

**Request for Direction Report  
Zoning By-law Amendment and Subdivision  
Applications  
3083-3101 Dufferin Street and 770 Lawrence Avenue  
West**

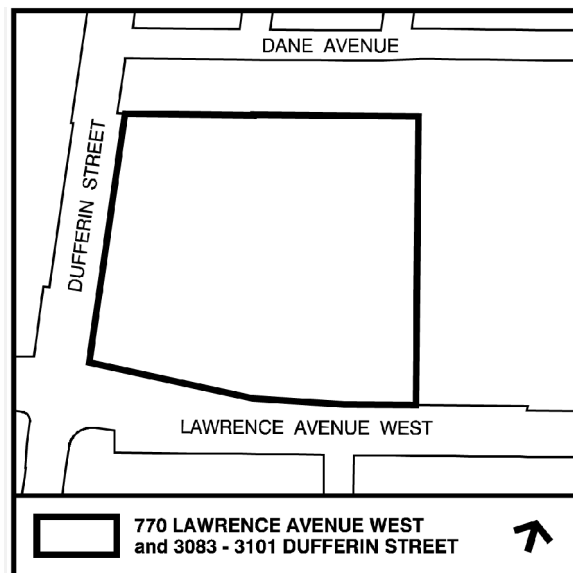
<b>Date:</b>	November 3, 2009
<b>To:</b>	North York Community Council
<b>From:</b>	Director, Community Planning, North York District
<b>Wards:</b>	Ward 15 – Eglinton-Lawrence
<b>Reference Number:</b>	07 283458 NNY 15 OZ and 07 288511 NNY 15 SB

**SUMMARY**

These applications were submitted on November 30, 2007 (Zoning By-law) and December 20, 2007 (Draft Plan of Subdivision) and are subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The applications propose a mixed-use development including retail space and 1,700 residential units in a combination of tall apartment buildings, mid-rise buildings and townhouses. They also seek to establish a public road connecting Lawrence Avenue West to Dane Avenue and include a 0.81 hectare park in the northeast quadrant of the site.

The applicant has appealed the proposed Zoning By-law Amendment and Subdivision applications to the Ontario Municipal Board, citing Council’s lack of



decision on the applications within the time frame specified in the *Planning Act*. A Pre-hearing on this appeal has been set for November 5, 2009.

The purpose of this report is to seek Council's direction for staff to attend the Ontario Municipal Board in opposition to the development as currently proposed and advance the staff position as outlined in this report.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board (OMB) hearing to oppose the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications in their current form.
2. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues outlined in this report and, if necessary, report directly to Council for further instructions regarding any matters to be resolved before the OMB.
3. City Council authorize the City Solicitor and any other appropriate City staff to take such actions as are necessary to give effect to the recommendations of this report.

### **Financial Impact**

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

## **ISSUE BACKGROUND**

### **Proposal**

The applicant proposes to amend the Zoning By-law for the subject site to permit the development of the lands for retail and residential uses in a combination of tall buildings, mid-rise buildings and townhouses. The applicant proposes a total of 1,700 residential units and 7,500m<sup>2</sup> of commercial space over the 3.8 hectare site. The overall Floor Space Index of this proposal is 3.7 times the lot area.

A preliminary report was prepared for these applications dated March 6, 2008 and can be found at (<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-11453.pdf>) .

The site layout (see Attachments 1 and 2) proposes a public road through the site connecting Lawrence Avenue West in alignment with Corona Street to the south and intersecting Dane Avenue to the north in alignment with Mulholland Avenue. A public park is also proposed. The new road would divide the site into three development blocks

and one for a public park. Driveways off the new road would provide access to the proposed buildings and Dufferin Street. The buildings would be located around the site perimeter leaving the park block near the centre of the site with public street edges on two sides and a shared driveway on the third side. The existing Dane Parkette would be reconfigured and added to the new park.

The development statistics for each block are presented below.

<b>Proposed Development (Gross Floor Area)</b>	<b>Block 1</b>	<b>Block 2</b>	<b>Block 3</b>	<b>Block 4 (Park)</b>	<b>Total</b>
Size of Block	1.8ha	0.4ha	0.2ha	0.81ha (8,100m <sup>2</sup> )	3.21ha (32,100m <sup>2</sup> )
Residential	116,500m <sup>2</sup>	12,700m <sup>2</sup>	3,000m <sup>2</sup>	-	132,200m <sup>2</sup>
Commercial	7,500m <sup>2</sup>			-	7,500m <sup>2</sup>
Total GFA	124,000m <sup>2</sup>	12,700m <sup>2</sup>	3,000m <sup>2</sup>	-	139,700m <sup>2</sup>
Residential Units	1,516 units	170 units	14 units	-	1,700 units
Parking Spaces	1,798	171	14	-	1,983
Parking Levels	4 levels	3 levels	1 level	-	

### **Block 1**

The westerly L-shaped parcel (Block 1) with a site area of 1.8 hectares is proposed to have a total gross floor area of 124,000m<sup>2</sup> comprised of 7,500m<sup>2</sup> of retail space and 1,516 residential apartment units. The L-shaped parcel is proposed to be divided into three smaller blocks by a shared driveway with access to Dufferin Street and a mid-block pedestrian walkway with access to Lawrence Avenue West. The proposal comprises an 8-storey base building along both Dufferin Street and Lawrence Avenue West, with a tall building located on each of the smaller blocks. The tower heights range from 31-storeys at the intersection of Dufferin and Lawrence, 26-storeys along Dufferin Street and 25-storeys along Lawrence Avenue West. Two 8-storey buildings are also proposed at the back of the blocks which front the new public road and face the proposed park block. Covered service courts and a 2-storey retail component are also located in the corner block.

### **Block 2**

The southeasterly block (Block 2) is 0.4ha in size and is to be entirely residential. It is proposed to have 12,700m<sup>2</sup> in a single apartment building containing 170 units. This building would have a height of 8-storeys along Lawrence Avenue West stepping down to 6-storeys and 4 storeys along the easterly property line which abuts the existing 3-storey Liberty Walk townhouse development.

### **Block 3**

The northeasterly block (Block 3) is 0.2 hectares in size and would contain 14 townhouse units fronting the park block with access provided by a shared driveway.

### **Block 4**

Block 4 is the proposed 0.81 hectare (8,100m<sup>2</sup>) public park that would serve both the existing and new communities.

The site statistics are presented on the Application Data Sheet (Attachment 4).

## **Site and Surrounding Area**

The site is located at the northeast corner of Dufferin Street and Lawrence Avenue West. The site has a frontage of 167.0 metres on Dufferin Street and 219.8 metres frontage on Lawrence Avenue West. The site area is 3.8 hectares.

The site contains several one-storey buildings that are used for retail purposes with extensive surface parking areas separating the buildings from Lawrence Avenue West and Dufferin Street.

The centre of the site is located approximately 700 metres from the entrance to the Lawrence West Subway Station.

Land uses surrounding the subject site are as follows:

North: Dane Parkette and detached residential dwellings; a low-rise commercial building is located on Dufferin Street immediately north of the subject lands.

South: Three-storey walk-up apartments across Lawrence Avenue West.

East: A recently-constructed condominium townhouse development (Liberty Walk) immediately adjacent, mid-rise commercial/office building beyond on Lawrence Avenue West.

West: Highway commercial uses including a gas bar and car wash and low-rise industrial uses across Dufferin Street; a 3-storey church and the Columbus Centre along Lawrence Avenue West and mid-rise and high-rise apartment buildings along Dufferin Street south of the church.

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

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

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

## **Official Plan**

The Official Plan designates the entire site as *Mixed Use Areas*, one of four land use designations intended to accommodate growth. The *Mixed Use Areas* designation encourages a broad range of commercial, residential, institutional and open space uses to accommodate increases in population and jobs along transit lines.

The Urban Structure Map identifies four categories of growth areas including the *Avenues* overlay. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. Both the Dufferin Street and Lawrence Avenue West frontages of the subject site are identified as *Avenues* on Map 2 of the Official Plan.

Development in *Avenues* prior to the City undertaking an Avenue Study has the potential to set a precedent for the form and scale of re-urbanization along the Avenue. For this reason, proponents of such proposals are required to address the larger context and examine the implications for the segment of the Avenue in which the proposed development is located. Section 2.2.3, Policy 3(b) of the Official Plan, sets out the criteria that must be examined in such an Avenue Segment Study.

The Official Plan establishes criteria for development in *Mixed Use Areas* including a requirement for buildings to be located and massed to provide a transition between areas of different development intensity, providing setbacks for, and stepping down of, building heights towards existing lower scale development. The Plan also contains requirements to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open space.

The Official Plan also contains a policy that encourages the inclusion of public art in all significant private sector developments across the City. The Percent for Public Art program recommends that a minimum of one percent of the gross construction cost of each significant development be contributed to public art. The governing principle for the Percent for Public Art Program is that art is a public benefit to be enjoyed and experienced by residents and visitors throughout the City.

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

## **Zoning**

The subject site has three zoning categories on it (see Attachment 5).

The parcel at the intersection of Lawrence Avenue West and Dufferin Street (3083-3085 Dufferin Street) is zoned “C2”, Local Shopping Centre, which permits a variety of commercial uses and institutional uses. Permitted development density in this zone is .33 times the lot area.

The property at 770 Lawrence Avenue West is zoned “M1”, Industrial Zone One. This industrial zone permits a variety of commercial, institutional and industrial uses including some accessory uses. The maximum permitted building height is between 8.8 and 15 metres.

The property known as 3087-3101 Dufferin Street has a “C2” zone on the south portion and a “C1(6)” zone on the north portion. The “C1” zone permits some residential uses, a variety of commercial uses and some institutional uses. The exception to the General Commercial “C1” zone additionally permits a motor vehicle dealership and a motor vehicle body repair shop as an accessory use.

## **Priority Neighbourhood**

At its meeting of July 20, 21 and 22, 2004, City Council adopted a report from the Mayor entitled *Council Priorities for the 2003-2006 Term*. The report resulted from strategy sessions held by City Councillors and Senior Staff to develop a set of priorities for Council to accomplish before the end of that term. Among the nine identified priorities was strengthening at-risk neighbourhoods. The report specified what Council sought to achieve with respect to each priority. Related to strengthening at-risk neighbourhoods were the objectives of finding the right balance between prevention and response to neighbourhood problems; improved services and programs for youth; and improved community safety.

The City of Toronto has placed increasing emphasis on identifying vulnerable neighbourhoods and targeting resources to improve outcomes for their residents. Thirteen neighbourhoods were identified for priority infrastructure investment due to the lack of Community Services and Facilities. The subject site is located in the Lawrence Heights Priority Neighbourhood. The neighbourhood of Lawrence Heights is bounded by Lotherton Pathway and Eugene Street to the west, Bathurst Street to the east, Highway 401 to the north and Briar Hill Avenue to the south. Attachment 6 illustrates the Lawrence Heights Priority Neighbourhood boundary.

The implication of the property being located in a priority neighbourhood is that the residents are challenged in their ability to access the limited socio-economic infrastructure which is currently available. Through the Lawrence-Allen Revitalization

Process gaps have been identified for parks, recreation, child care, schools and the human services sector.

### **Lawrence-Allen Revitalization Study**

At its meeting on July 16-19, 2007 City Council approved the June 14, 2007 Affordable Housing Committee recommendation to Executive Committee that the Chief Planner be authorized to develop a planning framework for the revitalization of the Lawrence Heights community.

This study is currently underway and includes all lands in the area bounded by Lawrence Avenue West in the south to Highway 401 in the north and Dufferin Street in the west to Bathurst Street in the east. The central portion of the area encompasses the Toronto Community Housing Corporation Lawrence Heights housing development and large parcels owned by the Toronto District School Board and Rio-Can.

The subject site is located in the southwest corner of this Study Area and the work undertaken as part of the study has been used to assess the impacts and implications of the redevelopment of the subject site.

### **Site Plan Control**

Applications for Site Plan Control Approval will be required for individual buildings although no applications have been filed to date.

### **Tenure**

The applicant advises the proposed residential units will be part of one or more condominium corporations. Applications for draft plan of condominium approval will be required although no applications have been filed to date.

### **Reasons for the Applications**

An amendment to the Zoning By-law is required to permit the proposed mixed-use development and establish development standards regarding height, density, vehicle and bicycle parking, residential amenity space and other matters.

A Plan of Subdivision is required to establish a public road through the site, create a public park block and establish development blocks.

### **Community Consultation**

A Community Consultation Meeting was held on Thursday, March 27, 2008 at Lawrence Heights Middle School. The meeting was attended by approximately 100 people.

The following major points were raised:

- Development intensity, density and building heights;
- The appropriateness of the proposed vehicular access points;
- Increased traffic generated from the new development;

- The proposed location of intersections and traffic lights;
- The appropriateness of the road and block configuration; and
- The location, size and configuration of the park block.

As a result of the Community Consultation Meeting, a resident's working group was organized by the Councillor's office. Approximately 30 residents offered to participate in the Working Group and a total of four discussion sessions focusing on matters pertaining to the application were held between July 2008 and February 2009. The meeting topics were as follows:

- Street Network Options
- Parks and Open Space
- Built Form
- Parking/Loading/Servicing

Staff from other divisions including Parks, Forestry and Recreation and Transportation Services also attended the Working Group sessions as required.

A concluding meeting was held on February 18, 2009 to provide the Working Group with a revised layout proposal from the applicant. The revisions were based on the results of the Working Group sessions, comments received at the Community Consultation Meeting as well as modifications made as a result of City staff review and the work of the Lawrence-Allen Revitalization Project. The Working Group process was partially successful in that there was general support from those attending the final meeting for the street, block and park layout of the proposal. However, concern continued to be expressed by residents regarding the proposed heights of the buildings, the amount and impacts of the proposed scale of development and the precedent that would be created by this development on this site.

### **Agency Circulation**

The applications were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in the evaluation of the applications and to formulate appropriate recommendations and proposed conditions of approval.

## **COMMENTS**

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

The proposal is consistent with the PPS. The development promotes intensification through higher density building forms utilizing existing infrastructure. The development will provide for a range of unit sizes on two arterial roads with bus service, thus promoting additional ridership for the transit system. Finally, the development design will promote an active pedestrian environment along Dufferin Street and Lawrence Avenue West.



The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### **Avenue Segment Study**

The applicant submitted an Avenue Segment Study with the initial Zoning By-law Amendment application. Comments were provided to the applicant and an Addendum to the original Segment Study dated August 2009 was submitted to the City for review. While City staff continue to review the submitted Addendum to the Segment Study, some preliminary comments can be made.

There are several large 'soft sites' in the vicinity of the subject lands and two of these sites in particular, which are located on the west side of Dufferin Street, are almost as large as the subject site. Despite their similarly large size, the Segment Study suggests these sites could be developed with mid-rise buildings along the Dufferin Street frontage with townhouses behind, adjacent to the existing industrial area.

The Segment Study does not provide adequate justification as to why heights of 31 storeys should be supported on the subject site but a maximum of 10 storeys is appropriate on other potential development sites. Development similar to that being proposed by the applicant on the other soft sites in the vicinity has not been tested and it would appear the Segment Study under-estimates the impacts of potential development on these sites if the same development principles were applied.

The Segment Study does not propose a particular level of development or predetermined density for each soft site. Rather, the Segment Study identifies the density for each soft site that will result from each anticipated mid-rise development scenario. This results in soft site development densities that range from 3.6 FSI on a small infill site which is part of the existing Villa Columbo development to densities of 2.2 FSI and 1.9 FSI for sites that are similar in size to the subject lands. The Segment Study does not justify why 3.7 FSI is appropriate on the subject lands but 1.9 FSI is appropriate on a similar sized site north on Dufferin Street. It would appear that the development potential of nearby soft sites is understated in the Segment Study.

The resolution of these discrepancies is important as the current applications have the potential to set the tone for the scale and density of future development in this area. In fact, the City has had a number of inquiries from representatives of owners of the identified soft sites and it would appear they are awaiting the outcome of these applications.

The applicant has provided a Community Services and Facilities (CS & F) Report as part of the submitted Segment Study. The applicant's CS & F work addresses the technical requirements as identified in the Toronto Development Guide, and indicates that the site and area are well served by existing community services and facilities, including a variety of public parks, schools, recreation and child care facilities. However, the current CS&F work being undertaken as part of the Lawrence-Allen Revitalization Project suggests that service gaps exist for parks, recreation, child care, schools and human service sectors.

Additionally, the ability of residents to access the existing services does not reflect the quality of those services available. The resolution of these issues requires further discussion with the applicant.

The submitted Segment Study is not yet satisfactory to City staff and the applicant will be required to augment it with additional information and/or revise the development scheme based on this analysis.

## **Land Use**

A mixed use development on this site is appropriate. The proposal conforms to the land use provisions of the Official Plan and the lands are suitable for an appropriate level of intensification.

## **Site Layout**

In June of 2009 the applicant submitted a revised Draft Plan of Subdivision (Attachment 1). The modifications resulted from comments provided through the Working Group process, comments received at the Community Consultation Meeting and results of City staff review. The revised plan was also influenced by the work of the Lawrence-Allen Revitalization Project. The substantive changes are as follows:

- Reconfiguration of the road in the north portion of the site;
- Reconfigured park block;
- Reduction in the number of apartment buildings and units in the eastern portion of the site;
- Reduced height of the apartment building in the eastern portion of site; and
- Introduction of townhouses in the northeast corner of the site.

The proposed 20-metre public road through the site originally connected with Dufferin Street at the northern-most point of the property in a location very close to Dane Avenue. This created an awkwardly-shaped park block abutting the existing Dane Parkette. Substantial shadows were cast over the park by the proposed buildings and the awkward shape did not facilitate programming and good park design. The park block has been redesigned into a more rectangular shape for ease of programming, to provide street edges to promote visibility, access, prominence and safety in the park and to improve access to sunlight and skyview. The proposed location provides visibility from Lawrence Avenue giving prominence to the park. The proposed park is now larger to incorporate lands equivalent to the area of Dane Parkette as well as the required parkland dedication for the proposed development and is intended as a place to be shared by existing and future residents.

In the initial plan, the easternmost development block abutting the existing Liberty Walk townhouse development was proposed to contain two apartment buildings ranging in height from 7 to 14 storeys. In the revised proposal, an 8-storey apartment building is proposed to front on Lawrence Avenue West and extend north for approximately half the depth of the site. The park block is located north of this proposed building and in the

northeast corner of the site, abutting the rear yards of detached dwellings fronting Dane Avenue, the plan proposes fourteen 4-storey townhouse units with their rear yards facing north. A shared driveway along the north property boundary would provide vehicular access to the townhouses and enable a positive front edge to the park along its north edge. The shared driveway connects the townhouses with the new public road, crossing a section of the proposed park block and potentially interrupting pedestrian flow from the larger park block north to Dane Avenue. Staff are of the opinion this shared driveway should be truncated in the form of a hammerhead so that the park block connection is not interrupted or reconfigured to connect north to intersect with Dane Avenue.

The revised layout addresses many concerns that were raised through the review process to date.

## **Height**

The west side of Dufferin Street, north of Lawrence Avenue West, corresponds with the edge of *Employment Areas* land and has been developed with strip malls and car dealerships on very large deep lots. The east side of Dufferin Street north of the subject lands, corresponding to the edge of a *Neighbourhoods* designation, has been developed with 2-3 storey commercial buildings on shallow lots. South of Lawrence Avenue West, there are several 10-16 storey 1960s style slab apartment buildings on the west side of Dufferin Street and 2-3 storey commercial buildings along the east side.

The north side of Lawrence Avenue West east of the subject lands contains 3-storey townhouses, a 9-storey commercial office building (36 metres high or a 12-storey residential equivalent) and 1-2 storey commercial buildings and plazas and the south side east of Dufferin Street contains largely 3-storey walk-up apartment buildings.

Schedule 'D' Airport Hazard Map in the former City of North York Zoning By-law 7625 establishes maximum permitted heights for buildings and structures around the Downsview Airport. The Schedule permits a maximum height of 45.72 metres (approximately 15 storeys) on this site. The City of Toronto and Bombardier Aerospace, the operator of Downsview Airport, have been in discussions concerning potential modifications to Schedule 'D' of the Zoning By-law that would more accurately reflect current airport operational requirements. However, until appropriate height permissions are determined and reviewed by Transport Canada, the current permissions of the Zoning By-law will remain.

The applicant is proposing three towers along Dufferin Street and Lawrence Avenue West which exceed this height limit. The tower at the corner of Dufferin Street and Lawrence Avenue West is proposed to be 31 storeys and 94 metres in height. The tower to the north fronting Dufferin Street is proposed to be 26 storeys and 79 metres high while the tower to the east along Lawrence Avenue West is proposed to be 25 storeys and 76 metres high. These proposed heights are exclusive of roof top mechanical areas which are included in the airport height restrictions.

The Official Plan states that not all *Mixed Use Areas* will experience the same scale or intensity of development and should reflect the context of their surroundings. Development on this site should not create a new context of tall buildings for future development on lands in the vicinity of the site. Rather, development should be appropriately managed, particularly on development parcels along the street edges, to ensure the existing character is respected.

The area surrounding the Lawrence Avenue West and Dufferin Street intersection is not a tall building district, particularly given the restrictions imposed by the nearby Downsview Airport operation. Staff are of the opinion the proposed tower heights should approximate the existing and planned context along the corresponding arterial road, in this case, being the equivalent of 12 residential storeys along Lawrence Avenue. The existing context for building height along Dufferin Street is 16 storeys which should be reflected in the proposal.

### **Built Form and Massing**

The Official Plan contains policies relating to built form and massing, particularly in *Mixed Use Areas*. Specifically, new buildings are to be located and massed to provide a transition between areas of different development intensities and scale, such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*. The location of buildings on a site must also have regard for shadow impacts on adjacent streets, parks and abutting lands designated *Neighbourhoods*, particularly during the spring and fall equinoxes. Buildings must frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians.

Assuming the most appropriate location for the greatest building height and massing on the subject lands is the intersection of Lawrence Avenue West and Dufferin Street, the building massing should diminish from the south to the north and from the west to the east, in both instances towards lower density residential developments. This concept should be expressed in two ways on the subject site.

Building massing should appropriately transition along the arterial roads toward the east and the north from the corner of Dufferin Street and Lawrence Avenue West. The land to the north along Dufferin Street is identified as *Avenues*, is currently underutilized and may be subject to redevelopment in the future. The proposed 8-storey building in the northwest corner of the site is acceptable in that context.

However, the proposed eastward transition is inappropriate in that an 8-storey building is proposed on Block 2, adjacent to the existing and recently constructed 3.5-storey Liberty Walk townhouse development. A shared access driveway straddles the common lot line between the proposed building on Block 2 and the townhouse development. A 6-storey component of the proposed building is located 8.9 metres from the common property line and 4.5 metres from the edge of the shared driveway. In addition to making a poor transition to the much lower townhouse development, this creates an uninviting environment for both vehicles and pedestrians utilizing the driveway in terms of sun and

wind conditions. It is recommended that the height and mass of this proposed building be reduced to 6-storeys (20m) with appropriate transition in the form of sculpting and stepdowns adjacent to the townhouse development and shared driveway. A 2-3 storey expression with grade-accessible garden apartments along the eastern lot line facing the townhouses and shared driveway would be appropriate.

The second massing transition should occur from the southern and western edges of the development site (the arterial roads) towards the interior of the site. An appropriate transition would require the proposed buildings located along the internal road to have a reduced mass relative to the buildings proposed along the arterial roads. It is recommended these internal buildings be reduced in height, with additional sculpting and stepdowns, to provide an appropriate scale of building wall adjacent to the internal road and to provide appropriate sunlight and skyview to the sidewalks on the internal road. An outcome of this will be enhanced sunlight conditions on the park and more comfortable wind conditions, particularly during the winter months.

## **Density**

The subject site has the potential to accommodate a greater scale of development provided planning policy relating to built form, community services and facilities, transportation and servicing infrastructure are appropriately addressed. Density is a measure of the level of intensity that arises from the built form, massing and height attributes of a development.

As discussed above, staff are of the opinion that a number of the proposed building heights are inappropriate and the proposed building massing could be improved. As a result, the site density is significantly higher than densities elsewhere in the community and reflects a density that is typically assigned to subway related development elsewhere in North York. Subway station locations are an appropriate location for higher density development and density should diminish as distance from a subway station increases. As noted earlier, the subject site is not on a subway line and is a considerable distance from the Lawrence West Subway Station.

Staff are of the opinion the proposal is an overdevelopment of this site and if the applicant were to address the height and building massing concerns expressed by staff in this report, the resulting density would be appropriately reduced.

## **Sun and Shadow**

The applicant has submitted a Shadow Study for the proposal that demonstrates the shadow impacts of the project on adjacent *Neighbourhoods* properties would be acceptable. Given the scale of this site and by siting the buildings with the greatest height along Dufferin Street and Lawrence Avenue, any shadow impacts on adjacent properties to the north and the east would be acceptable. However, the proposed towers and the 8-storey buildings internal to the site would have unacceptable impacts on the park and sidewalks of the internal road during daylight hours, particularly in the afternoon. Further height reductions and additional sculpting of these buildings would

improve daytime sunlight conditions between 11:00am and 4:00pm. Staff are prepared to discuss appropriate modifications with the applicant.

### **Pedestrian Comfort/Wind Study**

The applicant has provided a Pedestrian Wind Study by F. H. Theakston Environmental Control Inc. dated September 14, 2009 which has been reviewed by City staff. The study assesses the subject proposal with respect to pedestrian level wind relative to comfort and safety. The pedestrian level wind and gust velocities were tested at forty-four (44) locations around the subject site.

The site is currently developed with several low rise buildings. The proposed scale of development will result in an increase in the number of locations throughout the site that presently experience uncomfortable wind conditions, particularly during the winter months. Lowering building heights and providing additional sculpting of individual buildings would result in more appropriate wind conditions. Staff are prepared to discuss appropriate modifications with the applicant.

### **Traffic Impact**

The applicant has provided a study entitled *Urban Transportation Considerations* dated August 20, 2009. Technical Services staff have not yet finalized their review of this most recent submission. However, some comments can be made concerning existing traffic conditions on Lawrence Avenue West and Dufferin Street.

Based on an analysis of existing traffic volumes, many of the key intersections are approaching capacity with vehicle delays for several critical turning movements. The traffic generated by the proposed development will be assessed in the context of the existing traffic conditions.

The bus routes along Dufferin Street and Lawrence Avenue West are well-used and among those with the highest ridership in the City.

### **Servicing**

The applicant has provided a Functional Servicing Report prepared by Riaboy Engineering Ltd. dated August 14, 2009. Technical Services staff have not yet finalized their review of this submission.

### **Open Space/Parkland**

The Parks, Forestry and Recreation Division has reviewed the submitted plan and notes that the site is within a Parkland Acquisition Priority Area and therefore subject to By-law 1420-2007, the Alternate Parkland Dedication By-law adopted by Council at its meeting of December 13, 2007.

Therefore, the proposed development would be subject to a parkland dedication of 2.27 hectares (22,700m<sup>2</sup>) or 69% of the site. However, for sites between 1 and 5 hectares, the parkland dedication is not to exceed 15% of the development site, net of any conveyances

for public road purposes. Thus, the parkland dedication would be capped at 4,953m<sup>2</sup> based on the proposed uses and a net site area of 32,784m<sup>2</sup>.

Discussions have taken place with the applicant regarding the provision of an expanded park block that satisfies the required parkland dedication and also includes some of the land area of Dane Parkette, thus creating a larger consolidated park block with access/frontage to Dane Avenue to connect the residents to the north. The remainder of Dane Parkette could be used for development purposes. Dane Parkette is designated *Parks* by the Official Plan and the Official Plan permits the exchange of City owned land that is designated *Parks* for other nearby land of equivalent or larger area and comparable or superior green space utility.

The existing Dane Parkette is 0.35 hectares (3,500m<sup>2</sup>). Adding the required parkland dedication to the Dane Parkette yields a park block requirement of 0.85 hectares (8,453m<sup>2</sup>). The park block shown on the proposed Draft Plan of Subdivision is 0.81 hectares (8,100m<sup>2</sup>) in size. The park block shortfall of 0.035 hectares (350m<sup>2</sup>) could be addressed by adding the land area proposed to be used for the townhouse shared driveway and by providing a park/walkway connection to Dane Avenue.

A land exchange involving Dane Parkette with the applicant could achieve a larger, more cohesive park to accommodate a wider range of programming possibilities. Addressing the park dedication shortfall by providing park frontage on Dane Avenue would enable direct access to the new park block for existing residents to the north and provide improved sight lines into the park. Staff are prepared to continue discussions with the applicant in this regard.

Should the land exchange with the applicant unfold as described above, it is proposed that the private driveway that provides the townhouse development with a connection to the new street be eliminated. The lane could be terminated in the form of a hammerhead at the west end of the townhouse blocks or alternatively be reconfigured to connect northward to Dane Avenue.

### **Amenity Space**

The Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The applicant has not provided any details on how this is to be achieved. Typically, indoor amenity space is provided in the form of fitness rooms, lobby/lounge areas, exercise and change rooms and meeting/party rooms. Outdoor amenity space can be provided in the form of landscaped gardens and open space and gardens on rooftops of base buildings. The typical requirement for an apartment building is approximately 1.5m<sup>2</sup> of indoor amenity area per dwelling unit and approximately 1.5m<sup>2</sup> of outdoor amenity space per dwelling unit. Staff are prepared to discuss possible solutions with the applicant.

### **Phasing**

For developments of this size and scale, the City requires that a Phasing Plan be submitted for review and acceptance. The Phasing Plan must describe, for the site and its

context, in drawings and in words the proposed phasing plan and schedule. The phasing plan is to describe the timing of various site components such as the road construction, park development and the development order of the various buildings. The applicant has not yet submitted this information to the City.

### **Public Art**

The Official Plan includes a policy that encourages public art, in prominent locations and visible from the public streets, where opportunities exist. The program requires that the artwork must be clearly visible at all times from publicly accessible areas. The site is of a size that warrants a public art contribution and the block plan and building configuration provides several opportunities to create on-site public art. While City Planning staff have not had any discussions with applicant regarding the Percent for Public Art Program, it is anticipated this would be incorporated as part of this proposal should this development be approved.

### **Section 37**

Section 37 of the *Planning Act* provides the City the authority to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions toward specific capital facilities) and can include matters such as parkland and/or park improvements above the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, community facilities and/or local improvements to transit facilities. The community benefits must bear a reasonable planning relationship to the proposed development, including at a minimum, an appropriate geographic relationship with the development.

The applicant is aware that the City will require a Section 37 contribution for this proposal although the specific requirements have not been finalized. In accordance with City policies this is done in consultation with the local Councillor. However, before consideration can be given to securing any Section 37 benefits, the proposed development must constitute good planning. Given staff concerns with the application, recommendations on Section 37 benefits cannot be brought forward at this time.

As these applications have been appealed to the Ontario Municipal Board, it will be necessary for City Council to provide the City Solicitor with directions regarding the facilities, services and matters to be secured pursuant to Section 37 in the event the Board allows the appeals and approves the Zoning By-law Amendment sought by the applicant. Direction will be sought from Council to obtain direction for Section 37 benefits prior to the OMB hearing likely to be held in early 2010.

### **Toronto Green Standard**

The applicant has been encouraged to incorporate elements of the City's Green Standard into the design of the proposed development. To date the applicant has not indicated how the proposal will achieve the Green Standard as approved by Council.



## **Requested OMB Direction**

As noted, the applicant has appealed the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications to the Ontario Municipal Board (OMB). The OMB has set a Pre-hearing date of November 5, 2009 and will likely establish a hearing date for early 2010. It is therefore necessary to provide the City Solicitor with directions regarding the City's position before the OMB.

The subject lands are of a significant size (3.8 ha), are located at the intersection of two arterial roads and at the confluence of two *Avenues* overlays. As such, additional development can be supported on the lands. However, as discussed in the report, staff are of the opinion the tower heights are excessive, the proposal requires a larger park with better connections and visibility, better transition to adjoining development is required and the building massing requires refinement. An outcome of these revisions would be a lower overall development density.

It is recommended that City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications in their current form. It is also recommended the City Solicitor and appropriate staff be authorized to continue discussions with the applicant in an attempt to resolve the issues outlined in this report and, if necessary, report directly to Council for further instructions regarding any matters to be resolved before the Ontario Municipal Board including the determination of appropriate Section 37 benefits. Staff will continue discussions with the applicant and will report further upon a settlement of these matters, or failing a settlement, the position to be advanced at the Ontario Municipal Board hearing.

## **School Boards**

Comments have been received from the Toronto District School Board on the proposal indicating there is insufficient space at the local elementary and junior schools to accommodate students anticipated from the development. The Board indicated that students may be accommodated in facilities outside the area until adequate funding or space becomes available.

The Toronto District Catholic School Board indicates that there is insufficient capacity in nearby secondary schools to accommodate the students.

## **Development Charges**

The development charges for this project are estimated to be \$11,977,130. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **Conclusions**

This report recommends that City Council not support the proposed Zoning By-law Amendment or Draft Plan of Subdivision applications in their present form. Intensification is a desirable objective for this site. However, this is subject to appropriate built-form and massing considerations and this objective should not be realized at the expense of setting an inappropriate precedent in the community. The proposed development is too tall and does not meet current airport height limits. The overall development is too dense and doesn't fit with the existing and planned context. Staff encourages the applicant to continue to work towards a resolution of the City's concerns with the proposed development.

It is recommended that appropriate City staff be authorized to attend the Ontario Municipal Board hearing in support of the position outlined in this report.

## **CONTACT**

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E-mail: cfergus@toronto.ca

## **SIGNATURE**

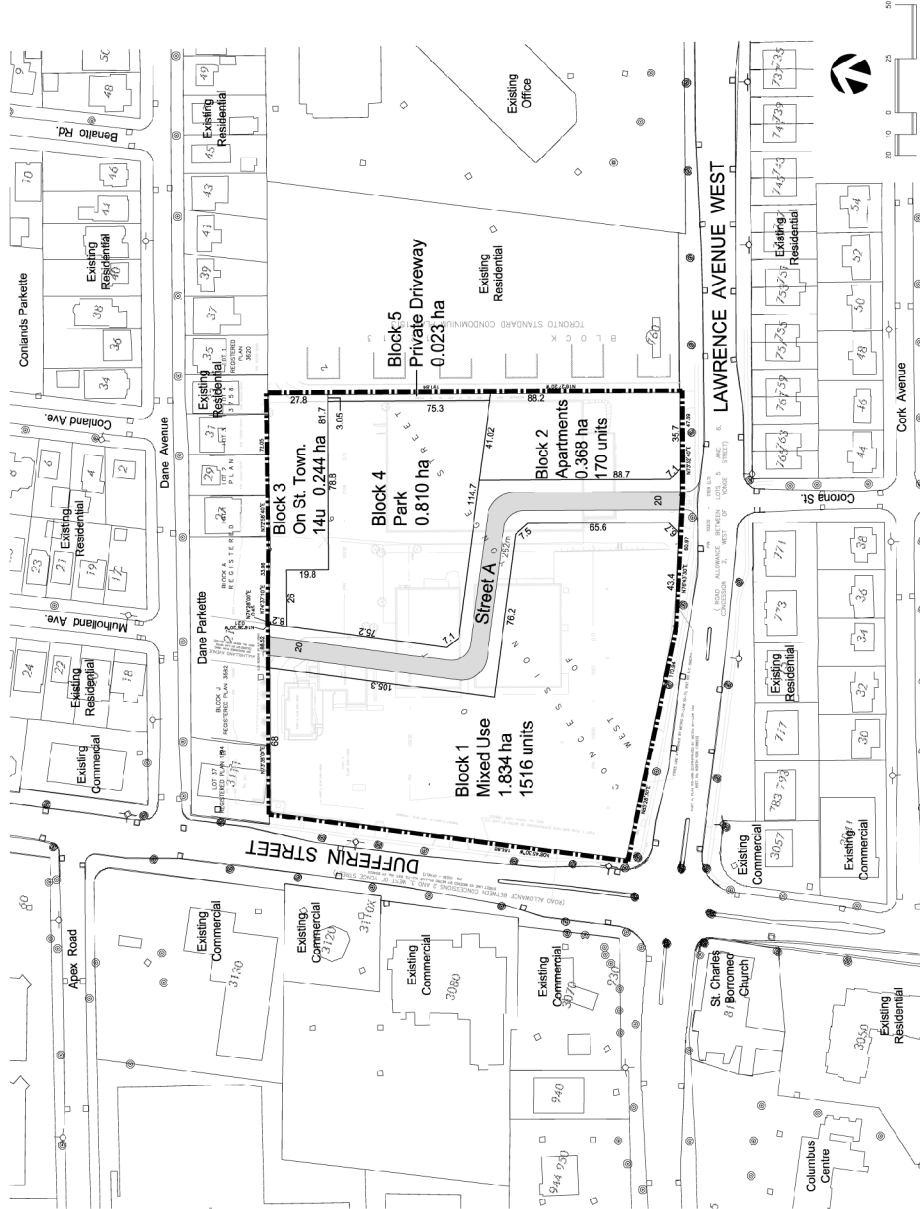
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Thomas C. Keefe, Director  
Community Planning, North York District

## **ATTACHMENTS**

Attachment 1: Proposed Draft Plan of Subdivision (Revised)  
Attachment 2: Site Plan (Revised)  
Attachment 3a: South Elevation (Lawrence Avenue West)  
Attachment 3b: West Elevation (Dufferin Street)  
Attachment 4: Application Data Sheet  
Attachment 5: Existing Zoning  
Attachment 6: Lawrence Heights Priority Neighbourhood Boundary

**Attachment 1: Proposed Draft Plan of Subdivision (Revised)**



**770 Lawrence Avenue West and 3083-3101 Dufferin Street**

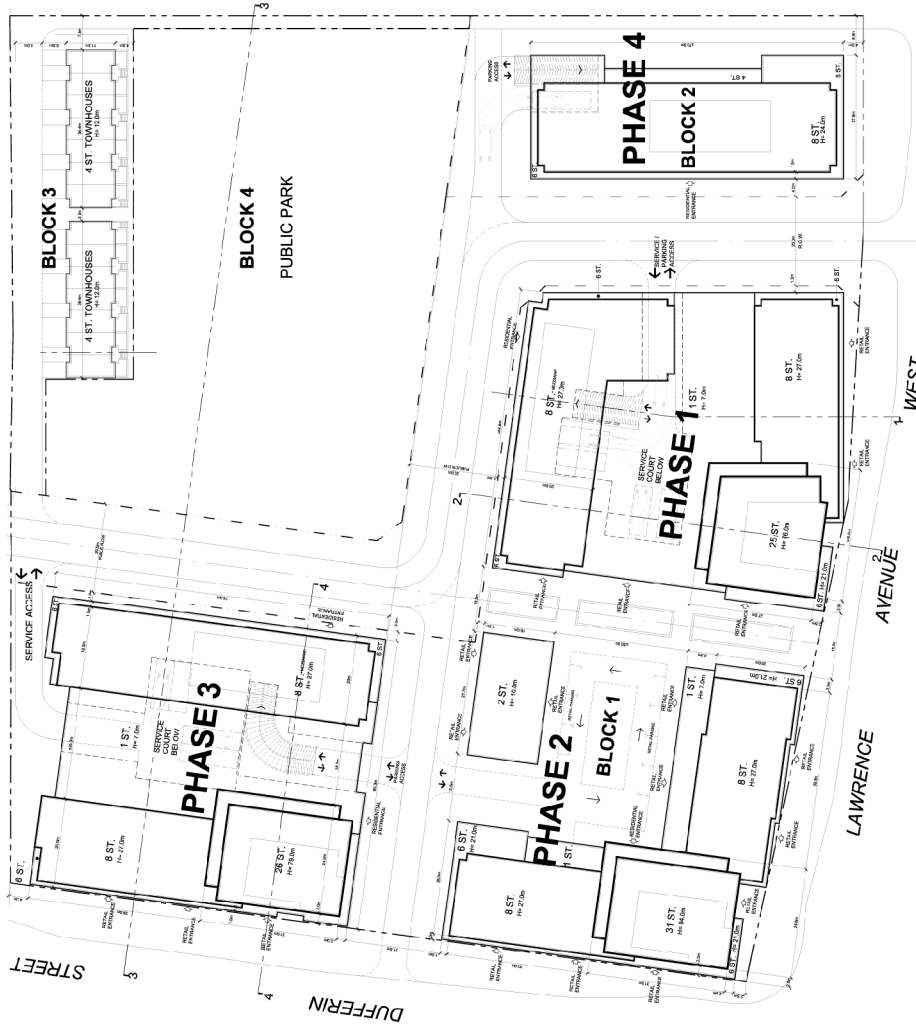
**Draft Plan of Subdivision**

Applicant's Submitted Drawing

Not to Scale  
09/16/2009

File # 07\_283458

Attachment 2: Site Plan (Revised)



770 Lawrence Avenue West and 3083-3101 Dufferin Street

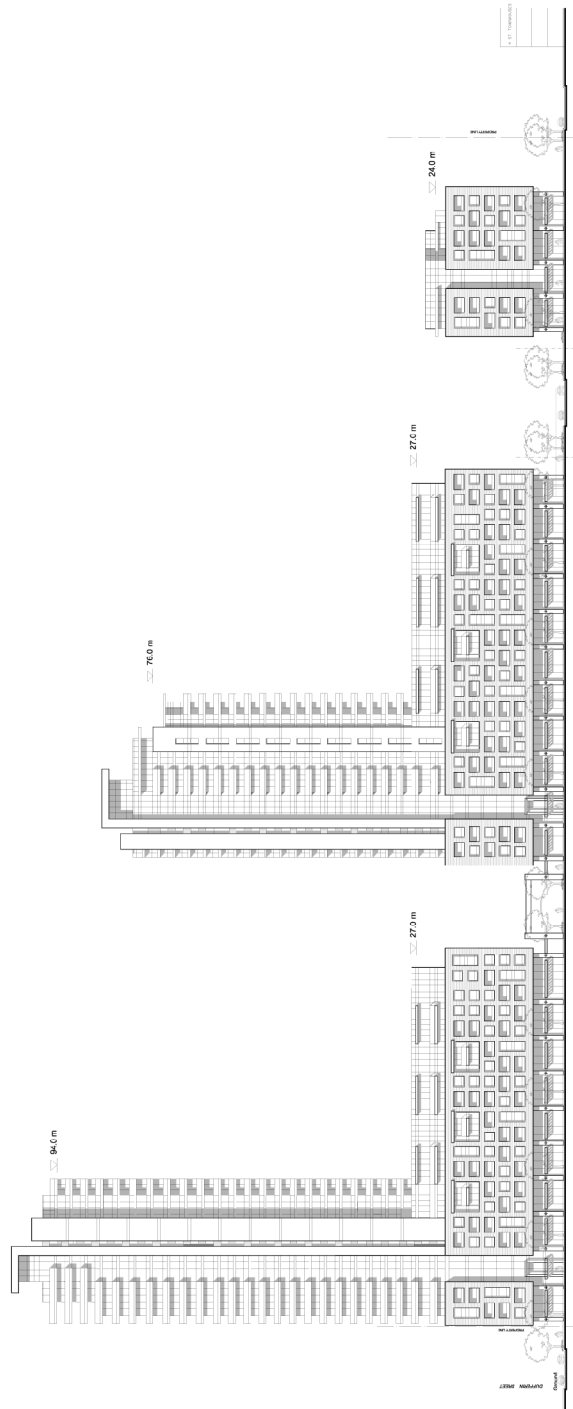
Site Plan

Applicant's Submitted Drawing

Not to Scale  
09/16/2009

File # 07\_283458

**Attachment 3a: South Elevation (Lawrence Avenue West)**



South Elevation

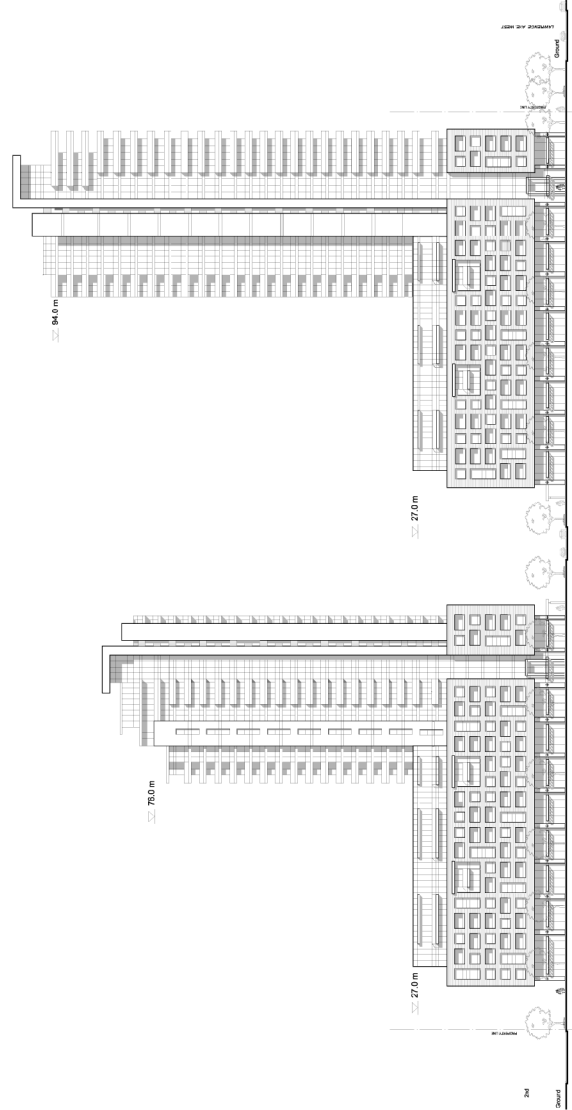
**Elevations**  
770 Lawrence Avenue West and 3083-3101 Dufferin Street

Applicant's Submitted Drawing

Not to Scale  
09/16/2009

File # 07\_283458

**Attachment 3b: West Elevation (Dufferin Street)**



West Elevation

**Elevations** 770 Lawrence Avenue West and 3083-3101 Dufferin Street

Applicant's Submitted Drawing

Not to Scale  
09/16/2009

File # 07\_283458

## Attachment 4: Application Data Sheet

### APPLICATION DATA SHEET

Application Type	Rezoning	Application Number:	07 283458 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	November 30, 2007

Municipal Address: 3101 and 3083-3095 Dufferin Street and 770 Lawrence Avenue West  
 Location Description: Conc. 2, WY, Part Lot 6 \*\*GRID N1502  
 Project Description: Redevelop lands with a mix of uses that includes point towers, mid-rise and lower-rise buildings integrating residential (1,700 units), retail and a public park.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
AIRD & BERLIS, LLP			DUFLAW REALTY LTD

#### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	C2, M1, C1(6)	Historical Status:
Height Limit (m):	45.72m	Site Plan Control Area: N

#### PROJECT INFORMATION

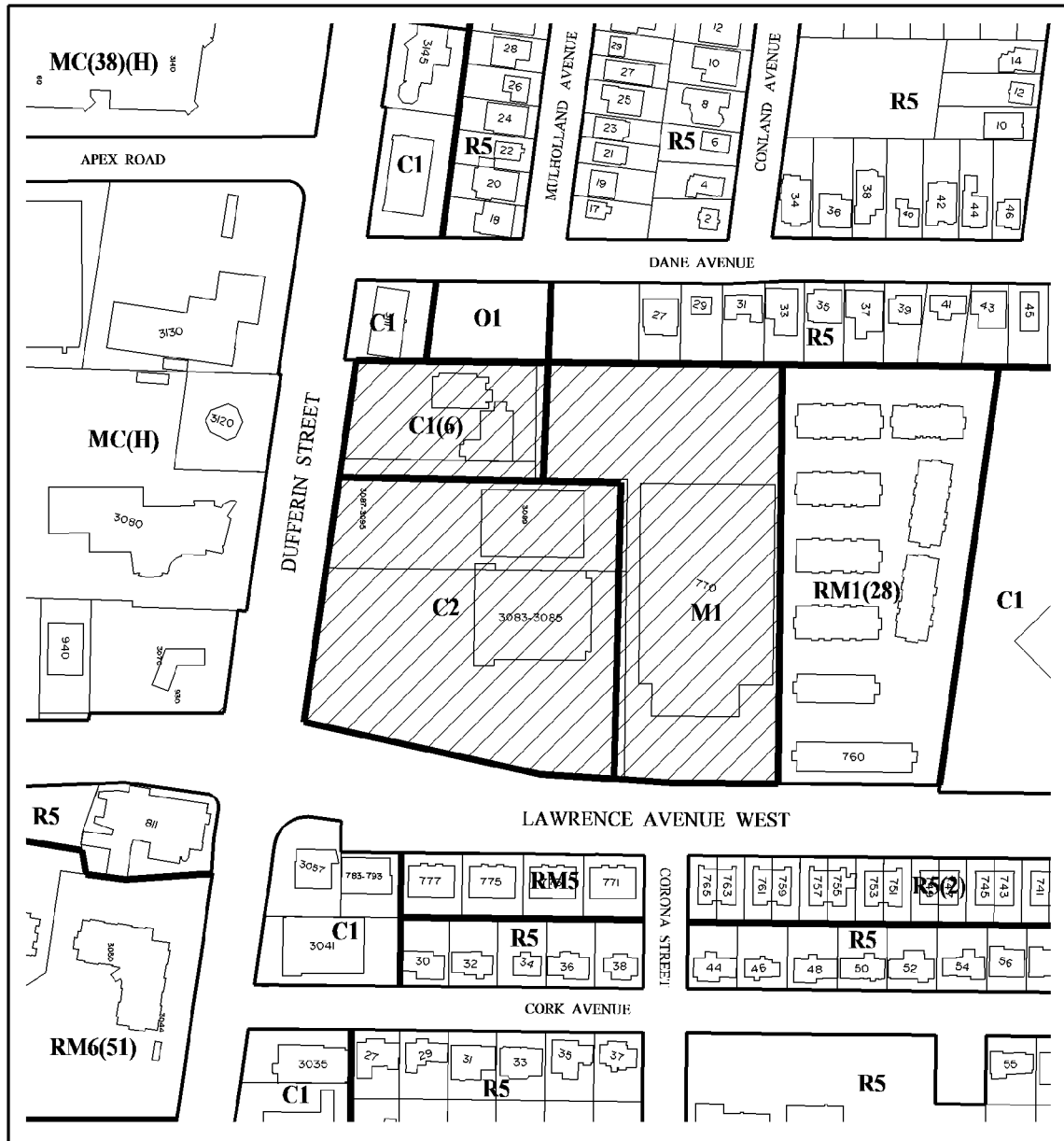
Site Area (sq. m):	38065	Height:	Storeys:	31
Frontage (m):	166.8		Metres:	79
Depth (m):	219.8			
Total Ground Floor Area (sq. m):	14660			<b>Total</b>
Total Residential GFA (sq. m):	132200		Parking Spaces:	1983
Total Non-Residential GFA (sq. m):	7500		Loading Docks	6
Total GFA (sq. m):	139700			
Lot Coverage Ratio (%):	38.51			
Floor Space Index:	3.67			

#### DWELLING UNITS

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

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	132200	0
Bachelor:	0	Retail GFA (sq. m):	7500	0
1 Bedroom:	800	Office GFA (sq. m):	0	0
2 Bedroom:	800	Industrial GFA (sq. m):	0	0
3 + Bedroom:	100	Institutional/Other GFA (sq. m):	0	0
Total Units:	1700			

## Attachment 5: Existing Zoning



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

**770 Lawrence Avenue West and 3083 - 3101 Dufferin Street**

File # 07\_283458

- R5 One-Family Detached Dwelling Fifth Density Zone
- RM1 Multiple-Family Dwellings First Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- O1 Open Space Zone

- M1 Industrial Zone One
- MC Industrial-Commercial Zone
- C1 General Commercial Zone
- C2 Local Shopping Centre Zone



Not to Scale  
 Zoning By-law 7625  
 Extracted 12/28/2007



## Attachment 6: Lawrence Heights Priority Neighbourhood Boundary

