

STAFF REPORT ACTION REQUIRED

Request for Direction Report Zoning By-law Amendment Application David Dunlap Circle, Block A, Plan 66M-2365 (formerly part of 39 Green Belt Drive)

Date:	August 19, 2011		
To:	North York Community Council		
From:	Director, Community Planning, North York District		
Wards:	Ward 34 – Don Valley East		
Reference Number:	10 163304 NNY 34 OZ & 10 163295 NNY 34 SA		

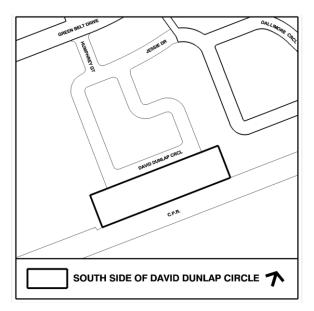
SUMMARY

The applicant is proposing to amend the site specific Zoning By-law that applies to the site to permit an increase in building height from 8 to 9-storeys and an increase in the

number of dwelling units from 192 to 350. The rooftop indoor amenity area permitted above the 8th floor would be relocated to the ground floor level. No changes are proposed to the approved zoning permission regarding density or gross floor area.

On April 27, 2011, the applicant appealed the Zoning By-law amendment application, as well as the Site Plan application to the Ontario Municipal Board (OMB) due to Council's failure to make a decision within the prescribed time frames set out in the *Planning Act*.

The hearing is scheduled to commence on November 14, 2011.



The purpose of this report is to seek City Council's direction on the appeals and authorization for the City Solicitor and necessary City staff to attend the OMB in support of the applications subject to the conditions outlined in the report.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. That City staff be authorized to attend the OMB Hearing in support of the proposed Zoning By-law Amendment attached as Attachment No. 8 and approval in principle of the draft Notice of Approval Conditions set out in Attachment 9 and authorize the City Solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.
- 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. Request the Ontario Municipal Board withhold its Order until the owner has entered into a Site Plan Agreement under Section 41(7) of the *Planning Act* and Section 114 of the *City of Toronto Act* that addresses the draft Notice of Approval Conditions set out in Attachment 9 of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The lands were the subject of an Official Plan and Zoning By-law Amendment application that was heard by the OMB in conjunction with the adjacent lands municipally known as 45 Green Belt Drive. The OMB issued its Decision/Order No. 2305 on December 23, 1999. The lands were rezoned to permit a residential subdivision comprising 183 townhouse dwelling units, an 8-storey, 192-unit apartment building and a public park.

The townhouse portion of the subdivision was the subject of a second rezoning application to permit 27 additional townhouse units thereby increasing the maximum number of units to 210. No changes were requested with respect to density and gross floor area. The application was refused by City Council however on an appeal by the applicant the OMB approved the application on June 23, 2004 by Decision/Order No. 1010.

The apartment building site was the subject of an application to remove the Holding (H) Symbol that applied to the zoning of the site. Criteria set out in the Official Plan needed to be satisfied before the Holding Symbol could be removed to allow for the development of the land for residential uses. Criteria included receiving confirmation from GO Transit that the lands were no longer necessary for the expansion of commuter rail facilities and

from the Canadian Pacific Railway that the lands were no longer necessary for safety setback reasons (provided that other safety measures were used to safeguard the development of the lands). The application to remove the (H) symbol from the zoning bylaw was approved by City Council on July 19, 2005.

The adjacent residential subdivision to the east, formerly known as 45 Green Belt Drive, has been the subject of another rezoning and two minor variance applications subsequent to the 1999 OMB approval.

On October 26, 2005, City Council approved an application to amend the zoning by-law to accommodate an increase in building height and dwelling units at 120 Dallimore Circle, the apartment site immediately east of the subject site. The implementing Zoning By-law includes provisions to increase the height of the apartment building from 8 to 9 storeys, increase the number of dwelling units from 144 units to 204 units and reduce the rear yard setback (to the railway right-of-way) from 20 metres to 18.5 metres.

On May 13, 2009 minor variances were approved by the Committee of Adjustment to increase the number of dwelling units from 204 to 207 units and reduce the tenant parking rate from 1.25 to 1.1 spaces per unit.

On June 13, 2010, the Committee of Adjustment approved an additional increase in the number of dwelling units from 207 to 225.

ISSUE BACKGROUND

Proposal

The applicant is proposing to amend the site specific Zoning By-law that applies to site to permit an increase in building height from 8 to 9-storeys and an increase in the number of dwelling units from 192 to 350. The dwelling unit mix comprises 267, 1-bedroom units ranging in size from 51m² (549 sq.ft.) to 63m² (678 sq.ft.) and 83, 2-bedroom units with sizes ranging from 69m² (743 sq.ft.) to 83m² (893 sq.ft.).

The rooftop indoor amenity area permited above the 8th floor would be relocated to the ground floor level.

The building is designed with two 9-storey wings connected by a 2-storey central element that contains the entrance lobby for the overall complex (refer to Attachment 4). Grade related units with walk out patios are provided on the north side (street side) and south side of the building. The building has a gross floor area of 22,865m² (246,117) including 620m² (6,673 sq.ft.) of common indoor amenity space resulting in a density, or Floor Space Index, of 2.68. The proposed gross floor area together with the existing gross floor areas of the 210 townhouses in the subdivision is 59,076m² (635,894 sq.ft.). The proposed gross floor area is in accordance with the maximum allowed in the site specific Zoning By-law.

Vehicular access to the parking, as well as the loading facility, is provided at the east end of the site from David Dunlap Circle. A centrally located circular drop-off facility is proposed from the street to the main entrance of the complex. A total of 498 parking spaces are provided (411 tenant spaces and 87 visitor spaces).

Site and Surrounding Area

The 0.85 ha (2.1 acre) site is located along the southern portion of a residential plan of subdivision situated on the south side of Green Belt Drive in the area north of Eglinton Avenue and east of Don Mills Road. To date, the subdivision has been developed with 210 townhouse units in 20 buildings along Green Belt Drive, Humphrey Gate, Jesse Drive and David Dunlap Circle. The subject apartment building site fronts onto the south side of David Dunlap Circle and is the only remaining vacant parcel of land within the plan of subdivision to be developed.

The following is a summary of the area context surrounding the site:

North: 210 townhomes with low rise apartment buildings beyond (on north side

of Green Belt Drive);

South: Canadian Pacific Railway right-of-way with employment lands beyond; East: a residential subdivision comprising an 8 storey and 9-storey apartment

building and townhomes developed by a different builder (Camrost); and

West: employment lands extending to Don Mills Road.

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 site is designated *Apartment Neighbourhoods* in the Official Plan. *Apartment Neighbourhoods* consist of apartment buildings, parks, local institutions, cultural and recreational facilities and small-scale retail, service and office uses that serve the area residents. *Apartment Neighbourhoods* are generally considered to be stable areas where major growth is not anticipated.

The Plan sets out development criteria for development in *Apartment Neighbourhoods* to guide review of applications to amend the zoning by-law. Section 4.2 sets out policies and development criteria which are intended to contribute to the quality of life of local residents. Development criteria includes matters pertaining to height transitions, shadow impacts, streetscape including building location and ground floor uses, off-street parking, locating and screening service areas and garbage storage, indoor and outdoor recreation space and providing units that are accessible or adaptable for persons with physical disabilities.

Central Don Mills Secondary Plan

The site is located within the southern limits of the Central Don Mills Secondary Plan. The Secondary Plan contains policies that are area-specific and more detailed than those in the general Official Plan. Secondary Plan policies governing development on sites designated *Apartments Neighbourhoods* deal with neighbourhood protection and conservation, maintaining a balanced housing mix, maintaining and improving rental housing and encouraging affordable rental units on surplus place of worship lands.

Zoning

The lands are zoned RM6(85)(Multiple Family Dwellings Sixth Density Zone) in Zoning By-law 7625 (see Attachment 7). Exception (85) sets out performance standards including maximum building height, gross floor area, minimum yard setbacks, building separation, the provision of parking at a rate of 1.25 spaces per unit for tenants and 0.25 spaces per unit for visitors and the provision of indoor recreational amenity area equal to 1.5 square metres per dwelling unit.

With respect to building height the Zoning By-law sets out a maximum height of 8-storeys not including rooftop mechanical and indoor amenity space which shall not exceed 5 metres in height and shall not exceed 30% of the floor area of the roof top.

Site Plan Control

A Site Plan Control application was submitted in October 2010. This report recommends approval in principle of the draft Notice of Approval Conditions as set out in Attachment 9 of this report.

Reasons for the Application

An amendment to the site specific Zoning By-law is required to permit:

- an increase in the number of dwelling units from 192 to 350;
- an increase in building height from 8 to 9 storeys;
- a reduction to the rear yard setback of the building adjacent to the CPR right-ofway from 20m to 17.5m; and
- a reduction in the parking rate from 1.5 spaces per dwelling unit to 1.35 spaces.

Community Consultation

A community consultation meeting was held on February 17, 2009. Approximately 160 members of the public attended along with the applicant, Ward Councillor and City Planning. The following issues and concerns were expressed:

- the proposal will increase traffic congestion in the two subdivisions and the residential neighbourhood north of Green Belt Drive;
- the proposal will create a nuisance during the construction phase (i.e., noise, dust, fumes, mud, debris, traffic and on-street parking);
- adequacy of the proposed parking supply, particularly the lack of parking provided for visitors as it could result in on-street parking;
- a concern from a townhouse resident next to the subject site that the design and location of the proposed loading area will affect the enjoyment of their property;
- concerns regarding the poor quality and workmanship in the construction of their townhouse units and poor customer service from the builder; and
- a number of comments were raised regarding design of the overall subdivision, in particular, the multiple driveways and resulting lack of space on private land and the public boulevard to accommodate snow storage. Residents noted snow piles create obstruction views, reduce opportunity for street parking, and may also make emergency vehicle access difficult as snow storage in some cases reduces the travel portion of the road to a single lane.

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 drafting conditions of Site Plan Approval.

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) promotes intensification and redevelopment opportunities through a more compact building form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities. Located in a built up area, intensification on this site is achieved by increasing the number, size and range of units within the approved gross floor area thereby promoting an efficient use of land through existing infrastructure. Staff has determined the proposal is consistent with the PPS and conforms to, or does not conflict with, the Growth Plan for the Greater Golden Horseshoe.

Density, Height and Massing

Policy 3.1.2.3 of the Official Plan states that development should be designed to fit harmoniously into its existing and/or planned context and limit impacts on neighbouring properties and streets.

The increase of 158 units from 192 to 350 would be accommodated within the approved gross floor area therefore the proposal complies with the maximum density permission. The increase is achieved by proposing a wider range of smaller units than originally contemplated and providing a full residential 9th storey. The indoor recreational amenity space currently allowed above the 8th floor (max. 30%) is now proposed on the ground floor on the south side of the building (see Attachment 3).

The building mass is comprised of two 9 storey elements connected by a 2 storey central element. The central building element includes the main entrance for the overall complex with each side having independent elevator banks. The separation is a positive improvement over the previous design as it reduces the length of the slab building and provides massing relief, additional light and skyview. In addition, the upper floors of the building are stepped back to create a more attractive profile and reduce the perceived mass of the building.

Generally, the 9 storey height and mass of the building and site layout has been designed to fit into the existing context and is compatible with the 9-storey building east of the site at 120 Dallimore Circle. Given the above considerations, the height and massing of this proposal are acceptable.

Sun and Shadow

Policy 3.1.2.3 of the Official Plan states that new development should be designed to fit harmoniously into its existing and/or planned context and limit impacts on neighbouring properties and streets.

The shadow studies submitted by the applicant have been reviewed and the incremental shadows produced by the proposed height and massing will not create significant negative impacts on David Dunlap Circle or on surrounding properties.

Traffic Impact

The applicant filed a Traffic Impact Study with the application in support of their proposal for the additional 158 dwelling units. An Addendum was also filed by the consultant to address initial comments from Transportation Services. The Study assessed the transportation impacts associated with the automobile traffic generated by future residents of the proposed buildings on the signalized intersection of Don Mills Road/Green Belt Drive/Barber Green Road and the unsignalized intersection of Green Belt Drive and Nob Lane/Humphrey Gate, the intersection which leads directly into the subdivision.

The study concludes the major intersection at Don Mills Road is expected to operate at acceptable levels of service (below capacity) and the intersection at Green Belt Drive/Nob Lane/Humphrey Gate is expected to have excellent operational characteristics and substantial reserve capacity. Queuing can be accommodated at both intersections.

Transportation Services Division staff has reviewed the study and accepts its conclusions No modifications will be necessary to accommodate the additional units proposed by this application.

Transportation Services notes funding is in place for a new westbound right-turn lane at the intersection and will be implemented when deemed necessary. The funds were provided by the applicant in connection with a previous rezoning application. It should also be noted that by-law restrictions are in place at the intersection of Green Belt Drive/Nob Lane/Humphrey Gate to prohibit northbound traffic infiltration through the residential neighbourhood to the north during peak hours of traffic.

A number of comments were raised at the community consultation meeting regarding design of the subdivision, in particular, the multiple driveways and resulting lack of space on private property and the public boulevard to accommodate snow storage. Residents noted snow piles create obstruction views, reduce opportunity for street parking, and may also make emergency vehicle access difficult as snow storage in some cases reduces the travel portion of the road to a single lane.

Following the meeting, Planning staff conveyed these concerns to staff in Fire Services, Transportation Services and Technical Services. Transportation Services will be investigating the situation and has advised the on-street parking prohibitions on David Dunlap Circle may need to be extended during the winter months to address this concern. A report to Community Council would be necessary.

Parking

The Official Plan states development in *Apartment Neighbourhoods* must contribute to the quality of life by including sufficient off-street motor vehicle and bicycle parking for residents and visitors on site either below grade or appropriately screened if provided at grade.

Transportation Services will support a reduced tenant parking rate from 1.25 spaces per dwelling unit to 1.1 spaces per unit but will not support a reduction in the 0.25 spaces per unit rate applied to visitor parking. (The applicant was requesting a rate of 0.15 spaces per unit for visitors). Based on the rates supported by Transportation Services staff, the development would require a minimum of 472 parking spaces: 385 spaces for tenants and 87 spaces for visitors.

The applicant's current submission addresses staff's comment regarding the proposed visitor parking rate and concerns expressed by area residents at the community consultation meeting. The proposal accommodates 411 tenant parking spaces and 87 visitor parking spaces. Transportation Services staff accept the current proposal. With the exception of 6 visitor spaces all resident and visitor parking is provided on $2\frac{1}{2}$ -levels of underground parking.

The draft Zoning By-law includes minimum and maximum parking rates to ensure the site is developed with an appropriate parking supply.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies contained within the Plan attempt to increase the opportunities for better walking and cycling conditions for residents of the City. Policy 2.4.7 states, "Policies, programs and infrastructure will be introduced to create a safe, comfortable, and bicycle friendly environment that encourages people of all ages to cycle for everyday transportation and enjoyment including the provision of bicycle parking facilities in new developments".

The development proposes to provide 210 long-term parking spaces for the exclusive use of residents and 52 short-term spaces on the ground floor level.

Loading Facilities

Official Plan policy requires service areas, ramps and garbage storage to be located and screened to minimize the impact on adjacent streets and residences. In accordance with Plan policy, and in response to concerns raised at the community consultation meeting, the proposal has been revised. The loading area will be located within a fully enclosed area of the building. The service area, ramp to underground parking and garbage storage are now contained within the building and are not visible from adjacent streets and properties. Generally, the design and layout of the loading arrangements have been accepted by Transportation Services and Technical Services. The detailed design and operation of the proposed loading facility would be securred in the Site Plan agreement.

Streetscape

Official Plan policies require that new development frame street edges and provide an attractive, comfortable and safe pedestrian environment. The proposal appropriately addresses this policy. The current zoning by-law does not require a front yard building setback from David Dunlap Circle however the applicant has agreed to set the building back 3 to 5 metres from the front property line. The front of the building is aligned along the street to provide an appropriate street presence and street enclosure with setbacks consistent with other developments in the neighbourhood. This relationship also complements the apartment building site to the east at 120 Dallimore Circle.

The applicant has redesigned the project to incorporate grade-related units with street related access and private landscaping within their front yards. A public sidewalk will be constructed across the entire frontage of the site. The public boulevard will be planted with a row of trees. The applicant will be required to file a Tree Planting Deposit with Urban Forestry Services to ensure the plantings. This requirement is included in the recommended draft Notice of Approval Conditions (see Attachment 9).

Amenity Space

Section 4.2.2(f) of the Official Plan requires that new development provide adequate indoor and outdoor recreation space for building residents. The Plan is not prescriptive as to the location or amount of open space rather each application is assessed based on its own merits and context. The Zoning By-law requires indoor amenity space be provided at a rate of 1.5m² per dwelling unit to serve the proposed development. This rate equates to $525\text{m}^2\text{of}$ space. The applicant is providing 620m^2 , a rate of 1.8m^2 per unit. The indoor space is located on the south side of the ground floor (see Attachment 3) overlooking an adjacent outdoor amenity space. Programming includes a swimming pool and spa, exercise room, billiard room, theatre, party room and board room.

Significant improvements have been made with respect to the provision of outdoor amenity area. All surface parking previously proposed in the rear yard is now located below grade to accommodate common landscaped outdoor amenity (see to Attachment 2). The development provides 1,745m² of outdoor amenity area.

Noise Attenuation

The application was circulated to Go Transit and Canadian Pacific Rail because the site abuts an existing rail corridor to the south. No concerns were reported with respect to the applicant's request to reduce the rear yard setback from 20 metres to 17.5 metres.

A noise attenuation barrier and berming will be constructed along the south edge of the site adjacent to the railway lands. Details of barrier and berming will be addressed and secured under the site plan control application submitted for this application. The registered subdivision agreement under Section H.7.3 also requires noise attenuation measures to be implemented on the site.

Open Space/Parkland

Parks, Forestry and Recreation staff advise there is no parkland dedication requirement associated with the proposed development as it was satisfied through an on-site parkland dedication that was required under the original plan of subdivision.

Servicing

The applicant has submitted a site servicing assessment which determines stormwater runoff, sanitary flow and water supply demand resulting from the development. The assessment demonstrates how this site can be serviced and confirms the existing municipal infrastructure is adequate to service the proposed development. Technical Services staff have reviewed the servicing assessment and have recommended revisions which can be dealt with through conditions of the Site Plan approval.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with

financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. The Zoning by-law will secure performance measures for the following Tier 1 development features: providing minimum number of parking spaces and securing weather protected bicycle parking spaces below grade.

Other applicable TGS performance measures will be secured through the Site Plan Approval process, including: landscape treatments and green roofing techniques to reduce the urban heat island effect; incorporating landscaped areas with water efficient plants and native species, the provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste, stormwater management/retention.

Tree Preservation

There are no existing trees on the site or adjacent public boulevard. The applicant has filed the necessary Declaration to Urban Forestry Services.

As noted previously, the applicant is proposing to plant a row of trees on the public boulevard adjacent to the site. Urban Forestry advises a tree planting security deposit will be required for the tree planting within the road allowance. The requirements of Urban Forestry Services have been included in the draft conditions of Site Plan Approval.

School Boards

The Toronto District School Board advises that there is insufficient space at local schools to accommodate students from this proposed development and others in the area. The Board is recommending that through offers of purchase and sale, the owner advise potential purchasers on the status of local school accommodation. The Board further notes that alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board but at this time, the school anticipated to serve the development is unknown.

The Toronto District Catholic School Board did not provide any comments on the application. It should be noted however, that the Catholic School Board has an Education Development Charge by-law in place. Payments are required at the time of issuance of the first building permit.

Site Plan Control

The applicant has submitted a concurrent application for Site Plan Approval. The application has also been appealed to the OMB.

Staff have reviewed the site plan control drawings and require some modifications to the plans prior to final site plan approval. This report recommends the OMB be requested to

withhold its Order until the owner enters into a Site Plan Control Agreement that addresses the draft Notice of Approval Conditions set out in Attachment 9 of this report.

Construction Management

One of the concerns expressed by the local community related to construction activity and the related off-site impacts. As a condition of Site Plan Control approval, the applicant will be required to submit a Construction Management Plan for approval. The plan will include information regarding the construction timetable and protocols to address construction activities such as noise, dust, temporary loss of facilities and services, parking of vehicles, standards for cleanliness of public spaces and contact numbers for complaints.

Development Charges

It is estimated that the development charges for this project will be \$2,300,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Steve Forrester, Senior Planner

Tel. No. (416) 395-7126 Fax No. (416) 395-7155 E-mail: sforrest@toronto.ca

SIGNATURE

Allen Appleby, Director

Community Planning, North York District

Attachment 1: Site Plan

ATTACHMENTS

Attachment 2: Concept Landscape Plan

Attachment 3: Ground Floor Plan

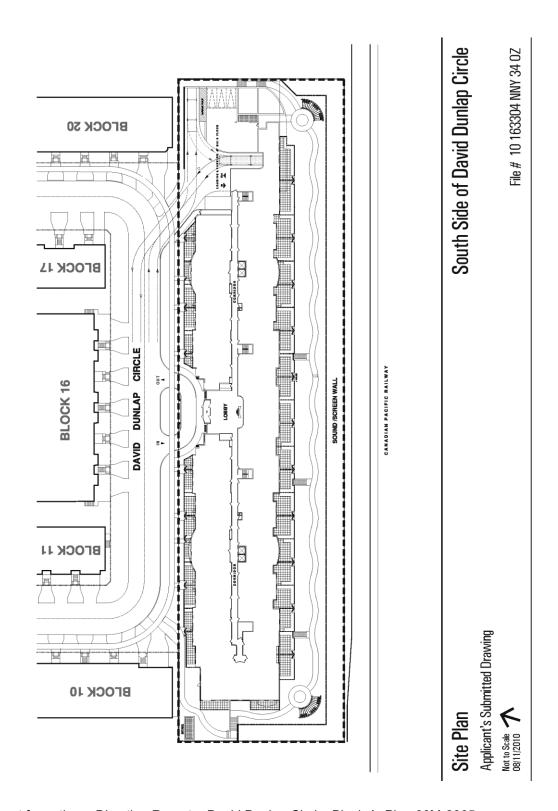
Attachment 4: Elevations Attachment 5: Elevations

Attachment 6 Zoning

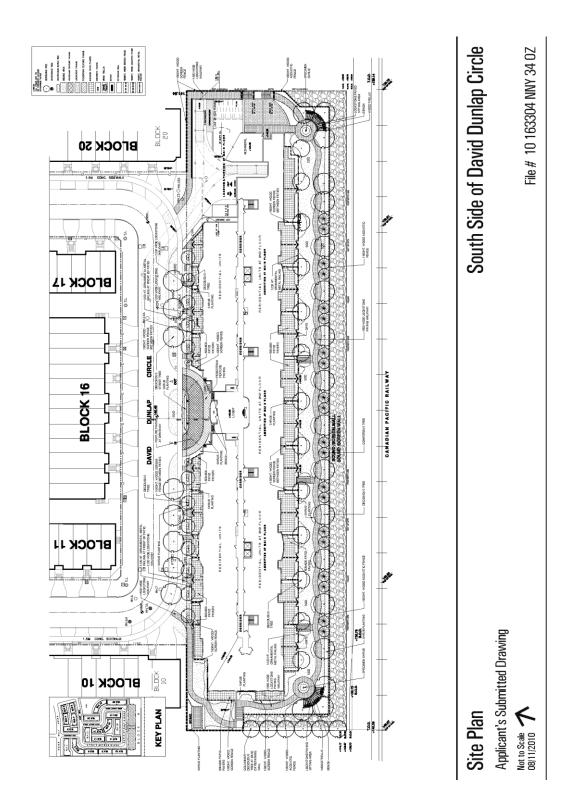
Attachment 7: Application Data Sheet

Attachment 8: Draft Zoning By-law Amendment Attachment 9: Draft Notice of Approval Conditions

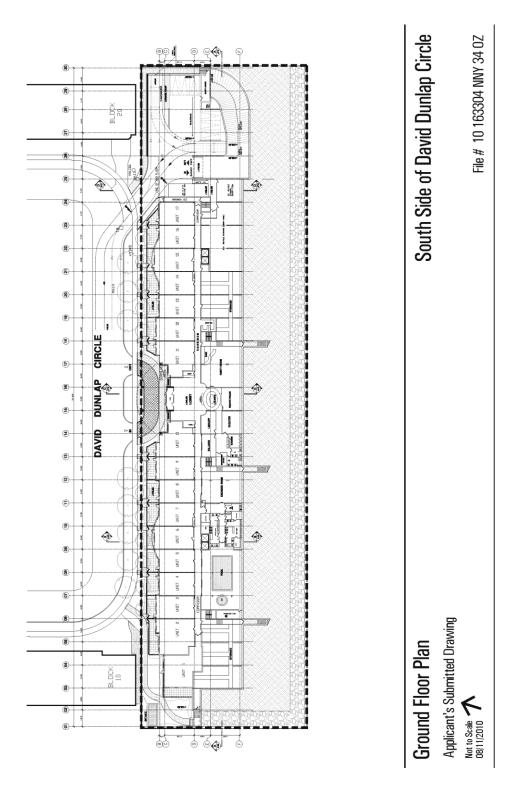
Attachment 1: Site Plan



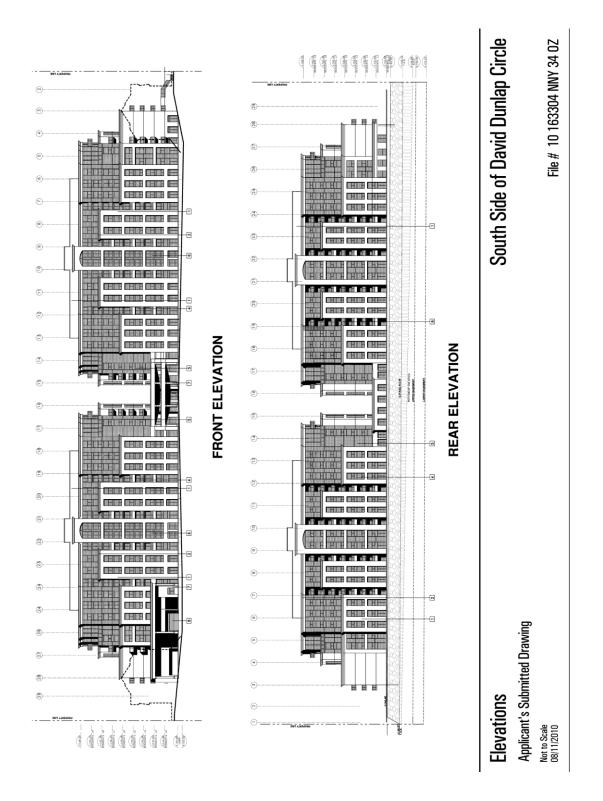
Attachment 2: Concept Landscape Plan



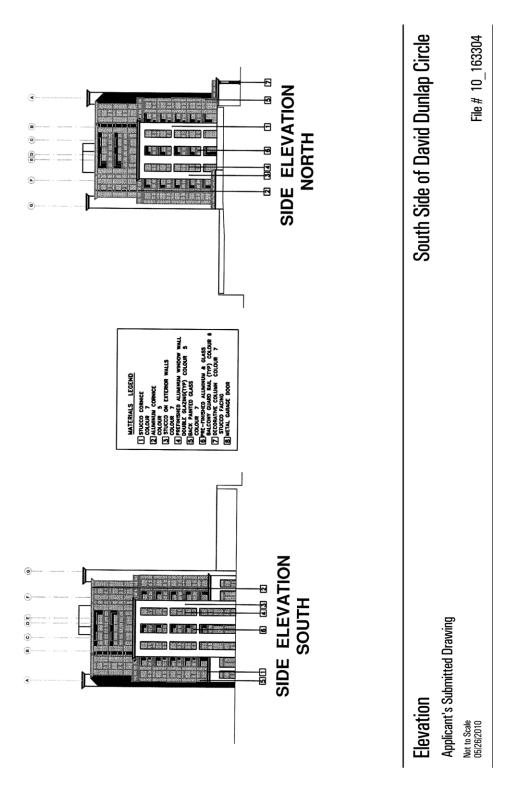
Attachment 3: Ground Floor Plan



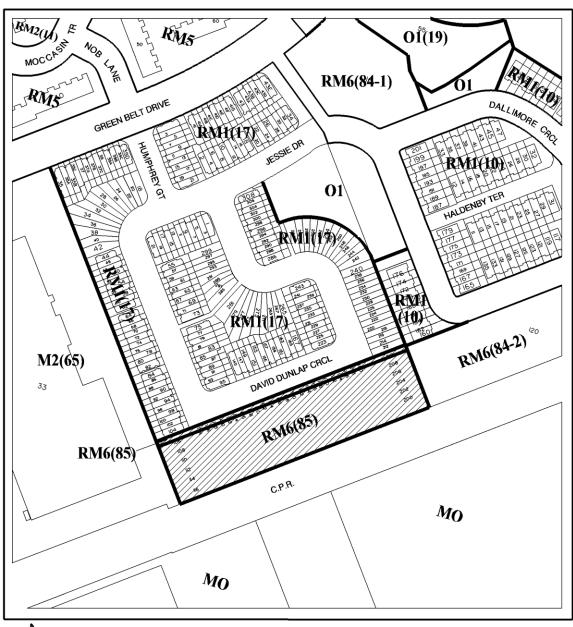
Attachment 4: Elevations



Attachment 5: Elevations



Attachment 6: Zoning



TORONTO City Planning Zoning

South Side of David Dunlap Circle

File # 10 163304

- RM1 Multiple-Family Dwellings First Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- M2 Industrial Zone Two

MO Industrial-Office Business Park Zone O1 Open Space Zone



Not to Scale Zoning By-law 7625 Extracted 05/26/2010

Attachment 7: Application Data Sheet

Application Type Rezoning Application Number: 10 163304 NNY 34 OZ

Details Rezoning, Standard Application Date: April 26, 2010

Municipal Address: 39 GREEN BELT DR

Location Description: PLAN 66M2365 PT BLK 2 RP 66R19382 PART 5 **GRID N3405

Project Description: The application proposes to permit an increase in the number of dwelling units from 192 to

350 units, relocate the indoor amenity space from the 9th floor to the lower level and utilize

the 9th floor as residential units.

Applicant: Agent: Architect: Owner:

GHASEM GHODS M. SHAMI ARCHITECT ENGLISH LANE HOMES

INC.

PLANNING CONTROLS

Official Plan Designation: Apartment Neighbourhoods Site Specific Provision:

Zoning: RM6 (85) Historical Status:

Height Limit (m): Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m): 8537 Height: Storeys: 9

Frontage (m): 134.8 Metres: 28

Depth (m): 45.7

Total Ground Floor Area (sq. m): 2733.8 **Total**

Total Residential GFA (sq. m): 22856 Parking Spaces: 472

Total Non-Residential GFA (sq. m): 0 Loading Docks 1

Total GFA (sq. m): 22865 Lot Coverage Ratio (%): 32.7

Floor Space Index: 2.68

DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	22865	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	267	Office GFA (sq. m):	0	0
2 Bedroom:	83	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	350			

CONTACT: PLANNER NAME: Steve Forrester, Senior Planner

TELEPHONE: (416) 395-7126

Attachment 8: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~ as adopted by City of Toronto

Council on ~, 2011

Enacted by Council: ~, 2011

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-2011

To amend former City of North York Zoning By-law No. 7625, as amended, in respect of lands known as 39 Green Belt Drive

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

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

- 1. Section 64.20-A (85) of By-law 6725 of the former City of North York is amended by the following:
 - (a) Replacing Subsection 64.20-A (85)(g) Building Height with the following:
 - "(g) The maximum building height shall be nine storeys and 28 metres not including rooftop mechanical space which shall not exceed 5 metres in height and not exceed 30% of the area of the rooftop."
 - (b) Replacing Subsection 64.20-A (85)(h) Dwelling Units with the following:
 - "(h) The maximum number of dwelling units shall be 350."
 - (c) Replacing Subsection 64.20-A (85)(j) Yard Setbacks with the following:
 - "(j) (i) Front Yard Setback 3 metres.
 - (ii) Rear Yard Setback 17.5 metres."

- (d) Subsection 64.20-A (85)(l) Parking is amended by adding the following:
 - "(iv) Notwithstanding Section 6A(2)(a) of By-law 7625 parking for an apartment house dwelling shall be provided at a minimum rate of 1.35 parking spaces and a maximum of 1.5 parking spaces per dwelling unit shall be provided of which 0.25 parking spaces per dwelling unit shall be for the use of visitors.
 - (v) Bicycle parking for an apartment house dwelling shall be provided as follows:
 - (i) Long-term: 0.6 spaces per dwelling unit.
 - (ii) Short-term (at-grade spaces): 0.15 spaces per dwelling unit.
- 3. No person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational."

ENACTED AND PASSED this \sim day of \sim , A.D. 2011

ROB FORD, Mayor ULLI S. WATKISS, City Clerk

(Corporate Seal)

Attachment 9 Draft Notice of Approval Conditions

Drawing/	Title	Prepared By	Date
Plan No.			
A-01	Site Plan	M. Shami Architect	May 2011
A-02	P3 Level Parking Plan	M. Shami Architect	May 2011
A-03	P2 Level Parking Plan	M. Shami Architect	May 2011
A-04	P1 Level Parking Plan	M. Shami Architect	May 2011
A-05	Ground Floor Plan	M. Shami Architect	May 2011
A-10	Front Elevation	M. Shami Architect	May 2011
A-11	Rear Elevation	M. Shami Architect	May 2011
A-12	Side Elevations	M. Shami Architect	May 2011
SKL-1	Landscape Concept Plan	Terraplan Landscape	February 2011
		Architects	

A. DRAFT PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. Enter into the City's standard site plan agreement to and including registration of the site plan agreement on title to the subject lands by the City at the Owner's expense.

CITY PLANNING

- 2. Submit a cost estimate and financial security to guarantee the provision of landscape development works as detailed on the approved landscape plans in an amount satisfactory to the Director, and in a form satisfactory to the City's Corporate Finance division. The letter of credit shall be in accordance with its standard format for letters of credit as of the date of submission of the letter of credit to the City, and which shall provide for automatic renewal rights at the end of the term, to complete all outstanding work required by these conditions.
- 3. Submit revised landscape plans which includes but is not limited to details of the following; the location, size, number and species of all plantings on site and on adjacent road allowance, soil depths; paving materials of all sidewalks, walkways, vehicular areas and other hard surface areas; the location, height and material of all fences, screen walls, retaining walls, recreational facilities, benches; the location, height and type of lighting; proposed utilities, transformers, gas regulators, air intakes/exhausts, garage access stairs, etc., existing and proposed elevations at property lines, driveways and building entrances.

- 4. The owner shall submit confirmation that arrangements have been made to satisfy the requirements of Technical Services, North York District, as noted in their memorandum dated July 4, 2011.
- 5. The owner shall submit confirmation that arrangements have been made to satisfy the requirements of Urban Forestry Services, North York District, as noted in their memorandum dated February 11, 2011.
- 6. The owner shall submit confirmation that arrangements have been made to satisfy the requirements of the Energy Efficiency Office as noted in their memorandum dated January 19, 2011.
- 7. The owner shall submit revised plans and drawings as follows:
 - a) 1:50 Scale detailed colour Building Elevations showing:
 - A minimum building width of three typical bays, including the main building entrance, for the first three-storeys;
 - Exterior design features, exterior materials and window type (e.g. vision glass, spandrel) must be labelled and the fenestration patterns and treatment on the first 10 to 12 metres to reduce bird collisions must be shown.
 - b) Elevations shall be submitted in two forms, one that shows the full extent of the front elevation, as well as another that includes the adjacent townhouse building information.
 - c) The use of a different façade treatment is preferred over the use of stucco as it is not sustainable, nor is it a durable material; material details and façade colours of the proposed building should be used to complement the existing townhouses in the neighbourhood; further details of glass and other design features to minimize the risk for migratory birds need to be provided;
 - d) A Perspective Drawing which illustrates the proposed development from an adjacent street location at the height of a pedestrian showing the building, major building entrances and adjacent built form;
 - e) A Roof Plan which addresses the Green Roof By-law and appropriately incorporates the design of the rooftop mechanical enclosure into the design of the building:
 - f) The pedestrian walkway leading from the public sidewalk on David Dunlap Circle to the main entrance to be a minimum of 1.5 m at the sidewalk and increasing to 3m at the main entrance door to allow for space for seating and pedestrian movement;
 - g) Seating areas shall be provided directly beside the main entrance doors, under the protection of the canopy;
 - h) Additional space and planting material shall be provided at the main entrance;
 - i) The canopy's mass should be reduced with a finer design treatment.

- j) The orientation of ground floor unit 1 must be reconfigured so that it faces in a westerly direction rather than its current relationship with the end of the townhouse unit in Block 10;
- k) Retaining walls are not permitted adjacent to public space and shall be avoided at all other property edges;
- Individual grade-related entrances should be connected to the public sidewalk, with individual, direct and well defined pedestrian walkways.
 To provide appropriate privacy and transition from private to public space, the front yards could be designed similar to the units fronting onto the rear landscape amenity space, with a fence, walkway, appropriate landscaping and entrance gate;
- m) The grade-related residential units fronting onto David Dunlap Circle should have a slightly elevated entrance compared to street grade. The front stoop should be elevated a minimum of 0.6 m and a maximum of 0.9m above the grade of the adjacent municipal sidewalk;
- n) Details of the façade treatment of the walls that enclose the loading operations including details of adjacent planting materials;
- o) balconies and terraces (as part of a step back) is encouraged so as to provide more individual amenity space and further articulate the building façade; and,
- p) To improve accessibility, additional access points should be provided to access the common outdoor amenity area from the proposed residential building.

TECHNICAL SERVICES

8. Site Plan Drawings

8.1 <u>Transportation Services</u>

- a) The driveway access must be aligned at 90 degrees to the road;
- b) A minimum 3.0 m between the proposed driveway access and the existing driveway for 212 David Dunlap Circle must be shown on revised plans;
- c) There are five barrier free visitor parking spaces on the P2 level which were not included in the statistics. This must be clarified;
- d) A continuous dropped curb must be illustrated at the driveway accesses; and
- e) For the applicant's information, the underground ramp designs must satisfy all of the following criteria:
 - The maximum slope of a covered or heated ramp shall be 15 percent;
 - The maximum slope of an outdoor unheated ramp shall be 10 percent;

- The minimum width of a clear straight driveway shall be 3.0 metres per lane;
- The maximum sloped floor for direct access to parking areas shall be 5 percent;
- The minimum centreline radius for two way driveways, including curved parking ramps, shall be 7.5 metres;
- For curved ramp sections, a width of 4.0 metres shall be provided for a lane on the inside of the curve and a width of 3.5 metres shall be provided for a lane on the outside of the curve;
- For ramp slope changes of 7.5 percent or greater, a transition area with a minimum length of 3.65 metres (measured parallel to the direction of travel on the ramp) must be provided. The slope of the transition area shall be half the difference of the first slope of the ramp or driveway and the second slope of the ramp or driveway; and
- Safe sightlines and "daylight triangles" related to the intersections of internal ramps must be designed to the satisfaction of the General Manager of Transportation Services.
- A transitions area for the P2 to P3 ramp must be provided on revised plans and satisfy the above requirements. All curved ramp sections must be a minimum of 7.5 m wide and satisfy the above;
- f) The proposed location of the loading space (moving/delivery) does not have direct access to loading corridors. The applicant must clarify how on-site loading operations will occur;
- g) The applicant must revise the parking level plans as there are numerous parking spaces (regular, tandem and barrier free spaces) that do not meet minimum dimensions of 2.6 x 5.6 m or 3.65 x 5.6 m (for barrier free spaces). A regular or tandem parking space that is obstructed must be increased by 0.3 m for each side of the parking space which is obstructed;
- h) The applicant has distributed visitor parking spaces at different locations of all underground parking levels. The applicant must provide rationale for this approach; and
- i) A minimum of 210 long-term and 52 short-term bicycle parking spaces are required. The applicant is proposing 40 short-term and did not indicate the amount of long-term spaces.

8.2 Fire Services

(a) Please indicate locations of Fire Hydrant and Fire Department Siamese Connection(s).

(b) Hydrant: To be located no more than 45 metres from a fire department Siamese connection.

8.3 Solid Waste Services

- a) Solid waste and recycling will be collected in accordance with By-Law No. 235-2001, Waste Collection, Residential Properties, of the City of Toronto Municipal Code, as amended. The owner shall be required to meet the guidelines of the "City of Toronto Requirements for Garbage and Recycling Collection from the Developments and Redevelopments". The revised requirements can be found at www.toronto.ca/garbage/.
- b) The bin holding area shall be level and constructed of 8" reinforced concrete. Please show on drawing.
- c) The loading area shall be level (+2%). Please show grades on plan.
- d) The loading area has structures overhead. Please clearly show the 6.1 m vertical clearance.

8.4. Technical Services

- a) Submit easement documents NY185203 & NY298830 for review.
- b) Show the David Dunlap Circle roadway curb extending through the driveways.
- c) Show the property lines for the adjacent blocks 10 & 20.
- 9. The owner shall deposit, prior to site plan approval, a letter of credit or certified cheque with the Technical Services for the estimated cost of construction and a certified cheque for the 5% engineering review fee of the following works:
 - a) \$18,000.00 for the construction of a 1.5 m concrete sidewalk along the frontage of the site.
 - b) \$900.00 representing the 5% Engineering review fee of the above construction works.

The above works shall be constructed by the owner anytime after the Site Plan Approval provided all necessary arrangements with Technical Services for work on City's Right of Way have been satisfied.

10. Site Servicing Plan

- a) The water service connection to be revised as per drawing No. T-1105.02-1. (show meter room).
- b) Inspection maintenance access holes (or approved equivalent) are required for the service connections at the east side of the development.

- c) The proposed storm connection must be required in size in order to reduce stormwater flow to City sewers as per the Stormwater Management Report.
- 11. Municipal Infrastructure Discharge Criteria
 - a) For development sites < 2 ha, the proponent may use a simplified approach such as the Rational Method / IDF curves to compute peak flows. Please review pg 32, Wet Weather Flow Management Guidelines, Nov 2006, and revised the Report Accordingly.
 - b) Include in the Stormwater Management Report, the storm detention pipe shown in the Site Servicing Plan and describe the purpose.

URBAN FORESTRY SERVICES

- 12. A revised landscape plan shall be submitted which shows a row of within the David Dunlap Circle road allowance planted at a minimum spacing of 8 to 10 metres. A combination of Japanese katsura trees, Chinkapin oak trees or Firehall maple trees (*Acer X Freemanii* "Firehall" is recommended.
- 13. A tree planting security deposit in the amount of \$583.00 per tree is required for the tree planting within the road allowance. These costs are subject to change.

ENERGY EFFICIENCY OFFICE

14. The applicant shall submit the Final Design-Stage Energy Modeling Report, using EE4, DOE2, EQuest or other software approved by the Energy Efficiency Office. Financial (technical assistance is available from the Energy Efficiency Office's Better Buildings Partnership-New Construction Program) to the satisfaction of the Executive Director, Facilities Management Division.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement:

TECHNICAL SERVICES

- 1. Facilities to Provide Access to and from the Land
 - 1.1 Remove all existing accesses, curb cuts, traffic control sign, etc. along the development site frontage that are no longer required and reinstate the boulevard within the right-of-way, in accordance with City standards and to the satisfaction of the Executive Director of Technical Services.

- 1.2 The proposed driveway on City property must be graded downward towards the roadway and have a 2% to 6% slope.
- 2. Off-street Vehicular Loading and Parking Facilities and Access/Driveways
 - 2.1 Provide and maintain off-street vehicular loading and parking facilities and access driveways in accordance with the approved plans and drawings, to the satisfaction of the Executive Director, Technical Services;
 - 2.2 All on-site driveways and parking areas must be surfaced and maintained with asphalt, concrete, or interlocking stone; and
 - 2.3 The owner must install and maintain appropriate signage and pavement markings on-site directing such as but not limited to: vehicle stopping and circulation, designated disabled parking, loading, and pedestrian walkways, to the satisfaction of the Executive Director, Technical Services.

3. Boulevard Maintenance

- 3.1 The owner shall maintain the sod covered portion including any walkways within the City's Right-of-Way fronting and/or flanking the site in accordance with the approved plans and drawings to the satisfaction of the City.
- 4. Facilities for Landscaping the Lands or Protecting Adjoining Lands
 - 4.1 The owner acknowledges that anything other than concrete sidewalks, trees and sod that they locate within the untraveled portion of the adjoining pubic highway(s) are encroachments that must be installed, planted and maintained at the owner's expense, specifically:
 - 4.1.1 All landscape/streetscape features illustrated on the applicant's approved landscaping plan; and,
 - 4.1.2 Plant irrigation systems.
 - 4.2 These encroachments shall be permitted by the City of Toronto pursuant to the following terms:
 - 4.2.1 The property owner accepts this boulevard area in its current condition as of the date of the agreement, and shall not call upon the City to do or pay for any work or supply any equipment to make the boulevard more suitable for the uses specified herein;

- 4.2.2 All encroachments within the boulevard areas of the adjoining public highways shall be constructed and maintained according to the approved site and landscaping/streetscaping plan(s) approved by this Division, and the Executive Directors of Technical Services and City Planning;
- 4.2.3 To provide unobstructed driver sight lines, the owner shall ensure that all vegetation, street furniture, retaining walls and fences located within 4.5 m of the travelled portion of the adjoining public highway do not exceed a maximum height of 0.85 m measured from the travelled surface of the adjoining highway. The owner shall maintain all trees located within 4.5 m of the travelled portion of the adjoining highway with a minimum clearance of 2.5 m measured between the bottom of the tree canopy and the travelled portion of the street;
- 4.2.4 The owner agrees that they will, at their expense, maintain the encroachments in a state of good repair, free of graffiti, posters, litter, snow and ice, and that vegetation will be maintained in a healthy and vigorous state of growth. The owner shall not make any additions or modifications to the encroachments beyond what is allowed pursuant to the terms of this site plan agreement. The owner further acknowledges that should they neglect to maintain the encroachment(s), then the City, after providing 24 hours notice, shall, at the owner's expense, perform the required maintenance and remove graffiti, posters, litter, snow and ice, and the City may recover its costs in a like manner as municipal taxes;
- 4.2.5 The owner agrees that if the City should at any time undertake any widening or other alteration to the adjoining public highway(s) necessitating the removal of any encroachment(s), the City shall not be liable to pay any compensation whatsoever for such removal, nor shall it restore any encroachment that it removes. The encroachments permitted by this agreement shall be removed by the owner, at their expense, within 14 days of receiving written notice from the General Manager of Transportation Services Division or his/her designate. In default of the removal not occurring as requested, the City may carry out the removal, at the owner's expense, and may recover its costs in a like manner as municipal taxes;
- 4.2.6 The owners acknowledges that there may exist municipal and/or utility services within, upon or under the boulevard, and acknowledges that the City or the utility responsible for such service(s) may need to undertake repairs or carry out maintenance

on such service(s) or to replace such service(s) or to install new service(s). The owner agrees that the City or utility shall have the right to remove the encroachments for the purpose of carrying out such installation, replacement, repair or maintenance. Prior to removing the encroachment, the City shall give 48 hours notice of its intention to remove the encroachment for maintenance purposes, except in the case of emergency, in which case no notice shall be required. On completing the installation, replacement, repairs or maintenance, the owner, at their sole expense, shall proceed immediately to restore the encroachments to the condition it was in prior to the commencement of such installation, replacement, repairs or maintenance. Under no circumstances, shall the City be required to so restore the lands, or to compensate the owner for the cost of doing so; and

4.2.7 The owner agrees to defend, save and keep harmless and fully indemnify the City, its officers, employees, agents and other representatives, from and against all actions, claims, suits or damages whatsoever that may be brought or made against the City as a result of the owner's use of the boulevard area of the adjoining public highways.

CITY PLANNING

- 5. The Owner agrees to develop the Land and construct the Project in substantial conformity with the plans and drawings listed in Schedule "B" of the Site Plan Agreement, and in accordance with the conditions set out in Schedule "C" of the Site Plan Agreement, including, without limiting the generality of the foregoing, those plans and drawings setting out the approved exterior design and sustainable design features of the Project.
- 6. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of Item PG32.3 of the Planning and Growth Committee.
- 7. If the conditions of Site Plan Approval are not fulfilled within 3 years of the date of approval, then this approval is no longer valid and a new submission is required unless a written request for time extension is received and granted by the Director.

URBAN FORESTRY SERVICES

- 8. Trees indicated for planting on the City road allowance must be planted in accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated June 2002.
- 9. The applicant must conduct an investigation of underground utilities prior to proposing tree planting within the City road allowance. If planting is not possible due to a utility conflict, a utility locate information sheet from the respective utility company should be provided to the City.
- 10. The required tree planting security deposit is to be in the form of an irrevocable Letter of Credit or certified cheque. The tree planting security deposit must be sent to the attention of Harold Moffatt, Supervisor of Urban Forestry Planning and Protection (Hmoffat@toronto.ca), prior to the issuance of a landscaping permit which must be obtained from Works and Emergency Services, Transportation Services North District, Right of Way Management (416-395-7112).
- 11. The tree planting security deposit is held for the duration of the renewable guarantee period.
- 12. The funds from the tree planting security deposit will be drawn upon to cover any costs Urban Forestry incurs as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state.
- 13. If during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement, the applicant will be responsible for rectifying the problem as determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- 14. The owner will be required to provide an additional two-year renewable guarantee period for any trees requiring replacement.

ENERGY EFFICIENCY OFFICE

15. The owner shall construct and maintain the development substantially in accordance with the accepted Energy Report to ensure that the energy savings identified continue to be achieved, to the satisfaction of the Executive Director Facilities Management Division.

SITE PLAN ADVISORY COMMENTS

- 1. The Owner is advised that the Green Roof By-law (By-law No. 583-2009) (Chapter 492 of the City of Toronto Municipal Code) including Article IV the Toronto Green Roof Construction Standard, is applicable to the proposed development. For further information, please contact Diane Damiano, Toronto Building.
- 2. In the event that buried archaeological remains are encountered on the property during the construction activities, the Owner should immediately notify the Heritage Operations Unit of the Ministry of Culture 416-314-7146 as well as the City of Toronto, City Planning Division, Policy and Research Section, Heritage Preservation Services Unit (416) 338-1096.
- 3. In the event that human remains are encountered during construction, the Owner should immediately contact both the Ministry of Culture, and the Registrar or Deputy Registrar of Cemeteries at the Cemeteries Regulation Unit, Ministry of Government Services (416) 326-8393.
- 4. The applicant must obtain the necessary authorizations and permits from our Right-of-Way Management Section before excavating or encroaching into municipal road allowance. The applicant is advised to contact our Right-of-Way Management Section at (416) 395-7112 regarding site-specific permit and licensing requirements.
- 5. The applicant cannot use the municipal right-of-way for construction-related purposes without first receiving written authorization from our Right-of-Way Management Section, including payment of the necessary fees. The Owner will be required to provide the City with a Construction Management Plan outlining the following:
 - a) Dust/mud control on and offsite;
 - b) Location of truck loading points, trailer parking;
 - c) Location of temporary material storage areas;
 - d) Access/truck routing:
 - e) Provision of hoarding, temporary fencing & covered walkways;
 - f) Location and extent of aerial crane operations; and
 - g) Parking for construction trades.

For further information, please contact the Right-of-Way Management Section, North York District, at 416-395-6221.

6. Any encroachments within Municipal Road Allowances will not be permitted unless they are explicitly approved by the Right-of-Way Management section of Transportation Services Division. The applicant is required to contact the section

- through the permit approval process to obtain the exact particulars of these requirements. For further information, please contact the Right-of-Way Management Section, North York District at (416) 395-7112.
- 7. The applicant is advised to contact Mr. Robert Sevigny, Municipal Numbering Supervisor, at 416-392-8451 to obtain or verify new municipal addresses prior to submitting a building permit application. It should be noted that all addressed parcels and structures must have the correct municipal addresses posted. Please see http://www.toronto.ca/mapping/numbers/index.htm for details.
- 8. The applicant must obtain approval from Toronto Hydro Street Lighting Incorporated before removing and/or relocating any utility with attached municipal street lighting.
- 9. Canada Post requires buildings with 100 or more units to have a secure mailroom with access to rear loaded mailboxes. Detailed construction specifications are available in the Canada Post 'Delivery Planning Standards Manual for Builders and Developers.