the site. The courtyard is located at the terminus of the Barberry Place view corridor from Rean Park and will need to be reconfigured to minimize its impact on the public sidewalk, promote better pedestrian connections to the site and further enhance long views into this site.

The proposed tower is sited and organized along the Highway 401 edge where the height and parking structure impacts are minimized. The tower is set back substantially from the base edge, minimizing shadow and wind impacts on adjacent open spaces. The tower will be seen as part of the cohesive group of towers within the Southeast Bayview Node, and with its distinct profile and character will help create a distinctive skyline.

Comprehensive Development

The Sheppard East Subway Corridor Plan policies encourage comprehensive land assemblies in order to achieve the maximum permitted density and to prevent piecemeal development. The proposal has been evaluated to ensure that the remaining lands within the planned block pattern can be developed in accordance with the policies in the Secondary Plan and the objectives of the Context Plan.

The Secondary Plan includes policies for the distribution of density in the Southeast Node to provide for a more intense built form toward the Bayview subway station, but with building heights increasing towards Highway 401. The Context Plan envisioned a tower up to 28 storeys on a 3 to 4 storey base in this area. The proposal satisfies this objective.

The land assembly does not adversely affect development potential of remaining lands on Kenaston Gardens north of the site to Sheppard Avenue. The remaining lands include no.12-26 Kenaston Gardens. The combined site area of these remaining properties could support the development of these lands in accordance with the policies of the Secondary Plan.

As indicated previously, the properties at 22 and 24 Kenaston Gardens no longer form part of this development. They currently form part of another development application comprising lands assembled by the applicant on the west side of Kenaston Gardens (File No. TB ZBL 2002 0020). As such, the issue of excluding 26 Kenaston Gardens from the original development scheme and creating a remnant land parcel is no longer relevant to this application. However, the issue will be reviewed in the evaluation of the next application.

Parks and Open Space

The Context Plan includes open space opportunities in this area and a walkway system adjacent to the site.

The original submission proposed the parkland dedication requirements be satisfied on lands municipally known as 22 and 24 Kenaston Gardens. These lands have now been incorporated into lands assembled by the applicant comprising the properties from 12 to 24 Kenaston Gardens. (An application to redevelop these lands has been filed with the Department and will be presented to Community Council at a future meeting). The applicant is proposing to consolidate the required park land dedication for these projects on lands municipally known as 12 and 14 Kenaston Gardens. The Economic Development Culture & Tourism Department supports the proposal. The park location satisfies the objectives of the Context Plan. That is, the provision for additional open space amenities for new residents within this part of the Southeast Bayview Node neighbourhood. The parkland will be conveyed to the City at the time of condominium registration.

The proposal would also more effectively satisfy a policy in the Secondary Plan regarding height distribution. The Plan requires the greatest height and mass of new buildings to be located along Highway 401. The alternative location of the park would facilitate shifting the apartment building proposed on the adjacent application site (12-24 Kenaston Gardens) further south, thus enabling the highest portion of the proposed building to be located adjacent to the highway.

The setback required by the MTO along Highway 401 edge of the subject site incorporates a 1.5m wide publicly accessible pedestrian path that provides connections to Kenaston Gardens and to Barberry Place. The provision and detailed design of the path will be addressed at the site plan approval stage. Matters pertaining to public access and maintenance of the path will be secured at the time of draft approval of the plan of condominium.

Indoor Recreational Area

The Sheppard East Subway Corridor Secondary Plan includes an incentive for providing indoor private recreational areas by exempting the use from the calculation of gross floor area. The applicant is proposing to provide 1,000m² (10,764ft²) of private amenity space. The space is provided on the ground floor of the building. The applicant will need to enter into an Agreement under Section 37 of the Planning Act for the exemption.

Affordable Housing

Part C.4 (Housing) of the North York Official Plan requires at least 25% of new multiple unit residential buildings with 20 or more units be affordable housing. Accordingly, the draft zoning by-law specifies that a minimum of 25% of the units must be any combination of: bachelor units

of a maximum size of 55m²; 1-bedroom units of a maximum size of 70m²; 2-bedroom units of a maximum size of 80m²; and 3-bedroom units of a maximum size of 120m².

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.

Works and Emergency Services have reviewed the application and advise that before introducing the necessary Bills to City Council for enactment, the owner is required to provide the following:

- deeds for the lands to be conveyed (Parts of Lots 1, 2, 3, and 4 of registered plan 8871) to the City for dedication as public highway;
- a deposit for the construction, relocation and removal of municipal services at the terminus of Kenaston Gardens, resulting from the closure and sale of part of the municipal road;
- a financial security representing the owner's contribution for the estimated cost of constructing a new east-west public road from Kenaston Gardens to Barberry Place; and,
- a deposit for providing a new sidewalk from the west side of Kenaston Gardens to Barberry Place.

Detailed items such as the design of the refuse collection area, grading and drainage, providing adequate turnaround areas in the parking areas, driveway curb radii, the separation of visitor parking areas from the tenants parking areas, and noise control requirements, will be addressed through the review of the site plan application.

Conclusions

The proposed apartment building is in keeping with the Official Plan policies in the Sheppard East Corridor Secondary Plan as well as, the new Official Plan, and will take advantage of the public investment in the Sheppard subway. The municipal objectives for future road connections and appropriate built form outlined in the Context Plan for the Southeast Bayview Node are fulfilled.

The report recommends amendments to the zoning by-law. Prior to adoption of the zoning by-law amendment the owner is required to obtain site plan approval and satisfy the requirements of the Works and Emergency Services Department.

Staff of the various departments involved are working co-operatively to target the report on the planning application and the report on the sale and exchange of lands so that they may be dealt with concurrently by Council.

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List of Attachments:

Attachment 1: Site Plan
Attachment 2a:Elevations
Attachment 2b:Elevations
Attachment 2c:Elevations
Attachment 2d:Elevations
Attachment 3: Zoning
Attachment 4: Road Network Plan
Attachment 5: Application Data Sheet
Attachment 6: Comments from Works and Emergency Services Department
Attachment 7: Draft Zoning By-law Amendment