

10 Chichester Place – Zoning Application – Final Report

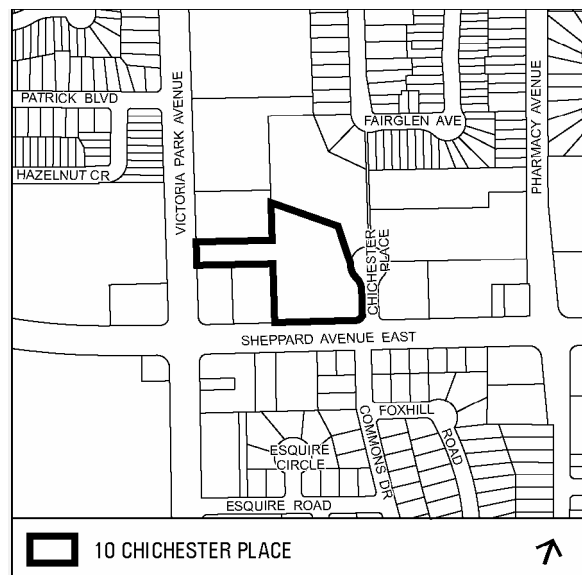
Date:	June 11, 2007
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward No. 40 – Scarborough-Agincourt
Reference Number:	File No. 06 187066 ESC 40 OZ

SUMMARY

This report reviews and recommends approval of an application to amend the zoning by-law to amend the parking requirements and Section 37 community benefits respecting the development of a 20-storey, infill residential apartment condominium at the south-east corner of the lands at 10 Chichester Place. An infill rental apartment building in the same location and with the same height and density of development was previously approved but not constructed.

The previous approval required specific community benefits to be provided. These included the preservation of and improvements to the existing rental apartment building and site and a requirement that the new building be built and maintained as an affordable rental apartment building. Transportation related improvements required to support the development were also secured.

Since the new apartment building is now proposed as a condominium, alternative community benefits to replace those securing the rental tenure of the new building have been determined. The rest of the community benefits previously agreed to will be maintained.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the L'Amoreaux Community Zoning By-law No. 12466 for the former City of Scarborough substantially in accordance with the draft zoning by-law amendment attached as Attachment No. 6.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft zoning by-law amendment as may be required.
3. Before introducing the necessary bill to City Council for enactment, require the owner to enter into a Section 37 agreement, to the satisfaction of the City Solicitor, which requires the owner to:
 - a. maintain the 220 existing rental units as rental housing for a minimum period of twenty (20) years commencing from the date an amending by-law comes into effect. The owner also agrees that no application will be made for a demolition permit or for conversion to condominium for these units during the twenty year period;
 - b. provide, prior to the issuance of any building permit, a Construction Mitigation and Tenant Communication Plan for the tenants of 10 Chichester Place to the satisfaction of the Director, Community Planning, Scarborough District;
 - c. provide the following improvements to the existing rental building and site that create a net benefit to the existing residents, with no pass through of the initial capital costs of these improvements, and in accordance with the terms of the agreement:
 - i. a junior playground;
 - ii. improvements to the existing outdoor pool apron;
 - iii. a resident allotment garden area including a secure source of water;
 - iv. outdoor benches on site;
 - v. safety and access improvements through the renovation of the underground parking facilities provided for the existing 220-unit apartment building; and

- vi. provide, equip and maintain kitchen and washroom facilities within the indoor recreational floor space within the existing 220-unit apartment building.
- d. a cash contribution at the time of rezoning of \$350,000, to be used towards improvements to the former Stephen Leacock Arena and Bridlewood Tennis Club and a new shade shelter at Terraview-Willowfield Park, all to be provided in accordance with the terms of the agreement, or towards other eligible local community benefits as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.
- e. enter into a Servicing Agreement with the City, to the satisfaction of the Executive Director, Technical Services, prior to the issuance of any building permit, and post sufficient securities to provide for the design, construction and inspection of the following works within the public road allowance, including:
 - i. road widening within the existing right-of-way of Chichester Place and within the intersection of Chichester Place and Sheppard Avenue to accommodate an additional southbound approach lane to the aforementioned intersection;
 - ii. traffic control signals at the intersection of Chichester Place and Sheppard Avenue East, together with the necessary signage and pavement marking adjustments;
 - iii. street lighting modifications on Chichester Place; and
 - iv. any resultant utility relocations and/or plant adjustments due to the above.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2005, the Ontario Municipal Board (OMB) approved official plan and zoning by-law amendments, and a site plan control approval application, to permit the development of a new purpose built, 20-storey, 210-unit infill rental apartment building on the south-east corner of the site (see Attachment 1). A 16-storey, 220-unit rental apartment building currently exists on the site and is to be retained.

The overall density of development permitted as a result of these approvals is 287 dwelling units per hectare. The permitted density of development prior to these approvals was approximately 150 dwelling units per hectare.

ISSUE BACKGROUND

As part of the 2005 approvals, a detailed package of Section 37 community benefits to be provided, in return for the increase in height and density of development, was agreed upon. The applicants executed a Section 37 agreement which secured these matters and the terms and conditions under which they were to be provided. Generally, the community benefits secured require the owners to:

1. maintain the existing 220 apartment units as rental for a minimum period of 15 years from the date the amending by-law comes into effect;
2. improve the existing rental building and site (eg. outdoor pool upgrades, resident allotment gardens, pedestrian pathways, benches, play structure, underground parking garage upgrades) with no pass-through of the initial capital costs in the rents to the tenants;
3. provide and maintain 210, purpose-built rental apartment units with mid-range rents; and
4. prepare a construction mitigation and tenant communication plan for the tenants of the existing rental building.

Proposal

The applicants now propose to develop the new 20-storey apartment building as a condominium instead of as a rental building. The number of units has been reduced from 210 to 208. A new separate underground parking garage will also be constructed. Required easements and rights-of-way for pedestrian and vehicular access will be secured through the condominium approvals process. No substantive change in the density of development, building height and location are proposed.

The proposed change in building tenure results in the need to amend the Section 37 community benefits secured in the zoning by-law amendment approved by the OMB. Alternative community benefits need to be established to replace those which required the new apartment to be an affordable rental building. An official plan amendment is no longer required since housing and Section 37 policies of the new Toronto Official Plan have come into effect since the application was filed in October 2006.

Site and Surrounding Area

The site is located near the north-east corner of Sheppard Avenue East and Victoria Park Avenue. The site, which is approximately 1.5 hectares in lot area and is irregular in shape, has frontage on Sheppard Avenue East, Chichester Place and Victoria Park Avenue. A City storm and sanitary sewer easement runs diagonally through the north portion of the site. A 16-storey apartment building, with vehicular access from Chichester Place only, is located on the site.

North: 14-storey apartment building at 20 Chichester Place and a 15-storey apartment building on Victoria Park Avenue.

South: Vacant land and low density residential uses on the south side of Sheppard Avenue East. The vacant lands are zoned to permit an 8-storey apartment building.

East: 10-storey apartment building.

West: Commercial uses, including a small plaza and bank, located at the north-east corner of Sheppard Avenue East and Victoria Park Avenue.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

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 by the Planning Act to conform with the Growth Plan for the Greater Golden Horseshoe.

The proposal is consistent with the Provincial Policy Statement which encourages intensification and redevelopment that makes efficient use of existing infrastructure.

Official Plan

The site is designated as "Apartment Neighbourhoods". Apartment Neighbourhoods consist of apartment buildings and parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the area residents. Apartment Neighbourhoods are generally considered to be stable areas where major growth is not anticipated. Infill development may be permitted provided it meets development criteria established by the Plan which are intended to contribute to the quality of life of local residents.

On the Urban Structure map to the Plan the site is shown as part of an "Avenues" which applies to the lands on Sheppard Avenue from North York Centre to just east of Brimley Road. "Avenues", generally, are areas where new, incremental growth can occur along major streets where there are reurbanization opportunities supported by public transit.

The plan also provides for the use of Section 37 of the Planning Act to secure community benefits in return for an increase in height and/or density of development. The City may require the owner to enter into an agreement to secure these matters.

Zoning

The site is located within the Apartment Residential (A) Zone under the L'Amoreaux Community Zoning By-law, as amended, of the former City of Scarborough. The site specific zoning includes density and height permissions (in terms of dwelling units per hectare and metres) that permit the proposed 210-unit, 20-storey infill apartment building. The existing zoning also details the Section 37 community benefits which were previously agreed to.

Site Plan Control

The lands are located within a site plan control area. A site plan application has been filed and is currently being processed. Specific details of certain on-site improvements required as part of the negotiated Section 37 community benefits will be determined and financially secured during the site plan approval process. These include the benches, junior play structure, allotment gardens, and outdoor pool upgrades.

Reasons for Application

The applicants wish to develop the new apartment building as a condominium instead of as rental housing. Amendments to both the zoning by-law and the executed Section 37 agreement are required in order to amend the Section 37 benefits previously secured. An amendment to the by-law is also required to address parking requirements for the condominium building.

Community Consultation

A community consultation meeting was held at Wishing Well Acres Baptist Church on April 12, 2007. Approximately 25 members of the public attended.

Issues raised related to the location and height of the proposed building and possible impacts on adjacent residential apartments to the east and north. Planning staff explained that the proposed density of development, building location and height are consistent with what was previously approved by the OMB. Staff further advised that the purpose of the meeting was to advise the public of the proposed change from rental to condominium apartments and that this change provides an opportunity for the City to negotiate alternative community benefits, either on site or within the local area, with the Owners.

Agency Circulation

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

COMMENTS

Density, Height, Massing

The proposed density of development, building height and massing are the same as what was previously approved.

Sun, Shadow, Wind

A shadow impact study and a pedestrian level wind study were submitted in support of the original application. The studies determined that the shadow impacts from the proposed building and the resulting pedestrian comfort conditions are acceptable.

Traffic Impact and Vehicle Access

A detailed traffic impact assessment in support of the previous proposal was submitted and approved by the City. Proposed improvements included a new driveway access to Victoria Park Avenue, the widening of Chichester Place to provide a new southbound, right-turn lane and a new traffic signal at the intersection of Chichester Place and Sheppard Avenue East. A revised traffic impact assessment has been submitted which confirms that the initial assessment is still relevant and appropriate despite the change in tenure type.

Required rights-of-way and easements for vehicular access will be secured during the condominium process.

Parking

The previous approvals were based upon one new shared underground garage with one access ramp. Surface parking for both rental buildings was also to be shared.

Due to the change to condominium tenure for the new building, two separate underground parking garages, each with its own access ramp, are now proposed. The underground parking garage for the existing rental building will still be upgraded as previously proposed. This includes an elevator which will provide access between the existing building and the new underground garage.

Surface parking will be signed and maintained as exclusive use for one of the two buildings and will be secured through the condominium approval process.

Parking for the existing rental building is required at a rate of 1.0 spaces per dwelling unit. Parking for the new condominium building will be required at a rate of 1.2 spaces per dwelling unit. These rates are established in the draft by-law (see Attachment 6).

Rental Housing

The existing apartment building will be retained and the owner has agreed to secure the rental tenure of this building, with no application for demolition or conversion to condominium, for a period of twenty years. This is an increase from the previously agreed to fifteen year period. This is further detailed below.

Section 37

Alternative community benefits, to replace those which previously required the new apartment building to be a purpose built affordable rental building, have been determined based upon staff consultation with the Ward Councillor. The recommended alternative community benefit is a \$350,000 cash contribution by the owner towards improvements to specific local parks and recreation facilities. The owner has agreed to provide these benefits. \$240,000 is allocated to the former Stephen Leacock Arena to assist in the ongoing transformation of the former ice rink to a multi-purpose sports facility.

The Section 37 agreement will include a sunset clause which will provide a date (approximately 3 years, subject to extension, from the signing of the agreement) beyond which, if any one of the projects cannot proceed, the funds may be used for other eligible local community benefits.

The revised package of community benefits recommended to be secured in the Section 37 agreement will require the owner to:

1. maintain the 220 existing rental units as rental housing for a minimum period of twenty (20) years commencing from the date an amending by-law comes into effect. The owner also agrees that no application will be made for a demolition permit or for conversion to condominium will be made for these units during the twenty year period.
2. provide a Construction Mitigation and Tenant Communication Plan for the tenants of 10 Chichester Place, prior to the issuance of any building permit and at the owner's cost and expense, to the satisfaction of the Director, Community Planning, Scarborough District.
3. make a cash contribution of \$350,000.00, at the time of rezoning, to be used towards local parks and recreation improvements as follows:
 - i. Stephen Leacock Arena, Phase 2 renovations: \$165,000 for turf to convert former ice rink to indoor playing field and \$75,000 for a new youth lounge;
 - ii. Bridlewood Tennis Club: \$70,000 towards general facility and equipment improvements; and
 - iii. Terraview-Willowfield Park: \$40,000 for a shade shelter for park users.
4. secure the following improvements to the existing rental building and site that create a net benefit to the existing residents with no pass through of the initial capital costs of these improvements, and in accordance with the terms of the agreement:
 - i. a junior playground;
 - ii. improvements to the existing outdoor pool apron;

- iii. a resident allotment garden area including a secure source of water;
- iv. outdoor benches on site;
- v. safety and access improvements through the renovation of the underground parking facilities provided for the existing 220 unit apartment building; and
- vi. provide, equip and maintain kitchen and washroom facilities within the indoor recreational floor space within the existing 220 unit apartment building.

The following matters are also recommended to be secured in the Section 37 agreement as a legal convenience to support development:

1. Owner to enter into a servicing agreement with the City, to the satisfaction of the Executive Director, Technical Services, prior to the issuance of any building permit, and post sufficient securities to provide for the design, construction and inspection of the following works within the public road allowance:
 - i. road widening within the existing right of way of Chichester Place and within the intersection of Chichester Place and Sheppard Avenue to accommodate an additional southbound approach lane to the aforementioned intersection;
 - ii. traffic control signals at the intersection of Chichester Place and Sheppard Avenue East and Chichester Place, together with the necessary signage and pavement marking adjustments;
 - iii. streetlighting modifications on Chichester Place; and
 - iv. any resultant utility relocations and/or plant adjustments due to the above.

Toronto Green Development Standard

The application was submitted prior to Council's adoption of the Toronto Green Development Standard. The applicant has not completed the Green Development Standard checklist.

Development Charges

It is estimated that the development charges for this project will be \$1,116,099.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Doug Muirhead, Senior Planner
Tel. No. (416) 396-7029
Fax No. (416) 396-4265
E-mail: dmuirhe@toronto.ca

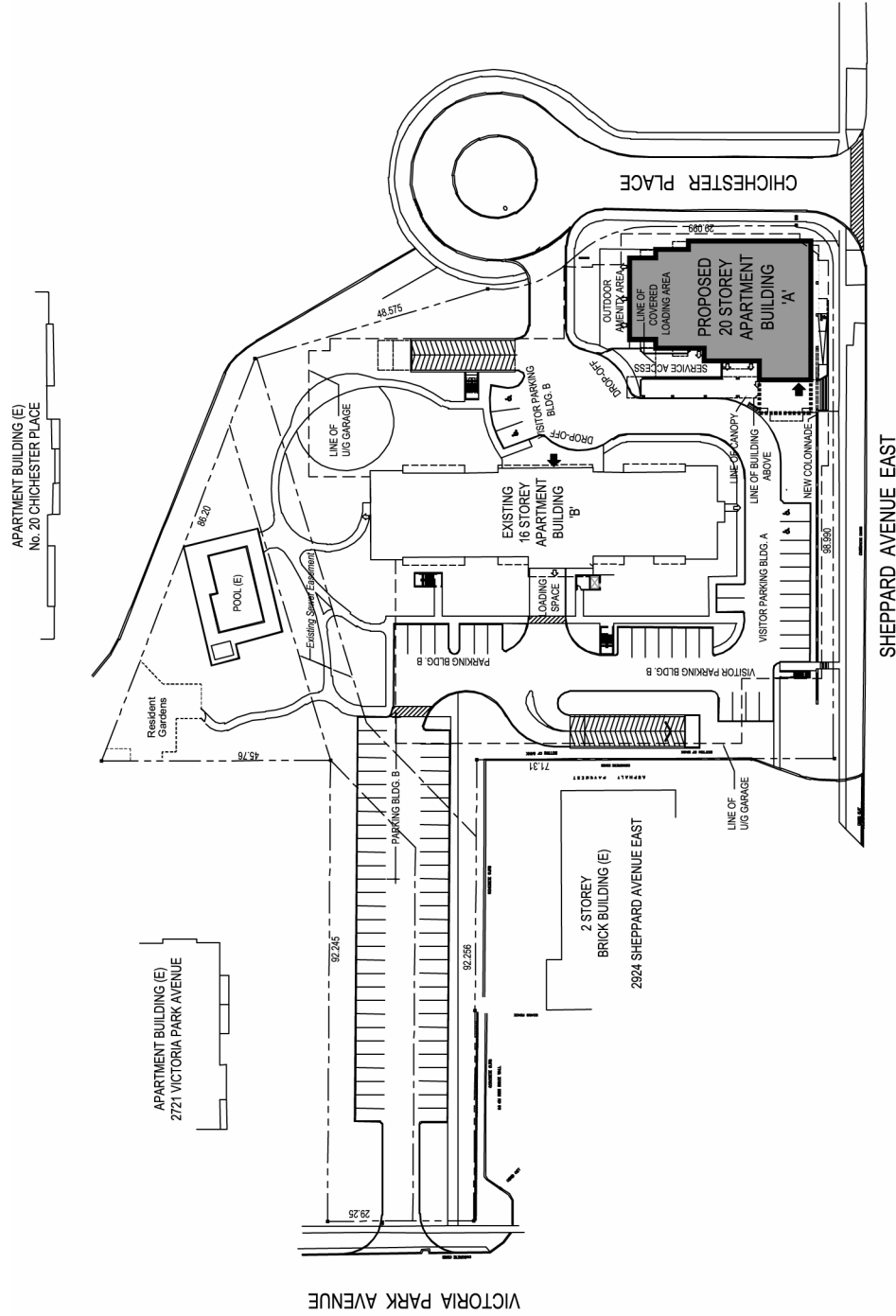
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

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

Attachment 2: New Site Plan



10 Chichester Place

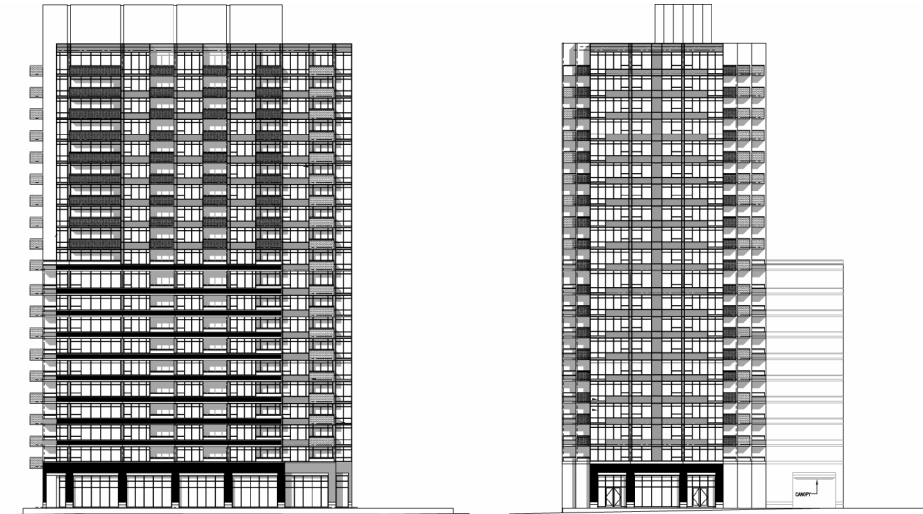
Site Plan
Applicant's Submitted Drawing

File # 06-187066 0Z

Not to Scale
23/3/07

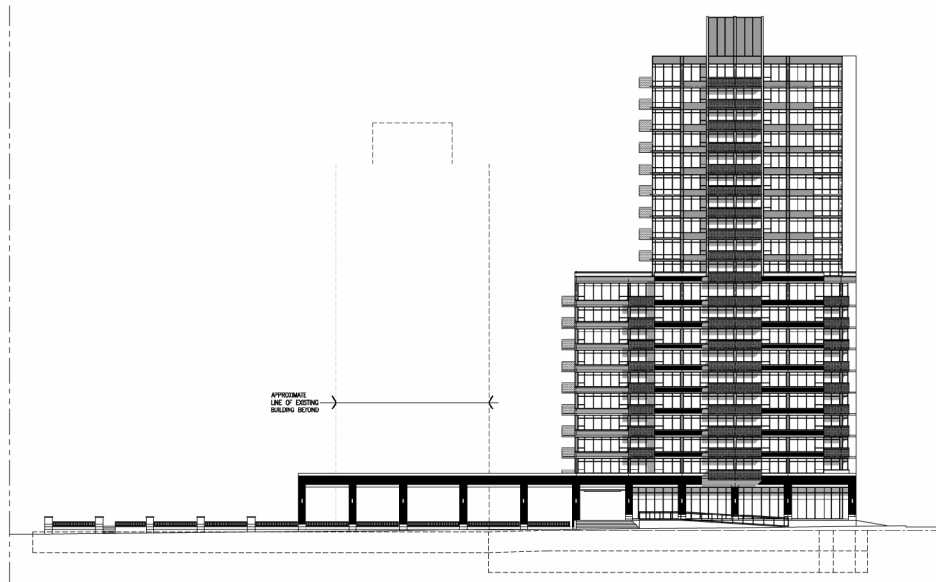


Attachment 3: Elevations



East Elevation
(Chichester Place)

North Elevation



South Elevation
(Sheppard Avenue East)

Elevation Plan

Applicant's Submitted Drawing

Not to Scale
5/23/07

10 Chichester Place

File # 06-187066 OZ

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	06 187066 ESC 40 OZ
Details	Rezoning, Standard	Application Date:	October 26, 2006
Municipal Address:	10 CHICHESTER PL, TORONTO ON M1T 1G5		
Location Description:	PL M1272 BLK C **GRID E4001		
Project Description:	Application to amend S. 37 benefits previously secured relating to the development of a new 20 storey, 210 unit, mid-range rental infill apartment building. Applicants now wish to develop as a residential condominium apartment building with 208 units at the same height and density as previously approved.		

Applicant:	Agent:	Architect:	Owner:
LORNE ROSS PLANNING SERVICES INC.	APPLICANT	QUADRANGLE ARCHITECTS LIMITED	VERBANA CONSTRUCTION LTD

PLANNING CONTROLS

Official Plan Designation:	APARTMENT NEIGHBOURHOODS	Site Specific Provision:
Zoning:	A-Apartment	Historical Status:
Height Limit (m):	58	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	15,142	Height:	Storeys:	20 (new) 16 (existing)
Frontage (m):	29.25 (V. Park) 99 (Sheppard)	Metres:		58 (new)
Depth (m):	irregular			
Total Ground Floor Area (sq. m):	2,090 (850 new & 1,240 existing)			Total
Total Residential GFA (sq. m):	39,550 (16,500 new & 23,000 existing)	Parking Spaces:		471
Total Non-Residential GFA (sq. m):	0	Loading Docks		0
Total GFA (sq. m):	39,550			
Lot Coverage Ratio (%):	13.8			
Floor Space Index:	2.6 (total)			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:	0	Residential GFA (sq. m):	16,500
Bachelor:	0	Retail GFA (sq. m):	0
1 Bedroom:	113	Office GFA (sq. m):	0
2 Bedroom:	95	Industrial GFA (sq. m):	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0
Total Units:	208 (new)		

CONTACT: PLANNER NAME: Doug Muirhead, Senior Planner
TELEPHONE: (416) 396-7029

Attachment 6: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~]
as adopted by City of Toronto Council on ~, 2007
Enacted by Council: ~, 2007

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2007

**To amend the former City of Scarborough Zoning By-law No. 12466,
(the L'Amoreaux Community Zoning By-law), as amended,
with respect to the lands located on the north side of Sheppard Avenue East and
east of Victoria Park Avenue and municipally known as 10 Chichester Place**

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:

1. **SCHEDULE “B”, PERFORMANCE STANDARD CHART**, is amended by deleting Performance Standard 247 and replacing it as follows:

PARKING

247. Parking shall be provided at the following rates:

- i) **Apartment building** existing on the site as of July 2007:
Minimum of 1.0 **parking spaces** per **dwelling unit** of which a minimum 0.85 **parking spaces** per **dwelling unit** shall be provided for residents and a minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.
- ii) **Apartment building** constructed after July 2007:
Minimum of 1.2 **parking spaces** per **dwelling unit** of which a minimum 1.05 **parking spaces** per **dwelling unit** shall be provided for residents and a minimum 0.15 **parking spaces** per **dwelling unit** shall be provided for visitors.

2. **SCHEDULE “C”, EXCEPTIONS LIST**, is amended by deleting Exceptions 35 and 36 and replacing them as follows:

35. On those lands identified as Exception 35 on Schedule “C”, the following provisions shall apply, provided that all other provisions of this By-law, as amended, no inconsistent with this Exception, shall continue to apply:

- (1) **CLAUSE VI – PROVISIONS FOR ALL ZONES**, Sub-Clause 6, **Coverage**, and Sub-Clause 10, **Height of Apartment Buildings**, shall not apply.
- (2) **CLAUSE V11**, Sub-Clause 2, **Residential Parking Regulations**, Sub-Clause 2.1.1, **Street Yard Parking** shall not apply.
- (3) 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:
 - (i) 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
 - (ii) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

36. On those lands identified as Exception 36 on Schedule “C”, the following provisions shall apply:

The density and height of development permitted by this By-law is subject to the Owner of the land, at its expense, and in accordance with and subject to entering into one or more agreements with the City of Toronto, pursuant to Section 37 of the Planning Act, R.S.O. 1990, as amended, and that such agreement(s) be registered against the title to the lot, to secure capital facilities and/or cash contributions toward specific capital facilities as follows:

- (a) The Owner shall maintain the 220 existing rental dwelling units as rental housing for a minimum period of twenty (20) years commencing from the date this by-law comes into effect, and agrees that no application will be made for a demolition permit or for conversion to condominium will be made for these units during the twenty year period;
- (b) Prior to the issuance of any building permit for development in excess of 220 dwelling units, the Owner shall provide a Construction Mitigation and Tenant Communication Plan in consultation with the Director, Community Planning, Scarborough District, subject to the provisions of the Arbitrations Act;

- (c) The Owner shall construct, provide and maintain the following private, on-site amenities for the use and enjoyment of residents of the existing rental apartment building, and the Owner agrees that it shall not apply to the Ontario Rental Housing Tribunal, or to any successor tribunal with jurisdiction to hear applications made under the Tenant Protection Act, for the purpose of obtaining an increase in rent above the Guidelines established under that Act in relation to the 220 rental units in the existing apartment building arising from the initial capital cost of these improvements, and in accordance with the terms of the agreement:
- (i) a junior playground;
 - (ii) improvements to the existing outdoor pool apron;
 - (iii) a resident allotment garden area including a secure source of water;
 - (iv) outdoor benches on site;
 - (v) safety and access improvements through the renovation of the underground parking facilities provided for the existing 220 unit apartment building; and
 - (vi) provide, equip and maintain kitchen and washroom facilities within the indoor recreational floor space within the existing 220 unit apartment building; and
- (d) prior to the issuance of any building permit for development in excess of 220 residential dwelling units, the Owner shall make a payment in the amount of \$350,000.00 towards local community parks and recreation improvements or towards other local community benefits as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the Ward Councillor.

The following capital facilities required to support the development will also be secured in the agreement.

Transportation Improvements

Prior to the issuance of any building permit, the Owner shall enter into a secured Servicing Agreement with the City, to the satisfaction of the Executive Director, Technical Services, and post sufficient securities to provide for the design, construction and inspection of the following works within the public road allowance, including:

- (i) road widening within the existing right of way of Chichester Place and within the intersection of Chichester Place and Sheppard Avenue to accommodate an additional southbound approach lane to the aforementioned intersection;
- (ii) traffic control signals at the intersection of Chichester Place and Sheppard Avenue East, together with the necessary signage and pavement marking adjustments;
- (iii) street lighting modifications on Chichester Place; and
- (iv) any resultant utility relocations and/or plant adjustments due to the above.

ENACTED AND PASSED this ~ day of ~, A.D. 2007.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)