

TORONTO STAFF REPORT

January 11, 2002

To: Midtown Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law to permit an addition to an existing apartment building at 45 Dunfield Avenue
Shiplake Management Company Limited
Application Number 299011
St. Paul's, Ward 22

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for a 16-storey addition containing 108 dwelling units to be added to an existing 28-storey, 576 unit, residential apartment building at 45 Dunfield Avenue.

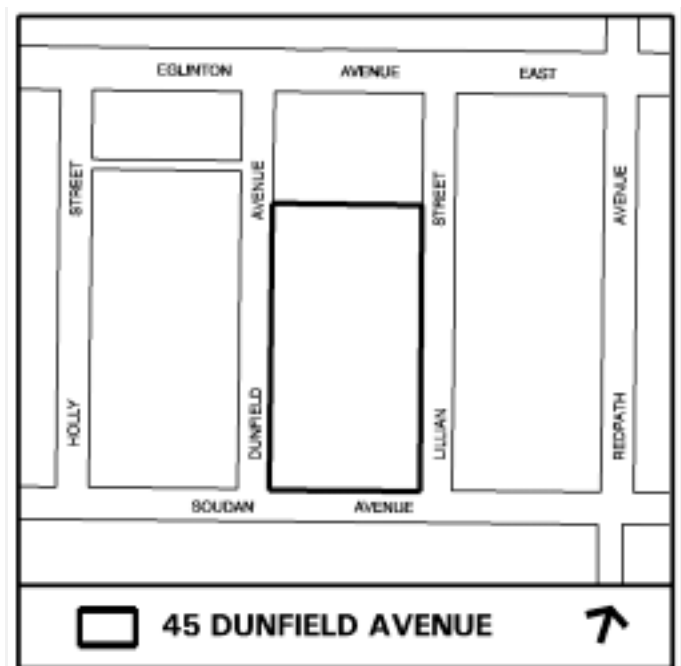
Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that City Council:

- (1) Amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Appendix B.
- (2) Amend Zoning By-law 438-86 for the former City of Toronto and repeal Site Specific By-law 22418 substantially in accordance with the draft Zoning By-law Amendment attached as Appendix C.



- (3) Authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required and to introduce Bills in Council to give effect thereto.
- (4) Require that, before introducing the necessary Bills to City Council for enactment, the owner enter into an agreement authorized under Section 37 of the *Planning Act* regarding the provision of public benefits in exchange for the increase in permitted building density on the property as set out in this report.
- (5) Require that, before introducing the necessary Bills to City Council for enactment, the applicant enter into a Site Plan Undertaking with the Commissioner of Urban Development Services, under Section 41 of the *Planning Act*.

Background:

Proposal

The applicant proposes to develop a 108-unit apartment building addition of 14,255 m² of residential gross floor area. The existing building contains 39,245 m² of residential gross floor area. The new addition is comprised of 16 storeys stepped down to 12 storeys to be attached to the north end of the existing 28-storey building. The maximum height of the addition will be 50.75 metres (to top of parapet), plus mechanical penthouse. The resulting development will have a total density of 3.17 times the lot area, calculated before land dedication for parks purposes.

The applicant proposes to provide 536 parking spaces in the combined building (415 existing, 121 new), which will include 65 existing surface visitor parking spaces and 471 underground spaces on two levels. Storage for 81 bicycles will also be provided.

The underground parking will be accessed from Lillian Street via a driveway at the northern end of the east side of the property. All vehicles must exit the garage and the visitors' surface parking lot onto Dunfield Avenue and then proceed north to Eglinton Avenue. The current building is accessed from Dunfield Avenue and there is also two-way access to/from Soudan Avenue.

The proposed development incorporates improved landscaping to the existing lands and provides for a public park of approximately 1,000 m² at the south-west corner of the site fronting on Soudan Avenue and Dunfield Avenue. Indoor and outdoor common amenity space is also provided.

Site History

The site was the subject of two previous applications (Application No. 2421 and Application No. 197010).

Application No. 2421 was submitted in 1994 and it proposed 36 infill townhouse units in the landscaped open space perimeter of the site and four new apartment units within the existing building. Staff expressed concerns with the proposal as not being well integrated into the existing site. Concerns were expressed regarding, light, views, privacy, overview and shadowing. It was also recommended that additional landscaped open space and amenity space be provided for new and existing residents. Staff encouraged below-grade parking whereas the proposal contained considerable at-grade parking. This application was abandoned.

A second application was submitted in 1997 (Application No. 197010) which proposed 65 infill units. The townhouse units were to be in three stacked townhouse complexes, each containing a total of 20 units. The remaining five units were proposed as two semi-detached dwellings and one detached dwelling, all fronting on Soudan Avenue. The application raised a number of issues. The loss of landscaped open space was a concern and the layout of the stacked townhouses meant that only five units had direct access to the street. The rest of the units were accessed from an internal courtyard. In addition, there were concerns of privacy and overlook between the townhouse units and the apartment building and with access to the underground parking. Specifically, the main access to parking for the residents of the townhouse units was via the existing elevators in the apartment building. This application was also abandoned.

The current application was submitted on August 5, 1999 (Application No. 299011) and proposed a 168 unit addition to the existing 28-storey 576 unit apartment building. The addition to the north side of the building was 28 storeys stepping down to 20 and 12 storeys resulting in a total density of 3.35 times the area of the lot.

Subsequent to the community meeting, the applicant submitted revised plans which reduced the density from 3.35 to 3.17 times the area of the lot and reduced the number of new units from 168 to 108. The height of the proposed addition has also been reduced from 28-16-12 storeys to 16-12 storeys to minimize shadow impacts to the north. The revised plan also proposes a 1,001.5m² public park with improvements at the south-west corner of the site. Considerably improved landscaping is a requirement as a result of the concerns raised by residents.

Site and Surrounding Area

The site which occupies approximately two-thirds of the block comprises 16,883.5 square metres with frontages of approximately 91 metres on the north side of Soudan Avenue, 189 metres on Dunfield Avenue and 180 metres on Lillian Street. The existing apartment building faces Dunfield Avenue with access to the surface and underground parking gained from Dunfield Avenue and Soudan Avenue. Dunfield Avenue is currently one-way northbound at the frontage of this site. Exiting vehicles from the site can also gain direct access to Soudan Avenue at the south end of the site.

Development in the vicinity of the property is as follows:

North: There are two vacant sites with approved projects not yet built. 85-97 Eglinton Avenue East is approved for a 12-storey commercial/residential building containing 185 units and grade related retail uses. Part of 117 Eglinton Avenue East is approved for a six-storey 25 unit residential building.

South: The south side of Soudan Avenue is developed with single detached and semi-detached dwellings.

East: Across Lillian Street is a stacked townhouse complex. There is also a 16-storey residential apartment building (88 Redpath Avenue) with a surface parking lot accessed from Lillian Street.

West: Immediately west of the site are two 14-storey apartment buildings and a row of low-rise dwellings at the corner of Dunfield Avenue and Soudan Avenue.

The area in the vicinity of 45 Dunfield Avenue is undergoing considerable change with development projects recently completed and under construction (43 and 123 Eglinton Avenue East). Some have been approved but not yet constructed (85-97 Eglinton Avenue East, and 117 Eglinton Avenue East). Applications are currently being processed for 2195 Yonge Street and 88 Redpath Avenue.

Official Plan

The Official Plan and the Yonge-Eglinton Part II Plan designate the site as High Density Residence Area which permits residential uses up to a maximum gross floor area of 2.0 times the area of the lot.

Zoning By-law

Zoning By-law 438-86, as amended, zones the entire site as R2 Z0.6 which permits residential development up to 0.6 times the area of the lot. The By-law also imposes a maximum height of 38 metres over most of the lot except for a strip of land abutting Soudan Avenue which has a height limit of 14 metres.

The existing apartment building was built in accordance with Site Specific By-law 22418, which was passed in March 1965. The By-law permitted an apartment house having a gross floor area not exceeding 2.325 times the area of the lot provided that, among other things, at least 70% of the lot is maintained as landscaped open space.

Site Plan Control

The project is subject to Site Plan Control. An application for Site Plan Approval has been submitted. This report recommends that the applicant enter into a Site Plan Undertaking before Bills giving effect to any Official Plan or Zoning By-law Amendment are introduced in Council.

Reasons for Application

The proposed density of 3.17 times the area of the lot exceeds the limits set in the Official Plan of 2.0 times the area of the lot, and the Site Specific Zoning By-law which permits 2.325 times the area of the lot. In addition, the proposed height of 50.75 metres for the 16-storey portion of the addition exceeds the Zoning By-law maximum of 38.0 metres. The number of parking spaces and the amount of landscaped open space are also less than required by the By-law.

Community Consultation

At the direction of the former Toronto Community Council, the proposal was the subject of a community meeting held January 11, 2000. The meeting was attended by approximately 100 persons with the following concerns being expressed.

Many of the tenants raised concerns regarding the construction of the addition and the inconvenience that brings with it including construction traffic, noise and dust. Concern was expressed regarding the integration of the buildings including fire safety, parking and internal facilities and amenities including garbage storage and pickup. The garbage area should be enclosed and screened. It was suggested that the existing tenants be compensated by the owners for the inconvenience or loss of amenities.

Density and height were identified as issues but related more to the impact of the additional residents on site and the design as it affects the existing building.

A number of tenants were concerned about the loss of direct vehicular access to Soudan Avenue and the proposed routing of exiting traffic north to Dunfield Avenue and then north to Eglinton Avenue. It was noted that the existing vehicles could enter and exit the site to access the surface parking lot and the underground garage directly from Soudan Avenue. Vehicles could also access the site from Dunfield Avenue through two entrances by proceeding north along Dunfield. Primary access for residents would be driving south along Lillian Street and then entering the new entrance to the underground garage. Resident vehicles would now exit directly to Dunfield and then would proceed north to Eglinton Avenue.

Many participants were concerned about the proposed landscaping which would require the removal of larger trees. Some concern was expressed about the low planting shrubs around the surface parking lot, which could provide an unsafe condition. Others questioned the merits of the landscaping plan in particular the outdoor fitness area, canine enclosure, tennis court, and the public square. There was concern regarding access to these areas and whether the costs for maintenance would be borne by the tenants, particularly where the facilities were proposed to be accessed by the general public.

Agency Circulation

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

Comments:

The primary planning issues arising from this application are the proposed density, height and massing of the development resulting in a loss of trees and the possible future loss of the existing rental housing. Impacts on adjacent properties and the wider community, such as shadowing, and traffic issues are a function of these primary issues. An additional primary planning issue relates to the public benefits that are to be achieved in exchange for increased height and density through Section 37 of the Planning Act.

Density

The application was proposed initially at a density of 3.35 times the area of the lot whereas the Official Plan permits 2.0 times the area of the lot. The Site specific By-law, which pre-dated the Official Plan limit, permits 2.325 times coverage (By-law No. 22418). The site is developed at 2.3 times the area of the lot.

As a result of the concerns of staff, residents and the owners of 85, 97 Eglinton Avenue East, the applicant revised the proposal by reducing the height and altering the massing. The resulting proposed density is 3.17 times the lot area. The addition was reduced in height to 16 and 12 storeys.

The following densities are observed on properties and blocks immediately adjacent .

Table 1

Address	Existing & Approved Density *	Existing Storeys	Proposed Storeys	Year	Comments
45 Dunfield Avenue	2.32	28	16	1967	New application - 1999 approved/not built- 1997
85-97 Eglinton Avenue East	6.00	12		NA	
101 Eglinton Avenue E.	2.88	2		1969	former York Theatre built
108 Redpath Avenue	1.99	3		1999	
88 Redpath Avenue	2.07	16	10	1966	New application - 2001
123 Eglinton Avenue E.	5.54	18		2001	
44 Dunfield Avenue	2.15	14		1961	
70 Dunfield Avenue	3.46	19		1980	

*Source: City Land Use Information System - June 2001

It is noted that the large sites immediately adjacent the proposed development are developed at or exceed the general High Density Residential Area maximum of 2.0 times the area of the lot. This includes the existing development site of 45 Dunfield Avenue as well as 44 and 70 Dunfield Avenue, and 88 and 108 Redpath Avenue.

The recently approved and constructed 123 Eglinton Avenue East development exceeds the density permitted in the Yonge-Eglinton Mixed Commercial-Residential Area B which allows a density of 5.0 times the area of the lot. Within this same designation, 85-97 Eglinton Avenue East is also approved at a density of 6.0 times the area of the lot.

45 Dunfield Avenue was constructed in 1967 in accordance with Site-Specific By-law 22418, which was enacted in 1965. This pre-dated the current Official Plan limit of 2.0 times the area of the lot. The request for an increase of density from 2.32 to 3.17 is considered to be a moderate increase in density and reflects an addition to an existing rental building. 70 Dunfield is developed at 3.46 times the area of the lot and reflects a comparable approved residential development in the immediate vicinity.

I consider that the applicant's proposed density is within a range that is consistent with the immediate area, and recognizes that the northern portion of this block permits developments fronting onto Eglinton Avenue East to have a density of 5.0 times the area of the lot.

Height and Massing

The original proposal reflected an addition consistent with the existing 28-storey building and stepped down to 20 and 12 storeys. Upon review of the shadow impacts and massing by staff and taking account of concerns expressed by the owner of 85-97 Eglinton Avenue East to the north, the applicant have reduced the addition to 16 and 12 storeys. This height is deemed to be compatible with the existing and approved developments adjacent to the site. The increased height and density have provided the opportunity for the City to negotiate and obtain public benefits in exchange as discussed further in this report.

Traffic Circulation and Parking

The existing residential building has vehicular accesses from Lillian Street (one-way southbound), Soudan Avenue and Dunfield Avenue (one-way northbound). The Lillian Street driveway provides access to the loading area as well as 5 surface parking spaces. Soudan Avenue provides two-way access to the site circulation driveway at the front of the apartment building, which has connections to the surface visitor parking lot and the underground parking garage. Dunfield Avenue also provides two accesses connecting to the site circulation driveway.

As part of the proposed addition, access to/from the underground garage will be reconfigured. The entrance to the underground garage will now be from Lillian Street via a new access at the north end of the site. The egress from the underground garage will be via a new access to Dunfield Avenue, also at the north end of the site. The loading area access will remain off

Lillian Street, but relocated north of its present location. The Soudan Avenue access will be closed.

The access to Dunfield Avenue is set back from the north property line and has a width of 6.0 metres. The width will allow for two-way vehicular access from Dunfield Avenue, to improve access to the circular driveway serving the lobby area of the new building. The ramp from the underground parking garage will connect to this circulation aisle and will operate as outbound only. The egress ramp must be designated through the appropriate signage and pavement markings.

The operations of all one-way site accesses must be appropriately signed and marked. In addition, the service access from Lillian Street will have a width of 4.5m, which is sufficient for service vehicle access and egress

The proposed addition provides an opportunity to modify positively the existing traffic patterns in the immediate vicinity and the circulation of vehicles to and from the development. The parking garage entrance will now be relocated to Lillian Avenue which will allow the closing of the Soudan entrance/exit. This provides for increased landscaping and allows the City to secure an appropriately sized parcel for a City park in this location. The proposal also incorporates improved loading and servicing on the east side of the building. The removal of five surface parking spaces and the enclosure of the garbage bins provide a significant visual improvement for existing tenants and an improved appearance from Lillian Street.

The new addition will have its own lobby and drop-off/pick-up driveway thus ensuring that the existing lobby will continue operating for the same number of tenants. The removal of the Soudan entrance/exit should reduce any conflicting traffic at the existing lobby entrance.

A parking assessment was undertaken as part of the Traffic Impact Study dated November 1999 (revised), prepared by BA Group. The study indicates that the existing parking facilities are currently underutilized. All of the dwelling units were rented at the time of the survey. The current allocation for the existing underground and surface parking spaces are as follows:

Current Allocation	No. of Stalls
Tenant	292
Other	97
Visitor	72
Not currently assigned	88
TOTAL	549

Parking demand surveys were undertaken by the consultant on 14 separate occasions. Based upon the results of the survey and the existing parking lot allocation, the consultant is recommending that the following parking standards be implemented as part of this proposal:

Composite Site Parking	
Tenant Parking	0.65 stalls/unit = 445 stalls
Visitor Parking	0.12 stalls/unit = 82 stalls
Total Rate	0.77 stalls/unit = 527 stalls

The consultant's analysis indicates that the above rates are adequate to accommodate the peak parking demands generated by this project. The applicant is proposing to provide a total of 536 parking spaces (454 spaces for residents and 82 for visitors). I am satisfied that the parking supply is sufficient for the demand generated by the existing and proposed apartment buildings. The proposed parking supply rate of 0.77 spaces per unit (0.65 spaces per unit for tenants and 0.12 spaces per unit for visitors) is, therefore, acceptable. The dimensions and general configuration of the new underground parking spaces and driveway aisles are also satisfactory.

Site Plan

The Site Plan Application for the entire site has provided an opportunity to improve the landscaping and other site plan features for the benefit of not only the new residents but for the existing tenants.

The original submission proposed an exterior amenity area with barbecues, and publicly accessible facilities including; an outdoor fitness area with equipment, tennis courts, a canine station, and a public square seating area. This was offered by the applicant as the 'public benefit'. Tree plantings and landscaping were quite rudimentary. Residents and staff considered the proposals unacceptable. Issues remained regarding the question of public access to on-site facilities and the exclusive use of those facilities for the residents of 45 Dunfield.

The revised site plan provides a substantially improved and detailed landscaping scheme. A major effort has also been made to reduce the number of trees which would be adversely affected. Building siting and driveways have been modified including alterations to the underground garage to preserve significant trees. Originally, 19 private trees and four City trees were affected and this has been reduced to six and one respectively. The removal of these trees is unavoidable due to the footprint of the new addition. I am satisfied that there will be no unnecessary tree removal.

The owner is proposing to substantially increase the amount of landscaping and tree planting over the current conditions and his initial proposal. Walkways have been aligned to complement the site and proposed greenery. The Site Specific Zoning By-law requires 70% landscaped open space which exceeds the general by-law requirement of a minimum of 50% landscaped open space. It is recognized that the new addition will occupy open space lands. However the reduction of surface paved areas results in the landscaped open space being established at 60.1% of the lot. I am satisfied that City's landscaped open space objectives are met by exceeding the minimum 50% requirement and by improving the landscape conditions affecting the existing building.

Improved landscaping has also been provided adjacent the surface visitor parking lot and new walkways connecting the south side of the existing building and the east side have been provided to Lillian Avenue.

The loading area and garbage hold area on the east side of the building have been considerably upgraded with landscaping. A covered canopy and screen has been added to enclose the garbage hold area. The proposed six visitor parking spaces have been removed from this loading and servicing area, thereby reducing the paved area and screening parking from the street.

The proposed residential amenity area on the east side of the new addition has been modified with the elimination of the barbecues and additional planting between the loading and servicing driveway and the existing building.

The overall objective has been to improve the servicing side or rear yard of the existing building in respect to its view from Lillian Street and to provide an improved façade for the existing tenants.

Section 37 Requirements

The area is not well serviced by public parkland and falls within the lowest local parkland assessment cell. The site falls within the Priority Area characterized as high growth/major change in the Parkland Acquisition: Strategic Directions Report.

The Section 37 agreement will require the owner to design and install a base park of 1,000 square metres (actual site is 1001.5 m²) at the south west corner of the site. This requirement is in addition to the required 5% cash-in-lieu of parkland dedication payment and does not constitute a development charges credit. The base park installation includes grading, 150 mm of installed topsoil, installation of sod, fencing where deemed necessary by the Commissioner of Economic Development, Culture & Tourism, a minimum 200 mm storm drainage sewer to connect from the municipal sewer to the park limit or streetline of the park, 50 mm water connections to the streetline and hydro service connection for park lighting and irrigation control. In addition, the applicant will design and install park improvements, to the City's program requirements, to a maximum cost of \$100,000.00, excluding design costs. The base park and improvements must be installed to the City's satisfaction within the lesser of 24 months after the zoning by-law is enacted or 18 months after the building permit is issued and before any occupancy of the new building.

Once the park has been accepted by the City, the term of the lease attached to the Section 37 agreement commences. The term continues until the greater of 50 years or the useful life of the new building. These commitments to provide a leasehold interest, together with a base and an improved park, will be fully secured as part of the Section 37 agreement. If the applicant receives its zoning, but makes no reasonable efforts to construct the park substantially as agreed, the City may elect to downzone the site (the agreement attempts to provide that the applicant will not appeal the downzoning). Or the City may elect to cash a security, in compensation for the lease and park improvements, and use it for park improvements elsewhere within Parks' Central Planning District.

An agreement under Section 37 will be signed with the applicant securing the above community benefits before any Bills are introduced to City Council regarding this proposal.

The size and location of the proposed park site would provide a much-needed local green space for the community. The park would be clearly delineated from the private lands of 45 Dunfield. With the construction of the new addition, the south driveway to Soudan Avenue will be removed and the ramps to the parking garage will be closed and incorporated into the park.

The considerable upgrading and improved landscaping and site plan conditions together with the public park provide a good model for infill development proposals where older and existing deficiencies can be improved, not only for existing residents of a site but also for the surrounding community.

Another public benefit to be secured within the Section 37 agreement is the retention of the existing 576 rental units, many of which have affordable rents, as purpose built rental for at least 20 years. This is consistent with City policy to encourage the retention of such units.

Although the applicant intends to maintain the new units as rental, it is intended that they may be registered as condominium. No condominium application has yet been submitted. The owner has offered to register a covenant on title to provide that both the new and the existing units will be maintained as rental for a term of 20 years. Because the City may not have authority to enforce such a covenant, the applicant proposes to register the covenant for the benefit of the public in general. Accordingly, this report acknowledges this commitment of the applicant, but does not rely on the covenant as a basis for this planning recommendation or comment on the covenant's enforceability by members of the public in the event that it is breached.

Size of Dwelling Units

The owner has also agreed to provide a minimum of 30% of the dwelling units in the new addition to be smaller units in any mix of the following net sizes:

bachelor	500 square feet (46.45 m ²)
1-bedroom	650 square feet (60.39 m ²)
2-bedroom	850 square feet (79.0 m ²)

The provision of smaller units provides the community with units which should be more affordable than larger units in the same location. The current proposal is for 37 of the 108 units to meet the sizes noted above. I support this limitation and such limitation is contained in the proposed Zoning By-law.

Future Development

The owner has offered to register a covenant on title to restrict development on the site to the present proposal and not to apply for further development on the site which would result in an increase in proposed gross floor area for a term of 20 years. Because the City may not have

authority to enforce a covenant of this nature, the applicant proposes to register the covenant for the benefit of the public in general. Accordingly, this report acknowledges this commitment of the applicant, but does not rely on the covenant as a basis for this planning recommendation or comment on the covenant's enforceability by members of the public in the event that it is breached.

Rental Abatement Strategy

On November 9, 1999 the Toronto Community Council adopted the Preliminary Report on this application (October 25, 1999) and requested that the Commissioner of Community and Neighbourhood Services, in consultation with the Acting Commissioner of Urban Planning and Development Services, formulate a “*rent abatement strategy*” prior to the submission of the final report. The report of the Commissioner of Community and Neighbourhood Services relating to the issue of rental abatement strategy is submitted separately and should be considered prior to this report.

Conclusions:

The area bounded by Yonge Street, Eglinton Avenue East, Mount Pleasant Road and Soudan Avenue is undergoing considerable change. Major redevelopments have recently been constructed, others have been approved but not yet built and new applications have been submitted and are under active review.

The size, location and configuration of the 45 Dunfield Avenue lot present an opportunity to develop a residential infill project that is appropriately scaled and integrated with the surrounding community.

The proposal, on balance, maintains the spirit and intent of the Official Plan for High Density Residence Areas by introducing a residential intensification that is in keeping with the structure and character of the area and which is not expected to generate any significant adverse impacts on the existing building, surrounding uses and adjacent residential community. An evaluation of potential shadow and traffic impacts has been conducted and all support this conclusion.

Of major significance is the opportunity this proposal provides to improve existing site and traffic conditions. This would include the removal of direct vehicular access to Soudan Avenue, significantly improved landscaping, the securing of a public park on a long-term leasehold basis and securing existing rental units.

There may be future opportunities for intensification of other large sites within the surrounding area, each of which would be evaluated on its own merits.

I recommend approval of the Official Plan and Zoning By-law amendments required to implement this proposal.

Contact:

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Beate Bowron
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Appendix A: Comments
Appendix B: Draft Official Plan Amendment
Appendix C: Draft Zoning By-law
Attachment 1: Site Plan
Attachment 2: Dunfield Avenue Elevation
Attachment 3: Lillian Street Elevation
Attachment 4: North Elevation
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Official Plan - Part II - Yonge-Eglinton

Current Status:	Open	<u>Latest Event</u>	<u>Target Date</u>	<u>Actual Date</u>	<u>Outcome</u>
		Suppl. Submission		01/08/2002	
		Suppl. Submission		12/12/2001	
		Suppl. Submission		12/05/2001	
		Suppl. Submission		11/20/2001	
		Suppl. Submission		11/20/2001	
		Revision		10/16/2001	
		Revision		09/26/2001	
		Revision		09/26/2001	
		Suppl. Submission		09/21/2001	
		Revision		12/08/2000	
		Prelim. Eval.		10/25/1999	
		Received		08/05/1999	

Data Valid: Jan 9, 2002

Planner: Cymbaly, Ted

Phone: (416) 392-7740

Area: North Planning Office: Toronto

Appendix A
Comments

1. Urban Development Services (Building Division), December 12, 2001

Our comments concerning this proposal are as follows:

Description: Construct 16 storey addition with below grade garage for 108 additional dwelling units

Zoning Designation: R2 Z0.6 Map: 51K 321

Applicable By-law(s): 438-86, as amended and Site specific by-law 22418.

Plans prepared by: Northgrave Architect Inc. Plans dated: October 15, 2001

Residential GFA: 53500 m² (Existing RGFA 39,245 m², Proposed RGFA 14255 m²)

Zoning Review:

The list below indicates where the proposal does not comply with the City's Zoning By-law 438-86, as amended, and site specific by-law 22418.

1. The by-law requires a parking space to have minimum unobstructed dimensions of at least 5.9 metres in length by 2.6 metres in width. 174 existing parking spaces will be undersize. (By-law 438-86 Section 2, definition of 'parking space'.)
2. Site specific by-law 22418 requires a minimum of 720 parking spaces to be provided for the existing 576 dwelling units (576 for the occupants and 144 for visitors). By-law 438-86 requires a minimum of 139 parking spaces for the occupants and 27 spaces for visitors for the addition. The total number of parking spaces provided is 536 (454 for the occupants and 82 for visitors). (Section 2 of by-law 22418 and Section 4(4)(b) of by-law 438-86))
3. The by-law permits a maximum height of a building of 14 metres for the first 35 metres from the north limit of Soudan Ave. and 38 metres for the remaining of the lot. The proposed addition will exceed the permitted height. (By-law 438-86 Section 4(2)(a))
4. The by-law requires a parking facility to be accessible by a driveway having a minimum width of 5.5 metres, for two-way operation. The width of the proposed driveway at the Loading space is 4.5 metres and a portion of the existing driveway aisle in the basement garage at level P1 is 5.14 metres and at P2 is 5.12 metres. (By-law 438-86 Section 4(5)(i)(ii))

5. The by-law requires the indoor residential amenity space to have a kitchen and a washroom and be adjacent or directly accessible to at least 40 square metres of exterior residential amenity space. The proposed indoor residential amenity space will not have a kitchen and a washroom and will not be adjacent to 40 square metres of exterior amenity space. (By-law 438-86 Section 4(12))
6. Site specific by-law 22418 permits a maximum gross floor area of 2.325 times the area of the lot: 3922.2 square metres. By-law 438-86 limits the residential gross floor area in an area zoned R2 Z0.6 to 0.6 times the area of the lot: 10,132.2 square metres. The proposed residential gross floor area of the building is 53,500.0 square metres. (By-law 438-86 Section 6(3) PART I 1)
7. The by-law requires a building to have a minimum flanking street setback of 6.0 metres. The proposed flanking street setback is 3.5 metres. (By-law 438-86 Section 6(3) PART II 3.A(II))
8. The by-law limits a building in a 0.6 zone to a maximum depth of 14.0 metres. The proposed building will exceed the permitted depth. (By-law 438-86 Section 6(3) PART II 5(i))
9. The proposed addition will not be within the area delineated by heavy lines on the plan attached to by-law 22418. (Section 1(1) of by-law 22418)
10. The proposed ramp to the underground parking garage will be located less than 20 feet from the west limit of Lillian St. (Section 1(4) of by-law 22418)
11. The by-law requires that landscape open space be provided and maintained to at least 70% of the area of the lot. The proposed landscape open space provided is approximately 60% of the area of the lot. (Section 1.(2) of by-law 22418)

Other Applicable Legislation and Required Approvals

1. The proposal requires Site Plan approval under Section 41 of the Planning Act.
2. The proposal requires conveyance of land for parks purposes, or payment in lieu thereof pursuant to Section 42 of the Planning Act.
3. The proposal DOES NOT require the approval of Heritage Preservation Services under the Ontario Heritage Act.
4. The issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code.
5. The proposal requires the approval of Works and Emergency Services regarding ramp approval and curb cuts.

6. All work within the City's road allowance will require a separate approval by Works and Emergency Services.
7. The proposal is subject to Development Charges pursuant to By-law 476-1999 as amended. For additional information please refer to the said by-law.
8. The proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2001 No. 148. For additional information please refer to the said by-law.

2. Works and Emergency Services (December 20, 2001)

This is in reference to the application by Aird and Berlis, on behalf of SDLCO Realty Group Limited and MELCO Realty Group Limited, for the project on the above-noted site bounded by Dunfield Street, Soudan Avenue and Lillian Street, south of Eglinton Avenue East. The proposal is to construct an addition to the existing residential building comprising 108 units, for a total of 684 units.

Parking: The site is subject to Site Specific By-law No. 22418, passed on March 16, 1965. This by-law requires that parking for the existing apartment building be provided at a ratio of 1 stall per dwelling unit and that by June 30, 1975 an additional 1 stall per 4 dwelling units be added. The proposed addition would be subject to the parking requirements of the "Yonge-Eglinton" area as defined in Zoning By-law 438-86.

A parking assessment was undertaken as part of the Traffic Impact Study dated November 1999 (revised), prepared by BA Group in support of this application. The study indicates that the existing parking facilities are currently underutilized. All of the dwelling units were rented at the time of the survey. The current allocation for the existing underground and surface parking spaces are as follows.

Current Allocation	No. of Stalls
Tenant	292
Other - leased to "off-site" users	97
Visitor	72
Not currently assigned	88
TOTAL	549

Parking demand surveys were undertaken by the consultant on 14 separate occasions between December 19, 1996 and January 26, 1997 for time periods ranging from the early morning (1:00 a.m.) to late evening (10:00 p.m.). Based upon the results of the survey and the existing parking lot allocation, the consultant is recommending that the following parking standards be implemented as part of this proposal:

	Composite Site Parking
Tenant Parking	0.65 stalls/unit = 445 stalls
Visitor Parking	0.12 stalls/unit = 82 stalls
Total Rate	0.77 stalls/unit = 527 stalls

The consultant's analysis indicates that the above rates are adequate to accommodate the peak parking demands generated by this project. The applicant is proposing to provide a total of 536 parking spaces (454 spaces for residents and 82 for visitors), which marginally exceeds the parking ratio of 0.77 spaces/unit recommended by the consultant. Although some minor deficiencies were noted in the parking analysis (i.e. consultant did not address potential for on-street or off-site parking by tenants/visitors. etc.), this Department is satisfied with the consultant's conclusions that the parking supply is sufficient for the demand generated by the existing and proposed apartment buildings. The proposed parking supply rate of 0.77 spaces per unit (0.65 spaces per unit for tenants and 0.12 spaces per unit for visitors) is, therefore, acceptable.

It is important to note that the existing and proposed apartment buildings are rental housing and, as such, typically have a lower parking requirement than condominiums. In the event the proposed building is developed as a condominium, the parking supply may be inadequate and a new parking study of comparable projects would need to be undertaken to the satisfaction of the Commissioner of Works and Emergency Services. Also, the current practice of leasing spaces to off-site users must be discontinued upon completion this project.

The dimensions and general configuration of the new underground parking spaces and driveway aisles are satisfactory. It is noted that the dimensions of approximately 174 parking spaces (82 on Level P1 and 92 on Level P2) located within the existing underground parking garage are substandard. The minimum dimensions associated with these spaces are 2.20 metres in width and 5.0 metres in length. Given the constraints associated with the existing underground parking garage and the fact that these spaces are existing, the substandard dimensions are acceptable. These spaces should be assigned to small vehicles.

Access: The existing residential building has vehicular accesses from Lillian Street (one-way southbound), Soudan Avenue and Dunfield Avenue (one-way northbound). The Lillian Street driveway provides access to the loading area as well as 5 surface parking spaces. Soudan Avenue provides two-way access to the site circulation driveway at the front of the apartment building, which has connections to the surface visitor parking lot and the underground parking garage. Dunfield Avenue also provides two accesses connecting to the site circulation driveway. As part of the proposed addition, access to/from the underground garage will be reconfigured. The entrance to the underground garage will now be from Lillian Street via a new access at the north end of the site. The egress from the underground garage will be via a new access to Dunfield Avenue, also at the north end of the site. The loading area access will remain off Lillian Street, but relocated north of its present location. The Soudan Avenue access will be closed.

The access to Dunfield Avenue is set back from the north property line and has a width of 6.0 metres. The width will allow for two-way vehicular access from Dunfield Avenue, to improve access to the circular driveway serving the lobby area of the new building. The ramp from the underground parking garage will connect to this circulation aisle and will operate as outbound only. The egress ramp must be designated through the appropriate signage and pavement markings.

The operations of all one-way site accesses must be appropriately signed and marked. In addition, the service access from Lillian Street will have a width of 4.5m, which is sufficient for service vehicle access and egress. Parking within the aisle should be prohibited and the access should be signed for use by service vehicles only.

In order to improve vehicular access to the site, and reduce around the block circulation of visitor traffic and accommodate drop-off/pick-up activity, the applicant must submit, for the review and approval of the Commissioner of Works and Emergency Services, a functional plan illustrating the conversion of Dunfield Avenue from one-way northbound operations to two-way operations between Eglinton Avenue East and a point approximately 80 metres north of Soudan Avenue. This plan must be submitted prior to the issuance of above grade permits. If deemed feasible the Commissioner of Works and Emergency Services, the conversion of portions of Dunfield Avenue to two-way operations must be undertaken at no cost to the City

The ramp slopes must be designed in accordance with Zoning By-law 438-86, which requires a maximum 5% slope within 6m of the property line and a maximum 15% slope thereafter.

The proposed accesses and relocation of existing accesses may require the removal or relocation of existing parking meters. The owner is required to pay for the cost of these removals/relocations, including compensation for any lost revenue that results.

Traffic Analysis: Reference is made to a Traffic Impact Study (TIS) prepared by BA Group dated July 1999, revised November 1999, and additional technical information dated March 30, 2000 prepared in support of the proposed residential expansion.

The traffic impact study evaluates the traffic generated by the existing apartment building as well the projected increase in traffic attributable to the new 28-storey residential addition and the impacts of this traffic on the local and arterial road network and the traffic control signals at Eglinton Avenue East and Dunfield Avenue.

The TIS indicates that the total two-way vehicle trips generated by the new residential apartment building is approximately 40 vehicles per hour (vph) in both the A.M. and P.M. peak hours. The total future two-way site traffic is estimated to be 120 vph in the A.M. peak hour and 140 vph in the P.M. peak hours.

The reconfiguration of the underground entrance and exit ramps will largely dictate the vehicular trip distribution pattern. Under the proposed scenario, the underground garage will be serviced by a inbound only ramp from Lillian Street and an outbound only ramp to Dunfield Avenue. Lillian Street currently operates as one-way southbound between Eglinton Avenue East and

Soudan Avenue and Dunfield Avenue operates as one-way northbound between Soudan Avenue and Eglinton Avenue East. The existing access to Soudan Avenue will be removed and the existing accesses on Dunfield Avenue and Lillian Street, which service a surface loading area and surface visitor parking lot, will remain. Given the one-way operation of the streets servicing the site, all vehicular trips generated by tenants will be oriented to/from Eglinton Avenue East. This will result in a decrease in the volume of site generated traffic using Soudan Avenue and an increase in turning movements along Eglinton Avenue East.

The westbound left turns from Eglinton Avenue East to Lillian Street are projected to increase from 50 vph in both the A.M. and P.M. peak hours to total future volumes of 60 vph in the A.M. peak hour and 70 vph in the P.M. peak hour. The corresponding eastbound right turn will also experience an increase from current volumes of 50 and 60 vph in the A.M. and P.M. peak hours to 65 and 90 vph.

The northbound vehicular left turn movement on Dunfield Avenue will increase from 40 vph in the A.M. peak hour and 115 vph in the P.M. peak hour to 70 and 125 vph, respectively. The northbound right-turn will experience a similar increase from existing volumes of 65 vph in the A.M. peak hour and 140 vph in the P.M. peak hour to 125 and 165 vph, respectively. No southbound movements will be added to Dunfield Avenue when a portion of it is converted to two-way operations since only the egress from the underground parking garage will be located within the proposed two-way section.

The consultant concludes that the residential expansion and reconfiguration of the access ramps will have a modest impact on area traffic and that acceptable levels of service will be maintained. This Department concurs with his assessment.

Loading: The proposed Type G loading space on the east side of the existing apartment building satisfies the estimated Zoning By-law requirement and the estimated loading demand generated by this project for 1 Type G loading space, and is satisfactory. The turn around area is sufficient to allow a vehicle to enter and exit the site in a forward motion and is acceptable.

Work Within the Public Right-of-Way: The proposal involves the installation of vehicular ramps off Lillian Street and Dunfield Avenue and the relocation of one Lillian Street access and modifications to two Dunfield Avenue accesses.

Although the locations of the proposed accesses are acceptable in principle, further changes may be required as a result of the detailed review of the application for work within the public right-of-way. For further information, the applicant should contact the Right-of-Way Management Division, District 1, Construction Activities at 392-7877.

Also, any existing curb cuts, which are not to be further utilized, should be restored to City of Toronto standards, at no cost to the City.

Refuse Collection: The City will provide this project with the bulk lift method of refuse and recyclable materials collection in accordance with the Municipal Code, Chapter 309 (Solid Waste) provided that all recyclable materials are set out for collection on the days and at the

times scheduled by the City for collection. This will require the provision of one Type G loading space and the storage and handling facilities identified in Recommendation Nos. 1(d) and 1(e), and 1(n) to 1(s), below.

It is the policy of City Council to levy a service charge on all new developments, payment of which is a condition for receiving City containerized garbage and recycling collection. The levy is currently \$34.50 per month, including taxes, multiplied by the number of garbage containers on site. The levy includes the provision and maintenance of City garbage and recycling containers. Should the owner choose to provide private garbage containers, the levy will still be charged and the containers must meet City specifications and be maintained privately at the expense of the building owner. Further information regarding the above can be obtained by contacting the Solid Waste Management Services Division at 338-0957.

Municipal Services and Storm Water Management

The capacities of the City water distribution system and the sanitary sewers are adequate to accommodate this development.

The applicant is required to submit, prior to the issuance of a building permit, a storm water management report and a grading and drainage to the satisfaction of the Commissioner of Works and Emergency Services.

Recommendations:

The owner be required to:

Provide space within the development for the construction of any transformer vaults, Hydro and Bell maintenance holes and sewer maintenance holes required in connection with the development;

Provide and maintain a minimum of 536 parking spaces on the site to serve the project, including 454 spaces for residents and 82 spaces for residential visitors;

Construct the access ramps to the underground parking garage with slopes not exceeding 5% within 6m of the road allowance and 15% along the remainder of the ramping;

Provide and maintain 1 Type G loading space with a generally level surface on the site, so that trucks can enter and exit the site in a forward motion;

Construct all driveways and passageways providing access to and egress from the Type G loading space with a minimum width of 3.5 (4 m where enclosed), a minimum vertical clearance of 4.3 m and a minimum inside and outside turning radii of 9 m and 16 m;

Provide to the City a one time cash contribution for the cost of removing/relocating any parking metres in connection with the new Lillian Street and Dunfield Avenue accesses to the underground garage as well as the relocation of the Lillian Street loading access, plus any

additional costs to offset the lost revenue from these metres which may be deemed appropriate by the Toronto Parking Authority;

Eliminate all existing curb cuts on Soudan Avenue, Lillian Street and Dunfield Avenue which do not form part of the proposed driveways to City of Toronto standards at no cost to the City;

Provide and maintain the appropriate signage and pavement markings on-site to delineate the one-way operations of the entrance to the underground parking garage from Lillian Street and the accesses to the surface parking area off Dunfield Avenue;

Submit, prior to site plan approval, a noise impact statement (for the addition) in accordance with City Council's requirements for the review and approval of Commissioner of Works and Emergency Services;

Have a qualified architect/acoustical consultant certify, in writing, to the Commissioner of Works and Emergency Services that the development has been designed and constructed in accordance with the noise impact statement approved by the Commissioner of Works and Emergency Services;

Provide, maintain and operate the noise impact measures, facilities and strategies stipulated in the plan approved by the Commissioner of Works and Emergency Services;

Submit to the Commissioner of Works and Emergency Services i) a Reference Plan of Survey, in metric units and referenced to the Ontario Co-ordinate System, delineating thereon by separate PARTS the lands under application and any appurtenant rights-of-way, and ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings to enable the preparation of building envelope plans for the purpose of preparing site specific exemption by-laws. Such plans should be submitted at least 3 weeks prior to the introduction of bills in Council;

Apply for revised municipal numbering to the Commissioner of Works and Emergency Services prior to filing a formal application for a building permit;

Construct the Type G loading space and all driveways and passageways providing access thereto to the requirements of the Ontario Building Code, including allowance for City of Toronto bulk lift and rear bin vehicle loading with impact factors where they are to be built as supported structures;

Provide a trained employee to manoeuvre container bins to and from the front of the garbage truck for loading and to assist the driver with the back-up manoeuvre, at all times during City collection periods;

Provide and maintain for the building addition a garbage room and a recycling room with minimum sizes of 25 square metres and 15 square metres, respectively, or alternatively, a combined garbage/recycling room with a minimum size of 40 square metres, which is designed

to be used without direct access by residents e.g. equipped with a chute and recycling material sorter), and install and maintain a stationary compactor unit in the garbage room;

Provide and maintain access to the garbage and recycling rooms with double or overhead doors having a minimum width of 2.2 m to accommodate the transport of container bins;

Provide and maintain service connections with a minimum width of 2.5 m between the garbage/recycling rooms and the Type G loading spaces;

Provide and maintain a concrete base pad, adjacent to the front of the Type G loading space, with a slope not exceeding 2% and of sufficient size to store 15 compactor containers on collection day;

Submit, prior to the issuance of a building permit, a storm water management report and a grading and drainage plan for the review and approval of the Commissioner of Works and Emergency Services.

The owner be advised:

Of the need to receive the approval of the Commissioner of Works and Emergency Services for any work to be carried out within the street allowance;

Of the need to obtain building location, access and streetscape permits, as well as potentially other permits such as hoarding, piling/shoring etc. from this Department prior to construction; and

The applicant submit, for the review and approval of the Commissioner of Works and Emergency Services, a functional plan illustrating the proposed conversion of portions of Dunfield Avenue from one-way northbound operations to two-way operations between Eglinton Avenue East and Soudan Avenue, prior to the issuance of above grade permits. If deemed feasible the Commissioner of Works and Emergency Services, the conversion of portions of Dunfield Avenue to two-way operations must be undertaken at no cost to the City

3. Economic Development, Culture & Tourism (Urban Forestry) October 29, 2001

This will acknowledge the revised plans pertaining to the above noted development application which were circulated to Urban Forestry Services on October 17, 2001. I have reviewed the circulated plans and advise that:

There are numerous City owned trees involved with this project which are situated on the City road allowance adjacent to the development site. These trees must be protected at all times in accordance with the Tree Inventory and Tree Preservation Plan, prepared by the MBTW Group, date stamped as received by Urban Development Services on October 16, 2001.

The plans filed appear to indicate that the applicant intends on removing a City owned tree, (tree no. 122 in the arborist report prepared by Wood-Gaines Tree Service), A written request to

remove the tree in question must be filed by the applicant which outlines the reasons why they intend to undertake the removal. A written request for tree removal should be filed only once that it is determined that no significant changes to the Site Plan for the subject development will occur. If the request to remove the tree in question is approved, the applicant will be responsible for providing payment to the City Urban Forestry Services to cover the monetary value of the tree, removal and replacement costs.

The applicant must contact Mark Procnier, Supervisor of Urban Forestry Planning and Protection at 416-392-7390 to discuss the removal of the City owned tree.

Trees indicated for planting on the City road allowance must be planted in accordance with the Tree Details Section of the City of Toronto Streetscape Manual as per the details noted below. Please note that 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.

Street Trees in Turf: In accordance with Planting Detail No. 101 for Balled and Burlapped Trees in Turf Areas, dated March, 1997

Street Trees in Raised Planters: In accordance with Planting Detail No. 102 for Raised Tree Planter - Concept, dated March, 1997.

Street Trees in Tree Pits: In accordance with Planting Detail Nos. 103, 103-1, 103-2, & 103.3 for 1.2m x 2.4m Tree Pit, dated March, 1997. Tree pits must be constructed in accordance with the Continuous Tree Pit details outlined in the Construction Details Section of the City of Toronto Streetscape Manual as Drawing Nos. RE-1833M-1, -2, -3, -4, -5 and 6, 1 of 2 and 2 of 2.

For tree planting the standard clearance for underground utilities is 1.2m from the edge of the root-ball to the edge of the utility. If the clearance between the utility and the edge of the tree's root ball is to be less than 1.2m but greater than or equal to 0.6m, a root deflector must be installed in the tree pit in between the tree's root ball and the utility.

Urban Forestry Planning and Protection must be notified in writing of the planting date prior to planting. This Section can be reached by telephone at 416-392-7281 or fax at 416-392-1915.

The applicant will be responsible for providing a two-year renewable guarantee for new tree plantings. The applicant must maintain the subject trees in good condition. These trees will be inspected during and at the end of the two-year period. If the trees are in good condition at the end of the two-year period, the City will assume maintenance and ownership of the trees. If during or at the end of the two-year 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 designate of the Commissioner of Economic

Development, Culture and Tourism. The owner will be required to maintain for an additional two years any trees requiring replacement.

A tree planting security deposit is required for tree planting in the road allowance. This deposit may be in the form of a letter of credit or certified cheque. The tree planting security deposit must be paid and sent to the attention of Mark Procnier, Supervisor of Urban Forestry Planning and Protection, prior to the issuance of a landscaping permit by Works and Emergency Services, Transportation Services, District 1, Right of Way Management (416-393-7787). The tree planting security deposit is held for the duration of the renewable guarantee period(s). The funds from the tree planting security deposit will be drawn upon to cover any costs Forestry incurs as a result of enforcing and ensuring that the trees are kept in a healthy and vigorous state. These costs are subject to change and the current cost per tree is \$578.00.

For landscaped open space areas proposed over top of any underground structure including parking structures, the applicant must provide and maintain the following to permit the installation and mature growth of all proposed plant material, in particular large growing shade trees:

- (i) sandy loam soil (comprising 50 to 60 percent sand, 20 to 40 percent silt, 6 to 10 percent clay, 2 to 5 percent organic, with a pH of 7.5 or less) to a sufficient depth of not less than 1.5 metres; and
- (ii) an engineered drainage system which prevents soil saturation.

There are six privately owned trees located on the subject site, that qualify for protection under Article III, Chapter 331, Trees of the former City of Toronto Municipal Code, that are in conflict with the development proposed. An application for permission to remove these trees along with thirteen additional private trees was received previously with this application. Urban Forestry Services will proceed with a report to Midtown Community Council advising of the request for permission to remove private trees. This report will be prepared in conjunction with a report from Urban Development Services.

The applicant should contact Andrew Pickett at 416-392-1891 to discuss the submission of the report to Midtown Community Council and the possibility of the applicant submitting a revised application for permission to remove private trees reflecting a change in the number of trees from nineteen to six.

I advise that the plans prepared by Northgrave Architect Inc. and the plans prepared by The MBTW Group, all plans date stamped as received by Urban Development Services on October 16, 2001 and on file with the Commissioner of Urban Development Services are not acceptable at this time due to the reasons indicated above.

(Policy and Development), December 12, 2001

The owner of the above-noted lands has made application to permit the addition of a 16 storey residential building containing 108 units at the north end of the subject property. The Policy and Development Division of this Department advises as follows.

The amalgamation of the new City of Toronto will bring a new parkland dedication by-law. Although these comments are premised on former City of Toronto by-laws and Official Plan policies, if the application is approved subsequent to adoption of a new parkland dedication by-law for the new City of Toronto, the latter shall prevail.

This development if approved will be subject to a 5% cash-in-lieu of parkland dedication payment 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. This payment is required prior to the issuance of a building permit for this development.

A tree inventory and tree preservation plan has been submitted for the proposed development. The applicant is required to contact Mark Procnier, Supervisor, Urban Forestry Planning & Protection at 392-7390 regarding requirements under the tree protection by-law.

As part of the public benefits currently being negotiated under Section 37, the owner proposes to lease to the City, for nominal consideration, the south-west corner of the property, having an area of approximately 1000m², for public park purposes. The lease will be for a minimum term of 50 years, including other terms and conditions as may be required by the Commissioner of Economic Development, Culture & Tourism and the City Solicitor. Based on the former City of Toronto Official Plan standards, the area is not well served by public parkland. Securing parkland at this location will therefore provide much needed local green space for the community.

The draft plan submitted by the applicant, prepared by Schaeffer & Dzaldov Limited, date-stamped received by Urban Development Services on December 12, 2001 is acceptable. The following are recommended as this Department's conditions of approval and should be included within the associated agreements for this development.

1. That prior to the execution of the Section 37 Agreement, the owner enter into an agreement with the City respecting the leasing of lands at the south-west corner of the property for public park purposes subject to the approval of the Commissioner of Economic Development, Culture & Tourism.
2. The term of the lease will commence when the owner has installed the final park improvements to the satisfaction of the Commissioner of Economic Development, Culture & Tourism.
3. That prior to the execution of the Section 37 Agreement, the owner provide to the satisfaction of the City Solicitor, in consultation with the Commissioner of Economic

Development, Culture & Tourism all legal descriptions and applicable reference plans of survey for the leased lands.

4. The lands to be leased are to be free and clear, above and below grade, of all easements, encumbrances and encroachments.
5. The owner is to pay for the costs of registration of the lease documents.
6. That prior to the issuance of a building permit, the owner shall be responsible for an environmental assessment of the lands to be leased and any associated costs or remediation works required as a result of that assessment. Such assessment or remediation shall ensure the parkland will, at the time when the term of the lease commences, meet all applicable laws, regulations and MOE guidelines respecting sites to be used for public park purposes, including City Council policies respecting soil remediation of sites to be acquired/leased by the City, such opinion to be prepared by a qualified environmental consultant acceptable to the Medical Officer of Health.
7. Prior to the time when the term of the lease commences, the owner shall provide the Commissioner of Economic Development, Culture & Tourism with a verification report by a qualified on-site environmental consultant certifying that the park meets MOE Guideline Criteria for residential/parkland uses.
8. The owner will be responsible for the base construction of the leased parklands which includes the following: grading (inclusive of 150mm topsoil supply and placement), sod, fencing where deemed necessary by the Commissioner of Economic Development Culture & Tourism, minimum 200mm storm drainage sewer to connect from municipal sewer to the park limit or streetline of the park, 50mm water connections to the street line, hydro service connection for park lighting & irrigation controller and street trees along all public road allowances which abut the park as determined by the Commissioner of Economic Development, Culture & Tourism. Such work is to be completed to the satisfaction of the Commissioner. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above-noted base park improvements.
9. Prior to execution of the associated agreements, the owner will post a letter of credit (“first letter of credit”) as security for the installation of the base park improvements equal to 120% of the value.
10. The owner will be responsible for the construction and installation of a minimum of \$100,000.00 worth of parkland improvements above and beyond base park improvements on the leased parklands and shall exclude design costs. No credit shall be given towards the Parks and Recreation component of the Development Charges for the costs associated with the above-noted park improvements.
11. The final design of the leased parklands shall be to the satisfaction of the Commissioner of Economic Development, Culture and Tourism and programming of the leased parklands

shall be at the discretion of the Commissioner of Economic Development, Culture & Tourism.

12. Prior to the execution of the associated agreements, the owner will post a letter of credit (“second letter of credit”) as security equal to 120% of the value of improvements noted in recommendation #10 above.
13. That the owner be required to complete the final park improvements within 18 months after obtaining a building permit or 24 months after obtaining the zoning required to permit the development and prior to the occupancy of the first dwelling unit. In the event that the above-noted deadlines fall between November 15 and April 15 of the following year, the park improvements must be completed no later than June 15 of the same calendar year as April 15, noted above.
14. Once completed the owner shall provide a Completion Certificate from his landscape architect certifying all work has been completed. At that time, the submitted letters of credit for park related development would be released, less 20% which shall be retained for a two-year period as a performance guarantee.
15. All stated letters of credit that are to be provided by the owner, unless determined otherwise by the Commissioner of Economic Development, Culture & Tourism, are intended to be in constant dollars and accordingly, shall be adjusted, either upwards or downwards, annually, on the anniversary of the date of execution of the associated agreement, in accordance with change in the Construction Price Index during such one year period. Provided, however, that in no case shall the amount actually payable by the owner at any time be less than the minimal amount set out in that agreement.
16. Notwithstanding, if the owner has not proceeded with the development of the subject lands 18 months after the issuance of a building permit or 24 months after obtaining the zoning required to permit the development, the Commissioner of Economic Development, Culture and Tourism may elect to cash all of the above-noted letters of credit and use the monies for improvements to other parks in the planning district.

Appendix B
DRAFT OFFICIAL PLAN AMENDMENT

Section 18 of the former City of Toronto Official Plan is hereby amended by adding as Section 18.____ the following text:

18.547 Lands known as 45 Dunfield Avenue

Notwithstanding any of the provisions of this Plan, City Council may pass by-laws respecting the lot shown delineated by heavy lines on Map 18.____ attached hereto to permit the erection of a residential apartment addition to the existing apartment building provided:

1. the total residential gross floor area does not exceed 53,500 square meters;
2. the total number of dwelling units does not exceed 684;
3. the 576 existing rental dwelling units remain as rental for a minimum term of 20 years;
4. the owners of the lot shall lease to the City the lands identified as Part 2 on Map 18.____ for a public park (minimum of 1,000 m²) for a minimum term of 50 years to a maximum term of 99 years;
5. the owners of lot shall develop the public park identified as Part 2 on Map 18.____, with a base level of park which will include grading (inclusive of topsoil supply and placement), sod, fencing, all necessary drainage systems, and electrical and water connections to the street;
6. the owners of the lot shall design and build the public park with improvements to a maximum cost of \$100,000 over and above a base level park with improvements to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;
7. the owners enter into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by section 3, 4, 5, and 6 and such agreement or agreements have been appropriately registered against the title to the lot.

Appendix C
DRAFT ZONING BY-LAW

**To repeal By-law 22148 of the former City of Toronto as amended, and to amend By-law
 No. 438-86 as amended of the former City of Toronto with
 respect to lands known municipally in the year 2001
 as 45 Dunfield Avenue**

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

1. None of the provisions of sections 2 *Definitions - parking space*, 4(2), 4(4), 4(10), 4(12), 4(13), 6(3) Part I, 6(3) Part II, 6(3) Part III, 6(3) Part IV, of By-law No. 438-86, being “A 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, and none of the provisions of this by-law shall apply to prevent the existing use of the *apartment* building and enclosed swimming pool existing on January 1, 2002, and the erection of an addition provided:
 - (1) the *lot* on which the proposed building is to be located comprises those lands delineated by heavy lines on Map 1 attached to and forming part of this by-law;
 - (2) no portion of any buildings located above *grade* are located otherwise than wholly within the areas delineated by heavy lines and within the height limitations shown on Map 2 attached to and forming part of this By-law with the exception of cornices, canopies, ornamental elements, balconies, bay windows, vents, fences, copulas, retaining walls and ramps to underground garages, railings, and the existing enclosed swimming pool which may extend beyond the building envelope shown on Map 2 and with the exception of mechanical penthouses, chimneys and stairwells which may extend beyond the permitted height as shown on Map 2;
 - (3) the *residential gross floor area* does not exceed 53,500 square metres, not including mechanical penthouse and basement;
 - (4) there are not more than 684 *dwelling units* located on the lot wholly within the areas delineated by heavy lines shown on Map 2 provided that not more than 108 dwelling units are outside the existing building
 - (5) a minimum of 30% of the new units to be any mix of the following sizes:

bachelor:	46.45 m ²
one-bedroom:	60.39 m ²
two-bedroom:	60.39 m ²

- (6) at least one *loading space-Type G* is provided and has the minimum dimension of 3.5 metres in width (4 metres where enclosed) by 13 metres in length;
 - (7) at least a total of 536 *parking spaces* are provided of which 454 are for the occupants and 82 are for visitors and 174 of the total *parking spaces* can be undersized having dimensions less than the required 5.9 metres in length by 2.6 metres in width, however in no case shall such undersized spaces have a dimension of less than 2.2 m in width and 5.0 m in length;
 - (8) driveway widths for two-way operation of at least 4.5 metres at the loading space, 5.14 metres at a portion of the driveway aisle in the basement garage at level P1, and 5.12 metres at a portion of the driveway aisle in the basement garage at level P2;
 - (9) a minimum of 216 square metres of indoor *residential amenity space* and 216 square metres of outdoor *residential amenity space* are maintained, where no part of the indoor *residential amenity space* and outdoor *residential amenity space* have to be adjacent to or adjoining;
 - (10) the ramp to the underground parking will be located less than 6.0 m from the west of Lillian Street;
 - (11) a minimum *landscape open space* area of 9,785 metres square including the area of any enclosed swimming pool located outside the building;
 - (12) the area of the existing enclosed swimming pool shall be deemed to be *landscaped open space*;
 - (13) a minimum of 81 *bicycle parking spaces* of which 80% shall be allocated for use by residents and 20% shall be allocated for use by visitors.
 - (14) the provisions of Section 6(3)IX shall not apply to the *lot* in order for the City to secure the proposed park as identified on Map 3.
2. The density of development and height of development permitted by Section 1 is permitted subject to compliance with the conditions set out therein and return for the provision by the owner of the lot of the following facilities, services or matters to the City of Toronto, being that the owners:
- a) grant a long term lease to the City of Toronto a minimum of 1,000.0 m² as identified on Plan 3 for use as a public park for a minimum term of 50 years to a maximum term of 99 years;
 - b) develop the leased lands as identified on Plan 3 as a base level park where construction will include grading, topsoil supply and placement, sod, fencing, all

- necessary drainage systems, electrical and water connections to the street;
- c) design and build a park with improvements of up to \$100,000 over and above the base level park;
 - d) retain the existing 576 residential dwelling units as rental for a minimum term of 20 years;
 - e) the owners enter into one or more agreements satisfactory to the City of Toronto, pursuant to Section 37 of the *Planning Act*, to secure the facilities, services and matters required to be provided by subsections a), b), c) and d) and such agreement or agreements have been appropriately registered against the title to the lot.
3. For the purposes of this By-law, *grade* shall mean 163.25 Canadian Geodetic Datum.
 4. In cases where there is a conflict between this By-law and the provisions of By-law 438-86, as amended, this By-law shall apply.
 5. For the purposes of this By-law, each word or expression which is italicized herein shall have the same meaning as each word or expression as defined in the aforesaid By-law No. 438-86, as amended.
 6. District Map No. 51K contained in Appendix “A” of By-law No. 438-86, as amended, is further amended by redesignating as G the lands outlined by heavy lines on Map 3 attached to and forming part of this By-law and as shown thereon as G.