

**Final Report  
Zoning Amendment Application  
85 to 97 Eglinton Avenue East and 79 Dunfield Avenue**

<b>Date:</b>	May 9, 2007
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward No. 22 – St. Paul’s
<b>Reference Number:</b>	File No. 05 175158 STE 22 OZ

**SUMMARY**

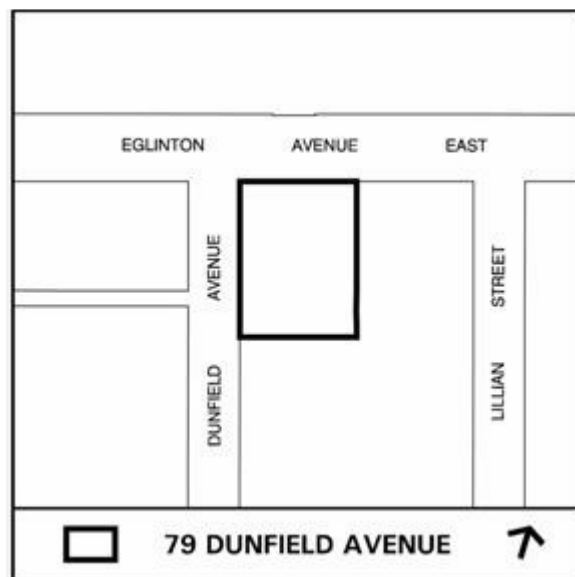
An application has been submitted to permit the construction of a 22-storey (231-unit) residential condominium with 570 square metres of commercial space at grade facing Eglinton Avenue East and Dunfield Avenue. A total of 247 parking spaces are proposed to be provided in 4 levels of underground parking for the occupants of the residential units and their visitors. Service and residential vehicular access and egress to and from the site is dealt with via a 2-way driveway from Dunfield Avenue. The applicant is also proposing to change Dunfield Avenue from one-way northbound to two-way traffic between the site access drive and Eglinton Avenue.

This report reviews and recommends approval of the proposed mixed use development described above.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend the Zoning By-law 438-86 for the former City of Toronto substantially in accordance



- with the draft Zoning By-law Amendment attached as Attachment No.8;
2. City Council repeal By-law 1997-0570 subject to the proposed draft Zoning By-law Amendment coming into force and effect;
  3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;
  4. Require the owner, before introducing the necessary Bills to City Council for enactment, to enter into a Section 37 Agreement to the satisfaction of the City Solicitor, which will:
    - (i) secure funds in the amount of \$300,000.00, prior to the issuance of any building permit, that may be used as a contribution towards the construction of a new public swimming pool at the North Toronto Collegiate redevelopment site or towards other community facilities or services in the area as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councillor if the new pool has not become a bona fide City development project within 3 years (subject to extension) of the date of execution of this agreement; and
    - (ii) the cash amounts to be secured under (i) above shall increase in accordance with the increase in the Non-Residential-Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City.
  5. Require the owner to enter into a Site Plan Agreement under Section 41 of the Planning Act prior to the issuance of any building permit;
  6. Require the owner to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the General Manager of Parks and Recreation;
  7. Require the owner to submit to the Executive Director of Technical Services for review and acceptance, prior to introducing the necessary Bills to City Council for enactment, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate;
  8. Require the owner to agree to pay all costs associated with the conversion of a portion of Dunfield Avenue to two-way operation, generally as shown on “Two

Way Operations Plan” prepared by Marshall Macklin Monaghan and stamped received by City Planning on October 30, 2006, including:

- adjustments to the signal heads at the Dunfield Avenue/Eglinton Avenue East intersection, if required;
  - provision of revised pavement markings and installation of regulatory signing, generally as shown on the “Two Way Operations Plan” prepared by Marshall Macklin Monaghan and stamped received October 30, 2006 (estimated at \$3,000.00, 2006 dollars);
  - elimination of metered and pay-and-display parking spaces;
  - construction of a traffic island at the south end of the two-way portion of Dunfield Avenue;
  - construction of a new catch basin required in conjunction with the construction of the traffic island; and
9. agree to submit a detailed design and cost estimate for construction of the traffic island at the south end of the proposed two-way portion of Dunfield Avenue, for the review and acceptance of the Executive Director of Technical Services.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant is proposing to construct a 22 storey (231 unit) residential building with 570 m<sup>2</sup> of commercial space at grade. A total of 247 parking spaces are proposed to be provided in 4 levels of underground parking for the occupants of the residential units and their visitors. Service and residential access and egress from the site is dealt with via a 2-way driveway from Dunfield Avenue. The applicant is also proposing to change Dunfield Avenue from one way northbound to two way traffic between the site access drive and Eglinton Avenue. (Refer to Attachment No. 7 for project data, Attachment 1 - Site Plan and Attachments 2 to 5 - Elevations.)

### **Site and Surrounding Area**

The site is located on the south-east corner of Dunfield Avenue and Eglinton Avenue East, two blocks east of the intersection of Yonge Street and Eglinton Avenue (refer to Attachment 6 - Zoning Map) The site is currently occupied by a surface parking lot.

Abutting land uses include:

North: 8 to 12 storey office-commercial buildings on the north side of Eglinton Avenue,

South: an existing 28-storey apartment building and an approval for a 16-storey addition at 45 – 77 Dunfield Avenue,

East: 4 to 12 storey office-commercial buildings on the south side of Eglinton Avenue, including the York Theatre building immediately next door and a 16-storey residential condominium at 123 Eglinton Avenue, and

West: 4 to 8 storey office-commercial buildings on the south side of Eglinton Avenue.

Recently constructed or approved buildings or buildings that are currently under construction in the neighbourhood include, the completed and occupied 16-storey mixed commercial residential building at 43 Eglinton Avenue East, the Ontario Municipal Board (OMB) approved condominium towers of 55 and 39 storeys under construction at 2195 Yonge Street, the OMB approved 21-storey infill condominium at 18 Brownlow Avenue and the approved 10-storey residential condominium at 88 Redpath Avenue.

### **Provincial Policy Statement and Provincial Plans**

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

### **Official Plan**

The application was received before the new Official Plan for the amalgamated City of Toronto came into effect and as such was being evaluated under the former Part I and Part II Official Plans. The site was designated High Density Mixed Commercial-Residential Area 'A' (HDMCR'A') under the old Part I Official Plan and as Yonge-Eglinton Mixed Commercial-Residential Area 'B' in the Yonge-Eglinton Part II Official Plan.

The old Part I designation (HDMCR'A') permitted a mixed commercial-residential building of up to 6.0 times the lot area. The Part II Official Plan, parts of which have been incorporated into the new Official Plan (excluding density restrictions), permitted a density of up to 5.0 times the lot area for mixed use construction. Neither the incorporated version of the Yonge-Eglinton Part II Official Plan nor the new Official Plan include density permissions.

On July 6, 2006 and November 10, 2006 the Ontario Municipal Board issued Order Nos. 1928 and 3190 bringing the new Official Plan into full force and effect (with the exception of certain site specific appeals). The orders also repealed the policies of the former City of Toronto Official Plan and Metro Plan that were previously in effect. As a result, an Official Plan amendment to the former City of Toronto Official Plan for additional density is no longer required.

The (new) Official Plan designates the site, *Mixed Use Area*. That designation permits a range of commercial, residential and institutional uses in single use or in mixed use buildings.

Section 4.5.2 of the Plan (Development Criteria for Mixed Use Areas) provides a list of development criteria that include:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes,
- locate and mass new buildings to frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces,
- provide an attractive, comfortable and safe pedestrian environment;
- have access to schools, parks, community centres, libraries, and childcare;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors,
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

In addition, Section 3.1.2.3 of the Official Plan sets out a list of general criteria for new development to follow so that it may be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion; and
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan.

## **Zoning**

The site is split zoned. Most of the lands are zoned CR T5.0 C3.0 R3.0 with a height limit of 48 metres under By-law 438-86. However, a small portion of the south end of the site is zoned R2 Z0.6 with a height of 38 metres (refer to Attachment 6, Zoning).

Site Specific By-law 1997-0570 only pertains to the construction of a mixed-use building not to exceed 38 metres in height, 15,290 square metres in total gross floor area (6.0 times the lot area), 185 residential units and not less than 201 parking spaces as approved by City Council on October 6, 1997. The building was never built.

## **Site Plan Control**

This application is subject to Site Plan Control. An application has been submitted. This report recommends that the owner sign a Site Plan Agreement prior to the introduction of Bills in Council.

## **Reasons for Application**

The proposed construction of a 22-storey mixed use building at a density of 7.95 times the lot area exceeds both the 5.0 times the lot area density permitted by By-law 438-86 and the 6.0 times the lot area permitted by site specific by-law 1997-0570.

At 22 storeys or 79.1 metres in height, the proposed mixed commercial-residential building will need an amendment to By-law 438-86 to exceed the permitted height of 48 metres.

By-law 1997-0507 is a site-specific by-law that allows the construction of an approximately 12.5 storey (38 metre) mixed commercial-residential building. Such building could have up to 15,290 square metres of total gross floor area. No building has ever been constructed under this By-law and it will be repealed and replaced with a new site-specific by-law which will amend the prevailing by-law 438-86 if the proposed new development is approved.

Other areas of non-compliance requiring zoning amendments to permit the proposed mixed-use development are identified in the draft Zoning By-law Amendment (refer to Attachment 8).

## **Community Consultation**

At the direction of Toronto and East York Community Council, a community consultation meeting was held at the Salvation Army offices at 7 Eglinton Avenue East on February 16, 2006. Concerns that were expressed at that meeting and in written comments submitted subsequent to that meeting include:

- building height and potential loss of views and sunlight in neighbouring buildings;
- increased traffic on Dunfield Avenue; and
- parking may be deficient.

## **Agency Circulation**

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

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

This proposal supports the 2005 Provincial Policy Statement direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. This application complies with the policies of the Planning Act that support intensification and require new development to be directed to appropriate locations (for example, transit oriented, higher density areas) for growth.

### **Land Use**

Seventy nine Dunfield Avenue is a prominent site located at the south-east corner of Eglinton Avenue East and Dunfield Avenue. The site is currently void of any development and is being used as an unpaved surface parking lot. The Official Plan and the Zoning By-law permit mixed use (commercial-residential) development on Eglinton Avenue and extending southwards onto Dunfield Avenue.

### **Avenue Segment Study**

The site is located on a section of Eglinton Avenue East that is identified as an 'Avenue' on Map 2 of the Official Plan. Avenues are corridors along major streets generally where reurbanization is anticipated. Avenue Studies are intended to precede major development proposals for redevelopment on these streets. An Avenue Study has not been completed for this section of Eglinton Avenue East. However, Section 2.2.3.3(a) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study subject to a Review of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater neighbourhood.

Section 2.2.3.3(b) of the Plan sets out the conditions of the Review. It is to:

- include an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances;
- consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods*; and
- consider whether the proposed development is supportable by available infrastructure; and
- be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

The Plan further stipulates that, developments such as this where the proposal exceeds the height and density limit as specified in the Zoning by-law and where the proposed building has the potential to set a precedent for the form and scale of reurbanization along the Avenue, the proposal will not be allowed to proceed prior to the completion of an Avenue Study unless the applicant's Review demonstrates that subsequent development of the entire Avenue segment will have no adverse impacts within the existing and planned context.

The applicant's Review has examined the Avenue segment and found that:

Subsequent (hypothetical) development of the "soft" sites or the sites that are easily available and potentially suitable for similar development on this Avenue segment would not have adverse impacts on this portion of Eglinton Avenue or on the adjacent Apartment Neighbourhood. The proposed 22-storey, 231-unit residential condominium is consistent with the prevailing character of reurbanization in the area, adds new housing to an Avenue within proximity to subway and other public transit, contributes to a safe and attractive pedestrian commercial/residential streetscape and will make a Section 37 contribution to the provision of new community services needed within the area.

The applicant's Review shows that there are limited remaining opportunities for larger scale redevelopments in this (Yonge Street to Mt Pleasant Rd) segment of Eglinton Avenue East. The study verifies that where larger sites that could accommodate more intense development forms have become available, approvals have been granted for buildings (that fit the local context) for 16 to 21-storey buildings with floor space indexes in the range of 5.0 to 6.6 times the lot area.

Staff are in agreement with the applicant's study results that the proposal will not have an adverse impact on the adjacent *Apartment Neighbourhood*. An unreasonable height and density precedent for potential future developments in the area would not be established with the approval of this project.



## **Density, Height, Massing**

### **Fit Within the Neighbourhood Context:**

The site is located in the section of Eglinton Avenue East that is comprised primarily of mixed commercial-residential buildings ranging in height from approximately 10 – 21 storeys or 30 – 70 metres. Densities on this section of Eglinton Avenue range from approximately 5.5 to 8.9 times the lot area. This portion of Eglinton Avenue also splits a large North Toronto *Apartment Neighbourhood* that extends to Keewatin Avenue on the north and to Soudan Avenue on the south, to Yonge Street on the west and to Mt Pleasant Road on the east.

Height and density permissions in By-law 438-86 for this *Apartment Neighbourhood* increase from the north (at Keewatin Avenue) and from the south (at Soudan Avenue) to a peak of greatest heights and densities at Eglinton Avenue. Eglinton Avenue is thereby established as an east-west corridor of highest height and density permissions through the centre of the *Apartment Neighbourhood*.

This zoning pattern directs the tallest buildings and highest densities in the area to be located on Eglinton Avenue and is consistent with Section 4.5.2 of the Official Plan which includes policies that require new buildings in *Mixed Use Areas* to be located and massed in a manner that provides a transition of height and density between areas of different development intensity and scale.

Using a sample of buildings which have been recently constructed or are, under construction, recently approved or under application in the area, the highest densities are generally located (as expected) within the Eglinton Avenue East corridor. The highest building density on the corridor is 8.9 times the lot area at 43 Eglinton Avenue.

The tallest height on this portion of the street is approximately 70 metres (21-storeys) at 212 Eglinton Avenue. The proposed development exceeds the current tallest height within the corridor but it is approximately the same measured height as the 77.3 metre high building at 45 Dunfield Avenue which is located on the adjoining lot to the south in the *Apartment Neighbourhoods* designation.

With respect to the *Apartment Neighbourhood* as a whole this proposal, while requiring zoning amendments for height and density, is within the general intent of the Zoning By-law and the Official Plan with respect to locating the tallest and most dense buildings on Eglinton Avenue. It will set neither a new precedent for height nor for density in the local area.

## **Sun, Shadow, Wind**

It is anticipated that areas which are designated Mixed Use in the Official Plan will absorb most of the increase in commercial activity and much of the new housing that will be built in the City in the coming decades. The Plan requires that such Mixed Use development is to be located, “so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes.”

The site does not have a lot line in common with a *Neighbourhoods* designated area. It is surrounded by solely commercial buildings on the east and west and by commercial and mixed use buildings on the north side of Eglinton Avenue East. The site abuts an *Apartment Neighbourhoods* designated area to the south which is primarily comprised of taller apartment buildings that range in height from 10 to 29-storeys. Most notably, the immediately adjacent buildings are 14-storeys (46 metres) at 70 Dunfield Avenue, 29-storeys (77 metres) at 45 Dunfield (with an approved 17-storey addition, 50.75 metres) and the 4-storey (12.5 metre) stacked townhouses east of the site to the rear of the condominium at 123 Eglinton Avenue East. The closest Neighbourhoods designation is south of the site starting on the south side of Soudan Avenue.

The 'Design Criteria for Review of Tall Building Proposals,' as adopted by City Council in 2006, requires that new development (tall buildings) "will be massed to fit harmoniously into their existing and/or planned context" and will limit their impacts on (among other things) neighbouring properties by limiting shadowing of those properties and permitting an adequate level of natural light into dwellings on those properties.

The Design Criteria indicate that an adequate level of natural light in a dwelling unit may be achieved when, the orientation, facing distance and space between tall building window walls is sufficient to allow daylight for part of the day to enter through the windows into the main living spaces. To achieve these light requirements, the Guidelines recommend a minimum separating distance between tall buildings of 25 metres.

The proposed building will have less than a 25 metre separating distance on the east side only. The east property line is the side yard lot line in a mixed commercial/residential zone. No setback is required on this lot line by the Zoning By-law. The adjacent 7-storey York Theatre building, has no windows in its west wall which faces the proposed development. The proposed building is also windowless in the first 7 floors of its east facing wall. However, design consideration has been given for appropriate building separation to allow light penetration into windows above the 7<sup>th</sup> floor of any eventual redevelopment of the theatre building.

The proposed building steps back to the west by approximately 6 metres above the seventh floor roof line and steps back again an additional 6 metres to the west above the eleventh floor. If the lot(s) to the east, including the theatre building site, were to be redeveloped and if that redevelopment were to match these step backs the buildings would be separated by 12 metres above the seventh floor and 24 metres above the eleventh floor. This would meet the intent of the Design Guidelines for separating distances between tall buildings.

The main tower component of the proposed building (floors 11 – 22) has a diameter of 775 square metres. This complies with the intent of Section 3.1.3, "Built Form Policies – Tall Buildings" of the Official Plan and the policies of the City's "Design Criteria for Review of Tall Buildings Proposals".

A review of the shadow study as provided by the applicant's architect shows that the proposed building with reduced floorplates above the seventh and eleventh floors will

have no undue impact on the public realm or on buildings in Neighbourhoods designations. The proposed setbacks allow for sky views through the site from various perspectives. City Urban Design staff concur with these conclusions.

### **Traffic Impact, Access, Parking**

Section 2.2 of the Official Plan, “Structuring Growth in the City: Integrating Land Use and Transportation,” states that future growth within Toronto will be directed to areas which are well served by transit, the existing road network and which have properties with redevelopment potential. The Plan goes on to state that, generally, future growth locations are sites that are along bus and streetcar routes and that are near subway and other rapid transit stations. The Plan also states that areas most capable of accommodating growth are those that are designated as ‘Avenues’ and ‘Centres’. With its proximity to, public transit, places of employment, retail stores and entertainment opportunities, growth is expected and encouraged on appropriate sites along this segment of Eglinton Avenue East.

The Traffic Impact (TIS) Study provided by the applicant and accepted by the City’s Department of Development Engineering concludes that site traffic can be accommodated on the existing road network without the need for any road improvements.

However, the owner is proposing to convert a portion of Dunfield Avenue (currently one-way northbound) to two-way traffic from the public laneway on the west side of Dunfield Avenue (opposite the driveway to the site) to Eglinton Avenue East. This proposed conversion is intended to ease vehicular access to the proposed building’s underground garage and to its loading area. The conversion would benefit the local area by reducing the number of northbound 79 Dunfield Avenue resident and visitor cars and loading vehicles on Dunfield Avenue and in so doing would help alleviate area resident’s concerns regarding traffic infiltration originating or terminating at the site.

The owner has submitted an application to the Department of Development Engineering requesting that this conversion of directional flow to two-way traffic on this section of Dunfield Avenue be allowed. Development Engineering has found that the applicant’s proposal is acceptable in principle. The owner will be responsible for the full cost associated with the conversion including the construction of a traffic island at the south end of the proposed two-way portion of Dunfield Avenue.

The conversion of part of Dunfield Avenue to two-way operation will require a report from the Toronto and East York Traffic Operations Section of Transportation Services to Toronto and East York Community Council to, approve the pavement alterations as required including the construction of the proposed traffic island and to enact by-laws for the conversion to two-way operation and associated changes to traffic and parking regulations. The owner will be required to contact Traffic Operations staff (approximately 6 months) prior to opening the building to co-ordinate the works to be undertaken in the public right-of-way.

The Department of Development Engineering has recommended the following minimum parking ratios for the residential component of the proposed building:

Bachelor Units	0.3 spaces per unit
1 Bedroom Units	0.7 spaces per unit
2 Bedroom Units	1.0 spaces per unit
3+ Bedroom Units	1.2 spaces per unit
Visitor Spaces	0.12 spaces per unit

The applicant is proposing to provide 244 parking spaces to serve the project (215 for residents and 29 for their visitors). That parking allocation exceeds the 222 spaces which are required by the Zoning By-law and the estimated demand of 210 spaces which is generated by the condominium parking standards (above).

### **Servicing**

The applicant is required to submit to the Executive Director of Technical Services for review and acceptance prior to submitting of the draft bills to Council for approval, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

### **Streetscape**

Section 4.5.2(f) of the Official Plan requires that new development within Mixed Use Areas provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section also requires new developments to locate and mass buildings to frame the edge of streets.

At street level Eglinton Avenue, between Yonge Street and Mt Pleasant Rd, is comprised of a mix of service, retail and office commercial, restaurant and other entertainment facilities. The street has the potential to be as active and vibrant a commercial area as is Yonge Street north of Eglinton Avenue. However, gaps exist in the continuous flow of commercial facades on the street. Gaps are caused by poorly designed, recessed commercial frontages or, as in the case of this site, vacant land used for surface parking.

The proposed development of this site will include 570 m<sup>2</sup> of commercial space at grade that will be brought to the Eglinton and Dunfield Avenue property lines and which will include a covered arcade for pedestrian weather protection.

Streetscaping will include hard landscaping treatment of decorative bollards and pavers and natural stone and new street trees (on Dunfield Avenue). As the apartment buildings to the south are entirely residential, staff have requested and the applicant has agreed to transition from the hard landscape along Eglinton Avenue East to the greener landscaped boulevard to the south by setting proposed new street trees into a continuous open tree pit as per City of Toronto Urban Forestry standards. This landscape detail would define the main residential entrance and would provide a buffer between street, sidewalk and the proposed building. It would also separate an outdoor café area (if applied for) from the public sidewalk without need of temporary, seasonal fencing.

Section 4.5.2(j) of the Official Plan requires that new development in Mixed Use Areas locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. All vehicular access and egress is to occur at the south end of the site off of Dunfield Avenue. A semi-circular residential drop-off is terraced over with building podium levels stepping back from second to seventh to tenth floor roof levels.

The type 'G' loading space and the ramp to the underground parking garage are located beyond the drop-off drive to the east of the site off of the access drive. The loading space and garage access are blocked from view to Dunfield Avenue by the terraced podium levels and are split by a landscaped boulevard.

## **Environment**

### **Toronto Green Development Standard**

The Green Development Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development is intended to achieve 21 minimum and 7 enhanced targets for a total of 28 targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop;
- 70% of lighting fixtures and appliances are Energy Star Compliant (energy efficient);
- stormwater on-site retained to the same level of annual volume of overland runoff allowable under predevelopment conditions; and
- all water fixtures meet efficiency standards.

### **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 among other capital facilities can include, parkland, non-profit arts and cultural, community or child care facilities or cash-in-lieu of the provision of those facilities as set out in policy 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 a geographic relationship and addressing planning issues associated with the development.

In this case Planning staff in consultation with the local ward councillor's office are recommending that the developer contribute \$300,000.00 towards the construction of a new community swimming pool which may be incorporated into the North Toronto Collegiate Redevelopment. The new pool would be available for public and school use. The developer is in agreement with this contribution to local community benefits.

The Section 37 Agreement will include a sunset clause which will provide a date (approximately 3 years, subject to extension, from the signing of the Section 37 Agreement) beyond which, if the new pool has not become a bona fide City development project, the funds may be used for other community facilities or services in the area.

If the construction of the pool cannot proceed within a period of time to be specified in the Section 37 Agreement, the Section 37 funds (\$300,000.00) will be eligible to be directed, at the City's sole option, to other community improvements within the local area as may be determined by the Chief Planner and in consultation with the local Ward Councillor, in accordance with the policies of the Official Plan.

### **Development Charges**

It is estimated that the development charges for this project will be \$1,194,774.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

### **CONTACT**

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E-mail: tburk@toronto.ca

### **SIGNATURE**

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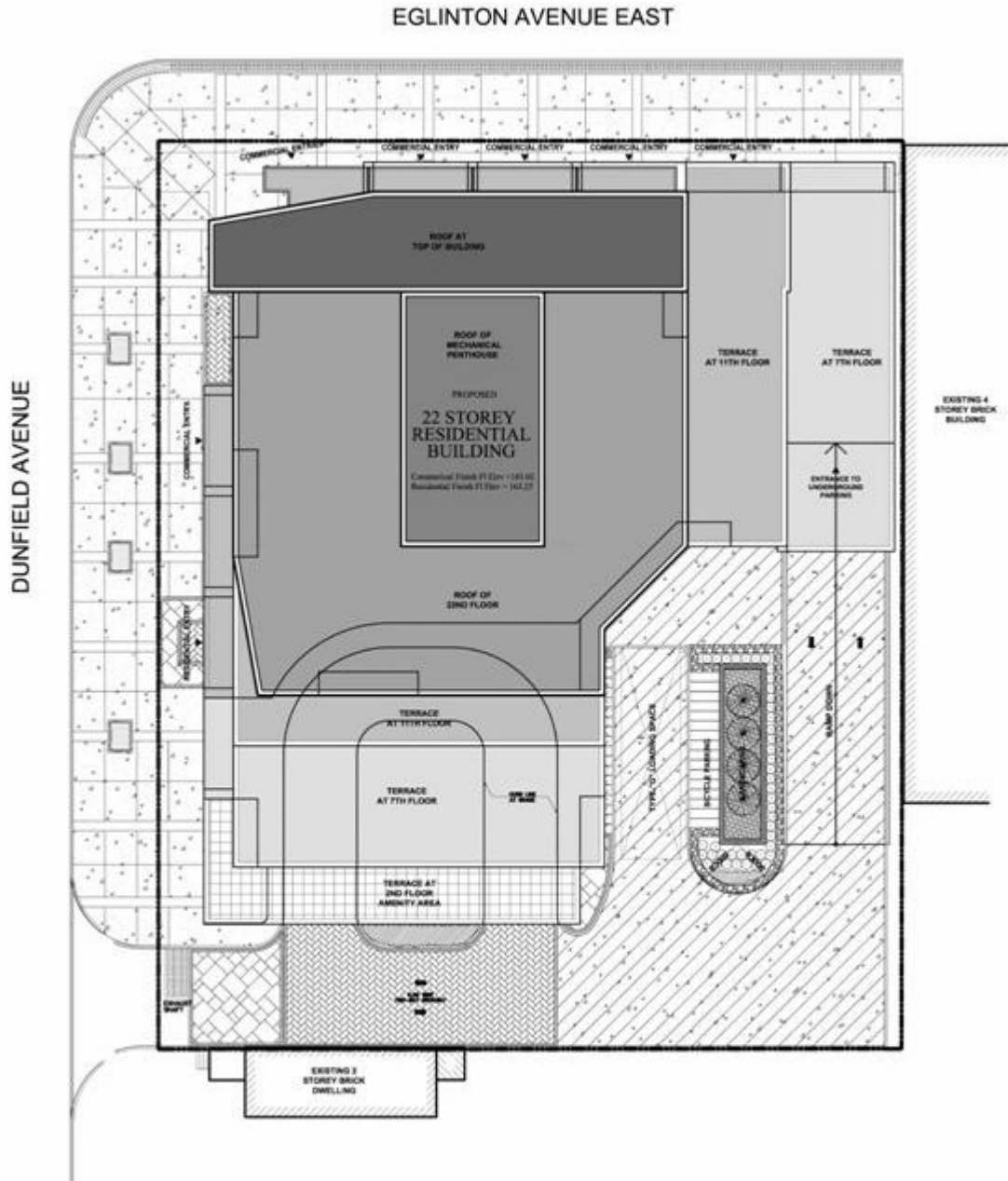
Gary Wright, Director  
Community Planning, Toronto and East York District

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### **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet  
Attachment 8: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



## Site Plan

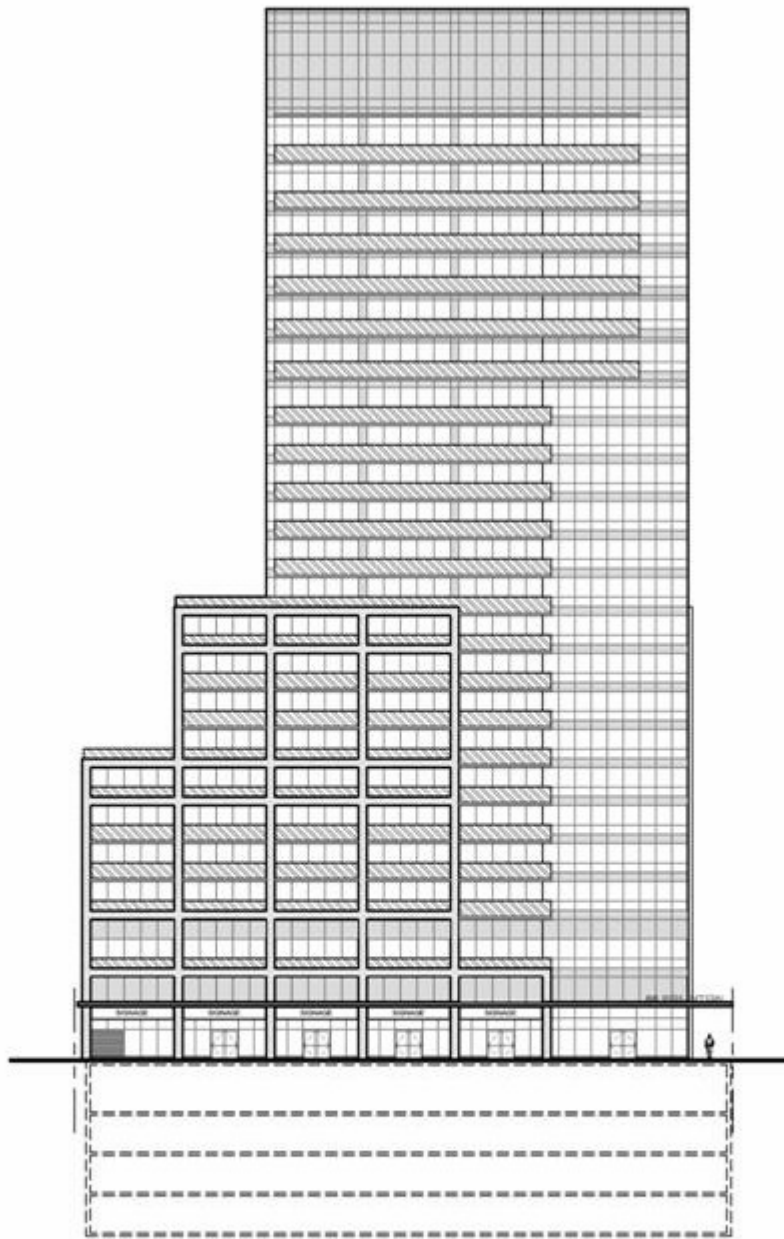
79 Dunfield Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 05\_175158

## Attachment 2: Elevations



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### North Elevation

Applicant's Submitted Drawing

Not to Scale  
04/18/07

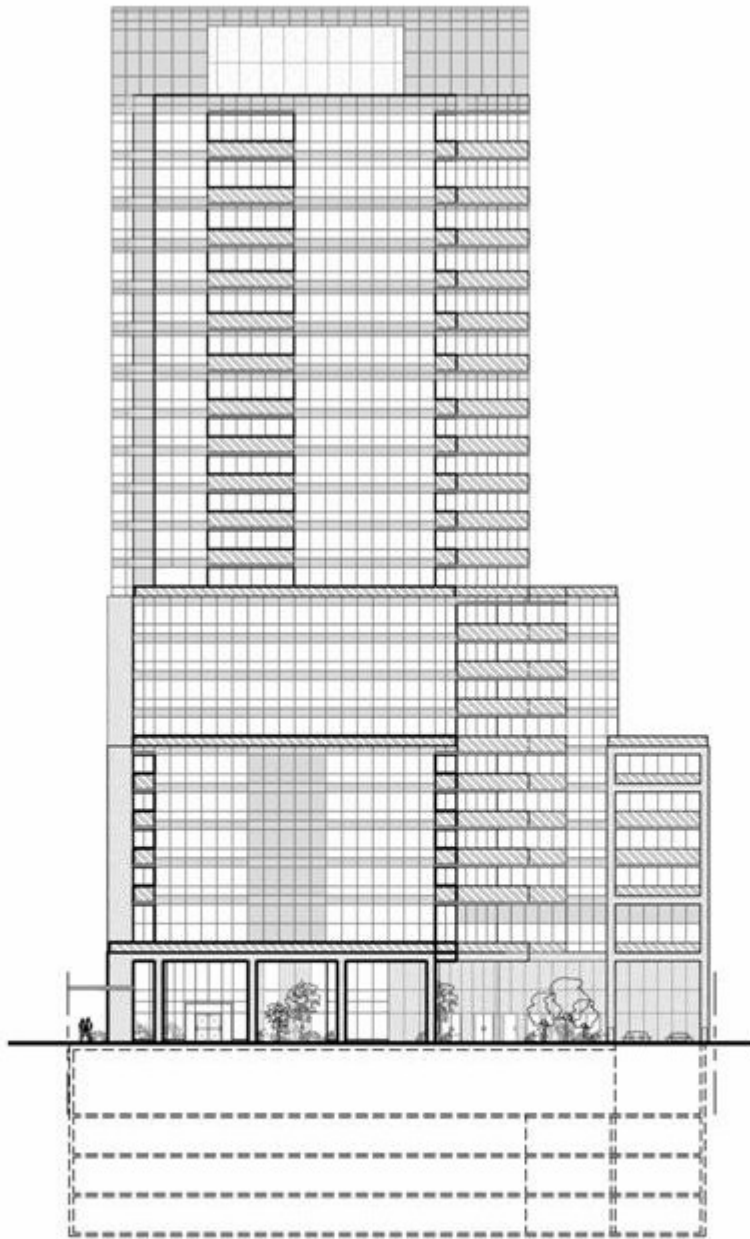
79 Dunfield Avenue

File # 05\_175158

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### Attachment 3: Elevations



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#### South Elevation

Applicant's Submitted Drawing

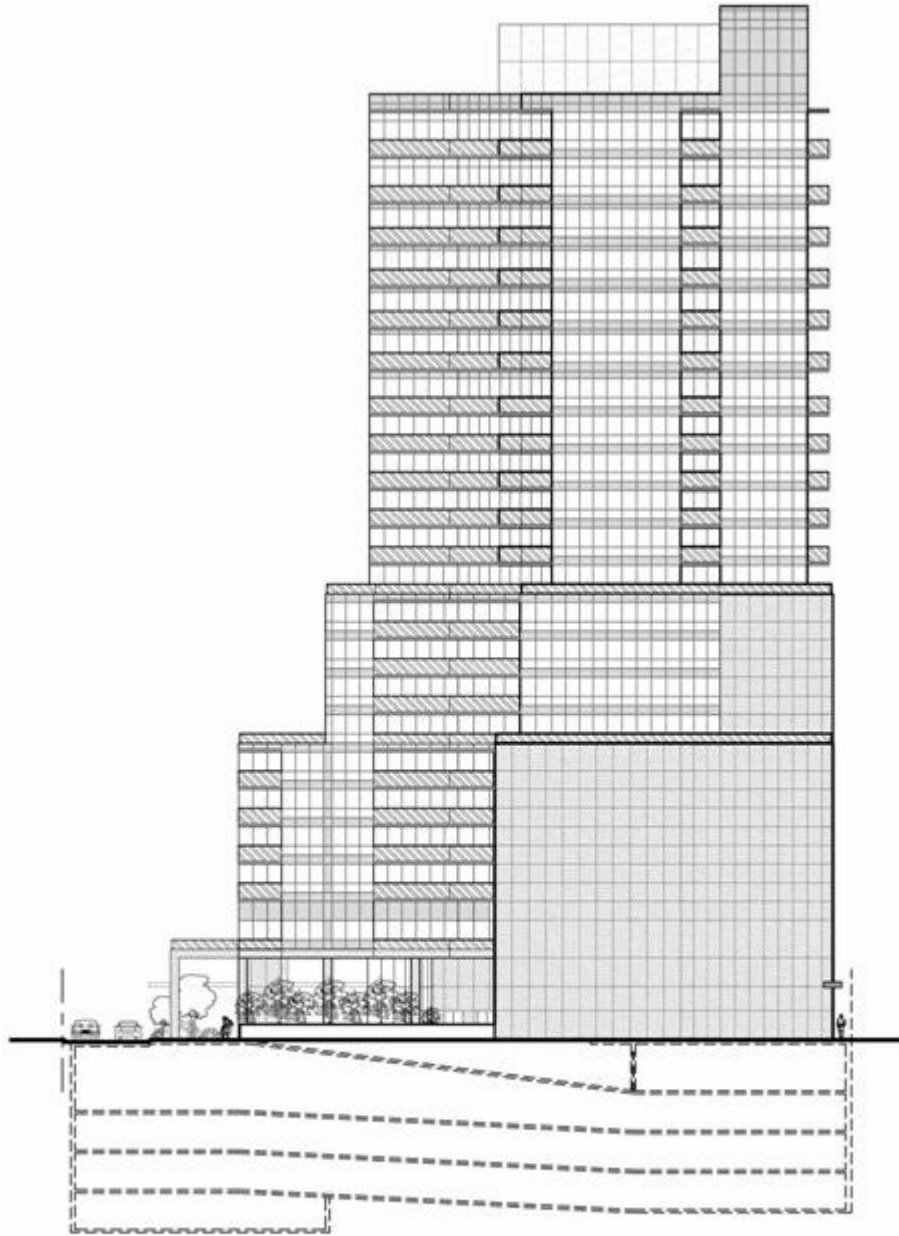
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79 Dunfield Avenue

File # 05\_175158

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## Attachment 4: Elevations



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**East Elevation**

**79 Dunfield Avenue**

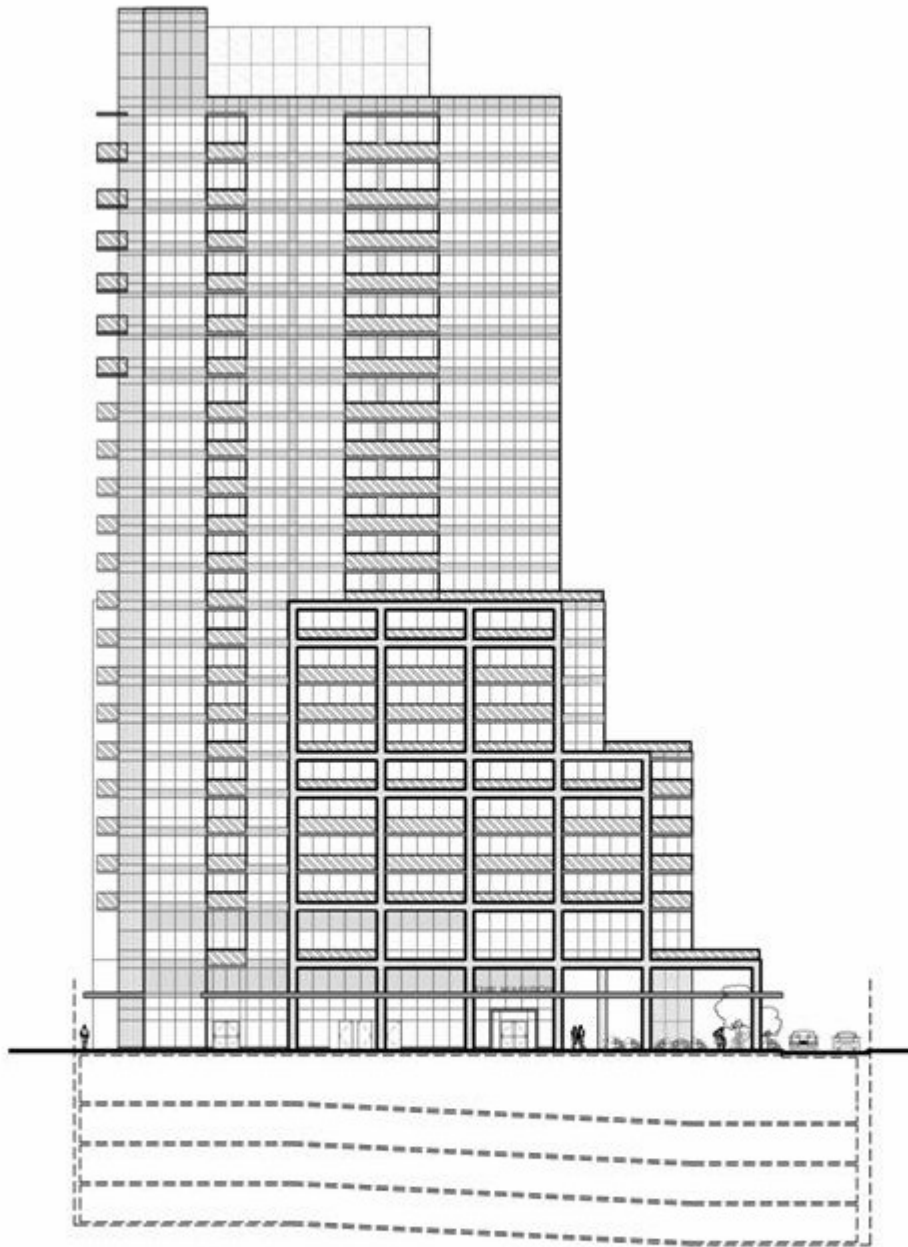
Applicant's Submitted Drawing

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File # 05\_175158

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## Attachment 5: Elevations



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### West Elevation

Applicant's Submitted Drawing

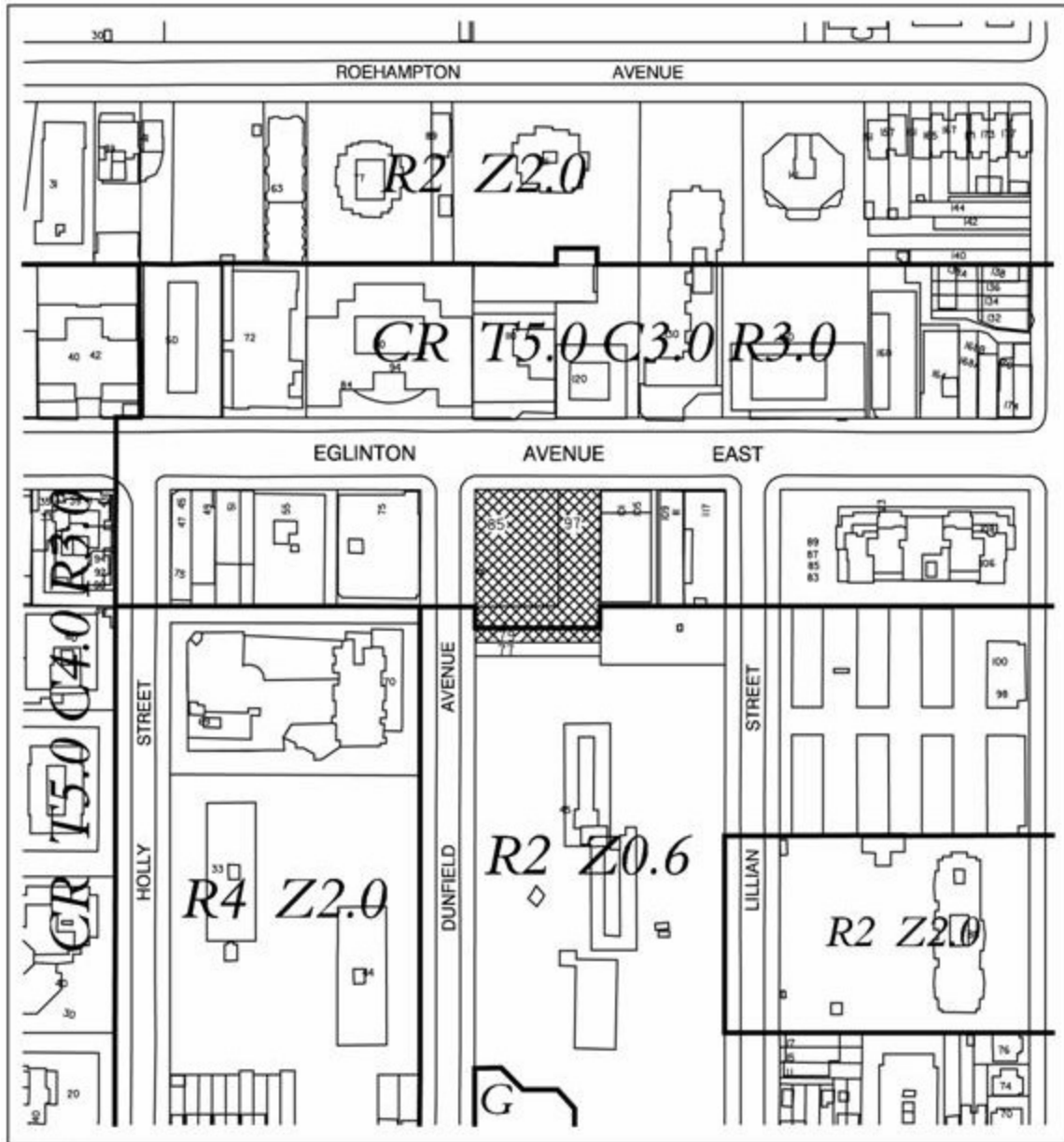
Not to Scale  
04/18/07

79 Dunfield Avenue

File # 05\_175158

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### Attachment 6: Zoning



**TORONTO** City Planning Division  
**Zoning**

**79 Dunfield Avenue**  
 File # 05\_175158

- G Parks District
- R2 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 10/25/05 - TA

## Attachment 7: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Official Plan Amendment & Rezoning	Application Number:	05 175158 STE 22 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 25, 2005

Municipal Address: 79 DUNFIELD AVE, TORONTO ON  
 Location Description: PL 653 BLK E PT LT8 \*\*GRID S2204  
 Project Description: Proposal for a 22 storey (231 unit) residential building. Applicant has been in contact with Tim Burkholder. (85-97 Eglinton Ave. E)

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
SHERMAN BROWN DRYER KAROL GOLD LEROW SUSAN ROSALES		KIRKOR ARCHITECTS	COMPATIBLE INVESTMENTS LIMITED TRUSTEE

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Area	Site Specific Provision:	97-0570
Zoning:	CR T5.0 C3.0 R3.0, R2 Z0.6	Historical Status:	
Height Limit (m):	48, 38	Site Plan Control Area:	Y

#### PROJECT INFORMATION

Site Area (sq. m):	2548.2	Height:	Storeys:	22
Frontage (m):	35.8		Metres:	79.1
Depth (m):	0			
Total Ground Floor Area (sq. m):	1029			<b>Total</b>
Total Residential GFA (sq. m):	19690.5		Parking Spaces:	244
Total Non-Residential GFA (sq. m):	570		Loading Docks	1
Total GFA (sq. m):	20260.5			
Lot Coverage Ratio (%):	40.4			
Floor Space Index:	7.95			

#### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	17
1 Bedroom:	136
2 Bedroom:	78
3 + Bedroom:	0
Total Units:	231

#### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	19690.5		0
Retail GFA (sq. m):	570		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

**CONTACT:**      **PLANNER NAME:**      **Tim Burkholder, Planner**  
**TELEPHONE:**      **(416) 392-0412**

## **Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Report No. \_\_, Clause  
No. \_\_\_\_, as adopted by City of Toronto Council on \_\_\_\_\_, 2007  
Enacted by Council:

### **CITY OF TORONTO**

#### **BY-LAW No. – 2007**

**To amend General Zoning By-law No. 438-86 for the former City of Toronto, as amended, respecting lands known as Nos. 85 and 97 Eglinton Ave East and 79 Dunfield 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 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*;

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 and 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 density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law 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;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. None of provisions of Section 2 with respect to *parking space, height and grade* and Sections 4(2)(a), 4(4)(b), 4(6)(b), 4(12), 4(13)(a)&(c), 6(3) PART I 1, 6(3) PART III 1(a), 8(3) PART I 1, 8(3) PART I 3(a), 8(3) PART XI 1, 12(2) 118(iv) and 12(2) 119(iii) A of By-law No. 438-86, being “A By-law and specific amending By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a *mixed use building* containing residential and non-residential uses including a below-grade parking garage and uses and structures *accessory* thereto, on the *lot*, provided:
  - (1) the *lot* consists of those lands delineated by heavy lines on Plan 1 attached to and forming part of this By-law;
  - (2) the *residential gross floor area* of the *apartment building* on the *lot* shall not exceed 19,700 square metres;
  - (3) the *mixed use building* contains not more than 231 *dwelling units*;
  - (4) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 20,300 square metres of which the *residential gross floor area* on the *lot* shall not exceed 19,700 square metres and the *non residential gross floor area* on the *lot* shall not exceed 600 square metres;
  - (5) no portion of the *mixed use building* or structures above *grade* are located otherwise than wholly within the area delineated by heavy lines on the attached Plan 2, with the exception of the following:
    - (i) cornices, sills, pilasters, parapets, light fixtures, ornamental elements, eaves, guardrails, and balustrades which may project 0.4 metres outside of the heavy lines on the attached Plan 2, except for along the Eglinton Ave *lot* line, Dunfield Avenue *lot* line, south *lot* line and west *lot* line where such projections shall not be permitted beyond such *lot* lines;
    - (ii) bollards, bicycle racks, underground garage ramps and their associated structures, retaining walls, fencing, decks, railings, planters, decorative screens, freestanding architectural elements and landscape and public art features which may extend beyond the heavy lines on the attached Plan 2 of this By-law.

- (6) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* limits specified by the numbers following the symbol H on the attached Plan 2.
- (7) notwithstanding Section 1(5) of this By-law;
- a) the maximum height for parapets, terrace and balcony guards and dividers, planters, railings, decorative screens, window washing equipment, and ornamental architectural features shall be the sum of 1.7 metres and the applicable height limit shown on Plan 2; and
  - b) the maximum height for chimney stacks and elevator mechanical equipment shall be the sum of 3.0 metres and the applicable height limit shown on Plan 2.
- (8) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum of 360 square metres of indoor residential amenity space shall be provided; and
  - (ii) a minimum of 115 square metres of outdoor residential amenity space shall be provided;
- (9) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* to serve the residential component of the project in the *below grade parking garage* in accordance with the following ratio:
- |                 |                     |
|-----------------|---------------------|
| bachelor units  | 0.3 space per unit  |
| 1-bedroom units | 0.7 space per unit  |
| 2-bedroom units | 1.0 space per unit  |
| 3-bedroom units | 1.2 spaces per unit |
| visitors        | 0.12 space per unit |
- (10) *parking spaces* shall have a minimum width of 2.6 metres and minimum length of 5.7 metres;
- (11) driveways shall have a minimum width of 3.5 metres for one-way operation and a minimum of 6.0 metres for two-way operation;
- (12) at least 152 *bicycle parking spaces* are provided and maintained on the *lot*; and
- (13) the owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planner and Executive Director, City Planning Division and the City



Solicitor and that such agreement(s) be registered against the title to the *lot* as outlined in heavy lines on Plan 1 to secure the following facilities, services or matters:

- (i) a payment in the amount of \$300,000.00, prior to the issuance of any building permit, towards the construction of a new public swimming pool which may be located at 70 Roehampton Avenue (North Toronto Collegiate Institute) or towards other community facilities or services as may be determined by the Chief Planner and Executive Director, City Planning Division in consultation with the local Ward Councilor if the new pool has not become a bona fide City development project within 3 years (subject to extension) of the date of signing of the Section 37 Agreement(s);
- (ii) the cash amount secured in (i) above shall increase in accordance with the increase in the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City; and
- (iii) the provision and maintenance of new street trees in a continuous open tree pit on the Dunfield Avenue frontage as per City of Toronto Urban Forestry standards.

## 2. Definitions

- (i) For the purposes of this By-law, the terms set forth in italics, subject to Section 2.(i) & (ii) of this By-law, have the same meaning as such terms have for the purposes of By-law 438-86, as amended; and

- (i) the following definitions shall apply:

*“height”* means the highest point of the roof except for those elements prescribed in this By-law;

*“parking space”* means an unobstructed area, at least 5.7 metres in length and 2.6 metres in width and at least 2.0 metres in height that is readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle;

*“lot”* means those lands outlined in heavy lines on Plan 1 attached hereto; and

“temporary sales office” means a building, structure or facility on the *lot* used for the purpose of the sale of *dwelling units* to erect on the lot.

3. None of the provisions of By-law 438-86, as amended, or of this By-law shall apply to prevent the erection or use within the lot of a temporary sales showroom.
4. By-law 1997-0570 being “a By-law to amend By-law 438-86 respecting use of the land and the erection, height, residential and non-residential gross floor area, the number of permitted residential units and other matters relating to buildings and structures on the *lot* at Nos. 85 and 97 Eglinton Avenue East and No. 79 Dunfield Avenue” is repealed.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 2007

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)