

**1973 Victoria Park Ave. (1955 -1991 Victoria Park Ave.) –
Official Plan, Rezoning & Rental Housing Demolition and
Conversion Applications – Final Report**

Date:	July 29, 2010
To:	Scarborough Community Council
From:	Director, Community Planning, Scarborough District
Wards:	Ward 37 – Scarborough Centre
Reference Number:	09 190110 ESC 37 OZ, 10 106199 ESC 00 RH

SUMMARY

These applications were made after January 1, 2007 and are subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

These applications propose amendments to the official plan and zoning by-law and approval of a rental housing demolition and conversion application to permit the demolition of 84 existing grade-related rental dwelling units (townhouses) and redevelopment of the site with 86 rental townhouses and rental apartment dwellings and three condominium buildings containing 575 dwelling units. A total of 661 residential units are proposed on the site.

This report reviews and recommends approval of applications to amend the official plan and zoning by-law, including the requirement for community benefits in return for the increased height and density, pursuant to the provisions of Section 37 of the Planning Act. This report also recommends approval of the rental housing demolition application under Municipal Code 667.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 1973 Victoria Park Ave. (1955 to 1991 Victoria Park Ave.) substantially in accordance with the draft official plan amendment attached as Attachment No.8.
2. City Council amend the Maryvale Community Zoning By-law No. 9366, for the lands at 1973 Victoria Park Avenue (1955 to 1991 Victoria Park Avenue) substantially in accordance with the draft zoning by-law amendment attached as Attachment No.9.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft official plan amendment and draft zoning by-law amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the applicant to enter into an agreement pursuant to Section 37 of the Planning Act to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor such agreement to be registered on title to the lands to secure the following facilities, services and matters:
 - i. a cash contribution of \$400,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development, for the relocation and/or expansion of the Maryvale Branch Library located in the Parkway Mall (85 Ellesmere Road);
 - ii. a cash contribution of \$300,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development for improvements to Maryvale Park and/or the Ellesmere Community Centre;
 - iii. a cash contribution of \$100,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development for capital improvements to and/or restoration of O'Connor Heritage House (60 Rowena Drive);
 - iv. the provision and maintenance on the site of not less than 86 new replacement rental dwelling units, comprising 26 three-bedroom dwelling units, 54 two-bedroom dwelling units and 6 one-bedroom dwelling units, of which at least 43

- dwelling units shall have affordable rents and the remaining dwelling units shall have rents no higher than mid-range rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out in the draft zoning by-law amendment attached as Attachment No.9; and
- v. the provision of indexed, Letters of Credit to secure the replacement of the 56 rental apartment units prior to the issuance of a demolition permit for the rental housing buildings remaining after issuance of permits for the first rental housing buildings units in an amount and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in accordance with the terms as set out in the draft zoning by-law amendment attached as Attachment No.9.
5. City Council approve the application to demolish the existing seven buildings that include 84 residential rental dwelling units located at 1973 Victoria Park Avenue (1955 to 1991 Victoria Park Avenue) pursuant to Municipal Code Chapters 667 and 363 subject to the following conditions under Chapter 667 which provide for replacement of the rental housing units:
- a. the applicant shall provide and maintain 86 residential rental dwelling units, 43 of which shall have affordable rents and the remainder shall have rents no higher than mid-range rents on the subject site;
 - b. the applicant shall enter into, and register on title, one or more Section 111 Agreements to secure the conditions outlined in (a) above and as detailed in the draft zoning by-law amendment (Attachment No.9), to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor;
 - c. the provision of indexed, Letters of Credit to secure the replacement of the 56 rental apartment units prior to the issuance of a demolition permit for the rental housing buildings remaining after issuance of permits for the first rental housing buildings units in an amount and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in accordance with the terms as set out in the draft zoning by-law amendment attached as Attachment No.9;
 - d. the applicant shall enter into and register, a Section 118 Restriction under the Land Titles Act agreeing not to transfer or charge any part of the lands, to the satisfaction of the City Solicitor, without the written consent of the Chief Planner and Executive Director, City Planning Division or his designate, to assist with securing the Section 111 Agreement against future owners and encumbrances of the lands; and

- e. the applicant shall first seek and obtain a building permit for the initial 30 replacement rental (townhouse) units prior to any other building permit on site.
6. City Council authorize the Chief Planner and Executive Director, City Planning Division to issue a preliminary approval to the application under Municipal Code Chapter 667 for any of the existing rental housing buildings in any specific phase of the development after the latest of the following has occurred:
 - i. the satisfaction of the conditions in Recommendation No.5;
 - ii. the official plan amendment and zoning by-law amendment in Recommendations Nos.1 and 2 have come into full force and effect; and
 - iii. the issuance of the site plan approval for the development by the Chief Planner and Executive Director, City Planning or his designate, pursuant to Section 114 of the City of Toronto Act, 2006.
 7. City Council authorize the Chief Building Official to issue a Section 111 permit under Municipal Code Chapter 667 after the Chief Planner and Executive Director, City Planning Division, has given the preliminary approval in Recommendation No. 6 for any of the existing rental housing buildings in any specific phase of the development.
 8. City Council authorize the Chief Building Official to issue a permit under Section 33 of the Planning Act for any of the rental housing buildings no earlier than issuance of the first building permit for the foundation of the buildings in that phase of the development, and after the Chief Planner and Executive Director, City Planning Division has given the preliminary approval in Recommendation No. 6, which permit may be included in the demolition permit for Chapter 667 under 363-11.1E, of the Municipal Code, on condition that:
 - a. the owner erect a residential building on site no later than three (3) years from the date the permit is issued for demolition of the buildings; and
 - b. should the owner fail to complete the new building within the time specified in condition 8(a), the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000) for each dwelling unit for which a demolition permit is issued, and that such sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
 9. Prior to introducing the necessary Bills to City Council for enactment, City Council require the applicant to submit for review and approval, a Functional Servicing Report which demonstrates that the development can be serviced and which identifies any improvements that may be required to the existing services

or services to be up-graded, at the cost to the applicant, to the satisfaction of the Technical Services Division and the City Planning Division.

10. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 37 and Section 111 agreements.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

The applicant has applied for an amendment to the Toronto Official Plan to redesignate the lands from “Neighbourhoods” to “Apartment Neighbourhoods” and to amend the Maryvale Community Zoning By-law No. 9366 to permit the redevelopment of the site for residential use consisting of rental (replacement) townhouse and rental apartment dwelling units and apartment condominium buildings. A total of 661 residential units are proposed.

The applicant’s proposal contemplates the demolition of all seven of the existing low-rise residential buildings containing 84 rental townhouse (2-storey maisonette-style) units on the site. A total of 86 new rental dwelling units are proposed within two-storey, row and back-to-back rental townhouse buildings and within an 8-storey apartment building containing a total of 56 rental dwelling units. Tenants in the existing buildings proposed for demolition will have the right to return to one of the replacement rental units and will receive appropriate notice and financial assistance with the relocation, as described further in this report.

Three apartment condominium buildings, each 11 storeys in height and containing 575 condominium residential units, are also proposed. Redevelopment of the site would result in a density of 2.77 times the lot area. Below-grade parking, in a two-level garage, would accommodate 761 vehicle parking spaces for the residents and visitors of all buildings. Surface visitor parking spaces for 14 vehicles is also proposed (six spaces assigned to the rental component and eight spaces for the condominium component of the development).

Vehicular access would be via three private driveway accesses; one located at the southeast corner of the site on Greylawn Crescent (south), a second at the north portion of the site on Greylawn Crescent (north), and a third located on Victoria Park Avenue opposite Rowena Drive. Attachment Nos.1 to 5 provide a visual representation of the site layout, building perspectives and elevations of the proposed buildings. The Application Data Sheet (Attachment No.7) sets out the project data.

The applicant originally proposed a redevelopment plan for the site that incorporated a total of 693 residential units. (This redevelopment plan was the subject of a Preliminary

Staff Report to Scarborough Community Council on February 9, 2010). The existing 84 rental townhouse units on the site were to be demolished and replaced with 68 rental units in four, 3 ½-storey, stacked townhouse buildings. Three apartment condominium buildings, containing 625 units and with heights ranging from 13 to 15 storeys, were also proposed. In response to the City's review and comments received from the community, the applicant revised plans for the redevelopment of the site. The total number of rental units to be replaced on site was increased (full replacement of all 84 units plus an additional two rental units on site); the overall number of dwelling units proposed on site was reduced; and improvements were made to the built form, height and massing of the buildings.

Site and Surrounding Area

The 2.09 hectare site is located on the east side of Victoria Park Avenue, north of Lawrence Avenue and south of Ellesmere Road, on the west portion of a block of land bounded by Victoria Park Avenue and Greylawn Crescent. Currently, the site is developed with seven blocks of rental townhouse dwelling units, two storeys in height. The surrounding land uses in the vicinity of the site can be described as follows:

North: One-storey, single detached houses fronting Victoria Park Avenue and Greylawn Crescent;

South: A small, one-storey commercial plaza at the southwest corner of the block, fronting Victoria Park Avenue. Across Greylawn Crescent (south), there is another one-storey commercial plaza at the southeast corner of Greylawn Crescent and Victoria Park Avenue;

East: Single detached houses (fronting Greylawn Crescent) with rear yards abutting the site; and

West: Two-storey townhouses (similar in character to the existing townhouses on the site) and apartment buildings ranging in height from 11 to 13 storeys are located across 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, management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

Section 1.0 of the PPS calls for the wise management of change and the support of strong, liveable and healthy communities. Section 1.4.3 requires that planning authorities provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents, by establishing targets for the provision of housing affordable to low and moderate-income households and permitting and facilitating all forms of housing.

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. Section 3.1 of the Growth Plan states that "...in the case of housing, there is an underlying societal need for affordable housing in many municipalities that is heightened by growth pressures."

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is designated as "Neighbourhoods" in the Toronto Official Plan (Attachment No.6). Neighbourhoods are areas where there are residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes, townhouses, and walk-up apartments, no higher than 4 storeys. Small-scale retail, service and office uses are also permitted. Lands to the east of the site containing single detached dwellings along Greylawn Crescent are also designated Neighbourhoods.

The applicant has applied to amend the Official Plan to redesignate the site as "Apartment Neighbourhoods". The Official Plan notes that Apartment Neighbourhoods are distinguished from low-rise Neighbourhoods because a greater scale of buildings is permitted and different scale-related criteria are needed to guide development.

Policy 5.3.1.3 of the Official Plan notes that when considering a site specific amendment to the Plan, Council must be satisfied that any development permitted under an amendment to the Plan, is compatible with its physical context and the planning review must examine whether the application should be considered within the immediate planning context or whether a broader review is appropriate.

The Built Form policies of the Official Plan specify that new development be located and organized to fit with its context, and be massed to limit impacts on neighbouring streets, parks, open spaces, and properties by creating appropriate transitions in scale to neighbouring buildings, providing for adequate light and privacy, and limiting shadowing and uncomfortable wind conditions.

The Housing policies of the Official Plan support a full range of housing in terms of form, tenure and affordability, across the City and within neighbourhoods. New housing supply will be encouraged through intensification and infill that is consistent with the Official Plan.

There are also specific policies in the Plan regarding the demolition of rental housing, which would result in the loss of six or more rental housing units. Such new development and resulting demolition will not be approved unless the proposal complies with the policies of Section 3.2.1 (6) of the Plan. This section states that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of six or more rental housing

units, will not be approved unless all of the rental housing units have rents that exceed mid-range rents at the time of application, or in cases where planning approvals other than site plan are sought, the following are secured:

- at least the same number, size and type of rental housing units are replaced and maintained with rents similar to those in effect at the time the redevelopment application is made;
- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement units at similar rents, and other assistance to lessen the hardship of relocation; or in Council's opinion, the supply and availability of rental housing in the City has returned to a healthy state and is able to meet the housing requirements of current and future residents.

The Community Services and Facilities policies of the Official Plan state that strategies for providing new social infrastructure or improving existing community service facilities will be developed for areas that are inadequately serviced or experiencing major growth or change, and will be informed through the preparation of a community services strategy. The inclusion of community service facilities are encouraged in all significant private sector development.

The Official Plan provides for the use of Section 37 of the Planning Act to secure community benefits in exchange for increased height and density for new development, provided it first meets the test of good planning and is consistent with the policies and objectives of the Plan. Planning staff are seeking a Section 37 contribution in exchange for any increase in height and density for new development on the site, as discussed later in this report.

The applicant is requesting an amendment to the Official Plan to change the designation from "Neighbourhoods" to "Apartment Neighbourhoods". If a redesignation is appropriate, the Official Plan specifies that development in "Apartment Neighbourhoods" will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes; and

- locate and mass new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

City of Toronto Act, Section 111

Section 111 of the City of Toronto Act, 2006 authorizes Council to regulate the demolition and conversion of residential rental properties in the City. By-law No. 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which established Chapter 667 of the Municipal Code, was enacted by City Council on July 19, 2007.

The by-law makes it an offence to demolish the whole or any part of a residential rental property where there are six or more dwelling units, unless approval has been granted for a Section 111 permit for the demolition. In addition, approval of related planning applications, such as a rezoning, should be conditional upon the applicant receiving a Section 111 permit. City Council may impose conditions on the approval of the Section 111 permit, which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition. City Council's decisions on the refusal or approval of a Section 111 permit are not subject to appeal to the Ontario Municipal Board. If the demolition of rental housing is approved under Municipal Code 667, approval to issue a demolition permit for residential buildings under Municipal Code 363 and Section 33 of the Planning Act is also required.

Zoning

The subject property is zoned Multiple-Residential Zone (M), which permits multiple family dwellings, nursing homes, group homes, correctional group homes, senior citizen homes, single family dwellings and two-family dwellings. A maximum of one dwelling unit per 199 square metres (2,142 square feet) of lot area is permitted (i.e. a maximum 105 dwelling units) under the current M zoning.

Site Plan Control

The lands are located within a site plan control area. A site plan application has been filed (File No. 09 190125 ESC 37 SA) for the development and is under review by City staff.

Reasons for Application

Official Plan Amendment

An amendment to the Official Plan, to permit the redesignation of the site from its current "Neighbourhoods" land use designation to "Apartment Neighbourhoods" land use designation is necessary to permit the proposed apartment development of the site.

Policy 3.2.1.6 of the Official Plan requires that the same number and type of rental housing dwelling units (by bedroom type) be replaced in the development. An

amendment to the Official Plan for this site is required since the proposed rental replacement units will not provide the same unit mix as the existing rental dwelling units, though the mix is similar. Specifically, the proposed dwelling unit sizes vary; apartment units are proposed where currently none exist on site today, one-bedroom units will be provided whereas the existing development does not contain one bedroom rental units; and fewer two and three-bedroom units will be provided. Notwithstanding this mix of rental units, the applicant proposes a net increase of two rental units in the rental component of the development.

Zoning By-law Amendment

A zoning by-law amendment is required since the proposed density, gross floor area, separation distances, vehicle parking space requirements and yard setbacks do not meet current zoning permissions. The applicant proposes a density of 2.77 times the area of the lot. The heights of the proposed buildings range from 13.25 metres (43 feet) for the proposed townhouses, to 23.6 metres (75 feet) for the 8-storey rental apartment building, to 32.15 metres (105 feet) for each of the three condominium apartment buildings. A zoning by-law amendment is required to permit the proposed residential units, and to establish appropriate zoning regulations to guide redevelopment of the site.

Rental Housing Demolition Application

Approval of a rental housing demolition and conversion application is required to allow demolition and replacement of the existing rental units.

Community Consultation

A community consultation meeting was held on April 12, 2010. Approximately 77 residents of the area and tenants of the buildings attended. The applicant presented a revised version of the development proposal than was the subject of the original planning applications (the total number of rental units to be replaced on site was increased to full replacement of all 84 units plus an additional two rental units on site; the overall number of dwelling units proposed on site was reduced; and significant changes were made to the built form, height and massing of the buildings). The revised proposal presented at the community consultation meeting is the development proposal that is now the subject of this report. Many attendees expressed support of the revised plan since the building massing, height and built form had been reduced from the initial proposed planning applications.

Several residents requested clarity of the potential impact of the height and massing of the proposed buildings upon the properties to the east and north of the site. Residents noted that the proposal must incorporate measures such as set-backs, landscaping and an appropriate transition of the building heights and massing to the adjacent residential dwellings. Two residents, owners of property which back onto the site, expressed concerns that the development would create a loss of privacy and severely limit access to sunlight. Other concerns from both residents of the area and tenants of the existing buildings included potential traffic emanating from the proposed redevelopment and impacts upon the surrounding road system, current property standards, and the logistics respecting the replacement of the rental housing, timing and relocation to alternate rental

dwelling and affordability of the new rental units. Five written comments were received following the community meeting outlining similar concerns expressed at the community meeting. The comments and concerns have been discussed with the applicant who has refined the proposal as discussed in the “Comments” section of this report.

A tenants’ consultation meeting, pursuant to Municipal Code 667, was held on April 8, 2010. Approximately 30 tenants were in attendance. A second tenants’ consultation meeting held on June 1, 2010, was attended by 20 tenants. The demolition of rental housing, its replacement and the need for tenant relocation assistance was discussed at both meetings. Issues raised at the first tenants’ meeting included: concerns that the replacement rental dwelling units were not comparable, as there was not sufficient two-bedroom dwelling units to replace those two-bedroom dwelling units being demolished; the fact that all of the existing dwelling units are grade-related units of a “maisonette style”, with backyards and basements while the majority of the replacement rental dwelling units (52 dwelling units) are within an apartment building; and that all of the two-bedroom units are proposed to be located within the 8-storey apartment building. The loss of outdoor space, much of which has been fenced by the tenants as “exclusive use” areas, was cited by many as a key concern.

At the second tenants’ meeting, the applicant presented a revised proposal for the rental dwelling units to address many of the concerns raised at the first tenants’ meeting. Specifically, the number of two-bedroom dwelling units was increased, 12, two-bedroom dwelling units were incorporated into the townhouse component of the development, and several townhouse units were re-designed to incorporate basements. At both tenant meetings, the proposed Tenant Relocation and Assistance Plan was explained and reviewed with the tenants.

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 and conditions of the rental housing demolition application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement (PPS). It supports the principles in the PPS for building strong, liveable communities and adds to the City’s supply and diversity of housing. The proposal provides for residential intensification in an urban area, at a location with suitable public infrastructure and services. It will provide for an efficient development pattern and promotes the efficient use of land, infrastructure and services. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposed development provides for residential intensification within the built-up area, and takes affordable rental housing needs into account.

Land Use

The applicant proposes that the Official Plan be amended to change the land use designation from “Neighbourhoods” to “Apartment Neighbourhoods” to permit reinvestment in the subject site in the form of a new and a more intense residential development than currently exists on the site.

An objective of the Official Plan is to create healthy neighbourhoods whether the neighbourhoods are low-scale or predominantly apartments. The Plan notes that some areas within neighbourhoods need to be strengthened, additional housing options may be needed, community services and facilities may need to be enhanced and some buildings may need to be redeveloped. Where reinvestment through redevelopment is contemplated, the key is to ensure that new development respects the character of the area, demonstrates a high degree of transition in height and scale to adjacent lower scale development and serves to reinforce the stability of the neighbourhood.

Policy 5.3.1.3 of the Official Plan notes that when considering a site specific amendment to the Plan, Council must be satisfied that any development permitted under an amendment to the Plan, is compatible with its physical context and the planning review must examine whether the application should be considered within the immediate planning context or whether a broader review is appropriate. The subject site is similar to some other sites in the area which have been developed with low-rise residential (townhouse) development; often as rental tenure and which may offer opportunities for infill and/or redevelopment. The subject site is unlike other sites in that the size and configuration of the seven townhouse buildings on the site do not provide for appropriate infill redevelopment. Though not in itself a reason for a change in land use, staff note that many of the current buildings on the site are in a state of deterioration; indicating that re-investment in the site would be appropriate. Similar development on similar size lots in the area appear to be in a healthier state and continue to provide appropriate housing opportunities within the community.

Planning staff conclude that consideration of the applicant’s request to redesignate the lands is appropriate within the planning context of the immediate area and that a broader review, incorporating similar sites within the area is not necessary.

The subject site is an appropriate location to consider a change from the “Neighbourhoods” land use designation that permits lower-scale residential development to the “Apartment Neighbourhoods” land use which would accommodate reinvestment in the site to permit a greater scale of residential development.

The location, size, and lot configuration of the subject site collectively provide an opportunity to revitalize the site within its immediate neighbourhood context. Specific features of the site that provide a reinvestment opportunity include:

- Site Location: the site is on a major street identified as a “Transit Priority Segment” on Map 5 of the Official Plan, Surface Transit Priority Network, and

across from lands designated Apartment Neighbourhoods, developed with low and high rise, multiple residential buildings.;

- **Lot Size & Orientation:** the site is relatively large at 2.08 hectare (5.15 acre), with a substantial depth (61 metres, 200 feet), and occupies 330 metres (1,082 feet) of frontage on major arterial road; and
- **Existing Development & Building Orientation:** Current development on the site consists of seven buildings of two-storey rental townhouses, many of which are in a state of deterioration. The location and orientation of existing buildings on the site are not conducive to provide for appropriate infill redevelopment and rejuvenation of the site (since there is not sufficient underutilized space to accommodate one or more new buildings and the distance between buildings would not provide appropriate redevelopment areas).

Upon review of the applicant's redesignation request, staff conclude that the change in land use designation to Apartment Neighbourhoods to provide for redevelopment of the site, is appropriate. This report recommends the adoption of an official plan amendment (Site and Area Specific Policy, Attachment No.8) to redesignate the lands to Apartment Neighbourhoods. Staff also recommend that the amendment include a Site and Area Specific Policy to ensure: the rental housing is replaced on the site; re-investment in the form of intensification of the site is compatible with the existing neighbourhood, in particular the low density residential uses to the north and east; the redevelopment incorporates built form, height and massing features to ensure adequate privacy and sunlight for residents of new and existing buildings; and surface vehicle parking spaces be limited to minimize their impact on the residential properties to the north and east.

Staff also conclude that the overall proposal, together with the Section 37 provisions (discussed later in this report), represents an appropriate approach to the reinvestment of the site. The proposed housing form is in keeping with the policies of the Official Plan Apartment Neighbourhoods designation, and is compatible with adjacent uses and designations with regard to dwelling unit type, height, and setbacks. Further, the proposal will help fulfill several of objectives including:

- the replacement of deteriorated rental housing with a mix of housing tenure and unit types in the form of both condominium and affordable and mid-range rental housing, thus contributing to the range of housing opportunities for the community;
- new rental housing that includes two and three bedroom units that could accommodate families;
- the provision of community benefits under Section 37 of the Planning Act (as described later in this report);
- improvements to the streetscape along Victoria Park Avenue, creating a more pedestrian friendly environment, and
- enhancing the efficient use of land, resources, infrastructure and service facilities, in particular, the public transit system.

Built form, Height & Massing

Built-Form

The built form of the proposed development consists of four townhouse blocks and four mid-rise buildings. These include two, 2 and 3–storey townhouses fronting onto Victoria Park Avenue (Buildings E & F); two, 2 and 3–storey back-to-back townhouses, interior to the site (Buildings G & H); an 8–storey rental apartment building fronting Victoria Park Avenue (Building D); and three, 11–storey apartment condominium buildings, each fronting Victoria Park Avenue (Buildings A, B & C). The buildings are organized to frame and support the public streets and the open spaces. (See Attachment No.1)

i) Rental Townhouses

There are two townhouse components (Buildings E & F) fronting onto Victoria Park Avenue. Each component consists of 6 townhouse dwelling units. Buildings E & F are set back 3 metres (9 ½ feet) from the street line of Victoria Park Avenue. These 12 grade-related townhouse dwelling units each incorporate a main entrance and landscaped area facing the street. Each end of the two townhouse components contain 2–storey dwelling units (10.5 metres, 34 feet, in height), with the middle components consisting of 3–storey dwelling units (11.6 metres, 38 feet, in height). The 12 townhouses contain a total of 4, two-bedroom and 8, three bedroom dwelling units.

There are two back-to-back townhouse components, consisting of a total of 18 townhouse dwelling units. The back-to-back dwelling units contain two–storey dwelling units (11.7 metres, 38 feet, in height), and middle components consisting of 3–storey dwelling units (13.3 metres, 43 feet, in height).

The townhouses are set 16 metres apart. Within this space, a playground and landscaped open space is proposed. The design and orientation of the rental townhouse dwelling units would make the dwelling units especially suitable for families, especially the three–bedroom dwelling units.

The proposed townhouses are consistent with the built form context that has been established in the neighbourhood by the existing townhouse development on the west side of Victoria Park Avenue and the low-scale residential dwellings to the east.

ii) Eight-Storey Rental Apartment (Building D)

The middle portion of the site, immediately north of the proposed rental townhouses, would be developed with an eight–storey rental apartment building containing 56 dwelling units.

The base of the apartment building incorporates dwelling units that would offer main entrances facing Victoria Park Avenue, with direct access from the public sidewalk. Along the north and south face of the building, dwelling units are also included within the base of the building, with direct access to the landscaped area between the apartment building’s north wall and Building C (a separation distance of 16 metres, 52 feet) and between the apartment building’s south wall and the townhouses (a separation distance of

10.3 metres [34 feet]). Both of these separation distances provide a passive open space area with trees, sodding and plantings, and walkways to Victoria Park Avenue.

Similar to the townhouses (Buildings E & F) to the south, the 8–storey building is set back 3 metres (9 ½ feet) from Victoria Park Avenue to allow for landscaping and main entrance steps of the grade-related dwelling units. The 8–storey building incorporates building step-backs on all facades of the building to assist in framing the street and provide an appropriate pedestrian scale. At the rear façade of the building, facing the residential properties to the east, a 1.4 metre (4 ½ foot) step-back at the 3rd to the 7th storey is provided. At the 8th storey, the building steps back an additional 4.87 metres (16 feet). These building step-backs provide a stepping down of height towards the lower rise residential dwellings to the east. The 8–storey apartment building is set back 20 metres (66 feet) from the rear property lines of the residential dwellings to the east. Together with the stepping down of building height, the location and orientation of the building (a minimum of 20 metres) away from the east property line, provides an appropriate transition to the adjacent residential dwellings.

iii) Eleven-Storey Condominium Buildings (Buildings A, B, & C)

The apartment condominium component begins north of the proposed 8–storey rental building. Three, 11-storey condominium apartment buildings are proposed. Each building fronts Victoria Park Avenue. The base components of the apartment building fronting Victoria Park Avenue and Greylawn Crescent (north) incorporate grade-related dwelling units with direct access from the public sidewalk and internal access within the buildings. All buildings are set back 3 metres (9 ½ feet) from the street line, to allow for landscaping and main entrance steps of the grade-related dwelling units. Building A is situated at the corner of Victoria Park Avenue and Greylawn Crescent (north). Its main pedestrian entrance will be located at the corner of Victoria Park Avenue and a new driveway that is designed to have the appearance as an extension of Rowena Drive. Buildings B and C will share a through lobby with main pedestrian entrances on Victoria Park and a shared drop-off/pick-up area for pedestrians, internal to the site (accessed from the proposed north/south driveway).

All three buildings have 3–storey podium bases. Above the 3rd storey (to the 10th storey) a building step-back of 2 metres (6 ½ feet) is provided from Victoria Park Avenue to provide appropriate pedestrian scale. Terracing is also provided at the 10th and 11th storeys. At the north end of Building A, additional step-backs have been provided to transition the building's height towards the residential dwelling on the north side of Greylawn Crescent.

Each of the condominium buildings is designed in an “L” shape, with the “wings” of the buildings facing the east property line (the rear property lines of the low–rise residential dwellings on Greylawn Crescent). The “wings” are setback a minimum of 19.2 metres (63 feet) from the property lines of the low rise residential properties to the east. Above the 3rd storey of the condominium buildings, additional step-backs have been incorporated into the design of the buildings to ensure that the buildings are within a 45 degree angular plane, measured from the east property line and to provide an appropriate

transition in height towards the rear yards of the residential properties to the east. The result is that the separation distances between the rear property lines of the residential dwellings to the east and the closest facing walls (the wings) of Buildings A, B & C ranges from a minimum of 19.2 metres (63 feet) to a maximum of 37.9 metres (124 feet) at the 11th storey of the buildings. The main walls of the remaining portions of Buildings A, B & C are set back a minimum of 33 metres (108 feet) from the rear yards of the properties to the east.

Staff conclude that the built form and design of the proposed buildings provide an appropriate fit with the surrounding neighbourhood context.

Height

The site fronts Victoria Park Avenue and Greylawn Crescent and backs onto the low-rise single family dwellings to the east. Existing development surrounding the proposed buildings varies from two-storey townhouses to 11 and 13-storey apartment buildings on the west side of Victoria Park Avenue, to one-storey development to the east, south and north of the site. Building heights of the proposed development range from 13.3 metres (43 feet) townhouses, and the 23.6 metre, (77 foot) rental apartment building (Building D), to the three, 32.15 metre (105 foot), excluding mechanical penthouses, apartment condominiums (Buildings A, B, and C).

In general, buildings from 5 to 11 storeys with heights equal or less than the street right-of-way width are considered mid-rise buildings. Based on this criteria, Building A, B, C, and D have been designed as mid-rise buildings. The heights of the tallest buildings (Buildings A, B & C) have been designed to approximate the right-of-way width of Victoria Park Avenue. Mid-rise buildings are considered an appropriate development form at this location, as the buildings would fit with the low-rise residential dwellings to the east and north, as well as the 11 and 13-storey buildings on the west side of Victoria Park Avenue.

The draft zoning by-law for the site (Attachment No.9) incorporates a 45 degree angular plane requirement to ensure the proposed buildings fit with the surrounding neighbourhood. All buildings are placed under three angular planes including:

- a. a 45 degree angular plane originating from the east property line (the rear lot lines of the single family dwellings fronting Greylawn Crescent;
- b. a 45 degree angular plane originating from the north street line of Greylawn Crescent; and
- c. a 45 degree angular plane originating from the east street line of Victoria Park Avenue at the height of 80% of the right-of-way width.

The 45 degree angular plane is a recognized urban design tool to help ensure proper scale of the buildings, limit shadow impacts, and provide adequate transition to surrounding lower scale buildings. It has been implemented in most of the Avenue Studies to date,

and is recommended by the City's recent Mid-rise Study. It is also an important measure used in the development review process to assess the appropriateness of building heights and massing.

Application of these angular planes to the proposed development ensures the heights of all buildings achieve proper scale of the buildings to their surroundings, limit shadow impacts, and provide adequate transition to the surrounding low-rise residential neighbourhood.

Massing

Each of the mid-rise buildings is designed with a distinct building base, middle, and top component. Building step-backs are introduced at various locations to transition the buildings to the lower rise residential development. In addition to providing a proper transition to the low-rise residential neighbourhood, the step-backs help to provide a pedestrian friendly scale, and limit shadow impacts upon the adjacent properties.

The base components of the proposed buildings are located close to Victoria Park Avenue and Greylawn Crescent (north). Along Victoria Park Avenue the base components of the buildings each include main entrances facing the street, with direct access from the public sidewalk. Along key pedestrian routes and open spaces, the bases are designed with grade-related units with individual entrances. The grade-related units promote a pedestrian friendly character and scale that is in keeping with the existing low-rise residential buildings in the surrounding area.

The separation distances between the mid-rise buildings range from 12 metres to 28 metres (38 to 92 feet) and above, depending upon building location, orientation, height, depth, interior uses, and floor levels. Between Buildings A and B, separation distances include: 18 metres (59 feet) at the base of the building, 20 metres (66 feet) at the middle portions of the buildings, and between 22 to 28 metres (72 to 92 feet) at the top portions of the buildings. Buildings B and C are joined by a 3-storey building base. Above the 3rd storey, the buildings are "end-to-end" and separation distances include 12 metres (39 feet) at the middle portion of the buildings and 16 to 20 metres (52 to 66 feet) at the top portion of the buildings. The 12 metre (39 foot) separation distance exceeds an 11 metre (36 foot) minimum that is generally required to maintain a reasonable level of privacy. This 12 metre separation is appropriate in this instance since there are no primary windows on the end walls of the buildings, and no balconies are located on these end walls. The north end wall of Building D and the south wing of Building C are parallel to each other and are relatively short in length. A separation distance of 16 to 18 metres (52 to 59 feet) at the base of the buildings and 20 metres (66 feet) above the base podium has been provided. The separation distances between the townhouses and Building D are between 10.3 to 12.3 metres (34 to 40 feet), with the primary windows of the townhouses facing east and west.

The separation distance between the row townhouses along Victoria Park Avenue (Buildings E & F) and the back-to-back townhouses (Buildings G & H) is approximately

16 metres (52 feet), exceeding a 15 metre (49 foot) minimum recommended by the City's Infill Townhouse Guidelines.

The proposed massing and separation distances are considered acceptable to ensure adequate light, view, and privacy conditions, and to provide sufficient spaces for landscaping and pedestrian walkways at the ground level.

Density

The owner is seeking development permission for 57,720 square metres (621,313 square feet) of residential gross floor area which represents a density of 2.77 times the area of the site (floor space index [FSI]). The proposed density represents an increase from approximately 1.0 times the area of the site permitted under the current zoning for multiple residential use of the site (approximately 20,871 square metres [224,660 square feet] of gross floor area). Staff conclude that the proposal's additional density above the underlying zoning permission is achieved in an acceptable built form, massing and height that can be appropriately accommodated on the site and will fit its context.

Sun, Shadow, Wind

Shadow Analysis

The Official Plan specifies that development in Apartment Neighbourhoods will:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale Neighbourhoods; and
- locate and mass new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes.

A Sun/Shadow Patterns report (revised July, 2010) was submitted and reviewed by Planning staff. Staff examined the potential for shadow impact of proposed buildings on the surrounding properties, with careful attention to the residential properties to the east and north of the development site.

The site is oriented north/south along Victoria Park Avenue. The proposed buildings are also oriented north/south, adjacent to Victoria Park Avenue, and as far as development permits, from the rear properties of the residential dwellings to the east. The orientation of the buildings and the application of angular planes assist in limiting shadow impacts upon residential properties to the east and north. Shadow impacts are further limited by measures such as building separations and step-backs.

Spring & Fall Equinoxes

For the spring/fall equinoxes, morning shadows from the proposed development are apparent until approximately 11:00 am. Building A has limited impact on one of the low-rise residential properties at the corner of Victoria Park Avenue and Greylawn Crescent,

(2011 Victoria Park Avenue). The shadow affects the south-western portion of this property in the morning and early afternoon. No shadows (from the proposed buildings) are found after 1:00 pm on the property at the corner of Victoria Park Avenue and Greylawn Crescent. The shadow does not affect any other properties to the north of the site at any time during the day/early evening.

Twenty-six residential properties, containing mostly single-storey dwellings are located to the east of the proposed development, along Greylawn Crescent. All 26 properties are unaffected by the proposed buildings' shadows for most of the day until 3:30 pm. This is achieved by the application of the rear 45 degree angular plane. After 3:30 pm, the shadow impacts vary depending on the locations of the properties. At 4:00 pm, partial shadows occur on 14 out of 26 properties to the east; however, but the shadows are generally limited to less than 25% of the backyard areas. Approximately 57% of all backyards (19 of the 26 properties to the east) would have full or partial sun until approximately 4:30 pm due to the separations between the buildings that create "breaks" in the shadows; the design of the building that incorporates building step-backs on the side facades of the buildings and due to the low height of the proposed townhouses. Of these 19 backyards, 10 backyards would have full sun. By 5:30 pm, further shadows are cast upon properties to the east. However, approximately 46% of all backyards (12 out of 26 properties) would have full or partial sun (three backyards continue to have full sun while nine properties would experience partial sun conditions due to the location of the backyards east of the gaps (separations) between the proposed buildings and building step-backs located on the side facades of the buildings).

It is important to note that due to the north-south orientation of Victoria Park Avenue and the site, even low-rise buildings permitted under the current zoning by-law provisions for the site would result in shadow impacts upon the properties to the east in the late afternoon on the spring/fall equinoxes. Five of the seven existing townhouse buildings create shadow onto several properties to the east around 5:00 pm and fully shadow the backyards by 6:00 pm.

Staff are of the opinion that the mid-rise form is an appropriate form for this location, and the shadow impacts are adequately limited.

Pedestrian Level Wind Study

A Pedestrian Level Wind Study was submitted and reviewed. The report concluded that ground level pedestrian wind conditions would be acceptable for the anticipated pedestrian activities most of the time. The report also indicated that corridors (between buildings) aligned with prominent wind directions would lead to accelerated wind flows, and recommended coniferous planting as a mitigation measure. Staff concur with the findings of the Wind Study. Building step-backs are provided at the corridor locations, and building bases are designed with detailed individual entrance features and a mixture of coniferous and deciduous planting. These features would assist in reducing the impact of on-site winds and are considered acceptable mitigation measures.

Rental Housing Demolition & Replacement

The existing rental dwellings, many of which are in a state of deterioration, currently provide a form of housing sought after by many families due to a number of reasons including the relatively large, two-storey dwelling units that include basements and the availability of open space and areas immediately adjacent to the dwelling units that have been fenced as private amenity space (back yards). There are 56, two-bedroom units that have gross floor areas of 93.5 square metres (1,007 square feet) and 28, three-bedroom units that have gross floor areas ranging from 106.5 to 113.3 square metres (1,146 to 1,219 square feet). A number of tenants have lived in the buildings for more than 10 years. Several tenants have lived at this address for more than 15 years, one with 38 years tenure. Of the existing 84 dwelling units, 33 are currently vacant. The rental units are approximately 50 years old and in need of revitalization.

The applicant has proposed a rental replacement program that has been substantially improved from the initial rental demolition and conversion application filed with the City with the Official Plan and zoning by-law amendment applications in November 2009. Replacement rental dwelling units comparable to the existing units are proposed along with improved amenities such as individual heating and air-conditioning, and new playground facilities. While the applicant intends to replace the 84 rental dwelling units with 86 new rental dwelling units, the majority of the replacement units are no longer grade-related units. Forty percent are grade-related, most of which are townhouses with basements. Private patio areas and balconies are provided in place of the existing open space areas that have been fenced off by existing tenants as exclusive use areas. The applicant has worked with staff and the tenants to provide for a good quality rental replacement housing package.

Though the proposed replacement rental units are not exactly the same as the existing rental dwelling units, staff is supportive of the changes to the unit mix: 56 two-bedroom units will be reduced by 2 to 54; 28 three-bedroom units will be reduced by 2 to 26; and 6 new one-bedroom apartments will be introduced to the mix. The proposal provides a net increase of two units to compensate for the substitution of these 6 smaller units for 4 larger units. Most of the family units will be replaced, and the one-bedroom apartments will extend the choices currently available for the tenants, especially by providing for more affordable aging-in-place options.

Thirty of the 86 replacement dwelling units will be in townhouse form grouped around a common play area and green space; 12 as row houses and 18 as back-to-back townhouses, all with basements and adjacent patio areas. Fifty-six apartments are provided in an 8-storey apartment building, with 6 family-sized units on the ground floor with direct entrances from grade, 4 of which are two-storey, three-bedroom units. The apartment building provides the opportunity for indoor and outdoor common amenity space which shall be for use by all the tenants, and a common laundry room is provided for the apartment units. The townhouses will have laundry hook-ups provided in the basements.

The total gross floor area for the rental units is only 3% less than the existing rental floor area, a very minor reduction considering that 56 of the units will be in apartment form compared to the existing two-storey maisonette style units. The size of the 30 townhouse units and the 4 two-storey dwelling units in the apartment building are very similar, and in some cases, larger than the existing units. The two-bedroom apartments range from 75 to 83 square metres (800 to 890 square feet), with the majority being 75 square metres (800 square feet). This is smaller than the existing 94 square metre (1,007 square foot) units, but of a reasonable size. The one-bedroom apartments would be 59 square metres (630 square feet), and 4 of the three-bedroom, apartment units will be 91 square metres (980 square feet). The apartment units will all have storage locker spaces provided in the underground garage area to compensate for the loss of the existing basements.

The proposal to demolish the buildings in two phases and to construct both the rental and condominium buildings in three phases, would enable some tenants to remain on the site for a longer period. However, the applicant has indicated that the current proposal contemplates that the 56-unit apartment building would be constructed in Phase Three while the last of the existing rental units would be demolished in Phase Two. Staff are proposing that conditions be included in the zoning by-law amendment and the Section 37 agreement that the applicant be required to provide Letters of Credit to secure replacement units that are delayed to the phase following the phase in which the rental units are demolished, and extending the tenant assistance for those returning tenants who would be forced to relocate off-site for an extended period.

The current mix of rental units includes 50% that have affordable rents and 50% that have mid-range rents. The same proportion is included in the terms of the replacement proposal for all 86 units. The City's typical practices are reflected in the proposed Tenant Relocation and Assistance Plan and include: an extended notice to vacate for demolition; the right to return for all tenants to the same unit type, with eligible tenants entitled to return at similar rents; a moving allowance for each tenant required to move during relocation; and additional financial assistance to assist with the costs of alternative accommodation while the replacement rental housing is being built. This latter assistance will be varied to recognize the length of tenure and any special needs tenants. The City-approved assistance plan is in addition to provisions set out in Provincial legislation.

The applicant's proposal and the City's standard practices for the length of rental tenure of the replacement rental units and restrictions on rent increases will be secured through the zoning by-law amendment and Section 37 provisions, as well as with a Section 111 agreement pursuant to Municipal Code 667 and the City of Toronto Act. Staff support these rental housing replacement provisions of the applicant's proposal, which maintain the intent of the Official Plan and the City's by-law on demolition and conversion of rental housing, and are consistent with established City practices for similar applications. Staff also support the rental replacement proposal since the replacement of 84 deteriorated rental dwelling units with 86 new rental dwelling units that offer a mix of housing options would be a positive contribution towards building a strong and healthy neighbourhood in the area.

Parking, Access/Driveways, Loading/Service Areas & Traffic Impact

Vehicle Parking

The Built Form section of the Official Plan includes policies which are intended to regulate the design and functioning of vehicular access to the site. New development is to locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

With the exception of 14 surface visitor parking spaces, all parking spaces for vehicles are to be provided within an underground parking garage beneath the entire site. A total of 761 vehicle parking spaces are provided below grade: 652 parking spaces for the three condominium buildings (537 spaces for residents and 115 spaces for visitors) and 109 parking spaces for the rental buildings (91 spaces for residents and 18 spaces for visitors). Fourteen surface parking spaces for visitors of the rental and condominium buildings are proposed spread out along the length of the internal driveway. These spaces are for short-term, convenience visitor parking, 6 visitor spaces associated with the rental component and 8 spaces for the condominium component.

Staff support the use of the proposed residential parking rates which are consistent with the rates set out in the new City-wide zoning by-law. Under the proposed zoning by-law, parking rates are provided for multiple unit, residential buildings (based upon bedroom counts) as follows:

- One bedroom dwelling units: minimum 0.9 spaces/unit
- Two bedroom dwelling units: minimum 1.0 spaces/unit
- Three bedroom dwelling units: minimum 1.2 spaces/unit
- Visitor: minimum 0.2 spaces/unit

The draft zoning by-law amendment attached to this report (Attachment No.9) incorporates the above-noted rates. Of the total 661 dwelling units proposed, 388 units are proposed to be one-bedroom units, 247 units to be two-bedroom units and 26 units to be three-bedroom units. A total of 761 resident and visitor parking spaces would be required under the new City-wide zoning by-law. The applicant has proposed a total of 775 (761 below-grade and 14 surface, visitor spaces).

Bicycle Parking

The applicant's proposal incorporates bicycle parking for residents and visitors. The proposed development incorporates the provision of 220 bicycle parking spaces for residents and visitors, at a rate of 0.33 spaces/dwelling unit. A performance standard, as set out in the attached draft zoning by-law amendment, requires bicycle parking to be provided at a rate of 0.33 spaces per residential unit for a total of 220 bicycle parking spaces.

Access/Driveways

Currently there are two vehicle and pedestrian access points to the existing buildings on the site, at the north and south ends of the site, off Greylawn Crescent. These access

points are proposed to remain. An additional vehicle and pedestrian access is proposed to complete the fourth side of the existing signalized intersection at Victoria Park Avenue and Rowena Drive. This east/west driveway between Buildings A and B will connect to a new driveway, extending north and south along the entire length of the site. These two-way driveways will provide pedestrian access through the site and vehicular access to the below-grade parking, loading and service areas. The north/south driveway has been designed with a curvilinear form to reduce speed of vehicles and to enhance the quality of the landscaped open spaces. A landscaped buffer area has been provided between this driveway and the rear property lines of the residential dwellings to the east.

Loading/Service Areas

The loading areas and the pick-up and drop-off and delivery areas, would be located internally to the site, off the internal north/south driveway. This arrangement is sensitive to the planned and existing streetscape and will eliminate any potential conflicts with local streets.

Combined garage ramps and loading areas are provided to minimize the impact on the existing neighbourhood, and to allow for more landscaped open spaces. Two garage ramps are provided for the development. All buildings feature indoor garbage storage rooms on the first floor. The loading areas for Buildings A, B, and C are enclosed within the buildings. Loading bay doors have been incorporated into the design of the buildings to reduce noise associated with loading operations especially on garbage pick-up days and to improve the architectural look of the rear facades of the buildings when viewed from the east. Only Building D contemplates an exterior loading area. The loading area for this building has been located exterior to the building in order to maximize the provision of grade-related rental replacement dwelling units within the building. This exterior loading area has been designed with a landscape buffer area to screen the area from the rear yards of the dwellings to the east.

Traffic Impact

The applicant has submitted a Transportation Considerations Report, dated November 2009, which concluded that the proposed development site traffic, in combination with traffic growth from other area development proposals, can be acceptably and appropriately accommodated on the area street system, subject to several minor improvements. Transportation Services, Technical Services Division has reviewed the report and have concurred with its findings. Technical Services has recommended that road improvements be implemented at the applicant's cost that include, but are not limited to: a widening of the pavement at the Victoria Park Avenue and Rowena Drive intersection, including a southbound left-turn lane on Victoria Park Avenue at Rowena Drive, signalization improvements at Victoria Park Avenue and Rowena Drive and pavement marking changes. These matters can be secured through the site plan control approval process.

Servicing

The applicant submitted a Servicing and Stormwater Management Design Brief in support of the application to amend the official plan and zoning by-law. The Technical

Services Division has advised that further analysis is necessary, especially sanitary sewer analysis which may require improvements to the existing sanitary sewers system. Staff recommend that prior to introducing the Bills to City Council for enactment, the applicant be required to submit for review and approval an amended servicing report(s) to the satisfaction of the Technical Services and the City Planning Divisions.

Amenity Areas & Landscaped Open Space

Several landscaped amenity spaces are provided throughout the site (see Attachments Nos.1 & 2) including a courtyard with a playground surrounded by the townhouse blocks (Buildings E, F, G & H) and Building D (see Attachment No.4C). Landscaped pedestrian walkways are provided along the proposed driveways and through the open spaces between Buildings C & D; Buildings A & B; and on the east side of Buildings A, B & C. A total of 9,755 square metres (105,005 square feet) of landscaped open space area (46.7 % of the total lot area) is to be provided consisting of 4,553 square metres (49,010 square feet) for the rental component of the development and 5,202 square metres (55,995 square feet) for the condominium portion of the development. A landscape buffer is provided between the north/south driveway and the east property line adjacent to the rear yards of the residential dwellings to the east (See Attachments No.2). This buffer area varies in width from 3 metres (9½ feet) to 13 metres (43 feet), and is designed with a mixture of deciduous and coniferous trees, shrubs and a 1.8 metre (6 foot) wooden privacy fence along the entire east property line of the site. The buffer is considered adequate as a screening between the development and the existing residential area to the east.

The applicant's development proposal contemplates indoor amenity spaces within the 8-storey rental apartment building and the condominium buildings. The rental apartment building incorporates 124 square metres (1,334 square feet) of indoor amenity area (representing a ratio of 1.45 square metres of common indoor amenity space per dwelling unit). The indoor amenity area is provided within a single, multi-purpose room located on the first floor of Building D, with direct access to the outdoor amenity and playground area located between the townhouses and the apartment building. Indoor amenity areas, totaling 1,160 square metres (12,486 square feet), are proposed within Buildings A, B & C (representing a ratio of 2.0 square metres of common indoor amenity space per dwelling unit). This amenity area includes multi-purpose rooms, library and hobby-rooms.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows the local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people. The site is in the 3rd highest of current provision of parkland. The site is not in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The Parks, Forestry and Recreation (PFR) Division advises that, based on the parkland dedication by-law of the former City of Scarborough, which still remains in full force and

effect, PFR would require a 5% statutory parkland dedication of the 2.0871 hectares (20,871 square metres) for a total of 0.1043 hectares (1,043 square metres). The parkland dedication for the subject site is too small to be functional. Therefore, the applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit application process.

Streetscape

Policy 3.1.2.4 of the Official Plan requires that new development will enhance the streetscape through the massing of new development to define the edges of streets, parks and open spaces at good proportion. The Official Plan also requires that attention be given to the streetscape by ensuring that these areas are attractive, comfortable and functional for pedestrians through landscaping and setbacks that create attractive transitions from the public to private realms. The applicant is proposing 2 and 3-storey townhouses along the east side of Victoria Park Avenue with the main pedestrian entrances of the townhouses fronting the street. The townhouses are proposed to be set back 3 metres (9 ½ feet) from the property line to allow for landscaping.

The applicant is also proposing mid-rise buildings north of the townhouses along Victoria Park Avenue. Each of these buildings are set back 3 metres (9 ½ feet) from Victoria Park Avenue to accommodate landscaping and tree plantings. Similar to the townhouses, the mid-rise buildings incorporate grade-related dwelling units within the base components of the buildings. These grade-related dwelling units have main pedestrian entrances onto the public sidewalks of Victoria Park Avenue and Greylawn Crescent (north) which serve to animate and enhance pedestrian activity along this portion of Victoria Park Avenue and Greylawn Crescent (north). Grade-related dwellings are also incorporated into the base building components of Buildings A & B which front onto the new east/west driveway at Rowena Drive.

Sidewalks internal to the site and along proposed driveways will connect to existing streets and to the signalized intersection at Victoria Park Avenue and Rowena Drive. New street trees are proposed along Victoria Park Avenue and Greylawn Crescent and the applicant intends to plant trees along the internal walkways.

Toronto Green Standard

The applicant submitted a site plan control application for the entire development on November 20, 2009. At that time the owner also submitted a Toronto Green Standards checklist. The City's Green Standard has 35 minimum requirements. The applicant has indicated that 28 of 33 Green Standard targets will be met in this development including, but not limited to:

- i. major entrances are within close proximity to transit stops;
- ii. buildings will be designed for a 25% improvement over the Model National Energy Code for Buildings;

- iii. a combination of light coloured building materials and green roof installations for at least 50% of the roof and the rest of the roof is covered with light coloured roof materials; and
- iv. the provision that 70% of the fixtures are Energy Star compliant.

Staff will pursue the implementation of the Green Standards through the review of the site plan control application.

Site Plan Control

As noted earlier in this report, the applicant has filed a site plan application (File No. 09 190125 ESC 37 SA) for the development. Planning Staff are reviewing the application. Planning staff are satisfied with the overall site design and massing of the proposal. Site plan details would be addressed as part of the site plan review, including matters respecting: the detailed building and landscape designs; articulation of the building bases for the mid-rise buildings to ensure variation in form and material; the design of the grade related units to enhance animation of the streets and open spaces; and additional site plan details including lighting, at-grade bicycle parking, paving materials and the screening of above-grade utilities. These matters can be addressed through the site plan control approval process.

Tenure

Eighty-six of the units in the 661-unit development will be replacement rental dwelling units. The remainder are proposed to be part of one or more condominium corporations. A draft plan of condominium application has been submitted for review.

Development Phasing

The applicant has advised that the development of the site would be undertaken in phases as follows:

Phase One proposes the demolition of four of the seven blocks of the rental townhouses (Buildings 1, 2, 6 & 7, see Attachment No.3) containing a total of 48 rental dwelling units. Buildings 3, 4 & 5, containing 36 rental dwelling units will remain. Phase One also includes the construction of new rental townhouses (Buildings E, F, G & H, see Attachment 1A), as well as the construction of one of the condominium apartment buildings (Building A). Tenants who wish to occupy a proposed new rental townhouse unit in Buildings E, F, G & H can choose to temporarily relocate into a vacant unit in Blocks 3, 4 or 5 (subject to availability to accommodate those who wish to relocate to the new townhouses of Buildings E, F, G & H). Tenants who choose to occupy a proposed rental apartment unit in Building D would be required to temporarily re-locate off-site. Phase One also includes the construction of the east/west driveway at Victoria Park Avenue and Rowena Drive and construction of a temporary access from Victoria Park Avenue to provide vehicular access to the rental dwelling units of Buildings 3, 4 & 5

In Phase Two, tenants of the rental townhouses (Buildings 3, 4 & 5) will relocate to the 30 new rental replacement townhouses (Buildings E, F, G, & H). The vacated units of

Buildings 3, 4 & 5 would be demolished and the second of the three condominium apartment buildings (Building B) would be constructed.

Phase Three of the development consists of the construction of the 8-storey rental apartment building (Building D) containing 56 rental dwelling units. Construction of the third and final condominium apartment building (Building C) would occur. Tenants that were temporarily located off-site would be able to return to the site and occupy the rental dwelling units of Building D.

The applicant has also advised that, should conditions allow, construction of Phase 2 & 3 may be combined.

Provisions respecting the phasing of the redevelopment will be set out in the Section 37 agreement and within the Section 111 agreement. The applicant will be required to agree that the first building permit for the site will include the construction of the 30 replacement rental townhouses. The applicant will also be required to provide indexed Letters of Credit to secure the replacement of the 56 rental apartment dwelling units prior to the issuance of a demolition permit for the existing rental dwelling units of Phase Two.

Section 37

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include parkland and/or park improvements above and beyond the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site and other public benefits as detailed in Section 5.1.1.6 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and addressing planning issues associated with the development (e.g. local shortage of parkland, replacement rental apartment units).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments (excepting non-profit developments) with a gross floor area of more than 10,000 square metres (107,643 square feet) and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres (16,146 square feet), and/or increases the height significantly. In this case, the gross floor area of the proposed development is increased by 36,849 square metres (396,653 square feet) over the 20,871 square metres (224,660 square feet) that is permitted on the site by the zoning by-law.

As part of the review of the applicant's proposal to redevelop the site, staff examined the existing community services and facilities within the area to determine service "gaps". There is a need for a number of community services and facilities in the area including additional child-care facilities to accommodate infants, toddlers, and pre-school children;

an expansion to Maryvale Branch Library currently located in the existing Parkway Mall; and improvements to local parks.

Following discussions between the applicant, Planning Staff and the Ward Councillor, the following community benefits are to be secured in the Section 37 agreement:

An indexed cash contribution of \$800,000.00 payable to the City of Toronto prior to the issuance of the first above-grade building permit for the provision of the following:

- i. \$400,000 towards funding for the relocation and/or expansion of the Maryvale Branch Library (to approximately 929 square metres, 10,000 square feet) located in the Parkway Mall (85 Ellesmere Road);
- ii. \$300,000.00 to fund improvements to Maryvale Park and/or the Ellesmere Community Centre; and
- iii. \$100,000.00 to fund capital improvements to and/or restoration of O'Connor Heritage House (60 Rowena Drive).

The replacement of the rental housing is also a matter recommended to be secured in the Section 37 agreement:

- iv) the provision and maintenance on the site of not less than 86 new replacement rental dwelling units, comprising 26 three-bedroom dwelling units, 54 two-bedroom dwelling units and 6 one-bedroom dwelling units, of which at least 43 dwelling units shall have affordable rents and the remaining dwelling units shall have rents no higher than mid-range rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out in the draft zoning by-law amendment attached as Attachment No.9; and
- v. the provision of indexed, Letters of Credit to secure the replacement of the 56 rental apartment units prior to the issuance of a demolition permit for the rental housing buildings remaining after issuance of permits for the first rental housing buildings units in an amount and to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor in accordance with the terms as set out in the draft zoning by-law amendment attached as Attachment No.9.

School Capacity

The Toronto District School Board (TDSB) advises that there is insufficient school capacity to accommodate students anticipated from this proposed development and that children may need to be accommodated at other schools within the area. The TDSB advises that the status of local school accommodation should be conveyed to potential

tenants and purchasers of the proposed units. Specifically, the TDSB requests that the applicant agrees to post signs on site and include warning clauses in all rental leases and offers of purchase and sale advising purchasers and tenants of the status of local school accommodation. This is a matter that can be addressed in the site plan control approval process.

The Toronto Catholic District School Board (TCDSB) advises that elementary students from the proposed development can be accommodated at St. Kevin Catholic School, 14 Murray Glen Drive. The Board advises that Senator O'Connor Catholic Secondary School, located at 65 Avonwick Gate, is over capacity at this time and it may be necessary for students to be accommodated in facilities outside of the community pending the availability of space. The TCDSB advises that the status of local school accommodation should be conveyed to potential tenants and purchasers of the proposed units. Specifically, the TCDSB requests that the applicant include warning clauses in all rental leases and offers of purchase and sale advising purchasers and tenants of the status of local school accommodation. This is a matter that can be addressed in the site plan control approval process.

Development Charges

It is estimated that the development charges for this project will be \$3,965,757. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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E-mail: ndunphy@toronto.ca

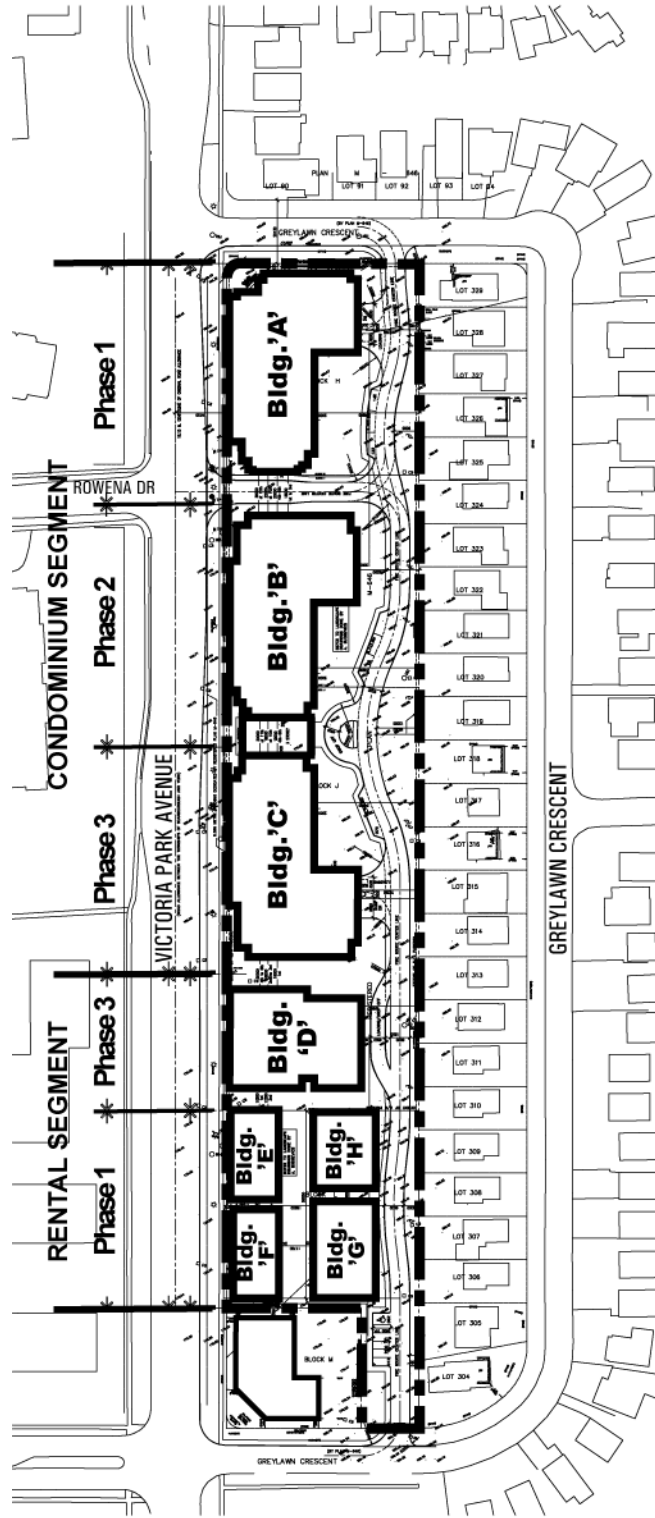
SIGNATURE

Allen Appleby, Director
Community Planning, Scarborough District

ATTACHMENTS

Attachment 1	Site Plan: Proposed Redevelopment
Attachment 2:	Landscape Plan: Proposed Redevelopment
Attachment 3:	Existing Rental Buildings & Redevelopment Phasing Plan
Attachment 4A-C:	Perspectives
Attachment 5:	Elevations (Victoria Park Avenue)
Attachment 6:	Official Plan
Attachment 7:	Application Data Sheet
Attachment 8:	Draft Official Plan Amendment
Attachment 9:	Draft Zoning By-law Amendment

Attachment 1: Site Plan: Proposed Redevelopment



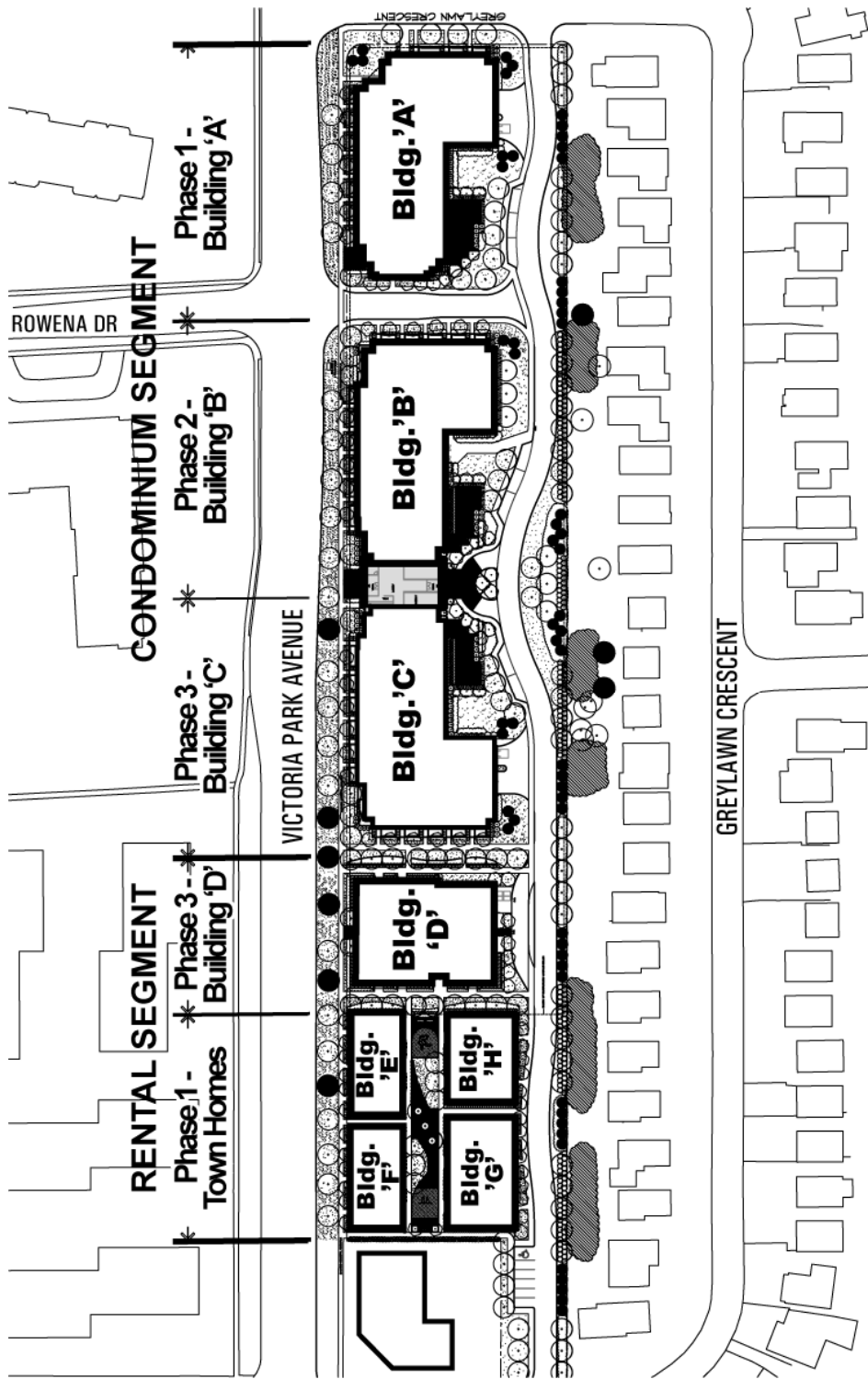
Site Plan
 Applicant's Submitted Drawing
 Not to Scale
 07/29/10

1973 (1955 to 1991) Victoria Park Avenue

File # 09-190110_OZ



Attachment 2: Landscape Plan: Proposed Redevelopment



Landscape Plan

Applicant's Submitted Drawing

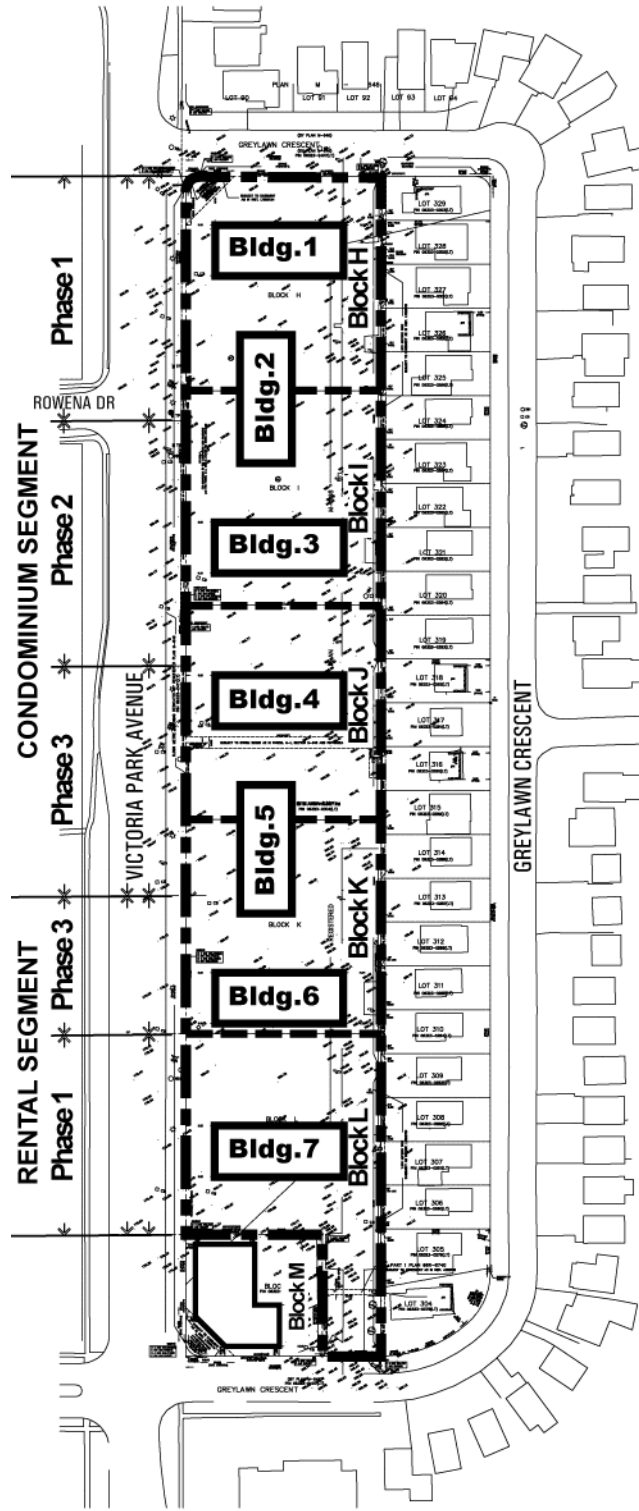
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07/28/10



1973 (1955 to 1991) Victoria Park Avenue

File # 09-190110_0Z

Attachment 3: Site Plan – Existing Rental Buildings & Redevelopment Phasing Plan

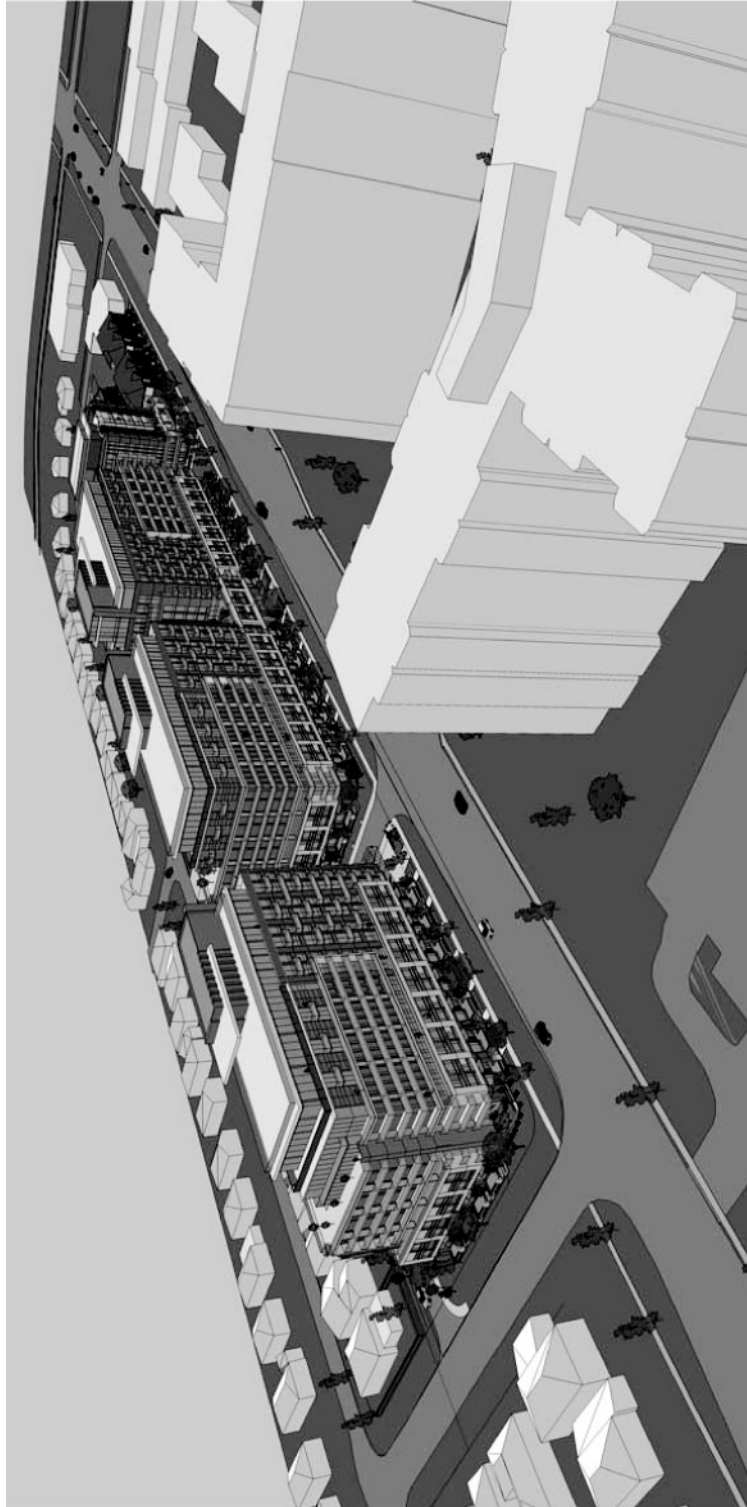


Existing Rental Buildings
 Applicant's Submitted Drawing
 Not to Scale
 07/29/10

1973 (1955 to 1991) Victoria Park Avenue

File # 09-190110_0Z

Attachment 4A: Perspectives: View Looking South on Victoria Park Avenue



1973 (1955 to 1991) Victoria Park Avenue

Perspective - Victoria Park Avenue looking South

Applicant's Submitted Drawing

Not to Scale
07/20/10

File # 09-190110_0Z

Attachment 4B: Perspectives: View Looking West from Greylawn Crescent



1973 (1955 to 1991) Victoria Park Avenue

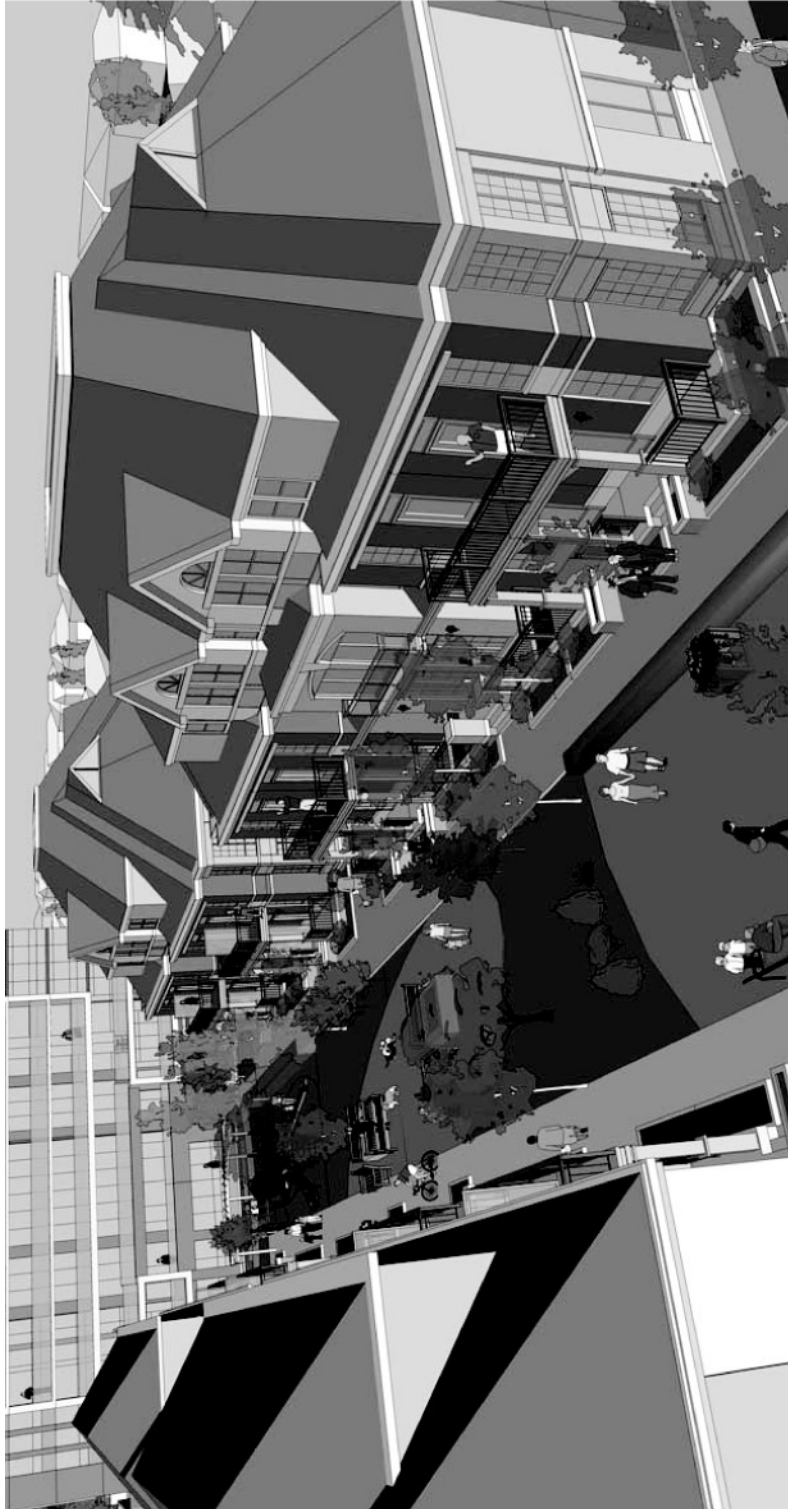
Perspective - Greylawn Crescent South looking West

Applicant's Submitted Drawing

Not to Scale
07/20/10

File # 09-190110_0Z

**Attachment 4C: Perspectives: Landscape Open Space and Playground Areas
(Between New Rental Townhouse Buildings)**



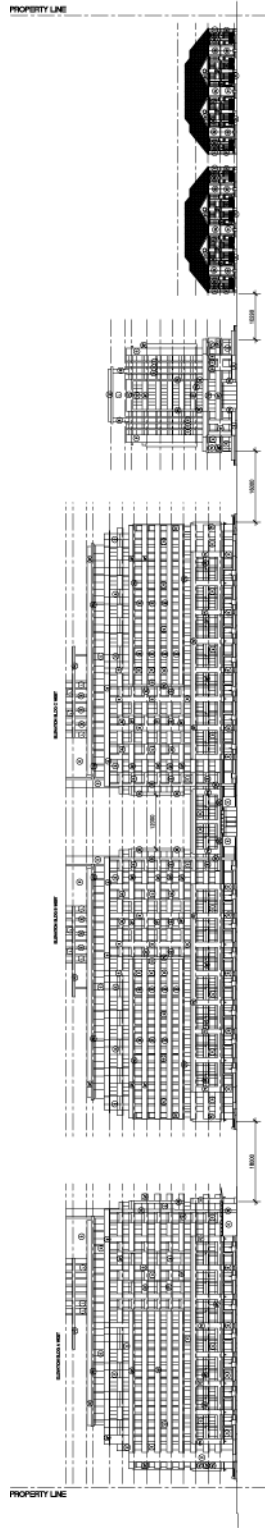
Perspective - Proposed Play Area / Landscaped Area **1973 (1955 to 1991) Victoria Park Avenue**

Applicant's Submitted Drawing

Not to Scale
07/20/10

File # 09-190110_0Z

Attachment 5: Elevations: West Elevation from Victoria Park Avenue



West Elevation

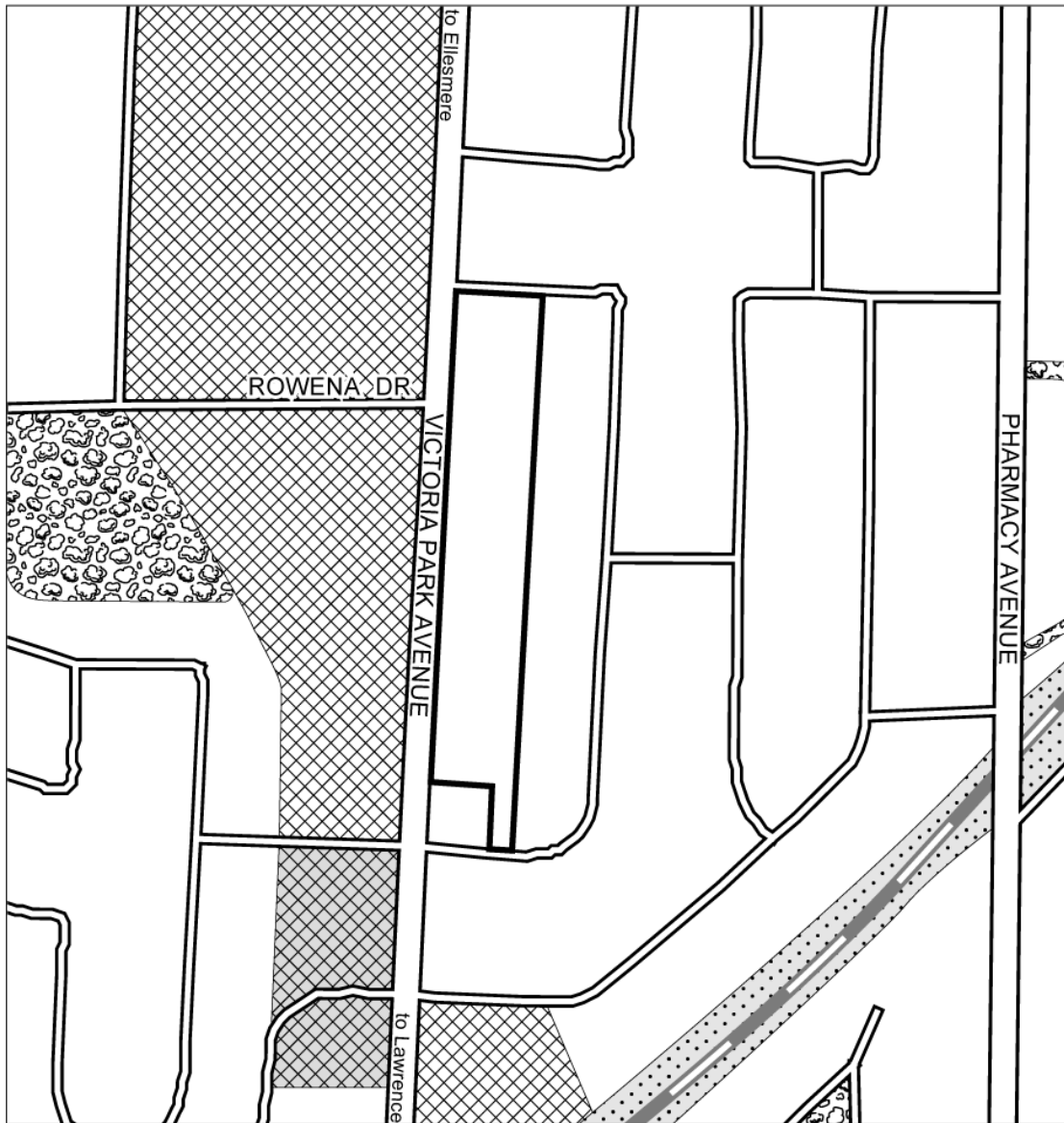
Applicant's Submitted Drawing

Not to Scale
07/19/10

1973 (1955 to 1991) Victoria Park Avenue

File # 09-190110 OZ

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

1973 (1955 to 1991) Victoria Park Avenue

File # 09-190110 02

 Site Location	 Parks & Open Space Areas
 Neighbourhoods	 Parks
 Apartment Neighbourhoods	 Utility Corridors
 Mixed Use Areas	


 Not to Scale
 12/24/09

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	09 190110 ESC 37 OZ
Details	OPA & Rezoning, Standard	Application Date:	November 20, 2009
Municipal Address:	1973-1991 VICTORIA PARK AVE		
Location Description:	PLAN M646 BLK H BLK I PT BLKS J, Plus Blocks K and L **GRID E3702 , Includes 1955 to 1991 Victoria Park Avenue		
Project Description:	Proposal to demolish existing grade-related rental housing (84 units) and replace it with 86 rental units (townhouse and apartment units) and three condominium buildings containing 575 residential units. Below grade parking for 761 vehicles and 14 surface vehicle spaces are proposed		

Applicant:	Agent:	Architect:	Owner:
JWF PROPERTIES INC			VICTORIA PARK RESIDENCES INC

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:
Zoning:	M-Multiple-Family Residential	Historical Status:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	20871	Height:	Storeys:	11
Frontage (m):	60.99		Metres:	32.15
Depth (m):	368.924			
Total Ground Floor Area (sq. m):	7468.3			Total
Total Residential GFA (sq. m):	57719.65		Parking Spaces:	775
Total Non-Residential GFA (sq. m):	0		Loading Docks	3
Total GFA (sq. m):	57719.65			
Lot Coverage Ratio (%):	35.8			
Floor Space Index:	2.77			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Rental, Condo		
Rooms:	0	Residential GFA (sq. m): 57719.65	0
Bachelor:	0	Retail GFA (sq. m): 0	0
1 Bedroom:	388	Office GFA (sq. m): 0	0
2 Bedroom:	247	Industrial GFA (sq. m): 0	0
3 + Bedroom:	26	Institutional/Other GFA (sq. m): 0	0
Total Units:	661		

CONTACT:	PLANNER NAME:	Russell Crooks, Senior Planner
	TELEPHONE:	(416) 396-7040

Attachment 8: Draft Official Plan Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010~

Enacted by Council: ~, 2010~

CITY OF TORONTO
Bill No. ~
BY-LAW No. ~-2010~

To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2009, as
1973 Victoria Park Avenue (1955-1991 Victoria Park Avenue)

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

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. The attached Amendment No. 129 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 2010.

DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

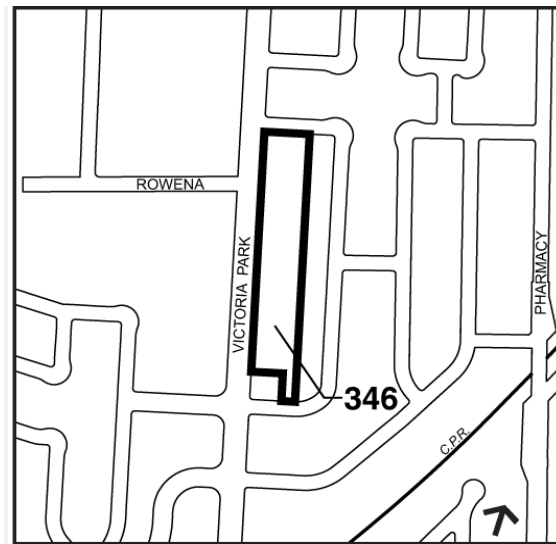
AMENDMENT NO.129 ~ TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2009 AS
1973 VICTORIA PARK AVENUE (1955-1991 VICTORIA PARK AVENUE)**

The Official Plan of the City of Toronto is amended as follows:

1. Maps 19 and 20, Land Use Plan, are amended by re-designating the lands known municipally in 2009 as 1973 Victoria Park Avenue (1955-1991 Victoria Park Avenue) from *Neighbourhoods* to *Apartment Neighbourhoods*, as shown on the attached Schedule 1.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 346 for lands known municipally in 2009 as 1973 Victoria Park Avenue (1955-1991 Victoria Park Avenue), as follows:

346. 1973 Victoria Park Avenue (1955-1991 Victoria Park Avenue)



- a. The location, size, and lot configuration of the subject site collectively provide an opportunity to revitalize the site within its immediate neighbourhood context. Specific features of the site that provide a reinvestment opportunity include:
 - i) Site location - on a major street identified as a “Transit Priority Segment” on Map 5 of the Official Plan, Surface Transit Priority

Network, and across from lands designated *Apartment Neighbourhoods*, developed with low and high rise, multiple residential buildings;

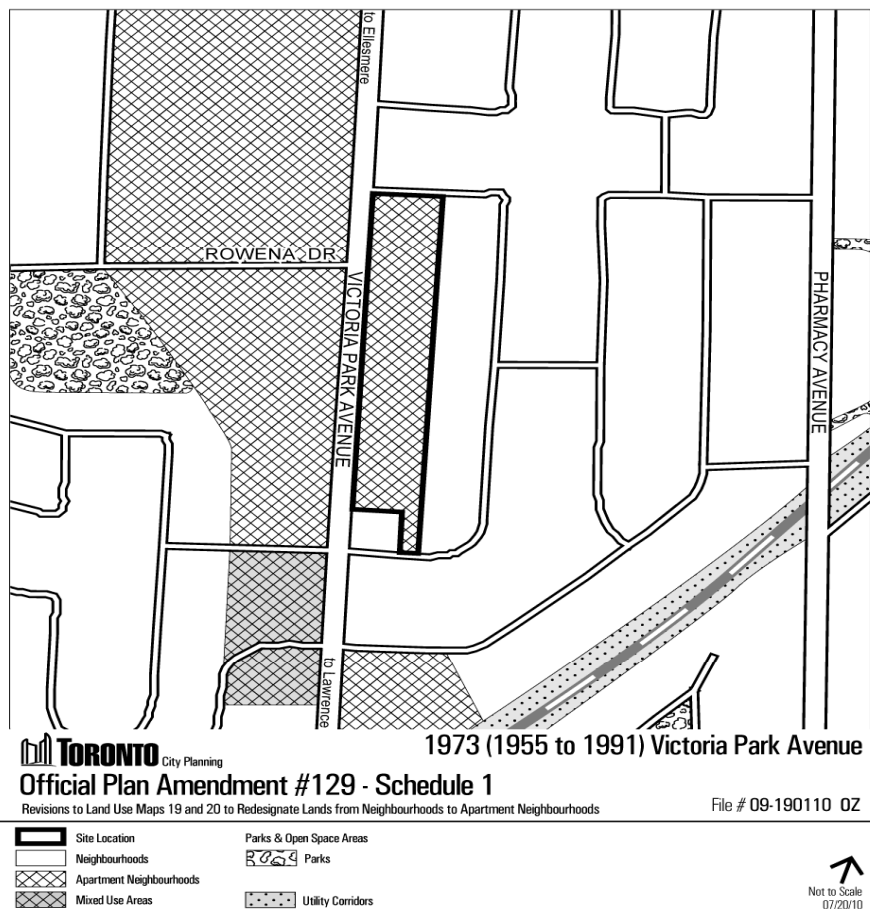
- ii) Lot Size & Orientation - the relatively large site of 2.08ha with a substantial depth of 61 metres and a 330 metre frontage on a major arterial road; and
- iii Existing Development & Building Orientation - the location and orientation of existing buildings on the site are not conducive to provide for appropriate infill redevelopment and rejuvenation of the site.

b. In considering applications to revitalize the site and to replace the deteriorating rental housing with similar new rental housing, re-investment in the form of intensification of the site may be undertaken subject to the following policies:

- i) New residential development will be compatible with existing low density residential uses to the north and east. Guidance for the implementation of this principle will occur during consideration of, and conditions to, approval of zoning by-law(s) and site plan control approval.
- ii) New residential development will provide adequate privacy and sunlight for residents of new and existing buildings by ensuring adequate distance and separation between new and existing building walls, incorporating a stepping down of height proceeding east and north towards the low rise residential development and using landscaping, including, but not limited to trees, plantings and fencing, to enhance privacy.
- iii) Surface vehicle parking spaces will be limited in number and will be located and organized to minimize their impact on the residential properties to the north and east. Surface vehicle parking spaces will be separated from the property lines of low density residential development to the north and east by open space green areas, incorporating landscaping features.
- iv) A minimum of 86 replacement rental housing units are to be provided on site. New replacement rental housing will be of similar size and type as the existing rental housing units and are to have rents similar to those at the time a redevelopment application is made.

3. Chapter 7, Maps 30 and 31, Site and Area Specific Policies, are amended to add the lands known municipally in 2009 as 1973 Victoria Park Avenue (1955-1991 Victoria Park Avenue) shown on the map above as Site and Area Specific Policy No. 346.

Schedule '1'



Attachment 9: Draft Zoning By-law Amendment

Authority: Scarborough Community Council Item ~ [or Report No. ~, Clause No. ~] as adopted by City of Toronto Council on ~, 2010
Enacted by Council: ~, 2010

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2010

**To amend ~ Zoning By-law No. 9366, as amended,
With respect to the lands municipally known as,
1973 Victoria Park Ave. (1955 - 1991 Victoria Park Ave.)**

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 pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set out in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act*, provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 9366, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this Bylaw and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in 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 “A”** of the Maryvale Community Zoning By-law No. 9366 is amended by deleting the current zoning and replacing it with the following zoning as shown on Schedule ‘1’.

A – 106 – 107 – 108 – 109 – 110 – 111 – 112 – 113 – 114 – 115 – 116 – 117 – 118 –
119 – 120 – 121 – 122 – 123 – 124 – 125 – 126 – 127 – 128 – 129
130 – 131 – 132 – 133 – 134 – 135

15

16

2. **Schedule “B”, PERFORMANCE STANDARDS CHART**, is amended by adding the following Performance Standards:

MISCELLANEOUS:

Intensity of Use:

106. **Gross Floor Area** for “Block 1”, “Block 2” & “Block 3” as shown on Schedule ‘1’ shall not exceed 57,725 square metres.
107. **Gross Floor Area** on lands identified as “Block 1” & “Block 2”, as shown on Schedule ‘1’, shall not exceed 49,060 square metres.
108. **Gross Floor Area** on lands identified as “Block 3”, as shown on Schedule ‘1’, shall not exceed 8,665 square metres.
109. Maximum – 661 **dwelling units** for “Block 1”, “Block 2” & “Block 3 as follows:
- i): on lands identified as “Block 1” & “Block 2”, as shown on Schedule ‘1’, a maximum of 575 **dwelling units** are permitted; and
 - ii) on lands identified as “Block 3”, as shown on Schedule ‘1’, a maximum of 86 **dwelling units** are permitted.

Indoor Amenity Area:

110. Minimum **gross floor area** for common indoor amenity space per **dwelling unit**: 2.0 square metres on lands identified as “Block 1” & “Block 2” as shown on Schedule ‘1’.
111. Minimum **gross floor area** for common indoor amenity space per **dwelling unit**: 1.4 square metres on lands identified as “Block 3” as shown on Schedule ‘1’.

Landscaped Open Space:

112. Minimum 5,150 square metres of landscaped open space area shall be provided on lands identified as “Block 1” & “Block 2” as shown on Schedule ‘1’.

113. Minimum 4,500 square metres of landscaped open space area shall be provided on lands identified as “Block 3” as shown on Schedule ‘1’ of which a minimum of 650 square metres shall be a combination of landscaped area, walkways and playground area, to be located in the area separating the row townhouse buildings fronting Victoria Park Avenue and the back-to-back townhouse buildings on “Block “3”.
114. On “Block 1”, “Block 2” & “Block 3 “as shown on Schedule ‘1’, a landscaped open space of not less than 3 metres in width, located between the east property line of the lot and a north/south driveway, running along the entire length of the east property line, shall be provided. For the purposes of this by-law, the landscaped buffer area attributable to each of “Block 1”, “Block 2” & “Block 3” shall be considered as part of the landscaped open space requirements for “Block 1”, “Block 2” & “Block 3 “as set out in the above performance standards No. 112 and No. 113, respectively.

Vehicle Parking Spaces:

115. The following provisions of **CLAUSE VII – GENERAL PARKING REGULATIONS FOR ALL ZONES** are not applicable:
 - 1.1. Table of Required Parking Rates
 - 1.5.2 Yards
 - 2.1.1 Street Yard Parking
 - 2.2.1 Street Yard Exceptions
116. Vehicle Parking shall be provided on “Block 1”, “Block 2” & “Block 3” as shown on Schedule ‘1’ at the following rates:

Residential:

 - i) One-bedroom **dwelling unit**: minimum 0.9 spaces/unit; and
 - ii) Two-bedroom **dwelling unit**: minimum 1.0 spaces/unit; and
 - iii) Three-bedroom **dwelling unit**: minimum 1.2 spaces/unit.

Visitor:

A minimum 0.2 parking spaces per **dwelling unit** shall be provided for visitors.

Bicycle Parking Spaces:

117. For an apartment building located on lands identified as “Block 1” & “Block 2” as shown on Schedule ‘1’, bicycle parking spaces shall be provided at the rate of 0.38 bicycle spaces per **dwelling unit**, of which 80% is for resident use, and 20% is for visitor use.
118. For an apartment building located on lands identified as “Block 3” as shown on

Schedule '1', bicycle parking spaces shall be provided at the rate of 0.35 bicycle spaces per **dwelling unit**, of which 80% is for resident use, and 20% is for visitor use.

119. On lands identified as “Block 1”, “Block 2” & “Block 3” as shown on Schedule ‘1’, bicycle parking spaces shall not be provided within a **dwelling unit** or on a balcony associated thereto, or in a storage locker and shall be provided as follows:
- i) resident bicycle parking spaces shall be located in a secured room or area; and
 - ii) visitor bicycle parking spaces shall be located in a weather-protected, outside area or on the first (ground floor) level of the residential buildings and shall be identified as visitor bicycle parking on building plans submitted to the City.

Main Walls of Buildings:

120. Notwithstanding the definition of **Main Wall** in Clause V (f), Main Wall shall be defined as the following:

Main Wall shall mean the exterior front, side or rear wall of a building and all structural members essential to the support of a fully or partly enclosed space or roof. The following projections, to the maximum distances shown below, shall not be considered part of the main wall:

Chimneys, pilasters and projecting columns	500 mm
Roof overhang	1 m
Balconies, and unenclosed porches projecting into a front yard, rear yard or a side yard	1.8 m
Terrace upturn and railing	No Limit
Exterior steps, patios and integral planters	No Limit

Distance Between Main Walls of Buildings on “Block 1”, “Block 2” & “Block 3:

121. The facing distance between the **main wall** of the building on “Block 1” to a **main wall** of building on “Block 2” as shown on Schedule ‘1’, shall be as follows:
- i) minimum 18.0 metres from the 1st storey to the 3rd storey above grade;
 - ii) minimum 20.0 metres from the 4th storey to the 9th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 4th storey to 9th storey above grade for a building located on “Block 2”;
 - iii) minimum 22.0 metres at the 10th storey above grade, and shall include:

- a minimum 2.0 metre step-back of the building **main wall** at the 10th storey of a building on “Block 1”:
- iv) minimum 28.0 metres at the 11th storey above grade, and shall include:
- a minimum 2.0 metre step-back of the building **main wall** at the 11th storey of a building on “Block 1”; and
 - a minimum 4.0 metre step-back of the building **main wall** at the 11th storey of a building on “Block 2”, opposite **main wall** of a building on “Block 2”.
122. There shall be two buildings connected by a maximum 3 storey link on “Block 2” as shown on Schedule ‘1’. The distance between the **main wall** of the two buildings opposite each other shall be as follows:
- i) a minimum 12.0 metres from the 4th to the 9th storey above grade;
 - ii) a minimum 16.0 metres at the 10th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 10th storey for both walls of any two buildings opposite to each other located on “Block 2”;
 - iii) a minimum 20.0 metres at the 11th storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 11th storey for both walls of any two buildings opposite to each other located on “Block 2”; and
 - iv) in addition to the above, balconies are not permitted to extend beyond the facing distances of the **main wall** of any two buildings directly opposite and facing each other within “Block 2” as shown on Schedule ‘1’ from the 4th to 9th storey above grade.
123. The facing distance between the **main wall** of a building on the south portion of “Block 2” to a building **main wall** on the north portion of “Block 3”, as shown on Schedule ‘1’, shall be as follows:
- i) minimum 16.0 metres at the 1st storey above grade;
 - ii) minimum 18.0 metres from the 2nd storey to the 3rd storey above grade, and shall include:
 - a minimum 2.0 metre step-back of the building **main wall** at the 2nd storey above grade for a building located on “Block 3”;
 - iii) minimum 20.0 metres from the 4th storey to the 8th storey above grade, and shall include:

- a minimum 2.0 metre step-back of the building main wall at the 4th storey above grade for a building located on the south portion of “Block 2”;
124. The facing distance between the **main wall** of a building on the north portion of “Block 3” more than 3 storeys above grade, to townhouse buildings on “Block 3”, as shown on Schedule ‘1’, shall be as follows:
- i) minimum 10.0 metres at the 1st storey above grade; and
 - ii) minimum 12.0 metres at the 2nd storey and any storeys above.
125. The facing distance between the **main wall** of any townhouse building (excluding side walls of any townhouse buildings)” to another townhouse building on “Block 3”, as shown on Schedule ‘1’, shall not be less than 15 metres.

Building Setbacks from Streets:

126. **Main wall** building setbacks from the Victoria Park Avenue **street line** on “Block 1”, “Block 2” & “Block 3” as shown on Schedule ‘1’:
- i) minimum 3.0 metres from the Victoria Park Avenue **street line** at the 1st storey to the 3rd storey above grade;
 - ii) minimum 5.0 metres from the Victoria Park Avenue **street line** at the 4th storey to the 10th storey above grade; and
 - iii) minimum 7.0 metres from the Victoria Park Avenue **street line** at the 11th storey above grade.
127. **Main wall** building setbacks from the Greylawn Crescent **street line** on “Block 1”, as shown on Schedule ‘1’:
- i) minimum 3.0 metres from the Greylawn Crescent **street line** at the 1st storey to the 3rd storey above grade;
 - ii) minimum 5.0 metres from the Greylawn Crescent **street line** at the 4th storey to the 8th storey above grade;
 - iii) minimum 7.0 metres from the Greylawn Crescent **street line** at the 9th storey above grade;
 - iv) minimum 10.0 metres from the Greylawn Crescent **street line** at the 10th storey above grade; and
 - v) minimum 14.0 metres from the Greylawn Crescent **street line** at the 11th storey above grade.

128. **Main wall** building setbacks from the east lot line on “Block 1” & “Block 2” as shown on Schedule ‘1’:
- i) minimum 19.0 at the 1st storey to the 3rd storey above grade;
 - ii) minimum 22.0 metres at the 4th storey to the 7th storey above grade;
 - iii) minimum 24.0 metres at the 8th storey above grade;
 - iv) minimum 34.5 metres at the 9th storey to the 10th storey above grade; and
 - v) minimum 37.0 metres at the 11th storey above grade;
- 129 **Main wall** building setbacks from the east lot line on “Block 3” as shown on Schedule ‘1’ for any building more than 3 storeys above grade:
- i) minimum 19.0 at the 1st storey to the 2nd storey above grade;
 - ii) minimum 20.0 metres at the 3rd storey to the 7th storey above grade; and
 - iii) minimum 26.0 metres at the 8th storey above grade;
- 130 **Main wall** building setbacks from the east lot line on “Block 3” as shown on Schedule ‘1’ for any townhouse building no more than 3 storeys above grade :
- i) minimum 16.0.
- 131 **Main wall** building setbacks from the south lot line that is not a **street line** on “Block 3” as shown on Schedule ‘1’ for any townhouse building no more than 3 storeys above grade :
- i) minimum 3.0.

Height of Buildings:

132. Notwithstanding the definition of **Height** in Clause V (f), height shall be measured from a base geodetic grade of 170.5 metres.
133. Maximum height of any building on “Blocks 1” & “Block 2”, as shown on Schedule ‘1’; shall not exceed 33.0 metres, excluding mechanical penthouse, chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls;
- Maximum height of any building on “Block 3”, as shown on Schedule ‘1’; shall not exceed 24.0 metres, excluding mechanical penthouse, chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls; and

Maximum height of any townhouse building on “Block 3”, as shown on Schedule ‘1’; shall not exceed 13.5 metres, excluding chimneys, vents, skylights, antennae, elevator machine rooms, and parapet walls.

Provisions to Apply Collectively:

134. The provisions of the By-law shall apply collectively to this land, notwithstanding its future division into two or more parcels of land.
135. Within the lands identified as “Block 1”, “Block 2” & “Block 3” as shown on Schedule “1”, 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.

4. SCHEDULE “C”, EXCEPTIONS LIST, is amended by adding the following Exception No. 15 and Exception No. 16 as follows:

15. On those lands identified as Exception No. 15 on the accompanying Schedule “C” Map (Schedule ‘2’ of this Zoning By-law), the following provisions shall apply:
 1. Pursuant to Section 37 of the *Planning Act*, the **height** and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law including the provision by the owner of the lot of the facilities, services and matters set out below, to the City at the owner’s sole expense and in accordance with and subject to the agreement referred to in Exception 15.2 of this By-law.
 2. Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services or matters set out in below, the lot is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirements.
 3. Pursuant to Section 37 of the *Planning Act* and subject to compliance with the provisions of this By-law, the increase in height and density of development on the lands is permitted in return for the provision by the owner of the following facilities, services and matters to the City at the owner’s sole expense:

- a) a cash contribution of \$400,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development, for funding towards the relocation and/or expansion of the Maryvale Branch Library located in the Parkway Mall (85 Ellesmere Road);
- b) a cash contribution of \$300,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development for improvements to Maryvale Park and/or the Ellesmere Community Centre; and
- c) a cash contribution of \$100,000 (indexed annually in accordance with the Statistics Canada Non-Residential Construction Price Index for Toronto from the date the Zoning by-law comes into full force and effect) payable to the City of Toronto prior to the issuance of the first above-grade building permit for the development for capital improvements to and/or restoration of O'Connor Heritage House (60 Rowena Drive);
- d) the provision and maintenance on the site of not less than 86 new replacement rental dwelling units, comprising 26 three-bedroom dwelling units, 54 two-bedroom dwelling units and 6 one-bedroom dwelling units, of which at least 43 dwelling units shall have affordable rents and the remaining dwelling units shall have rents no higher than mid-range rents. The replacement rental dwelling units shall generally be of the same type and size as contained in the existing buildings on the subject site at the date of enactment of the zoning by-law amendment. The applicant shall provide tenant relocation assistance for tenants in the existing buildings in accordance with the detailed terms as set out below; and
- e) the owner of the lot shall provide two letters of credit, each for \$1 million, indexed quarterly in accordance with the Residential Construction Price Index from the date this by-law comes into force to the date the respective letter of credit is provided, and indexed from that point forward, with the first indexing of both to occur concurrently one year from the date of receipt of the second letter of credit and annually thereafter, to secure the provision of the 56 rental apartment units provided in a later phase of the development, as follows:

- i) the first letter of credit shall be provided prior to the issuance of the demolition permit for the existing rental units remaining after the initial demolition of the existing rental units in the first phase; and
 - ii) the second letter of credit shall be provided prior to the occupancy of the second condominium apartment building constructed on the site, and prior to issuance of any shoring or foundation building permit for the third condominium building to be constructed on the site.
 - f) for the third condominium apartment building to be constructed, no above grade building permit shall be issued prior to the issuance of an above grade building permit for the 56-unit rental apartment building;
 - g) prior to the issuance of the first demolition permit on the lot, the owner of the lot shall provide a Construction Mitigation and Communication Plan to the satisfaction of the Director of Community Planning that shall address mitigation measures and a communication plan for tenants occupying rental buildings on the lot while the demolition or construction activities are underway;
4. the owner shall enter into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which are registered on title to the lands to secure:
- i) matters provided for in Exception 15.3; and
 - ii) the provision and maintenance by the owner of not less than 86 new replacement rental dwelling units on the lot, comprising 43 affordable rental dwelling units and 43 rental dwelling units with mid-range rents which units shall generally be of the same type and size as in the buildings existing on the lot at the date of enactment of this by-law, to the satisfaction of the City's Chief Planner and Executive Director, City Planning Division, subject to the following:
 - a) the replacement rental dwelling units shall comprise at least 26 three-bedroom units, 54 two-bedroom units and 6 one-bedroom units, with at least 30 of the two and three-bedroom units consisting of townhouse units with 12 row houses and 18 back-to back units;
 - b) the rental replacement units shall be maintained as rental units for at least 20 years, beginning with the date that each

- unit is occupied and until the owner obtains approval for a zoning by-law amendment removing the requirement for the replacement rental units to be maintained as rental units;
- c) the 86 replacement rental dwelling units shall be ready and available for occupancy no later than:
 - i) for the 30 replacement rental townhouse units, the date by which not more than 60% of the other *dwelling units* in the first apartment building erected on the *lot* are available and ready for occupancy; and
 - ii) for the 56 replacement rental apartment units provided in a later phase of development, the date by which not more than 60% of the other dwelling units erected on the lot in that Phase are available and ready for occupancy;
 - d) the owner shall provide and maintain affordable rents charged to the tenants who rent each of the 43 designated affordable replacement rental dwelling units during the first 10 years of its occupancy, such that the initial rent shall not exceed an amount based on the most recent Fall Update Canada Mortgage and Housing Corporation Rental Market Report average rent for the City of Toronto by unit type, and, upon turn-over, the rent charged to any new tenant shall not exceed the greater of the most recently charged rent or the most recent Fall Update Rental Market Report average rent for the City of Toronto by unit type and over the course of the 10 year period, annual increases shall not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases;
 - e) the owner shall provide and maintain rents no greater than mid-range rents charged to the tenants who rent the 43 designated replacement rental dwelling units with mid-range rents on the same basis as in (d) except that the maximum mid-range rent shall not exceed an amount that is 1.5 times average market rent by unit type;
 - f) rents charged to tenants occupying an affordable replacement rental dwelling unit or a mid-range replacement rental dwelling unit at the end of the 10 year period set forth in (d) shall be subject only to annual increases which do not exceed the Provincial rent guideline and, if applicable, permitted above guideline increases, so

long as they continue to occupy their dwelling unit or until the expiry of the rental tenure period set forth in (b) with a phase-in period of at least three years for rent increases;

- g) rents charged to tenants newly occupying a replacement rental dwelling unit after the completion of the 10 year period set forth in (c) will not be subject to restrictions by the City of Toronto under the terms of the Section 37 Agreement that is required in Exception 15.3;
- h) no occupancy of the third condominium apartment building to be constructed on the site shall occur prior to the 56-unit rental apartment building on the site being ready and available for occupancy;
- i) the letters of credit provided in accordance with Exception 15.3 (e), may, at the discretion of the Chief Planner and Executive Director, City Planning, be drawn down if the 56-unit rental apartment building is not ready and available for occupancy within 5 years after the date of issuance of a demolition permit in the second phase for the existing rental units remaining after the initial demolition of existing rental units in the first phase;
- j) the funds resulting from the drawing down of the letters of credit, pursuant to sub-clause (i), above, shall be deposited to the Capital Revolving Fund for Affordable Housing to be used for the provision of affordable rental housing in the City, and such drawing down of the letters of credit and the possible expenditure of the funds by the City does not negate any requirements of this by-law and the agreement pertaining to the provision and maintenance of the 86 replacement rental housing units;
- k) the owner shall provide a Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, that requires the owner to provide for each eligible tenant of 1973 Victoria Park Avenue (1955 to 1991 Victoria Park Avenue) the right to return to a replacement rental unit, assistance that includes at least a moving allowance and other financial assistance on a sliding scale geared to the length of occupancy of each tenant, with provisions for special needs tenants, provided that;
 - i) there shall be additional assistance for any tenant who has chosen the option to return to a replacement rental

unit in the rental apartment building, and who has been temporarily relocated not on the lot; and

- ii) the amount of the assistance and the timing of its payment shall be determined by the Chief Planner, acting reasonably, at the time the first letter of credit is issued, and shall take into account the estimated length of time before occupancy of the rental apartment building is available.

16. On lands identified as Exception 16 on Schedule “C”, the following provisions shall apply, provided that all other provisions of this By-law, as amended, not inconsistent with this Exception, shall continue to apply:

Permitted Uses:

- **Multiple-Family Dwellings**

Prohibited Uses:

- **Day Nurseries** within **Multiple Family Dwellings** townhouses;
- **Day Nurseries** on the 2nd storey or any storey above, of any building
- Nursing Homes
- Senior Citizen Homes
- Group Homes

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

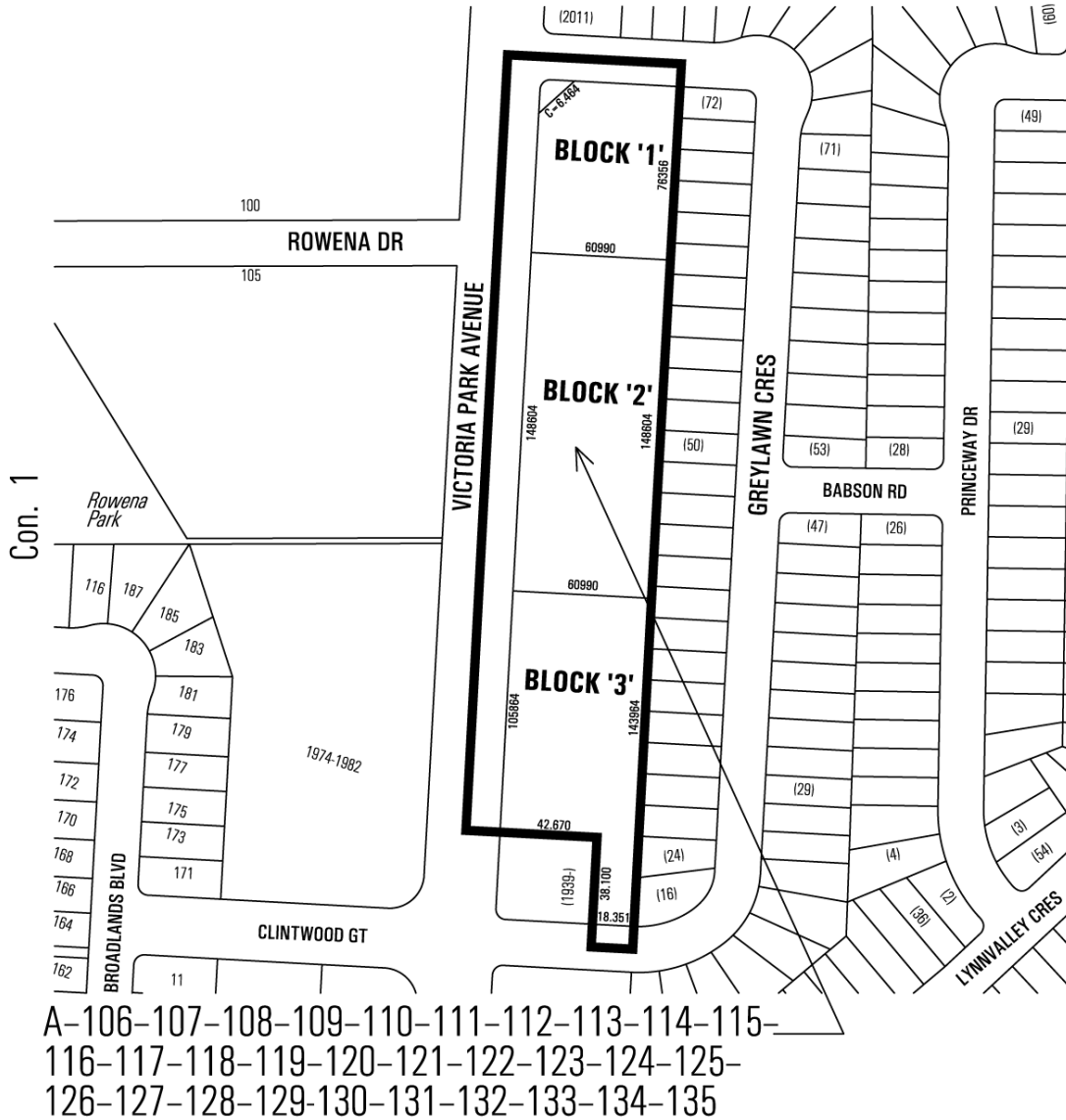
DAVID R. MILLER,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

Schedule '1'

Lot 35



Toronto City Planning Division
Zoning By-Law Amendment

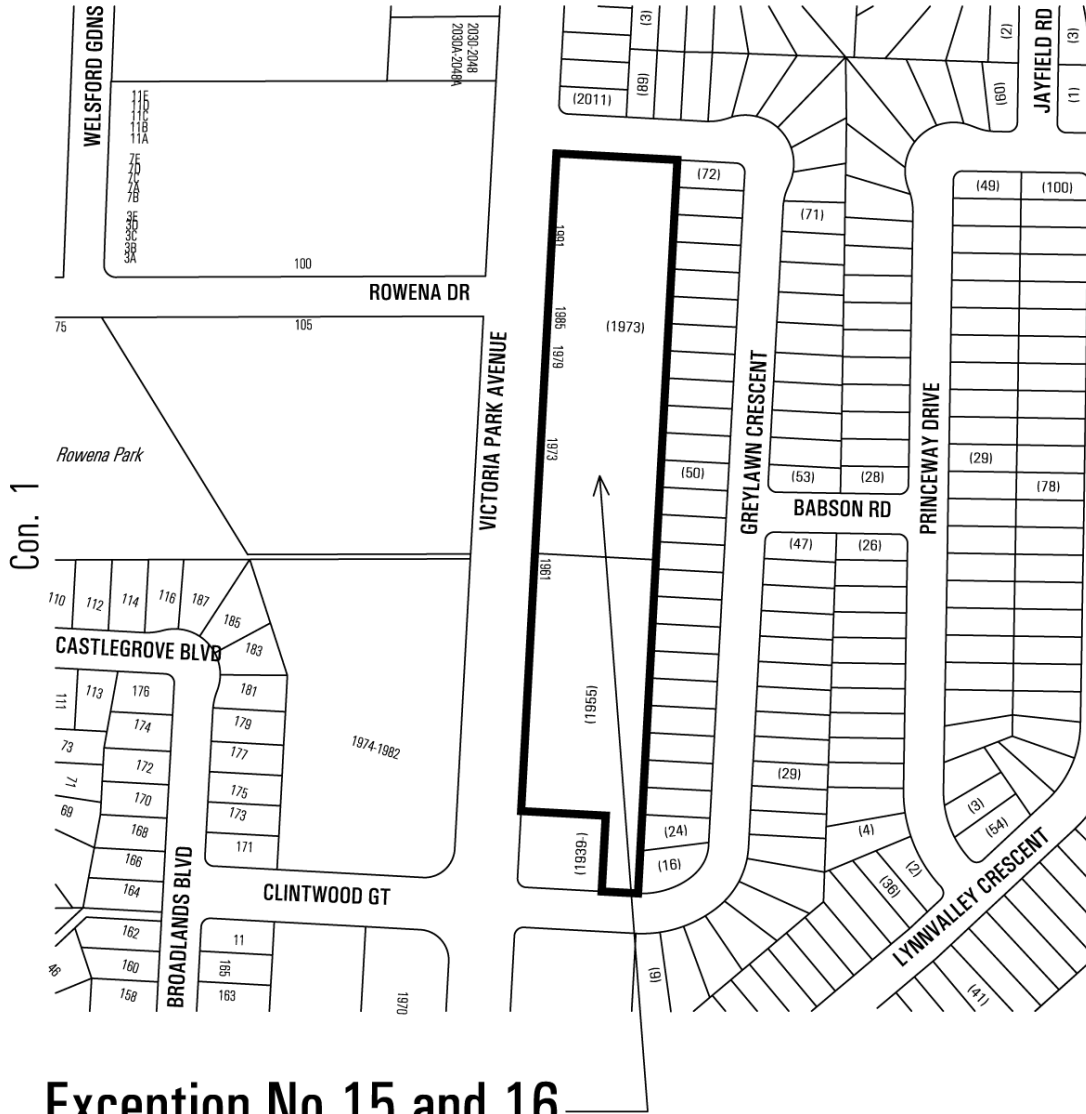
1973 (1955-1991) Victoria Park Avenue
 File # 09-190110 OZ

 Area Affected By This By-Law

Maryvale Community Bylaw
 Not to Scale
 07/29/10

Schedule '2'

Lot 35



Exception No.15 and 16



Zoning By-Law Amendment

1973 (1955-1991) Victoria Park Avenue

File # 09-190110 OZ



Area Affected By This By-Law

Maryvale Community Bylaw
Not to Scale
07/29/10

