

**79 Dunfield Avenue, 85 – 117 Eglinton Avenue East
Rezoning Application – Final Report**

Date:	March 31, 2010
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 22 – St. Paul's
Reference Number:	08 217828 STE 22 OZ

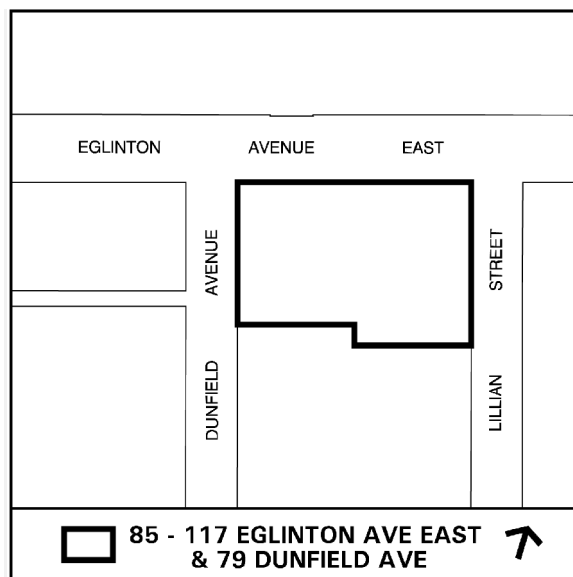
SUMMARY

This application is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006.

This application proposes the construction of a 29-storey condominium tower at the west end of the site and a 26-storey tower at the east end of the site. Tower heights include the podium levels beneath each. The podium levels step from 5 to 6-storeys from west to east following the Eglinton Avenue frontage. The applicant is proposing 2-storey retail bays which are accessed from grade within the podium levels along the Eglinton Avenue frontage.

The City Planning Division is recommending approval of the proposed development described above based on its location and on its planned and design attributes which include:

- (a) the site is within a high rise *Apartment Neighbourhood* and is two blocks from the intersection of Yonge Street and Eglinton Avenue. It has excellent transit connections to most points within the City and is within proximity to retail,



service and entertainment facilities and places of employment;

- (b) the proposed redevelopment, which includes large-bay retail commercial spaces, will add variety to the current commercial mix on this section of Eglinton Avenue East. Large-bay retail would be secured in the site-specific by-law which requires a minimum of 2,700 m² of commercial space on the second floor;
- (c) a portion of this site is currently underutilized as an unpaved, non-landscaped surface parking lot. This development will fill-in and extend the continuous commercial uses for the full block of Eglinton Avenue East between Dunfield Avenue and Lillian Street;
- (d) the proposed residential intensification of this site complies with the development criteria for new development in *Mixed Use Areas* and in *Apartment Neighbourhoods* designations of the Official Plan. In particular, the location and massing of the building provides a reasonable transition and fit, between areas of different intensity and scale from the west side of Yonge Street to the east towards Mt Pleasant Road. It also provides a reasonable transition and fit between areas of different land use from the site to the lands to the south which are designated *Apartment Neighbourhoods*;
- (e) the proposed development complies with the Tall Buildings Guidelines. For example, the minimum separation distances between the proposed towers exceed the recommended minimum of 25 metres (the actual proposed separation ranges between 28 and 32 metres). The separation distances between the proposed towers and the existing building to the south ranges between 26 and 36 metres and the tower floorplates meet the maximum average size of 750 square metres (not including balcony projections);
- (f) the location and screening the loading bays, the parking ramp and garbage storage to the rear of the building off of a private through-laneway which connects Dunfield Avenue with Lillian Street minimizes the traffic and visual impact on the adjacent streets and residences; and
- (g) the community benefits that would be available as a result of approval and construction of this development including funding for: the Central Eglinton Community Centre and funds to flow to the acquisition and development of new parks in the local area.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for 79 Dunfield Avenue and 85-117 Eglinton Avenue, substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the report dated March 31, 2010, from the Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an agreement under Section 37 of the Planning Act to the satisfaction of the City Solicitor, to secure the following:
 - (a) \$150,000.00 to be used for the purchase of new facilities and equipment and the renovation of parts of the existing space for the Central Eglinton Community Centre at 160 Eglinton Avenue East. Such payment would be due no later than the introduction of the bills in Council; and
 - (b) contribute \$600,000.00 towards the purchase, design and construction of a new park on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West or for the acquisition of other parkland in the vicinity of the site, of which \$300,000.00 shall be payable prior to the introduction of the bills in Council and the balance payable prior to issuance of an above-grade building permit. The latter instalment shall be indexed from the date of execution of the agreement to the date of payment in accordance with the Non-residential Construction Price Index for Toronto. Such funds are over and above any requirements for park levies under s.42 of the Planning Act.

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

- (c) incorporate, in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for the development's frontages along Eglinton Avenue East, Dunfield Avenue and Lillian Street;
- (d) develop and implement to the satisfaction of the Director of Community Planning, Toronto and East York District, an appropriate Construction Mitigation Plan and Communication Strategy prior to the issuance of the first building permit (including demolition and/or excavation permit); and

- (e) submit a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director prior to the issuance of site plan approval.
4. City Council require that, before the issuance of any building permit including foundation permit, the applicant shall enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.
5. City Council 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 backflow preventer to the satisfaction of the General Manager of Parks, Forestry and Recreation.
6. City Council require that the owner provide any necessary improvements to the municipal infrastructure in connection with the site servicing review, if it is determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services.
7. City Council require that, before introducing the necessary Bills to City Council for enactment, the owner submit a site servicing review to the Executive Director of Technical Services for review and acceptance.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

Madison Developments (the owner) submitted an application for rezoning on August 25, 2005. That application was to permit the construction of a 25-storey condominium with grade-related retail at the southeast corner of Dunfield and Eglinton Avenues (79 Dunfield Avenue and 85 – 97 Eglinton Avenue East).

That application process resulted in site-specific By-law 859-2007, being a by-law to permit a 22-storey condominium with retail at-grade, adopted by Council in July of 2007 and was declared in full force and effect as of August 24, 2007. Since that time the applicant has obtained the properties at 101 to 117 Eglinton Avenue East to extend the site area to include the full block on the south side of Eglinton Avenue East between Dunfield Avenue and Lillian Street. On October 31, 2008, the applicant submitted an entirely new application for the much expanded site.

ISSUE BACKGROUND

Proposal

The proposed development is a mixed commercial-residential building that extends the full block on the south side of Eglinton Avenue East from Dunfield Avenue to Lillian Street. The proposal consists of a podium of 6, stepping down to 5-storeys (approximately 28 down to 25 metres including retail mezzanine levels), with two towers rising above the podium at the east and west ends. The west and east towers would be 29 and 26 storeys respectively, including the podium levels.

Site and Surrounding Area

The site is located on the south side of Eglinton Avenue, two blocks east of Yonge Street. Existing land uses are as follows:

- 79 Dunfield Avenue and 85 – 97 Dunfield Avenue East are currently used as an unpaved parking lot;
- 101 – 105 Eglinton Avenue East is occupied by The Yorkville Club (fitness centre and former site of the York Theatre);
- 109 – 111 Eglinton Avenue East is a 4-storey commercial building with a restaurant on the ground floor and law offices above; and
- 117 Eglinton Avenue East is a 5-storey commercial building with vacant restaurant space at-grade and a business and technology college on the floors above.

The following uses are adjacent to the site:

North: immediately opposite the site on the north side of Eglinton Avenue East are three office buildings with retail at-grade. Building heights of these buildings are 7 to 15-storeys. North of these buildings is an *Apartment Neighbourhood* which extends north from Eglinton Avenue to Erskine Avenue between Yonge Street and Mt. Pleasant Road.

South: to the south of the site, is a 17-storey newly completed senior's apartment building. That building is attached to, but does not function as part of the existing 28-storey apartment building to the south of it at 45 Dunfield Avenue. These two buildings (77 and 45 Dunfield Avenue) are part of an *Apartment Neighbourhood* that extends southwards from Eglinton Avenue East to the north side of Soudan Avenue.

West: to the west of the site, on the southwest corner of Eglinton Avenue East and Dunfield Avenue is a newly renovated, 7-storey office building. South of that

office building is a 19-storey apartment building at 70 Dunfield Avenue which is also part of the *Apartment Neighbourhood* south of Eglinton Avenue East.

To the west of that, on the east side of Yonge Street and south of Eglinton Avenue East are the Minto towers which are residential condominiums of 54-storeys and 39-storeys.

East: to the east of the site on the southeast corner of Eglinton Avenue East and Lillian Street is an 18-storey residential condominium (no retail at-grade) at 123 Eglinton Avenue East. South of that building is a stacked, interlocked townhouse complex that stretches between Lillian Street and Redpath Avenue. That complex is also part of the *Apartment Neighbourhood* south of Eglinton Avenue East.

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. The Growth Plan identifies 4 Urban Growth Centres as places for the City to direct growth.

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 proposed development site is located within the Yonge-Eglinton Centre which is one of the 4 Growth Centres identified by the Province in the Growth Plan for the Greater Golden Horseshoe and shown on Map 2, Urban Structure of the Official Plan and on Map 21-1 of the Yonge-Eglinton Secondary Plan (refer to Attachment 7: Secondary Plan). The Yonge-Eglinton Centre is focussed on the intersection of the Yonge Street and Eglinton Avenue arterials and the Yonge-Eglinton subway station. The Yonge-Eglinton intersection and subway station are located approximately 2 blocks west of the site.

West of Yonge Street and within lands which form part of the Yonge-Eglinton Centre, Council has adopted by-law 236-2009. That by-law permits mixed use buildings of up to 120 metres in height. The boundaries of the Yonge-Eglinton Centre in the Official Plan are currently being reviewed.

The site is also located on an 'Avenue' on Map 2, Urban Structure. It is subject to the Avenues policies of Section 2.2.3 of the Official Plan.

The site is split designated *Mixed Use Areas* and *Apartment Neighbourhoods* (refer to Attachment 6, Official Plan).

Most of the site is within the *Mixed Use Areas* designation. However, a smaller portion of the southern end of the lot is within an *Apartment Neighbourhoods* designation which stretches southwards to Soudan Avenue. Section 4.2.1 of the Official Plan states that *Apartment Neighbourhoods* are designations that will provide for apartment buildings and all residential uses that are permitted in *Neighbourhoods* plus small-scale retail and other non-residential uses.

The proposed development is considered to be a single building consisting of two towers rising above a 5 to 6-storey podium. The podium contains 2-storey commercial uses that are proposed within the first two floors fronting onto Eglinton Avenue.

The building has no direct access to commercial uses within the *Apartment Neighbourhood* on either the Dunfield Avenue or the Lillian Street frontages. With the exception of the commercial loading bays (which are at the rear of the building) and a secondary emergency exit which serves all podium levels including the commercial floors, the proposed commercial uses are entirely oriented to Eglinton Avenue. The Dunfield Avenue and Lillian Street frontages within the *Apartment Neighbourhoods* area are devoted to residential outdoor amenity areas, access to internal bicycle parking or other uses which are related to the residential components of the building.

Therefore, the proposed building functions as a mixed commercial-residential building within the *Mixed Use Area* designated portion of the site and as a residential building within the *Apartment Neighbourhoods* area of the site. No Official Plan amendment with respect to the proposed uses within an *Apartment Neighbourhoods* area is required. Section 4.5.2 of the Official Plan lists the development criteria for proposed buildings within *Mixed Use* designations. Criteria include requirements for new development to:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*;
- locate and mass buildings to frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking; and

- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

Zoning

The site is split zoned under By-law 438-86. Most of the lands are within the CR T5.0 C3.0 R3.0 classification with a height limit of 48 metres. A small portion of the site (at its south end) is zoned R2.0 Z0.6 with a height of 38 metres (refer to Attachment 5, Zoning).

Site-specific zoning by-law 859-2007 also applies to 79 Dunfield Avenue and 85 – 97 Eglinton Avenue East. It provides zoning amendments to permit the construction of a 22-storey (approximately 79 metre), mixed use building with a density of 7.95 times the lot area. That building has not been constructed.

Site Plan Control

This application is subject to Site Plan Control. An application for site plan review must be submitted. A site plan agreement must be entered into prior to the issuance of any building permit including foundation permit.

Reasons for Application

The proposed construction of a 29-storey building with a total combined (residential and non-residential) density of 9.66 times the lot area exceeds the height and density permitted by By-law 438-86.

A number of zoning amendments are required since a small portion at the south end of the site adjacent to a 17-storey apartment is within an R2 district. Amendments for the portion of the site which is zoned R2 include: residential gross floor area, minimum front and side setbacks, maximum building depth and percent of landscaped open space.

By-law 859-2007 is a site-specific by-law pertaining to a portion of the current lot under application at 79 Dunfield Avenue and 85 to 97 Eglinton Avenue East. That by-law permits the construction of a 22-storey mixed commercial-residential building with 231 residential units and 570 square metres of commercial space at grade. No such building was built under that by-law and it will be repealed in a new site-specific by-law which will amend 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 9, Draft Zoning By-law Amendment).

Community Consultation

A community consultation meeting was held in the neighbourhood on March 3, 2009. The purpose of that meeting was to present the proposal to the local community and to take note of the comments and issues raised by area residents. The meeting was attended by 27 residents of the local area. Comments noted at that meeting and which were

received from persons unable to attend that meeting revolved around: the proposed building height; the potential for loss of views and sunlight respecting neighbouring buildings; and increased traffic on Dunfield Avenue and Lillian Street.

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

Policy 1.4.3 requires that provision be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other means, facilitating all forms of residential intensification and redevelopment. It requires promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and support the use of public transit.

Policy 1.6.5.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports the development of viable choices and plans for public transit and other alternative transportation modes.

The proposed development is within an area which is shown as an 'Urban Growth Centre' on Schedule 4 of the Growth Plan for the Greater Golden Horseshoe (GPGGH). Section 2.2.4 of the GPGGH provides that 'Urban Growth Centres' will: be focal areas for investment; accommodate and support major transit infrastructure; serve as high density employment centres; and accommodate a significant share of population and employment growth.

The Growth Plan stipulates, in Policy 2.2.4., that urban growth centres will be planned to achieve by 2031 or earlier, a minimum gross density target of 400 residents and jobs combined per hectare for each of the urban growth centres in the City of Toronto. However if, in 2006 an urban growth centre had already achieved a greater gross density, that higher figure is considered to be the minimum density target for that urban growth centre. As of 2006 the Yonge-Eglinton Urban Growth Centre as delineated in 2008 by the Province had achieved a density of approximately 475 residents and jobs combined per hectare.

The proposed development complies with the above policies by intensifying the residential use of the site, making efficient use of the existing infrastructure, providing a

mix of condominium unit sizes on the site and by being located within a short walk of the Yonge-Eglinton subway station.

Land Use

The proposed mixed commercial-residential uses conform to the land uses which are permitted for the area by the Official Plan and Zoning By-law. Both policy documents permit a broad range of retail, service, office-commercial and residential uses for this site. The proposed large-bay, higher order retail uses which could be accommodated within the first two floors of the buildings' podium level will provide for substantial retail outlets not available elsewhere on Eglinton Avenue. These retail uses would strengthen and add diversity to the existing commercial mix on this portion of Eglinton Avenue which is currently weighted to restaurants and entertainment.

Avenue Segment Review

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, where re-urbanization is generally 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 Avenue Study being completed 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 Official Plan sets out the conditions of the review. The review, among other things, is to:

- i) include an assessment of the impacts of the development of the entire Avenue segment at a similar form, scale and intensity if feasible, appropriately allowing for distinguishing circumstances;
- ii) consider whether incremental development of the entire Avenue segment as identified in the above assessment would adversely impact an adjacent *Neighbourhoods* or *Apartment Neighbourhoods*; and
- iii) consider whether the proposed development is supportable by available infrastructure.

The Plan contemplates that there will be development proposals 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. In such cases, 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 identified the Avenue segment as being Eglinton Avenue East between Holly Street and Mt Pleasant Road. City staff agree with that area of influence. The applicant's review examined the Avenue segment and found that:

- i) there are few 'soft' sites in this segment that are easily available and potentially suitable for a similar scale of redevelopment on this Avenue segment, particularly within the *Mixed Use Areas* portion. Limited opportunities will mean low impacts on the rest of the segment.

The "distinguishing circumstances" which support higher density development on this site include its proximity to, the Yonge-Eglinton subway station, the future Eglinton light rail transit system and its proximity to the Yonge-Eglinton Centre;

- ii) incremental redevelopment of the same scale as the proposal within the entire segment will not impact the adjacent *Apartment Neighbourhoods* to the north and south. The proposed development is a tower-podium form of building which is characterized by slender towers spaced apart and set on top of pedestrian-scaled podiums. The tower-podium form is preferable, within this segment, over the canyon or 'slab' form of tall buildings that fill their lots. The proposed tower-podium typology allows views and sunlight for the neighbouring *Apartment Neighbourhoods*; and
- iii) the existing and planned infrastructure will be able to accommodate the proposed development.

Density, Height, Massing

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 7 to 21-storeys or 30 to 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 is a Mixed Commercial-Residential zone that splits a large *Apartment Neighbourhood* extending to Keewatin Avenue to the north and to Soudan Avenue on the south, to Yonge Street on the west and 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 this *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, and including the Yonge- Eglinton Focus Review area-specific rezoning, the buildings of the tallest heights and highest densities are generally located (as expected) within the Eglinton Avenue East corridor. The building heights within that corridor, also as expected, transition down from Yonge Street proceeding eastwards towards Mt Pleasant Road. In this case, a pattern of downward transitioning has been maintained from the existing 30 plus-storey buildings at Yonge Street and from the 120 metre height permission allowed on the TTC lands at the northwest corner of Yonge Street and Eglinton Avenue West to the proposed 29 and 26-storey buildings.

The highest building density to date on this Eglinton Avenue corridor is 8.9 times the lot area at 43 Eglinton East. This building is also a mixed use building with a single storey of small-bay retail commercial units at grade. It is not a full block development (as is the proposed development).

The proposed application is a full block redevelopment consisting of 2-storeys of large-bay retail which is expected to enhance the retail diversity on Eglinton Avenue East and residential units in the podium levels and the two condominium towers. The proposed density of the residential component of this building is approximately 8.57 times the lot area and is comparable to the total density of the existing building at 43 Eglinton Avenue East.

While the total density expressed in terms of a floor space ratio (9.66 times the lot area) is above the ratios of other buildings in the immediate area, the massing of the proposed height and density of this development has been designed to minimize its impacts on the neighbouring buildings and on the pedestrian realm.

Sun, Shadow, Privacy and Wind

The Official Plan requires that mixed use developments are 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. The closest *Neighbourhoods* designated area is 1 long block south of the site on the south side of Soudan Avenue and is impacted by neither shadow nor wind conditions resulting from the proposed development.

The potential sun, shadow, privacy and wind impacts on other buildings within *Apartment Neighbourhoods* and *Mixed Use Area* designations and on the two towers on the same site are discussed in the Tall Buildings analysis below.

Tall Buildings Guidelines

The City has developed Tall Buildings Guidelines to control the design and development of tall buildings, particularly with respect to their potential for sun, shadow, privacy and wind impacts on adjacent buildings but also with respect to impacts on other proposed tall buildings on the same site.

Staff have reviewed the existing built form and find that the proposed development has been designed within the parameters of the Tall Buildings Guidelines. The applicant has considered the existing built form context and has used: tower separation; orientation of building elements; terracing and stepbacks; façade articulation; and other design techniques as prescribed by the City's Tall Buildings Guidelines to integrate the proposed development into the local context.

These issues are discussed below under the headings of: Existing Built Form Context; Podium; and Tower Components. The proposed development would establish a built form that would provide an attractive design and respect the interests of adjacent land owners, building residents and pedestrians.

i) Existing Built Form Context

The site is located within the midst of commercial buildings to the west and east and to the north. It abuts an *Apartment Neighbourhood* to the south which is primarily comprised of apartment buildings ranging in height from 10 to 29-storeys.

Most notably, the building that immediately abuts the site to the south is a newly completed and occupied, 17-storey seniors' rental apartment building which is located at 77 Dunfield Avenue. That building shares a common building wall with the 29-storey apartment building which is located at 45 Dunfield.

The building immediately to the east of the site on the south-east corner of Lillian Street and Eglinton Avenue East (123 Eglinton Avenue East) is within a *Mixed Use Area* designation and a commercial-residential zoning classification. Although it has the Official Plan and zoning permission to do so, it has no commercial uses at grade and is an entirely residential condominium. To the rear of that building is a stacked townhouse complex that extends southwards on the east side of Lillian Street well past the proposed development.

ii) Podium

The Tall Buildings Guidelines look to ensure that the street proportion or the height of the existing and planned buildings along the edges of the street (the podium, levels) and the width of the space (street right-of-way) between the buildings allows appropriate access to sunlight and sky view.

Section 3.1 of the Guidelines indicate that on corner sites the podium levels will be massed according to the higher existing prevailing base height (as a full block development, this site includes 2 corners).

The Guidelines also indicate that the appropriate stepback from the roof line of the street facing wall of the podium to the taller building elements is to be no less than 5 metres.

The roof line of the proposed podium level, which has been designed with these standards in mind, is comprised of variable heights ranging from 5 to 6-storeys including mezzanine levels (refer to Attachment 1, Site Plan).

The proposed variable podium height (including mezzanine levels) is within the 7 to 10-storey stepbacks of the existing adjacent buildings to the east and the west that front onto Eglinton Avenue East (123 Eglinton which is not a tower but is a slab tall building and the office building at 75 Eglinton).

Measured heights to the top of the proposed podium levels range from approximately 25 to 28 metres. The average of these heights is within the 1:1 ratio of podium height to street width (27 metres in this case) standard set out in the Tall Buildings regulations. The variable podium heights also provides architectural interest to the pedestrian realm.

The tower elements stepback from the street-facing roof-line of the podium by a minimum of 6.2 metres to 8.0 metres. This stepback above the upper floors of the podium plus the 4.8 metre to 7.6 metre sidewalk width on Eglinton Avenue ensures comfortable pedestrian level conditions.

At the east end of the building, proceeding southwards along Lillian Street, the podium level terraces down from 6 to 5 to 4 to 3-storeys from north to south as it faces the 3.5-storey stacked townhouses on the east side of Lillian Street. This design allows sky views from and views in general to the existing townhouses.

iii) Tower Components

The Tall Buildings Guidelines have established a number of principles aimed at minimizing the impacts on neighbouring buildings and the pedestrian realm of, shadowing, reduced sky views and of reduced privacy within neighbouring buildings. Guidelines include recommending:

- a) a maximum average floorplate size of 743m²;
- b) a minimum tower separation between towers of 25m; and
- c) limiting of uncomfortable wind conditions on neighbouring streets, properties and open spaces.

a) Average Floorplate

The 2 towers in this proposed development have been designed with an average floorplate size of 750m² (excluding balconies) which meets the intent of the Guideline maximum (743 m²). The shadows that these towers would cast would cover a less broad area than the slab type buildings which are typical of this local area. The 750m²

floorplate also means that the shadows the proposed development would cast would tend to move more quickly across the buildings and land areas upon which they fall than would shadows cast by thicker, slab forms of tall buildings.

The closest residential buildings to the proposed development are: the seniors apartment building to the south at 77 Dunfield Avenue; the residential condominium at 123 Eglinton Avenue East; and the stacked townhouses south of that building on the east side of Lillian Street. Situated immediately to the south of the subject lands, the seniors' building at 77 Dunfield Avenue is not significantly affected by June, September or March shadows cast by the proposed development.

The proposed building's podium would establish a large floorplate and a continuous 5 to 6-storey street-wall between Dunfield Avenue and Lillian Street. As such, it would cast morning shadow on Eglinton Avenue East at street level in March and September. However, much of the new shadow that would be cast by the podium would fall within areas that are currently shadowed by existing buildings. In addition, the new shadow cast on the street by the proposed podium is consistent with the shadows cast by other existing buildings on the south side of Eglinton Avenue East.

Using the sidewalk and deep pedestrian courtyard in front of the existing office building at 90 Eglinton Avenue East as a shadow impact area example, it is entirely within shadows cast by existing buildings and the proposed podium levels in March and September at 9:18 a.m. It is partially shadowed at 10:18 a.m. and almost entirely open to sunlight by 12:18 p.m.

The applicant's shadow drawings, as accepted by City staff show that the midpoint of any shadow cast by the proposed building (tower plus podium) is free of shadow (cast by existing buildings and the proposed development) within approximately 3 hours. Neither the proposed podium nor the tower components on top cause significant, prolonged shadowing on the north side of Eglinton Avenue East.

Afternoon shadows cast by the proposed development (tower plus podium) in June, and in September and March extend to the condominium at 123 Eglinton and beyond. Since this building is a central-corridor building with north and south-facing units, no primary light-source living room windows would be affected.

The stacked townhouses on the east side of Lillian Street would be briefly affected by new shadow cast by the proposed development in June and in September and March. There are 4 rows of these buildings within the block between Lillian Street and Redpath Avenue.

These buildings face west and east and each row shadows another row within its own development. The only row that would be entirely affected by new shadow cast by the proposed development would be the first west-facing row on the east side of Lillian Street. Shadows in June start to fall on the west face of the west facing row by 5:18 p.m.

(on June 21st) and are moving away by 6:18 p.m. New September and March shadows affect less than a third of the west facing row before dark.

b) Tower Separation

The Tall Buildings Guidelines require a minimum spatial separation of 25 metres between tall buildings to ensure comfortable living conditions within each by allowing appropriate amounts of sunlight and levels of privacy within the individual units. The proposed development has been designed with these principles in mind. A minimum of 28 metres is proposed to separate the 2 towers on this site.

In addition, the proposed towers are off-set with the west tower positioned approximately 3.5 metres further north than the east tower on top of the podium. This positioning takes advantage of the irregular south property line and maintains a significant (26 – 36 metres) separation between the 2 towers and the ‘dog-legged’ shaped building at 77 Dunfield Avenue (refer to Attachment 1, Site Plan).

The orientation of the towers on their podium and the separation distances between them and the senior’s apartment building at 77 Dunfield allows longer views from individual apartment units and the cafeteria of the seniors building.

With respect to the separation between the proposed towers and the existing 17-storey senior’s building to the south, the proposed west and east towers are setback 19 and 29 metres respectively from the rear (south) property line. With an approximately 7 metre setback from the seniors’ building to this same property line, the separation between the proposed towers and 77 Dunfield ranges from approximately 26 and 36 metres with most separation being provided on the subject site (refer to Attachment 1, Site Plan).

Tall buildings may cause excessive shadowing on public streetscapes and loss of views for pedestrians on adjacent streets if the towers are not adequately spaced. In this case, the minimum separation of 25 metres allows for 2 separate, fast moving shadows which do not significantly impact the streetscapes upon which they fall.

c) Wind

City staff have reviewed the applicant’s submitted Pedestrian Wind Assessment. Generally, the proposal will not meaningfully alter the wind comfort conditions over current levels and the applicant has committed to implement any necessary wind mitigation measures that will be recommended through further testing at the site plan stage, to be secured in the Section 37 Agreement.

Traffic Impact, Access, Parking

When a proposed development’s built form is considered to fit within the local context, the intensity of use issues (issues which may arise from the functioning of the occupied building) are examined. Such issues are generally focussed on traffic, access and 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 (such as this) that are well served by transit, the existing road network and to areas that 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.’ This site is both within a designated ‘Avenue’ and a Centre.

This partially undeveloped site with its proximity to, public transit, places of employment, retail stores, restaurants and other entertainment is within a segment of Eglinton Avenue East where growth and redevelopment is expected and encouraged.

i) Traffic Impact and Access

The proposed development provides two driveways, one at Dunfield Avenue on the west and the other on the east at Lillian Street. A private, one-way laneway which runs east to west from Lillian Street to Dunfield Avenue is proposed to connect the two driveways. All vehicular access including entry to loading bays, the parking garage and entry to residential pick-up and drop-off areas for both towers would be off of the proposed private lane.

The Lillian Street access faces a stacked townhouse development on the west side of the street. It is built over by terracing condominium units above the second floor (with a clear height of approximately 18.0 metres). This design screens the adjacent townhouse development from all internal service areas as is required by the Official Plan and the Tall Buildings Design Guidelines.

Since Dunfield Avenue is one-way northbound and Lillian Street is one-way southbound, the one-way lane system is proposed to be initiated on Eglinton Avenue, proceeding southbound on Lillian Street, continuing west on the lane through the site exiting northbound on Dunfield Avenue and proceeding to Eglinton Avenue. By proposing a one-way lane through the site, which is accessed and egresses via one-way streets of opposite directions, the applicant is able to minimize if not eliminate the traffic from this development which use the neighbourhood streets to the south.

The applicant’s transportation consultant prepared a Traffic Impact Study (TIS) which based its traffic projections for the proposed development on the traffic patterns of the existing uses (including a commercial parking lot that would be displaced by the proposed development) and known traffic levels that are generated by similar sized commercial facilities and residential condominiums.

The existing parking lot on the site currently generates 62 weekday inbound and outbound a.m. peak hour trips and 90 inbound and outbound p.m. peak hour trips. The proposed development is expected to generate 94 weekday inbound and outbound a.m. peak hour trips and 187 weekday inbound and outbound p.m. weekday peak hour trips.

When comparing the total inbound and outbound trips, the proposed development is forecast to generate 32 and 97 additional trips during the weekday a.m. and p.m. peak hours respectively. Most of these trips will enter and exit the site using an approximately 23 metre length of the neighbourhood streets (Lillian Street and Dunfield Avenue) which is the measured distance from Eglinton Avenue to the proposed lane.

The applicant's consultant concluded that the increased traffic which is expected to be generated by the proposed development would have minimal impacts on boundary road intersections. No road improvements are recommended by the consultant as a result of the projected site traffic volumes. The City's Development Engineering Division has reviewed the consultant's analysis and concurs with the consultant's conclusion.

The Yonge-Eglinton Travel Survey (July, 2008) verifies the low trip generation found by the consultants. The survey results show that the majority of work trip and non-work trips generated from within the Yonge-Eglinton area by Yonge-Eglinton residents are made via local transit. In fact, 80% of all work trips and 72% of non-work trips were made via local transit. New residents to the area would be expected to continue in this trend of choosing public transit.

ii) Bicycle Parking

Cycling is an important form of urban transit. The City requires new developments to provide adequate provision of bicycle parking to encourage new residents to use bicycles as an alternative to their cars or as an alternative to car ownership.

Transportation Planning staff have identified the need for 206 bicycle parking spaces. By-law 438-86 requires that the bicycle parking spaces would be allocated in the following proportion; 160 for the occupants of the building, 40 for visitors plus another 6 for the retail component of the building.

The applicant is proposing to provide the required total of 206 spaces but allocated as follows; 167 for occupants, 33 for visitors and 6 spaces for retail. Transportation Planning staff are satisfied with the proposed allocation of bicycle parking spaces. A by-law amendment has been included in the draft by-law (Attachment 9) to permit the proposed increased number of occupant spaces and the decreased number of visitor spaces.

iii) Parking

The City's Development Engineering Division 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 725 parking spaces to serve the project (656 for the residents and 69 for their visitors). That parking allocation exceeds the 527 spaces that are required of the development by the condominium parking standards as set out above (458 for the residents and 69 for their visitors).

By-law 438-86 has no parking requirements for general retail stores. However, the By-law does require parking of specific types of retail use such as grocery stores. Grocery stores are required to provide 1 parking space for every 28 square metres of selling space. The applicant has the parking capacity to provide for a grocery store use at the By-law required rate.

Servicing

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

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Parkland Dedication By-law 1420-2007.

The application proposes 571 residential units on a site of 0.5562 hectares (5,562m²). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.7786 hectares (7,786m²). However, a cap of 10% applies and hence the parkland dedication for the residential component of the development would be 0.0556 hectares (556m²).

The non-residential component of this development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the Planning Act RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no suitable location for an on-site parkland dedication and the site would be fully encumbered with below-grade parking. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

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 east of Yonge Street and west of Mt Pleasant Road is comprised of a mix of retail, service and office commercial, and restaurant and other entertainment facilities. Eglinton Avenue East 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 frontages on the street. Gaps result from, poorly designed, recessed commercial facades on the street or, as in the case of this site, vacant land used for commercial parking.

This proposed development will include approximately 2,229.00m² of retail at-grade and 4,959.00m² of retail space overall including the second floor. All retail will be accessed from Eglinton Avenue. A covered arcade for pedestrian weather protection will encourage (retail) pedestrian flow on the block.

Streetscaping will include hard landscaping treatment of decorative bollards and pavers and natural stone and new street trees which are to be planted in continuous soil trenches with raised planters on Eglinton Avenue (to avoid sub-surface hydro lines) and in-ground planters on Dunfield Avenue and Lillian Street.

The proposed public plus private sidewalk widths range from 4.8 to approximately 7.5 metres on Eglinton Avenue and 5.7 to approximately 7.9 metres on Dunfield Avenue and Lillian Street. These widths would accommodate the proposed landscape treatment and result in a comfortable pedestrian space. The raised planters proposed for Eglinton Avenue are designed within the parameters of Toronto Forestry division's design details and would be located within the widest areas of sidewalk. They would not impede pedestrian flow.

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.

Section 4.5.2(j) of the Official Plan requires that the 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 (including commercial and residential loading bays, residential pick-up and drop-off entrances to the lobby, and access to the parking garage) is to occur at the rear of the building on the southern perimeter of the site via a private laneway running between Dunfield Avenue and Lillian Street.

The loading bays and the ramp accessing the underground garage are recessed into the building beyond multi-storied podium levels on the west and east (refer to Attachment 1, Site Plan) off of the lane so that they would not be visible from either Dunfield Avenue or Lillian Street.

Environment

Toronto Green Standard

The Toronto Green Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development is intended to achieve 28 minimum and 16 enhanced targets for a total of 44 targets. Some of the targets proposed to be met are:

- provide opportunities for shade, reduced ultraviolet exposure and protection from inclement weather;
- appropriate grading and surface treatment in accordance with the Toronto Accessibility Design Guidelines and the draft Toronto Streetscape Manual;
- green roof installed with 50% minimum coverage;
- cover provided to shade at least 30% of all hardscape, including surface parking, walkways and others;
- 70% of fixtures are Energy Star compliant; and
- stormwater on-site retained to the same level of annual volume of overland runoff allowable under predevelopment conditions.

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 can include (among other capital facilities), 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 a minimum 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 \$750,000.00 to be used for the following community benefits:

1. \$150,000.00 to be used for the purchase of new facilities and equipment and the renovation of parts of the existing space for the Central Eglinton Community Centre at 160 Eglinton Avenue East. Such payment would be due no later than the introduction of the bills in Council; and
2. \$600,000.00 for deposit to the parkland acquisition and development fund that will be established to purchase, design and construct a new park on the lands south of the TTC bus barns at Yonge Street and Eglinton Avenue West or for deposit for the acquisition of other parkland in the vicinity of the site. Half of this deposit (\$300,000.00) to be used for local parkland acquisition and development shall be payable prior to the introduction of bills in Council. The remaining \$300,000.00 shall be payable upon issuance of any above-grade building permit and shall be indexed to inflation in construction prices.

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

1. that the owner incorporate in the construction of the building, exterior materials shown on 1:50 scale drawings approved by the Chief Planner and Executive Director, submitted for the development's frontages along Eglinton Avenue East, Dunfield Avenue and Lillian Street;
2. that the owner develop and implement to the satisfaction of the Director of Community Planning Toronto and East York District, an appropriate Construction Mitigation Plan and Communication Strategy prior to the issuance of the first building permit (including demolition and/or excavation permit); and
3. that the owner submit a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director, and provide any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director prior to the issuance of site plan approval.

In order to mitigate the construction impacts on the surrounding neighbourhood, a Section 37 Agreement can include a requirement that the owner draft and implement a Construction Mitigation Plan and Resident Communication Strategy. The plan/strategy is best drafted prior to the issuance of the first permit (excavation) when the owner has finalized the construction phasing plan for the development and is aware of the timing and duration of the various construction processes that will be involved in this specific development.

The owner of this site will be required (through a condition of the section 37 Agreement) to work with the City Planning Department, the Ward Councillor's office and the local residents to establish area-specific guidelines and restrictions for construction activity should the development be approved by City Council. The plan/strategy will identify many construction related issues that are regulated by other City-wide enforcement measures (i.e., noise by-law, dust control by-law).

A resident liaison committee may be established consisting of local residents, business people, the owner's construction manager and a representative of the Ward Councillor's office.

The mitigation plan and communication strategy will address matters that will include:

- the period of construction including the general construction processes in the construction stages and the duration of each stage;
- an approach to identifying and mitigating, if possible, potential negative impacts of construction activity such as construction noise (hours of permissible construction work), dust control, construction vehicle access and material deliveries, parking for construction trades, interruption of services (hydro, water, gas) for local residents;
- a tentative meeting schedule and a strategy for distributing information through the resident liaison committee to the neighbourhood on construction phases providing advance notice where possible and including contact names and phone numbers for residents to call regarding noise and dust and other construction related questions or concerns;
- identifying and posting a number to call to report any emergency or urgent concerns during non-office hours;
- the provision and distribution of individual notices that identify the start date for the commencement of each phase of the construction and the anticipated completion date and information regarding applicable regulating provisions that would apply; and
- any other matters that may be appropriate including but not limited to the provision of reasonable notice respecting the anticipated interruption to services, where possible, and measures to prevent dust and construction debris from impacting existing residents.

Tenure

All residential units will be part of a condominium corporation. A draft plan of condominium will need to be submitted for approval.

Development Charges

It is estimated that the development charges for this project will be \$3,655,913.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Tim Burkholder, Senior Planner
Tel. No. (416) 392-0412
Fax No. (416) 392-13330
E-mail: tburk@toronto.ca

SIGNATURE

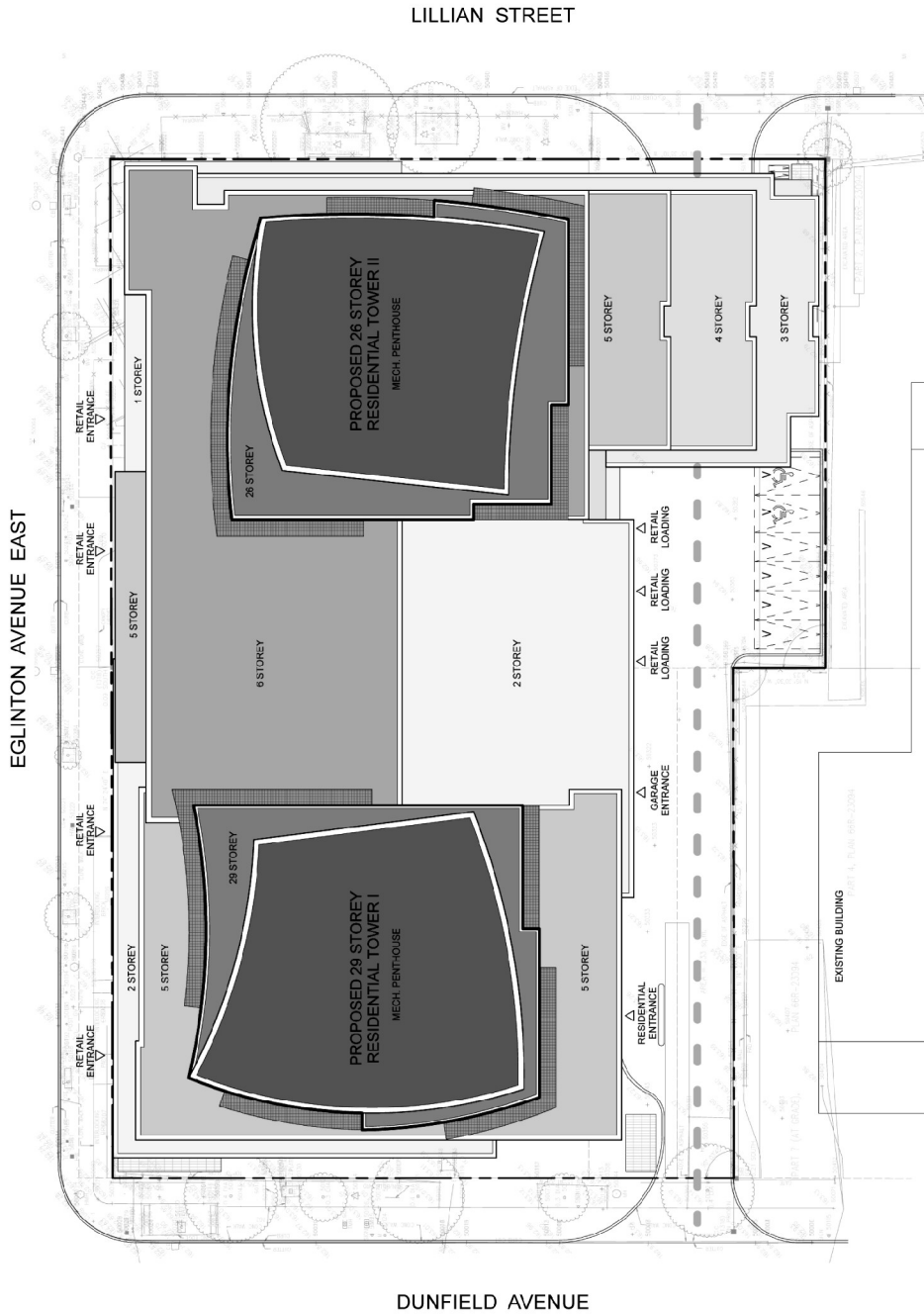
Raymond David, Director
Community Planning, Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: South Elevation
Attachment 4: West and East Elevations
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Secondary Plan
Attachment 8: Application Data Sheet
Attachment 9: Draft Zoning By-law

Attachment 1: Site Plan



Site Plan
85-117 Eglinton Avenue East and 79 Dunfield Avenue

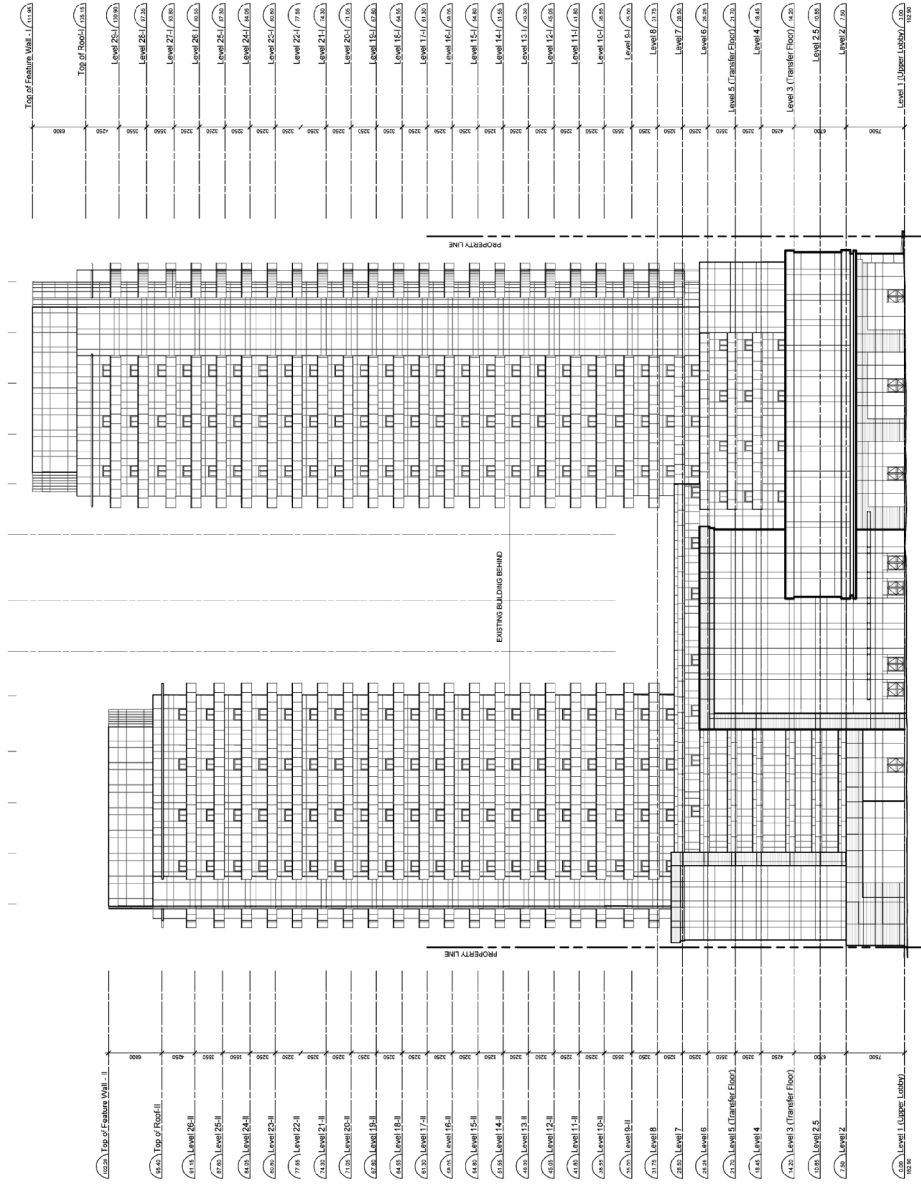
Applicant's Submitted Drawing

Not to Scale
 03/26/2010

File # 08_217828



Attachment 2: North Elevation



North Elevation

85-117 Eglinton Avenue East and 79 Dunfield Avenue

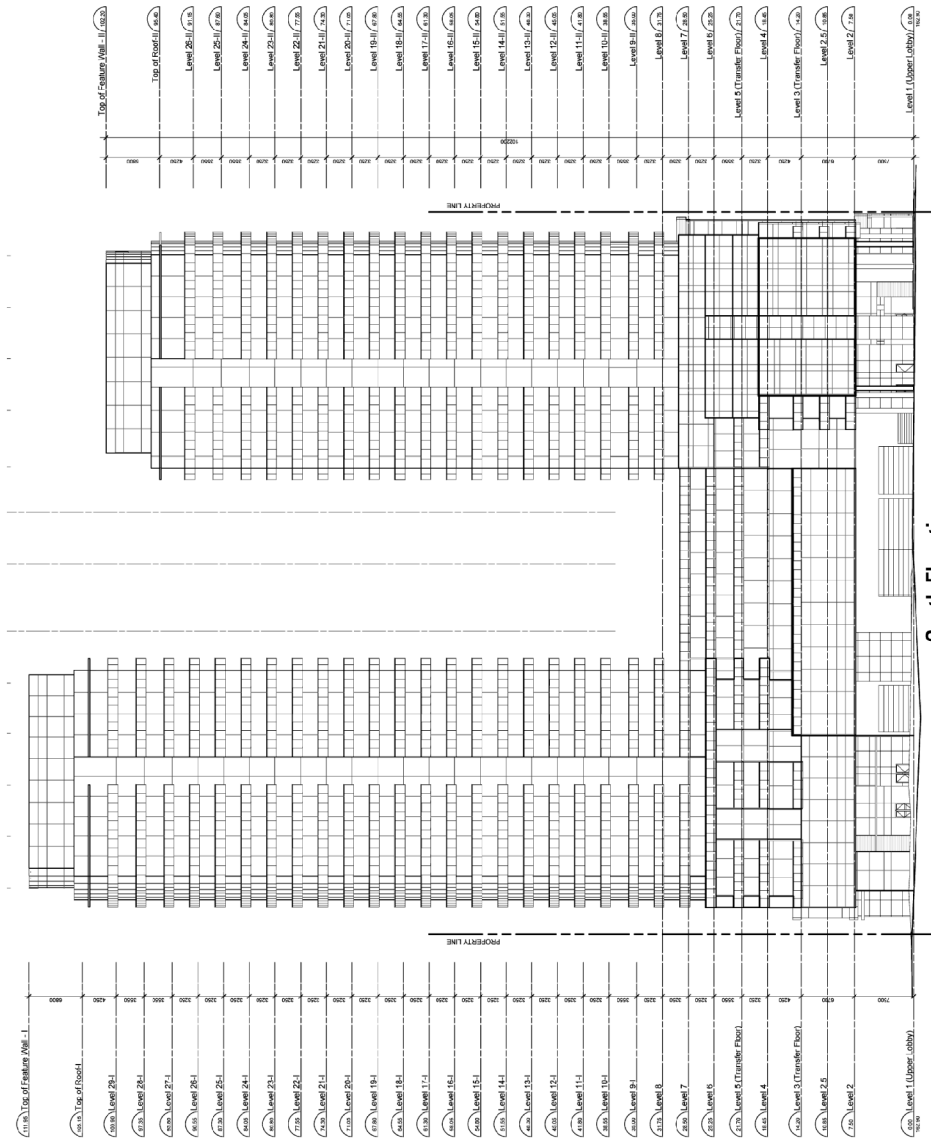
Elevations

Applicant's Submitted Drawing

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03/26/2010

File # 08_217828

Attachment 3: South Elevation



South Elevation

85-117 Eginton Avenue East and 79 Dunfield Avenue

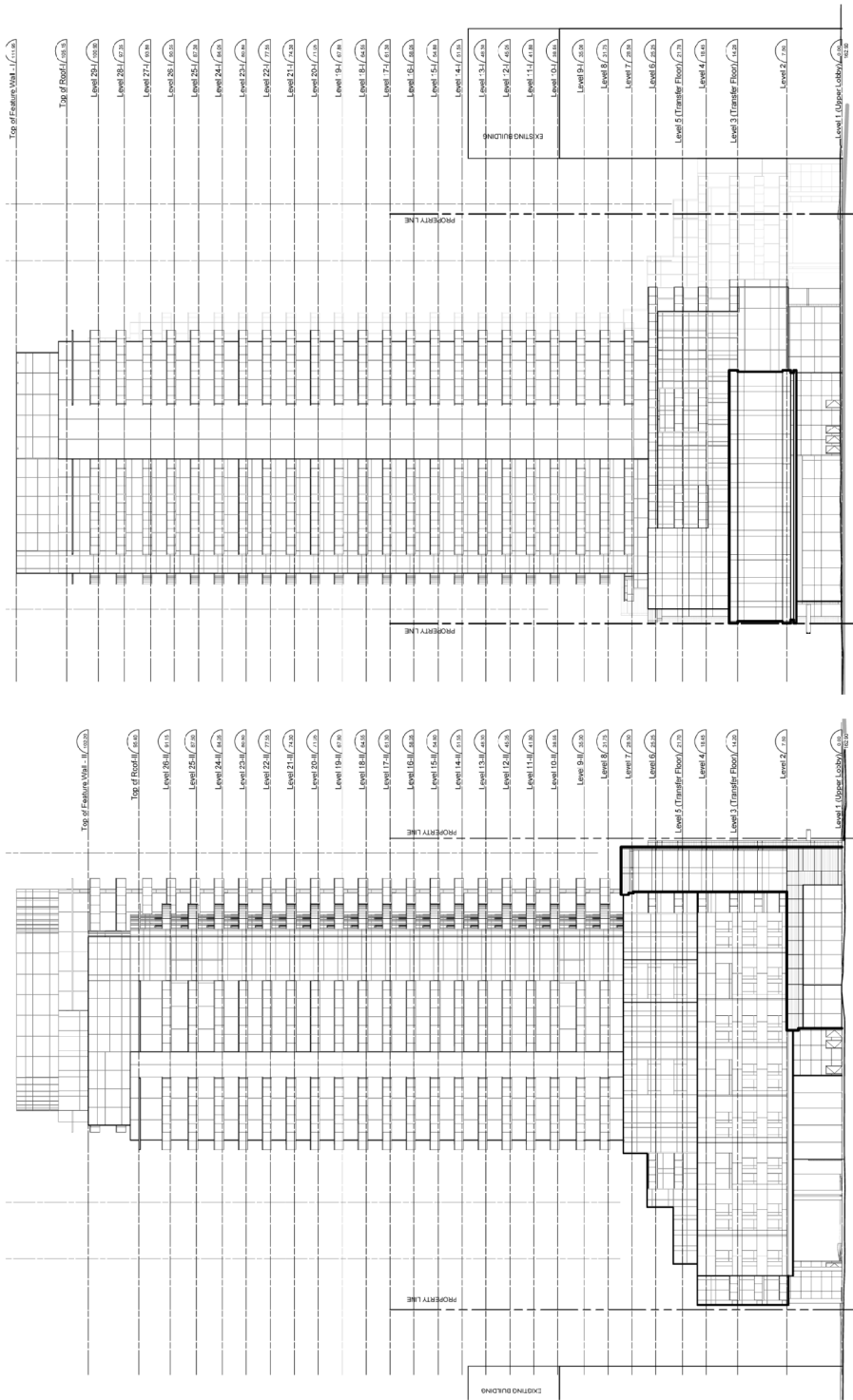
Elevations

Applicant's Submitted Drawing

Not to Scale
03/26/2010

File # 08_217828

Attachment 4: West and East Elevations



West Elevation

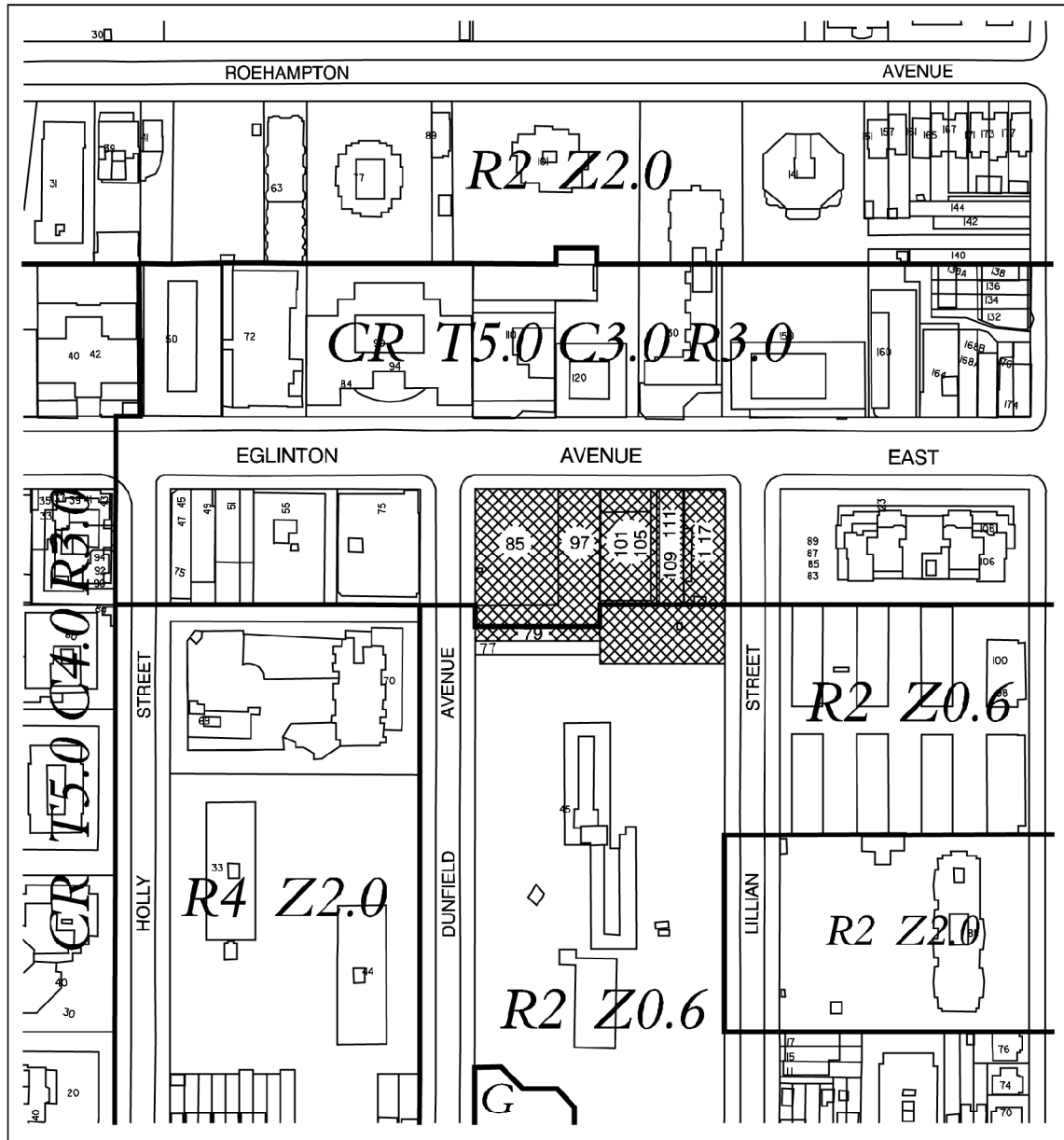
East Elevation

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 03/26/2010

85-117 Eglinton Avenue East and 79 Dunfield Avenue

File # 08_217828

Attachment 5: Zoning



TORONTO City Planning
Zoning

85 - 117 Eglinton Avenue East & 79 Dunfield Avenue

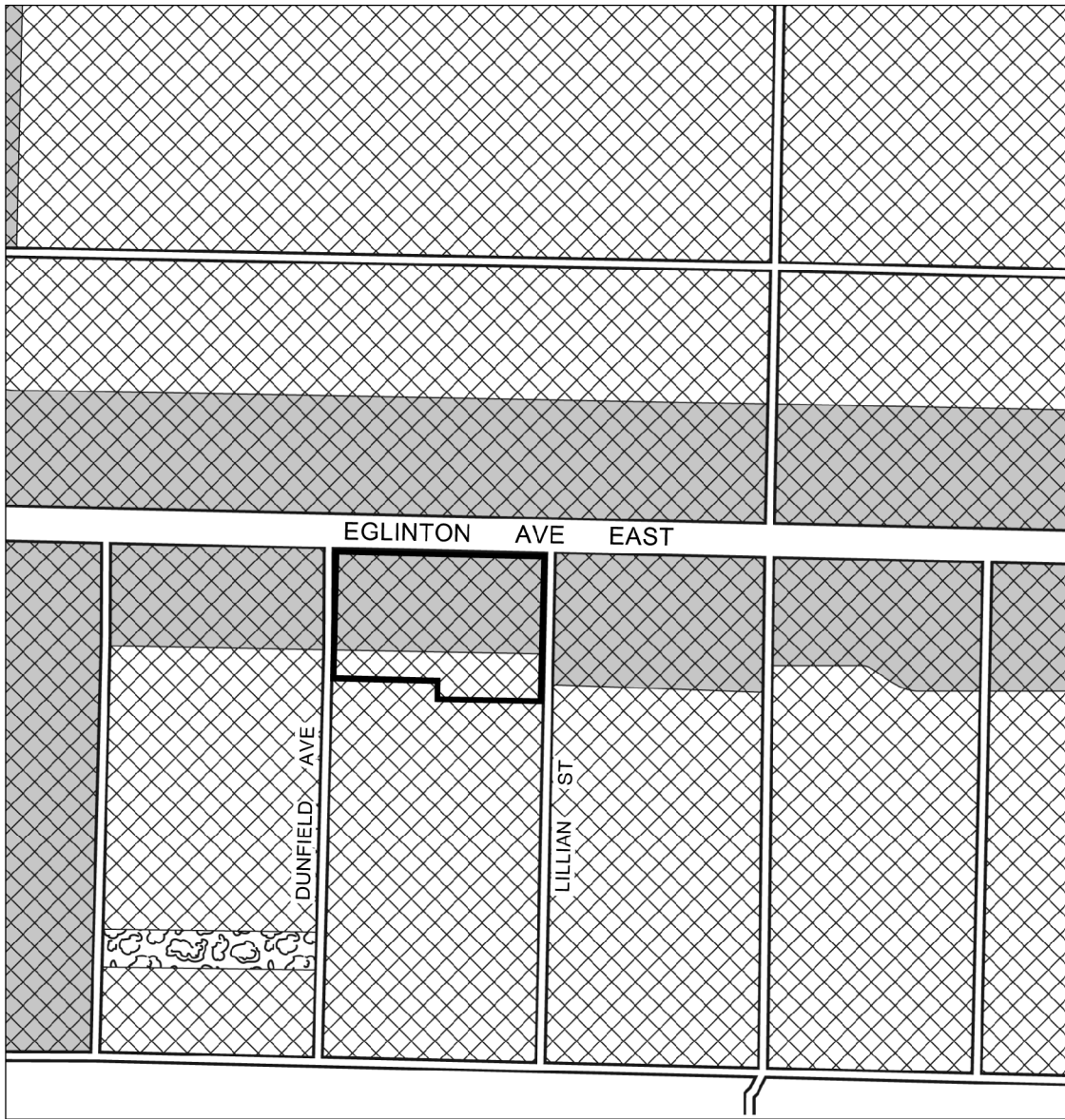
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- G Parks District
- R2 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 12/10/08 - DR

Attachment 6: Official Plan



**85 - 117 Eglinton Avenue East &
79 Dunfield Avenue**

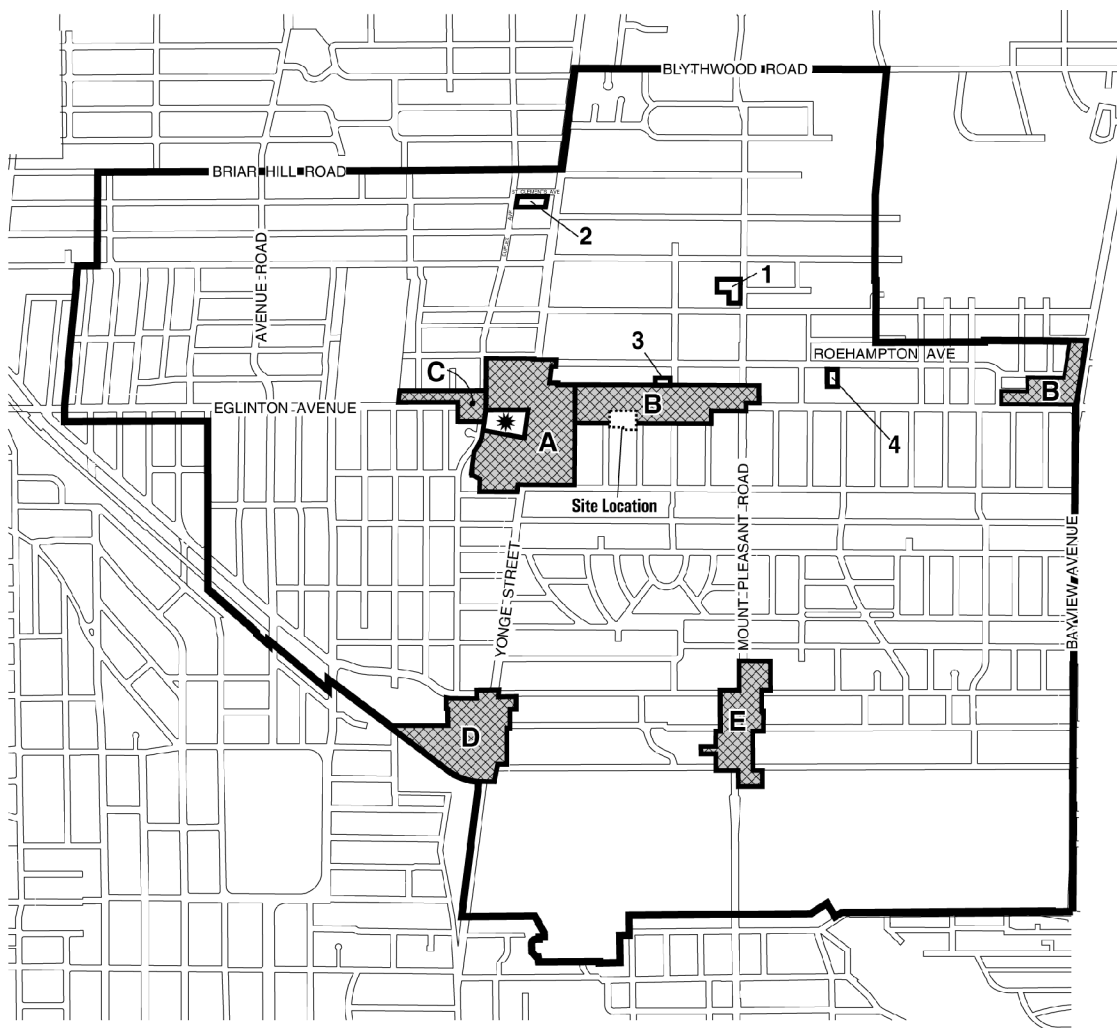
TORONTO City Planning
Official Plan

File # 08_217828




 Not to Scale
 12/10/08

Attachment 7: Secondary Plan



Yonge-Eglinton Secondary Plan: MAP 21-1 Land Use Plan

85 - 117 Eglinton Avenue East & 79 Dunfield Avenue

File # 08_217828

- Secondary Plan Boundary
- Mixed Use Areas
- Special Study Area
- Site and Area Specific Policies
- Site Location



Not to Scale
12/10/08

Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	08 217828 STE 22 OZ
Details	Rezoning, Standard	Application Date:	October 31, 2008
Municipal Address:	79 DUNFIELD AVE		
Location Description:	PL 653 BLK E PT LT8 **GRID S2204		
Project Description:	Rezoning application for new mixed use building for the lands municipally known as 79 Dunfiled Ave and 85-117 Eglinton Ave E inclusive (The Madison). Proposal is to erect a 29 & 26-storey tower above a 5 stepping to 8-storey podium. Tower heights include the podium levels below. The proposed building contains 571 residential dwelling units, 4,959.72 m2 of retail floor area, and 725 parking spaces located in a below grade parking facility		

Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN DRYER KAROL GOLD LEBOW ADAM BROWN	SHERMAN BROWN DRYER KAROL GOLD LEBOW ADAM BROWN	KIRKOR ARCHITECTS & PLANNERS	FIVE STAR MANAGEMENT COMPANY LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Apartment Neighbourhood	Site Specific Provision:	859-07
Zoning:	CR T5.0 C3.0 R3.0, R2 Z0.6	Historical Status:	N
Height Limit (m):	38 & 48 (438-86), 79.1 (859-07)	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	5562	Height:	Storeys:	29, 26
Frontage (m):	0		Metres:	111.95
Depth (m):	0			
Total Ground Floor Area (sq. m):	3554.75			Total
Total Residential GFA (sq. m):	48794.14		Parking Spaces:	725
Total Non-Residential GFA (sq. m):	4959.72		Loading Docks	2
Total GFA (sq. m):	53753.86			
Lot Coverage Ratio (%):	63.9			
Floor Space Index:	9.66			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	3
1 Bedroom:	399
2 Bedroom:	124
3 + Bedroom:	45
Total Units:	571

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	48794.14		0
Retail GFA (sq. m):	4959.72		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, Senior Planner
	TELEPHONE:	(416) 392-0412

Attachment 9: Draft By-law

City of Toronto By-Law No. _____-2010

Authority: Toronto and East York Community Council Item _____,
as adopted by City of Toronto Council on _____, 2010
Enacted by Council: _____, 2010

To amend the General Zoning By-law No. 438-86 for the former City of Toronto with respect to lands municipally known as 85 - 117 Eglinton Avenue East and 79 Dunfield Avenue.

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*; and

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

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

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

WHEREAS the increases in the height or density permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 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(12), 4(13)(c), 6, 8(3) PART I 1, 8(3) PART I 3(a),

12(2) 118(iv), 12(2) 119(ii), 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 Map 1 attached to and forming part of this By-law;
- (2) the *mixed use building* contains not more than 571 *dwelling units*;
- (3) the total combined *residential gross floor area* and *non-residential gross floor area* on the *lot* shall not exceed 55,000 square metres (including indoor amenity space) of which the *residential gross floor area* on the *lot* shall not exceed 49,000 square metres and the *non residential gross floor area* on the *lot* shall not exceed 5,000 square metres provided that the total *non-residential gross floor area* located on the second floor of the building shall not be less than 2,700 square metres;
- (4) 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 Map 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 Map 2, except for along the Eglinton Ave *lot* line, Dunfield Avenue *lot* line, Lillian Street *lot* line and south *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 Map 2 of this By-law.
- (5) 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 Map 2.
- (6) 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 Map 2; and
 - (b) the maximum height for mechanical and exhaust shafts and elevator

mechanical equipment shall be the sum of 5.0 metres and the applicable height limit shown on Map2.

- (7) *residential amenity space* shall be provided in accordance with the following:
- (i) a minimum of 1,142 square metres of indoor residential amenity space shall be provided; and
 - (ii) a minimum of 1,142 square metres of outdoor residential amenity space shall be provided;

- (8) 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

- (9) the minimum required number of *parking spaces* shall be provided and maintained on the *lot* to serve any grocery store which may be included within the development in the *below grade parking garage* in accordance with the following ratio:

grocery store 1 parking space per 28 square metres

- (10) at least 206 *bicycle parking spaces* are provided and maintained on the *lot* in accordance with the following allocation:

building occupants	167 spaces
building visitors	33 spaces
retail	6 spaces

- (11) the owner of the *lot* provide the following facilities, services or matters pursuant to Section 37 of the *Planning Act* and enter into an agreement to secure such facilities, services or matters in a manner 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 Map 1:

- (i) \$150,000 to be used for the purchase of new facilities and equipment and the renovation of parts of the existing space for the Central Eglinton Community Centre at 160 Eglinton Avenue East. Such payment is due upon the introduction of bills in Council;

- (ii) \$300,000 for the acquisition and construction of the new park on the lands south of the TTC bus barn lands at Yonge Street and Eglinton Avenue West or for the acquisition and construction of other parkland in vicinity of the site due prior to adoption of this by-law; and
- (iii) \$300,000 for the acquisition and construction of the new park on the lands south of the TTC bus barn lands at Yonge Street and Eglinton Avenue West or for the acquisition and construction of other parkland in vicinity of the site, due prior to the issuance of an above-grade building permit;
- (iv) the cash amount secured in (iii) 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;
- (v) develop and implement to the satisfaction of the Director of Community Planning, South District, an appropriate Construction Mitigation Plan and Communication Strategy prior to the issuance of the first building permit (including demolition and/ or excavation permit);
- (vi) incorporate, in the construction of the building, exterior materials shown on 1:50 scale drawings, approved by the Chief Planner and Executive Director, submitted for the development's frontages along Eglinton Avenue East, Dunfield Avenue and Lillian Street; and
- (vii) submit a wind tunnel analysis to the satisfaction of the Chief Planner and Executive Director and provision of any required mitigation measures contained therein to the satisfaction of the Chief Planner and Executive Director prior to the issuance of site plan approval.

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 No. 438-86, as amended; and
- (ii) the following definitions shall apply:

"grade" means 162.75 metres Canadian Geodetic Datum;

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

"lot" means those lands outlined in heavy lines on Map 1 attached hereto.

3. None of the provisions of By-law No. 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 No. 859-2007 being "A By-law to amend By-law No. 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 ____, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk