

**1815 Yonge St and 25 Merton Street – Rezoning  
Application – Final Report**

<b>Date:</b>	September 18, 2008
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 22 – St. Paul's
<b>Reference Number:</b>	07 237390 STE 22 OZ

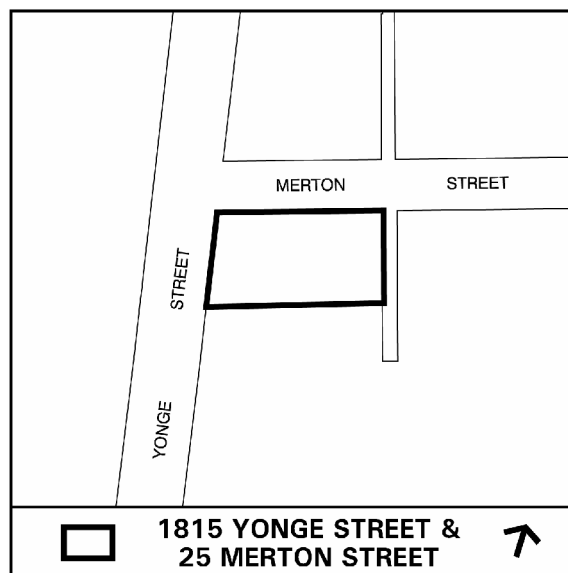
**SUMMARY**

This application was made after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application, pertaining to the lands located at 1815 Yonge Street and 25 Merton Street proposes the construction of a 24-storey residential condominium building. Included in those 24-storeys is a 4-storey podium which extends eastwards on its lot along the Merton Street frontage. The podium is proposed to consist of stacked, multi-storey townhouse style units.

The City Planning Division is recommending approval of this application given:

- the proposed redevelopment and residential intensification is of an underutilized commercial site on the Yonge Street arterial that has contained two 2-storey buildings that have been vacant for many years;
- the compliance of this proposal with the development criteria for new development in Mixed Use Areas;



- the proximity of the site to transit, retail, service and entertainment facilities and places of employment;
- the attention that has been given in the design of this project to the reduction of shadow impact of the proposed new building on the existing buildings in the immediate area;
- the attention that has been given by the applicant to the streetscape and building details to ensure that the development fits within its built form context and open space surroundings; and
- the community benefits that would be available as a result of approval and construction of this development including, redesign and construction of the street parking associated with the Oriole Park – Neshama playground, reconstruction of two tennis courts in Oriole Park, improvements to the Kay Gardiner Beltline Park and a cash dedication to the planned acquisition and development of a new park in the Yonge-Eglinton Centre.

This report reviews and recommends approval of the application to amend the Zoning By-law.

## **RECOMMENDATIONS**

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

1. City Council amend the Zoning By-law for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 8.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic, technical or other changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. City Council require the owner to provide Section 37 cash contributions toward community benefits as follows:
  - i. \$200,000.00 for the redesign and reconstruction of the existing street parking on the north side of Frobisher Avenue between Oriole Parkway and Lascelles Boulevard. Redesign and reconstruction will allow for the construction of new handicapped accessible spaces for use by all special needs visitors to Oriole Park, including visitors to the new Neshama (accessible) playground;
  - ii. \$150,000.00 for the reconstruction of the two existing tennis courts in Oriole Park;

- iii. \$420,000.00 for deposit to the parkland acquisition and development fund that will be established to purchase, design and construct a new park in Yonge-Eglinton Centre; and
  - iv. \$130,000.00 for Beltline Park (south of Oriole Park) improvements which will include, pathway surface upgrade and drainage ditch construction.
4. Require that the community benefits (detailed in recommendation 4 above) shall be secured in a Section 37 Agreement, to the satisfaction of the City Solicitor, between the owner and the City of Toronto before introducing the necessary Bill(s) to City Council for enactment.
5. Require that all Section 37 contributions identified in recommendation 4 (i), (ii), (iii) and (iv) above shall be submitted by the owner to the City at such time as the site specific zoning by-law comes into force.
6. Require the owner to develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of the first building permit (including excavation permit). Such plan and strategy shall be secured in the Section 37 Agreement as a legal convenience.
7. Require the owner to incorporate, in the construction of the building, exterior materials generally as shown on 1:50 scale drawings of the Yonge Street and Merton Street frontages with building materials labelled to the approval of the Chief Planner and Executive Director. Such exterior materials and drawings shall be secured in the Section 37 Agreement as a legal convenience, recognizing that the drawings may be subject to change but only if so determined through the site plan process.
8. Require the owner to enter into a Site Plan Agreement under Section 41 of the *Planning Act* prior to the issuance of the first above-grade building permit.
9. Require the owner to provide and maintain an irrigation system for the proposed trees within the public road allowances, including an automatic timer designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with backflow preventer to the satisfaction of the General Manager of Parks and Recreation.
10. Require the owner to submit to the Executive Director of Technical Services for review and acceptance, prior to the issuance of any permit (including excavation permit), a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

11. Require the owner to provide for any improvements to the municipal infrastructure in connection with the Site Servicing Assessment and Traffic Impact Study should it be determined that upgrades are required to the infrastructure to support this development according to the Site Servicing Assessment and Traffic Impact Study as accepted by the Executive Director, Technical Services.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development is a 24-storey, 216-unit residential condominium building. The building is comprised of a 4-storey podium which extends eastwards along Merton Street from the corner of Yonge and Merton Street and a 20-storey tower component with a floorplate dimension of 633 m<sup>2</sup> which rises above the podium.

The podium consists of two rows of 2-storey stacked townhouses. The upper units of each row back onto a common internal courtyard at the third floor level. Refer to Attachment No. 7 for project data.

### **Site and Surrounding Area**

The site is located at the southeast corner of Yonge and Merton Streets. It is bounded by Yonge Street on the west, a laneway on the east that provides public access to the servicing area for the condominium at 35 Merton St and access to the Kay Gardiner Beltline Park and the Mt Pleasant Cemetery to the south. The south side of Merton Street between Mt Pleasant Road and Yonge Street has gradually been redeveloped from light industrial and commercial to residential uses. Residential buildings on the north and south sides of Merton St. in the immediate area range in height from 2 to 15-storeys.

The site was until recently occupied by two 2-storey commercial buildings both of which were vacant at the time of their demolition. Site grading slopes down from east to west so that the Yonge St. frontage is approximately 4 metres lower than the easterly extent of the lot at Merton St and the lane.

The following land uses are adjacent to the site:

North - immediately across Merton St from the site is a 12-storey condominium with retail at grade. Beyond that building to the northeast is an area designated Apartment Neighbourhoods consisting of apartment buildings located on Balliol Street and Davisville Avenue that range in height from 6 to 29-storeys.

South - the Kay Gardiner Beltline Park (the Beltline) and the Mt. Pleasant Cemetery. The Beltline is a linear park consisting of a bike and pedestrian trail that follows

the route of a former rail line. Mt Pleasant Cemetery provides approximately 200 acres of treed open space within the local area.

East - a 15-storey residential condominium is located immediately to the east on the opposite side of the lane.

West - directly across Yonge St. to the west is the TTC's Davisville Yard. The yard is a relatively large site that consists of the Yonge subway line (uncovered at this point), the related storage and marshalling yard, a workshop building and the TTC's head office building (7-storeys) at the southwest corner of Yonge St. and Davisville Avenue. The rail yard is currently under study by the Planning Department and the TTC to determine the site's potential for possible redevelopment (the tracks will remain).

## **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 area including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and building 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**

### **i) Mixed Use Area Designation – Section 4.5**

The site is designated Mixed Use Area under the City of Toronto Official Plan (refer to Attachment 6). That designation permits a range of commercial, residential and institutional uses in single or mixed use buildings.

The Plan provides a list of criteria which are intended to direct the design and orientation of new development proposals within Mixed Use Areas. The proposed development has been evaluated with respect to the full list of criteria found in Section 4.5.2 of the Official Plan. Criteria include:

- create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

**ii) Built Form – Section 3.1.2**

The Official Plan also includes policies that are aimed at ensuring that the built form of new developments fits within the context of its surrounding area. Policies that the development complies with are Sections 3.1.2.1 to 3.1.2.6.

In particular Section 3.1.2.3 requires that new development will be massed to fit harmoniously into its existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties by:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- providing for adequate light and privacy;
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas; and
- minimizing any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

Section 3.1.2.4 requires that, “new development” will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas.

The Design Criteria for the Review of Tall Building Proposals also applies to this application. The proposal complies with these criteria.

**iii) Avenues: Re-urbanizing Arterial Corridors – Section 2.2.3**

The site is also located on a section of Yonge Street that is identified as an ‘Avenue’ on Map 2 of the Official Plan. Avenues are corridors along major streets generally where

reurbanization is anticipated. Avenue Studies are intended to precede major development occurring in these designated Avenue corridors.

However, Section 2.2.3.3(a) of the Official Plan allows that some development may be permitted on an Avenue prior to an Avenue Study subject to a Review of the implications of the proposed development on the segment of the Avenue in which it is located and on the greater *Neighbourhood*. Section 2.2.3.3(b) of the Plan sets out the general parameters of the Segment Review for testing whether (or not) a development proposal will have adverse impacts on the specific Avenue Segment and the greater neighbourhood area in which it is located. Parameters include:

- an assessment of the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity, appropriately allowing for distinguishing circumstances (the potential of the proposal to be a catalyst for changing the established development context on the Avenue);
- consideration of whether incremental development of the entire Avenue segment would adversely impact any adjacent *Neighbourhoods* or *Apartment Neighbourhoods* (impact on abutting residential land use designations);
- consideration of whether the proposed development is supportable by available infrastructure; and
- the requirement that the segment study will be considered together with any amendment to the Official Plan or Zoning By-law at the statutory public meeting for the proposed development.

#### **iv) Yonge-Eglinton Secondary Plan**

The site is also regulated by the Yonge-Eglinton Secondary Plan which has been incorporated into Chapter 6, 'Secondary Plans' of the Official Plan. The Secondary Plan includes policies which are aimed at minimizing conflicts between buildings and uses in *Mixed Use Areas* and abutting *Neighbourhoods*, *Apartment Neighbourhoods* and *Parks* and *Open Space Areas* in terms of land use, scale of buildings and traffic and access (Section 2.4).

Map 21-1 of the Secondary Plan shows the subject site as being within *Mixed Use Area 'D'*. Section 2.7(d) states that an objective of the Secondary Plan is to ensure that development of the greatest height, density and scale are situated within *Mixed Use Area 'A'* and that developments of a lesser scale that are contextually appropriate and compatible with adjacent areas will occur in *Mixed Use Areas* " 'B', 'C' and 'D'.

Section 2.8 of the Secondary Plan allows that parking requirements may be reduced for residential components of mixed use buildings within *Mixed Use Areas* which are in proximity to subway access.

Section 6.1 encourages that building access points, the relationship of new developments to the sidewalk and the location of proposed building walls, fences and trees enhance the quality of the streetscape.

#### **v) Merton Street Design Guidelines**

The Merton Street Design Guidelines were adopted by Council in 1996 and were incorporated into the former City of Toronto Official Plan by By-law No. 1997-0550.

The eastern third of the site falls within the Guidelines area. The Yonge Street western two thirds of the site is not regulated by the Guidelines. The eastern portion of the site which is regulated by the Guidelines are proposed to be developed as a 4-storey podium extending eastwards (from underneath the tower component) on Merton Street as a double row of stacked townhouses.

The Guidelines (for the south side of Merton Street) include the need to emphasize views of and connections to the Beltline Park and Mt Pleasant Cemetery and to limit building heights to maximize sunlight on the north side of the street. Buildings oriented in an east-west fashion such as the proposed 4-storey podium, are to be limited to 5-storeys. Buildings should face the Beltline Park and cemetery with grade-related unit entrances and living room windows.

#### **Zoning**

The site is split zoned under By-law 438-86 (refer to Attachment 5). The Yonge Street portion of the site which is zoned CR T3.0 C2.0 R2.5 and has an area of 1135 m<sup>2</sup>. The height limit is 38 metres. The eastern portion of the site which fronts onto Merton Street is zoned CR T2.0 C2.0 R2.0 and has an area of 1342 m<sup>2</sup>. The height limit is 21.0 metres.

The CR zoning permits residential uses including apartment buildings and commercial uses including retail, office, entertainment and service uses.

#### **Site Plan Control**

The proposed development is subject to site plan control. An application has been submitted. This report recommends that the owner enter into a site plan agreement with the City prior to the issuance of the first above grade building permit.

#### **Reasons for Application**

Zoning By-law amendments are required to permit the proposed height, density, ratio of visitor parking and other areas of non-compliance that are identified in the Zoning Plans Examiner's report and that are set out as zoning amendments in the Draft Site Specific Zoning By-law (refer to Attachment 8).

The proposed 24-storey approximately 83.5 metre high tower exceeds the maximum height (38 metres) permitted under By-law 438-86 by 45.5 metres.



At 6.75 times its lot area, the proposed development exceeds the maximum residential density (2.5 and 2.0 times the lot area for the Yonge Street frontage and the Merton Street frontage portions of the lot respectively) which is permitted by the Zoning By-law 438-86.

The applicant is proposing 26 parking spaces for visitors to the residents of the development. By-law 438-86 would require a minimum of 54 visitor parking spaces.

### **Community Consultation**

A community consultation meeting was held at Christ Church Deer Park on November 1, 2007. The meeting, attended by approximately 40 persons, was held prior to the preliminary planning report being finalized in order to allow resident participation early in the application process. Comments and issues raised by residents in attendance at the meeting, as well as comments received by planning staff subsequent to the meeting, have been discussed with the applicant and some revisions have been made as a consequence.

Concerns expressed by residents include:

- height – concerns related to the proposed height included: compatibility and fit of the tower, potential loss of city and sky views from surrounding buildings, and shadowing of nearby properties;
- access – concerns related to the proposed vehicular access included: noise and congestion impacts for residents of 35 Merton if the lane separating the site from that existing building is used for parking and loading access for the proposed new building, pedestrian safety may be compromised on the Merton Street sidewalk resulting from the proposed passenger pick-up and drop-off circular drive; and
- the adequacy of local social services and physical infrastructure to meet the demands of the new development.

### **Agency Circulation**

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

## **COMMENTS**

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

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

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

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

The proposed development is a compact urban form (intensification) that complies with the above PPS policies by making good use of existing infrastructure, providing condominium and stacked townhouse forms of housing and by being located within a 5-minute walk of the Davisville subway station.

This site is identified in the Growth Plan as being located in an area that is classified as “Built Up Area” and within the boundaries of the Yonge-Eglinton “Urban Growth Centre”. The site is also identified as an “Intensification Corridor”, a “Major Transit Station Area” and as a “greyfield site. All are categories of land to which the Growth Plan directs intensification. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Segment Review**

In situations, such as this, where a redevelopment application requiring rezoning is submitted for a site that is within an area identified as an ‘Avenue’ on Map 2 of the Official Plan and where such application precedes an ‘Avenue Study’, the application is not generally allowed to proceed without the owner providing information on how the proposal will meet the tests of a Segment Review. These tests are intended to demonstrate whether (or not) subsequent incremental redevelopment of ‘soft’ sites within the entire Avenue segment would occur as a result of the redevelopment precedent that may be set by this proposal. The tests of the Segment Review are also intended to indicate whether ‘soft’ sites would be created by the precedent set by the approval of this proposal. The applicant has provided information that outlines their position with respect to the tests set out above in part (iii) of the discussion about the Official Plan policies that pertain to the site. The applicant maintains that the development should be allowed to precede prior to an Avenue Study and staff agree based on the following review and analysis of the applicant’s information:

### **a) Avenue Segment – Development Context**

In this case, the development context within the Avenue segment has been established and this is the last privately-owned imminently redevelopable site on Yonge Street between the Beltline Park and Davisville Avenue.

The east side of Yonge Street north from Merton Street to Davisville Avenue is fully built out with buildings generally in the range of 7 to 12 storeys. It is unlikely that these

properties would be redeveloped in the near future with or without the influence of any redevelopment that may take place on the subject site.

The east side of the Yonge Street frontage, from south of the Beltline Park to just north of Glen Elm Avenue is entirely occupied by cemetery use. There is no opportunity for redevelopment within this lengthy strip of Yonge Street.

The west side of Yonge Street from just north of Oriole Gardens to Chaplin Crescent is dominated by open track of the TTC's Yonge Street line and the associated maintenance facilities of the Davisville Yard. The Davisville Yard (excluding the open track running south of the Beltline Park) is currently under planning study, managed by the Planning Department and the TTC, to determine the potential for redevelopment of the yard while maintaining the track. The study is to establish appropriate development parameters and design guidelines for those lands should the potential exist for redevelopment of the yard. Any redevelopment of the yard will be guided by the results of the current planning study. Development of 1815 Yonge Street will not establish a precedent for that site.

There are other properties on Merton Street not within the Yonge Street Avenue segment but which are in proximity to the subject lands that could have redevelopment potential. Inner-block Merton Street properties between Yonge Street and Mt Pleasant Road are not distinguished with prominent corner site qualities. By comparison, the subject property is a prominent corner site which marks the transition point on Yonge Street where land uses change between cemetery open space and Yonge Street mixed commercial/residential.

The development context for Merton Street has been set in recent years by the gradual replacement of commercial and industrial buildings with the construction of apartments, generally up to 15-storeys, and some infill townhouse developments on the north side of the street. The proposed development, on its corner lot, will not establish a new built form precedent for the Merton Street inner lots.

## **b) Impact on Abutting Residential Land Use Designations**

The site and immediately surrounding lands are designated *Mixed Use*, or *Park and Other Open Space Areas*. There are no *Neighbourhood* or *Apartment Neighbourhood* areas that could be adversely affected by this proposed redevelopment.

## **c) Available Infrastructure**

The site is serviceable by existing physical infrastructure services.

The proposal will be subject to a Section 37 Agreement through which the developer will agree to make contributions towards local community services and facilities.

## **Land Use**

The site was occupied by two 2-storey commercial buildings which had been vacant for years but have now been demolished.

An existing public lane defines the eastern perimeter of the site. It currently provides access to the Beltline Path and the condominium located at 35 Merton. The laneway will continue to be an access point for the path and condominium and is proposed to be the point of parking and loading access for the new building.

The site is near to:

- public transit, in particular the Yonge subway line (Davisville Station);
- places of employment;
- retail stores and services;
- places of entertainment; and
- open space (Mt Pleasant Cemetery) and the linear park and bike path (Beltline Park) connection to other parks, open spaces and bike routes.

### **Massing, Height, Density**

The site is split zoned CR T3.0 C3.0 R2.5 with a permitted height of 38 metres on the western portion of the site with Yonge Street frontage and CR T2.0 C2.0 R2.0 with a corresponding height limit of 21 metres.

The total blended residential density that is permitted under the existing zoning (By-law 438-86, currently under review) is 2.23 times the lot area. The blended density is the sum of the maximum permitted residential gross floor area in each of the two zoning areas applicable to the site and divided by the lot area. The applicant is proposing a total density of 6.75 times the lot area.

#### **a) Merton Street Guidelines**

While the proposed gross floor area exceeds the total residential density that is permitted by the current zoning for the site, the building complies with the height and massing as set out in the Merton Street Design Guidelines (as applied to the south side of Merton Street). The Guidelines require new buildings that are proposed to be constructed on the south side of the street to not exceed 5 to 7 storeys in height. The portion of the proposed development which is within the Guidelines area is the 4-storey stacked townhouse component of the building. The townhouses comply with that height guideline. The townhouses are appropriately set back from both Merton Street and the Beltline and have a density of 2.1 times the portion of the lot that forms their building envelope.

The density and height of this proposed development is concentrated on the western portion of the site in the form of a 24-storey condominium tower. Since this area is

outside of the Merton Street Guidelines, other policies must be used to direct the appropriate density, height and massing for the redevelopment of these lands.

**b) Mixed Use Policies (City of Toronto Official Plan – Section 4.5)**

The site is located entirely within a *Mixed Use* designation in the Official Plan. However, all of the *Mixed Use* policies which are aimed at reducing the built form impacts that a new development could have on existing buildings are specific to the potential impacts which could be experienced by occupants of buildings in lower density (*Neighbourhoods*) designations. There are no developed areas, adjacent to this site that are designated for lower density, *Neighbourhoods* use.

**c) Built Form and Built Form – Tall Buildings Policies (City of Toronto Official Plan Section 3.1.2 & 3.1.3)**

The Built Form section of the Official Plan offers policy direction for the massing of a proposed development’s height and density on its site. Shadowing and view impacts and streetscape are discussed in later sections of this report.

The Built Form policies of Section 3.1.2.3 of the Official Plan set out a list of criteria that direct the design of the proposed building. Developments that have massed their height and density as a result of a design process that has been guided by these criteria will be a fit within their built context.

The massing of this development has been designed to comply, in particular, with the following Built Form policy criteria that influence a building’s optimal height and density:

- new development will be massed to fit harmoniously into its existing and/or planned context by creating appropriate transitions in scale to neighbouring existing and/or planned buildings; and
- new development on a corner site should be located along both street frontages and give prominence to the corner and, if located on a site that ends a street corridor, new development should acknowledge the prominence of that location.

The proposed 24-storey tower is a ‘tall building’ according to the Official Plan definition of ‘tall buildings’ which are buildings that are taller than the adjacent road allowance. Section 3.1.3.2 sets out additional development criteria for proposed tall buildings to further ensure that they are recommended for approval in the right places of the City. These criteria include:

- tall building proposals must demonstrate how they relate to the existing and/or planned context; and
- tall building proposals will take into account the relationship of site topography and other tall buildings in the area.

The design of this development responds to these Built Form and Tall Buildings policy criteria by proposing a slender tower component that is pulled to the western edge (Yonge Street) of the lot and by transitioning down with a 4-storey podium to the residential condominiums to the east.

The 4-storey podium takes the form of stacked townhouses which stretch out from under the tower component of the project from west to east along Merton Street. The townhouse form links the tower which has its main lobby focus on Yonge Street to the Merton Street mixed use and apartment developments. A secondary lobby entrance accesses the complex from Merton Street and acts as an additional link between components of the development.

The proposed stacked townhouses establish a transition (from point tower to stacked townhouses) of the massing of the project that allows it to fit well within its existing local residential context of 5 to 15-storey apartment buildings and townhouses on Merton Street.

The point tower itself is not out of context within the local built form. It does not set a height precedent for the broader area. Larger, slab-type apartment buildings of up to 29-storeys currently exist to the northeast of the site between Balliol Street and Davisville Avenue.

The site is both a corner lot and the terminus of the Merton Street corridor forming a ‘T’ intersection with Yonge Street.

Therefore, with respect to the Built Form and Tall Buildings development criteria of the Official Plan the proposed building, transitions and relates well within its built form context and it takes advantage of its location at the corner of the Yonge Street arterial and Merton Street. The proposed development will have no significant negative impact resulting from its height or massing.

## **Sun, Shadow, Views and Wind**

The Built Form policies and the Tall Buildings Guidelines (Official Plan Sections 3.1.2 & 3.1.3) provide policy guidance for the design of proposed buildings in order to limit their shadow impact on surrounding buildings, streetscapes and parks.

### **a) Sun and Shadow**

The Built Form section of the Official Plan encourages new developments to provide for adequate light and privacy and that limit shadowing. The Tall Buildings Guidelines define an “adequate level of light” into a dwelling as being achieved when the orientation and facing distance between buildings is sufficient to allow daylight for part of the day to enter through the windows into the main living space of a home. The City of Toronto Design Criteria for the Review of Tall Buildings calls for a minimum separation distance of 25 metres between towers.

Buildings that have the potential to be impacted by shadow cast by this proposal are the condominiums at 1819 Yonge Street and at 35 Merton Street. The location of the proposed tower (to the west end of the site) meets the 25 metre separation standard to the existing condominium at 1819 Yonge Street.

The proposed tower is approximately 50 metres (or twice the minimum standard) from the existing condominium at 35 Merton Street. The west facing windows in 35 Merton are not main living room windows and are therefore not the main light source for those units.

The applicant has provided shadow information for the equinoxes as is required by the Official Plan. The shadow information is provided at hourly intervals from 10:18 a.m. to 6:18 p.m. and includes predictions of new shadows that would be cast by the proposed building and the plotting of shadows that are currently cast by existing buildings in the neighbourhood. This shadow information is intended to show the size of shadow that is predicted to be cast and the length of time that it will take for it to move across the affected area. The degree of impact is established from this information.

Shadow comparisons are also provided to demonstrate the incremental shadow of the proposed building over and above the shadow that would be cast if a building similar in height and massing to the building at 1819 Yonge Street had been proposed.

Point towers, such as the proposed thin, 24-storey building tend to cast long, thin shadows that travel quickly across the landscape thereby limiting their impact on the buildings in their path.

March and September equinox shadows are closely reviewed by staff as they are representative of the average extent of shadows over the course of the year. In this case, the buildings narrow floorplate of 633 square metres and its orientation on the lot that positions it just to the east of Yonge Street above its podium results in little shadow impact on the condominium at 1819 Yonge Street which is immediately north (across Merton Street) from the subject site.

## **b) Views**

The Official Plan does not specifically protect views from existing buildings. However, the tower floorplate of 633 square metres represents only 25% of the overall site area. This small floorplate and the location of the tower means that all residents of 1819 Yonge Street will maintain direct or oblique views to the south. These are views that would be lost if the applicant were to have proposed a slab type building similar to the form of 1819 Yonge.

## **c) Wind**

A wind study has been submitted by Rowan Williams Davies Irwin (RWDI) the applicant's consulting engineers. The purpose of the study was to assess the wind environment around the development in terms of pedestrian comfort and safety. The

consultants conducted their tests through wind testing of a scale model of the proposed development and the surrounding area.

The testing was done twice. First with the existing conditions only (without the proposed development) and then with the existing conditions and including the proposed building. The difference between the two test scenarios (with and without the proposed building) will represent the incremental change to the pedestrian environment if the development is approved and constructed.

Approximately 40 different locations surrounding the site were tested. The consultants found that the wind comfort conditions were satisfactory. Little difference between the existing and proposed conditions was found. In general, the projected wind conditions on-site were found to be comfortable for pedestrians in both winter and summer. In fact, the study shows that the winter wind conditions around the site are improved with the proposed building versus without it. The consultants commented that wind mitigation measures such as wind screens and landscaping which would be applied with the construction of the proposed building will further improve the winter conditions in the public realm adjacent to the site.

City of Toronto Urban Design staff concur with the consultant's analysis.

### **Parking, Access and Traffic Impact, and Loading**

Section 2.2 of the Official Plan, "Structuring Growth in the City: Integrating Land Use and Transportation", states that future growth within Toronto will be directed to areas which are well served by transit, the existing road network and which have properties with redevelopment potential. Generally, future growth locations are sites that are along bus and streetcar routes and that are near subway and other rapid transit stations.

The Plan also indicates that it is expected that the areas of the City which are most capable of accommodating growth are those areas which are designated as 'Avenues' and 'Centres'. Yonge Street in this location is a designated Avenue. With its proximity to public transit, arterial roads, bike paths, places of employment and places of retail and entertainment, growth is expected and encouraged on sites such as this along the Midtown Yonge Street corridor.

#### **a) Parking**

The City's Development Engineering Department has applied the Condominium Parking Standards to the proposed building. Minimum parking ratios are as follows:

Bachelor	0.3 spaces per unit
1 Bedroom	0.7 spaces per unit
2 Bedroom	1.0 space per unit
3+ Bedrooms	1.2 spaces per unit
Visitor	0.12 spaces per unit



The applicant is proposing a total of 217 parking spaces in a 4-level below grade garage. Of those, 191 are intended for the use of residents of the building. That parking space allowance exceeds the 164 resident spaces which are required by By-law 438-86 and meets the number of spaces that Development Engineering would require according to the Condominium Parking Standards (outside of the downtown area).

Twenty-six spaces are proposed to be provided for visitors to the building. By-law 438-86 would require 54 visitor spaces. However, the 26 proposed visitor spaces meet the projected demand for visitor parking as estimated by Development Engineering (based on the Condominium Standard for buildings outside of the downtown area). All visitor parking is located on Parking Level 1 before the resident parking gate.

Development Engineering consider that the proposed number of parking spaces, given the site's proximity to transit (i.e., Davisville Subway Station) and to the approximately 200 space Toronto Parking Authority commercial parking garage immediately across Merton Street from the lot, warrant the proposed reduced number of visitor parking spaces.

**b) Access** (refer to Attachment 1, Site Plan)

The Built Form section of the Official Plan includes a number of policies which are intended to direct the design and functioning of vehicular access to the site. Policies include:

- New development will locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by:
- using shared service areas where possible within development blocks including public and private lanes, driveways and service courts; and
- consolidating and minimizing the width of driveways and curb cuts across the public sidewalk.

The existing public lane that runs southwards off of Merton Street along the east property line of the site formerly served as a driveway access to the surface parking lot on the site. It is proposed to be used to provide access for all on-site parking and loading for the development.

Use of the lane by the proposed development would be shared with the existing condominium at 35 Merton Street. No additional curb cuts will be needed. From a design perspective, consolidating the parking and loading access on the existing lane means the building will not have gaping overhead doors facing the street and the continuous flow of street-related units will not be interrupted by an additional driveway.

The laneway will be widened to provide for the additional traffic attributed to the proposed development and to provide for the continued use of the lane as a safe pedestrian entry point to the Beltline Path and cemetery. The owner will be required to convey a 0.72 metre wide strip of land for the full extent of the laneway south of Merton Street.

Visitor drop-off/pick-up and deliveries for the condominium tower are proposed to take place within the building at the elevator bank at the west end of the visitor parking on Parking Level 1 and at the Merton Street curb adjacent to the second lobby entrance which is approximately 23 metres east of Yonge Street. The applicant has proposed that a 'No Stopping Zone' be introduced to the first 15 metres of the south side of Merton Street east of Yonge Street. This will discourage pick-up and drop-off activity from happening too close to the Yonge-Merton Street intersection.

### **c) Traffic Impact**

The Transportation Impact Study provided by the applicant and accepted by the City's Development Engineering Department provides statistical information on the projected traffic generation that could be expected to occur during peak hours if this development were to proceed. The applicant's traffic consultants have estimated that the project will generate 45 and 40 two-way trips in the morning and afternoon peak hours respectively. When adjusting these estimated trips by the peak hour traffic that is generated by the existing commercial parking lot, the net new traffic that this development could be expected to generate would be approximately 35 additional trips in the morning and afternoon peak hours.

Based on observation of the traffic patterns of other existing condominiums in the immediate area, the consultants conclude that these peak hour traffic projections would have marginal (1% increase) impact on traffic at the intersections of Yonge and Merton Streets and Merton Street and Mt. Pleasant Road.

### **d) Loading**

The applicant is proposing one Type G loading space as is required by By-law 438-86. The loading area is located within the building and accessed off of the public laneway on the eastern perimeter of the site. The loading facility would accommodate all loading, moving and refuse pick-up for the site. Loading can take place inside the building with the overhead door closed.

### **Servicing**

The applicant is required to submit to the Executive Director of Technical Services for review and acceptance prior to entering into a Site Plan Agreement with the City, a site servicing review to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and demonstrate how this site can be serviced and whether the existing municipal infrastructure is adequate.

## **Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of local parkland provision. The site is within a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007. An alternative parkland dedication will be required.

The application proposes 216 residential units on a site of 0.2478 hectares. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.288hectares. However, a cap of 10% applies and hence the parkland dedication would be 0.0247 hectares.

The applicant proposes to satisfy the parkland dedication requirement by a cash-in-lieu of land contribution. This is acceptable as the as the size of the required land dedication is too small to be of functional park use.

By-law 1420-2007 specifies that any portion of the alternate rate cash-in-lieu of parkland above 5% of the total 10% (in this case) dedication may be directed to local parks and recreation improvements. This money will be used for the Neshama playground project in Oriole Park. A more detailed explanation of the Neshama project is included in the Section 37 benefits discussion of this report.

To use an additional 2.5% of the remaining 5% of the cash-in-lieu dedication for the Neshama playground or other local park project, a motion requesting that to happen must be made by the Ward Councillor. Of the total 10% alternate rate cash-in-lieu parkland dedication, 2.5% is to go to the fund for City-wide parks acquisitions and/or improvements.

## **Open Space**

The Merton Street Design Guidelines (pertaining to the south side of the street) set out a number of directions for the design of the landscape open space on the site. The Guidelines advise that:

- i) the south side of Merton Street should be developed as, “a series of individual buildings set within a continuous landscaped open space that visually and spatially connect the street to the Beltline Park and to the Mt. Pleasant Cemetery” beyond that;
- ii) the private open space directly adjacent to the Beltline Park, according to the Guidelines, is to “clearly articulate the differences between public and private open space”; and

- iii) the street-related building walls of the proposed Merton Street units of the podium building are to be setback 3 – 4 metres to allow for sufficient area for a well-landscaped streetscape.

Visual and physical pedestrian connections to the Beltline Park and the cemetery from Merton Street will be via a widened and otherwise aesthetically enhanced laneway currently existing at the east end of the site.

The landscaped open space for the proposed development is designed on 3 different planes.

Grade level landscaped open space is provided in the front yard boulevards which are established within a 5 metre setback between the front building wall and the sidewalk of the proposed street-related units that line Merton Street. Grade level landscaped open space is also provided in front of the south-facing first floor units in the form of private terraces on grade and in the form of common open space that transitions into the public and semi-public open spaces of the Beltline Park and the cemetery. The common open space on the south side of the development is separated from the public space of the Beltline with a low wrought iron fence. The development complies with the open space portion of the Merton Street Design Guidelines.

Common open space is also provided for the 2-storey units on the third floor roof deck which is located between the north and south rows of the podium building units. Additional private roof terraces, green roofs and outdoor amenity spaces are proposed to be located on the fifth floor roof.

## **Streetscape**

Section 4.5.2(f) of the Official Plan requires that new development within *Mixed Use Areas* provide an attractive, comfortable and safe pedestrian environment. Policy (e) of that section requires new developments to locate and mass buildings in such a manner so as to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on those adjacent streets, parks and open spaces. Similar policy requirements are found in Section 4.2.2(c), *Apartment Neighbourhoods*.

The Yonge Street façade is designed with a glass wall that wraps the building's base and provides passing pedestrians with attractive views of an inner garden courtyard which is located between the main building wall and the glass wall to be located at the sidewalk's edge.

Viewed from the south, the site's high elevation allows the building to project above the Beltline pedestrian bridge and above the lengthy green section on the east side of Yonge Street which is occupied by the Mount Pleasant Cemetery. The visual effect of the building to approaching pedestrians and motorists from the south would be as a gateway building marking the start of a new *Mixed Use* district in a different sector of the City.

Two rows of integral, grade-related, stacked townhouses are located in the 4-storey podium. One row of these units is accessed from Merton Street and the other have entrances onto the open space to the south. All are also accessed from the parking garage below grade. The podium level emphasizes the comfortable lower-scale of the portion of the proposed development which is adjacent to the pedestrian realms of the Merton Street sidewalk and the Beltline path.

Certain building materials on the building's Yonge and Merton Street frontages, as shown on the accepted 1:50 exterior materials drawings, will be secured through the Section 37 and Site Plan Agreements.

### **Toronto Green Development Standard**

The City's Green Development Standard has 35 minimum requirements and 28 enhanced targets, totalling 63 possible green development targets. The proposed development has been designed to achieve 31 minimum and 12 enhanced targets for a total of 43 of 63 targets. Some of the targets that are proposed to be met include:

- the primary entrances of the proposed development are within 200 metres of transit stops and/or a subway station;
- bicycle parking meets or exceeds 0.75 spaces per dwelling unit (residential) ;
- a combination of light coloured building materials and green roof installations for 75% of the roof; and
- 70% of fixtures are Energy Star compliant.

### **Section 37**

Section 37 of the *Planning Act* allows the City to grant increased density and/or height in exchange for community benefits. Community benefits, are specific capital facilities (or cash contributions toward specific capital facilities) and can include parkland and/or park improvements above and beyond the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, substantial contributions to the urban forest on public lands and land for other municipal purposes (Section 5.1.1.6 of the Official Plan).

The community benefits must bear a reasonable planning relationship to the proposed development, including at a minimum an appropriate geographic relationship and addressing planning issues associated with the development (eg., local shortage of parkland, improvement of traffic circulation, etc.).

In this case planning staff are recommending that the following community benefits be secured in the Section 37 agreement:

**1. Improvements to the Southwest Edge (Frobisher Avenue) of Oriole Park**

Oriole Park is located just west of the TTC's Davisville rail yard. The proposed development has a direct, off-road link to the park via the Beltline Path's Yonge Street overpass.

Oriole Park is a local park in an area (which includes the subject site) that has a low level of parkland relative to the rest of the City. As the area continues to grow, it will be important to maintain and upgrade existing parks as well as to acquire, design and build new parks when the opportunities arise.

A private sector Steering Committee has been working with the City to design and build a new universally accessible and inclusive playground in Oriole Park. The project has been named Neshama, Playground for All Children. It is intended to provide state-of-the-art playground experiences specifically including a variety of play activities which are accessible to children with physical, cognitive and developmental/intellectual disabilities.

The playground design and construction is being funded in part with funds raised by the Steering Committee and will be matched and exceeded by the City. City funds will be provided through cash-in-lieu of park land dedications (under Section 42 of the *Planning Act*) made by this and other development projects.

Associated with the Neshama project is the need to redesign and construct the street parking on Oriole Park's southwest edge along Frobisher Avenue. The redesigned street parking will include angled parking spaces reserved for use by the disabled. The owner will contribute, under Section 37 of the *Planning Act*, \$200,000.00 towards the design and construction of the new street parking on Frobisher Avenue.

**2. Reconstruction of the Tennis Courts in Oriole Park**

Related to the Neshama playground project and Oriole Park improvements is the reconstruction of the two existing tennis courts in the park. The owner will contribute, under the *Planning Act*, \$150,000.00 towards the reconstruction of the two courts.

**3. Yonge-Eglinton Centre – Parkland Acquisition**

The site is approximately equidistant from two major Yonge Street intersections. These intersections (Yonge Street and St Clair Avenue and Yonge Street and Eglinton Avenue) are identified as 'Urban Growth Centres' in the Provincial Government's, "Growth Plan for the Greater Golden Horseshoe". One of these growth centres, the Yonge-Eglinton Centre, is currently the subject of a secondary plan review. The review is intended to result in amendments to the Yonge-Eglinton Secondary plan.

New parkland has been proposed within the centre of the Secondary Plan area which would serve new residents in the Plan area itself and the residents of the surrounding community including the subject site. A park of 2000 to 2500 square metres is proposed to be created. A parkland acquisition and development fund will be established to purchase, design and construct this new park. A contribution of \$420,000.00 under Section 37 of the *Planning Act* will be made by the owner to the Yonge-Eglinton Centre parkland fund.

#### **4. Kay Gardiner Beltline Park Improvements**

A contribution of \$130,000.00 will be made by the owner to be used for improvements to the Beltline path. Improvements will include, pathway resurfacing and drainage ditch construction. These improvements will be made to a portion of the path which is south of Oriole Park which is an area of the path that is immediately across the Yonge Street pedestrian overpass from the site.

All Section 37 contributions discussed in subsections 1, 2, 3 and 4 above shall be made at such time as the proposed site specific by-law comes into force. Due to the (early) timing of the Section 37 payment the usual requirement for indexing the funds is recommended to be waived.

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

1. The owner will draft a Construction Mitigation Plan and Resident Communication Strategy to the satisfaction of the Chief Planner and Executive Director of the City of Toronto Planning Division.
2. The owner shall incorporate, in the construction of the building, exterior materials to be shown on 1:50 scale drawings along Yonge Street and Merton Street with building materials labelled to the approval of the Chief Planner and Executive Director, City Planning Division.

#### **Construction Mitigation Plan and Resident Communication Strategy**

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

The owner of this site will be required (through condition of the Section 37 Agreement) to work with the City Planning Department, the Ward Councillor's office and the local residents to establish area-specific guidelines and restrictions for construction activity, should the project be approved by City Council. It should be noted that the plan/strategy

will identify many construction related issues that are regulated by other City-wide enforcement measures (ie., Noise By-law, Dust Control By-law).

A resident liaison committee may be established consisting of representatives of, local residents, business people, Mount Pleasant Cemetery management, the owner's construction manager and the Ward Councillor's office.

The mitigation plan and communication strategy will address at least the following matters:

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

## **Tenure**

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

## **Development Charges**

It is estimated that the development charges for this project will be \$1,296,712.00. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.



## **CONTACT**

Tim Burkholder, Planner  
Tel. No. (416) 392-0412  
Fax No. (416) 392-1330  
E-mail: tburk@toronto.ca

## **SIGNATURE**

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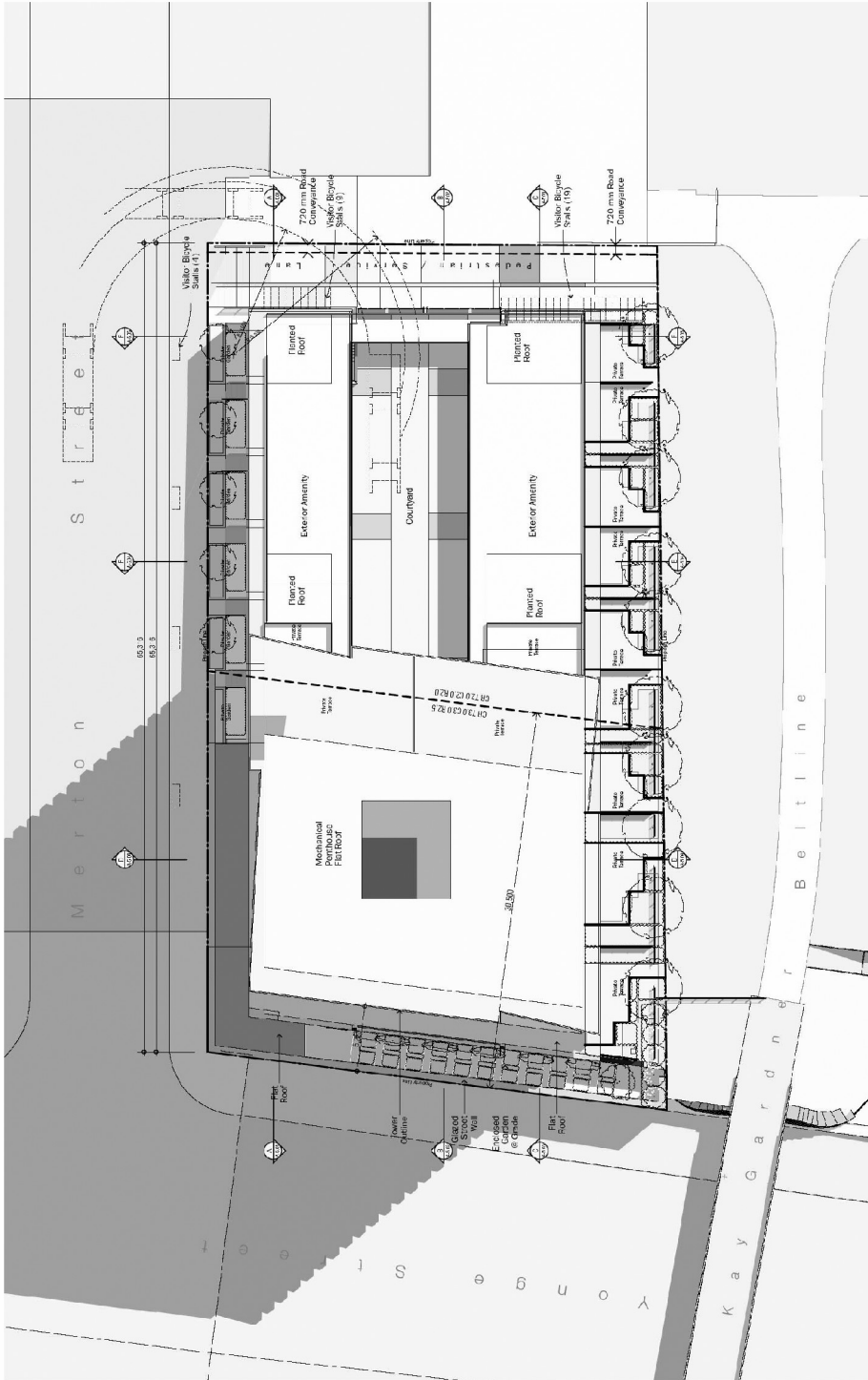
Raymond David, Acting Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

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

# Attachment 1: Site Plan



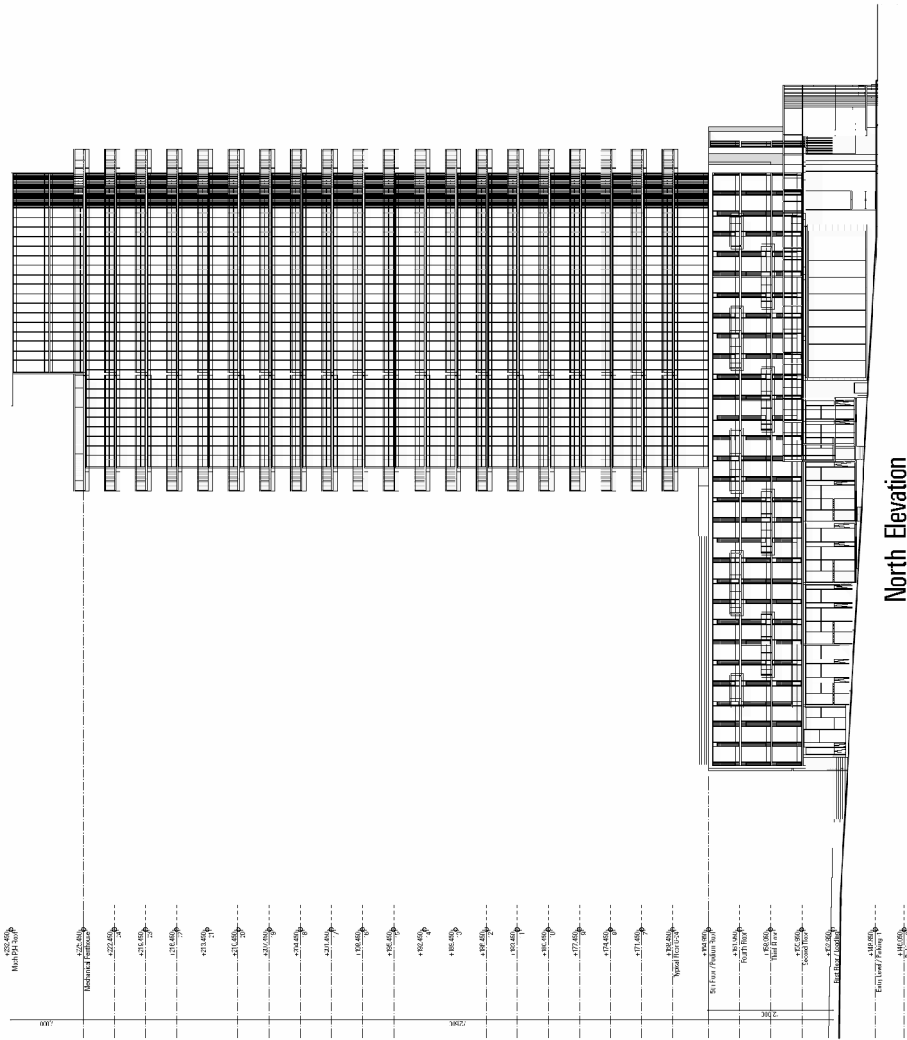
**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 08/07/08

1815 Yonge Street & 25 Merton Street  
 File # 07\_237390



# Attachment 2: North Elevation

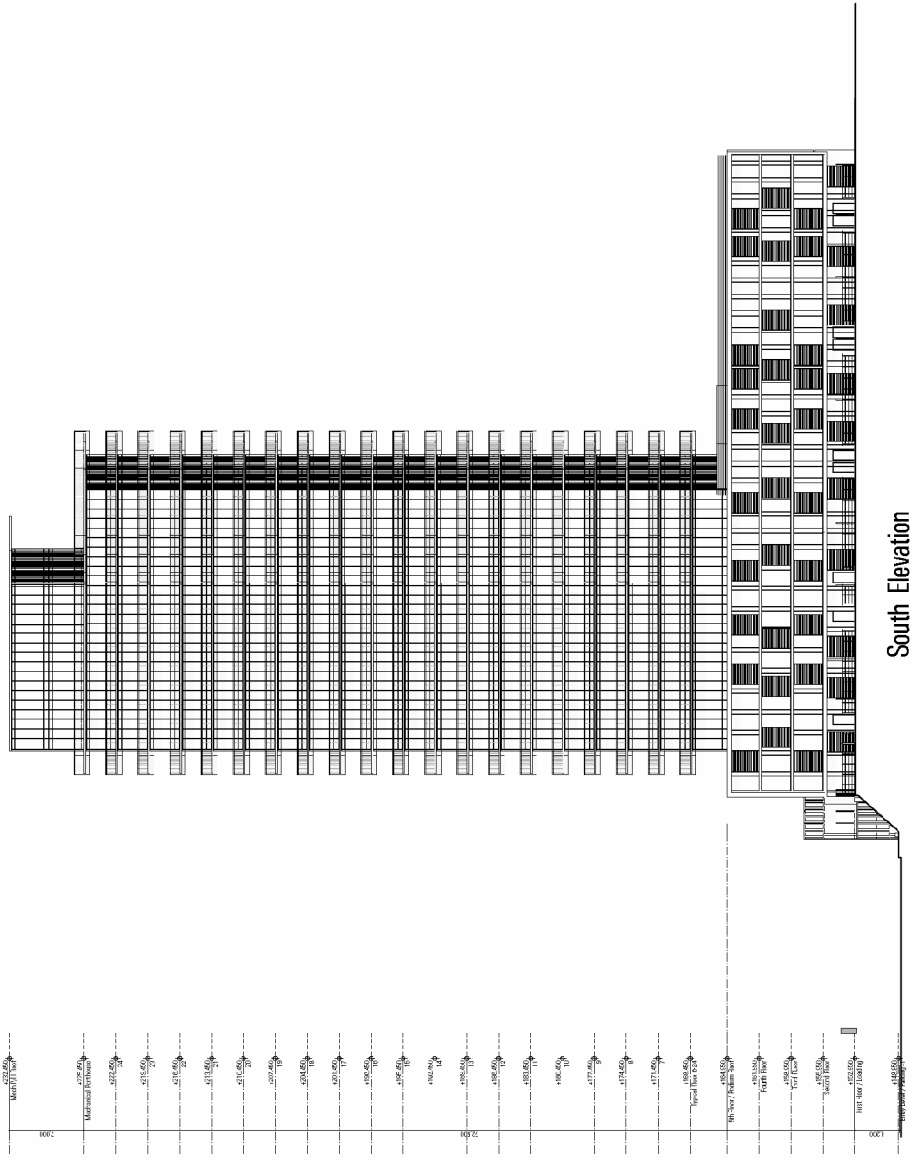


1815 Yonge Street & 25 Merton Street

**Elevations**  
Applicant's Submitted Drawing  
Not to Scale  
08/07/08

File # 07\_237390

# Attachment 3: South Elevation



South Elevation

1815 Yonge Street & 25 Merton Street

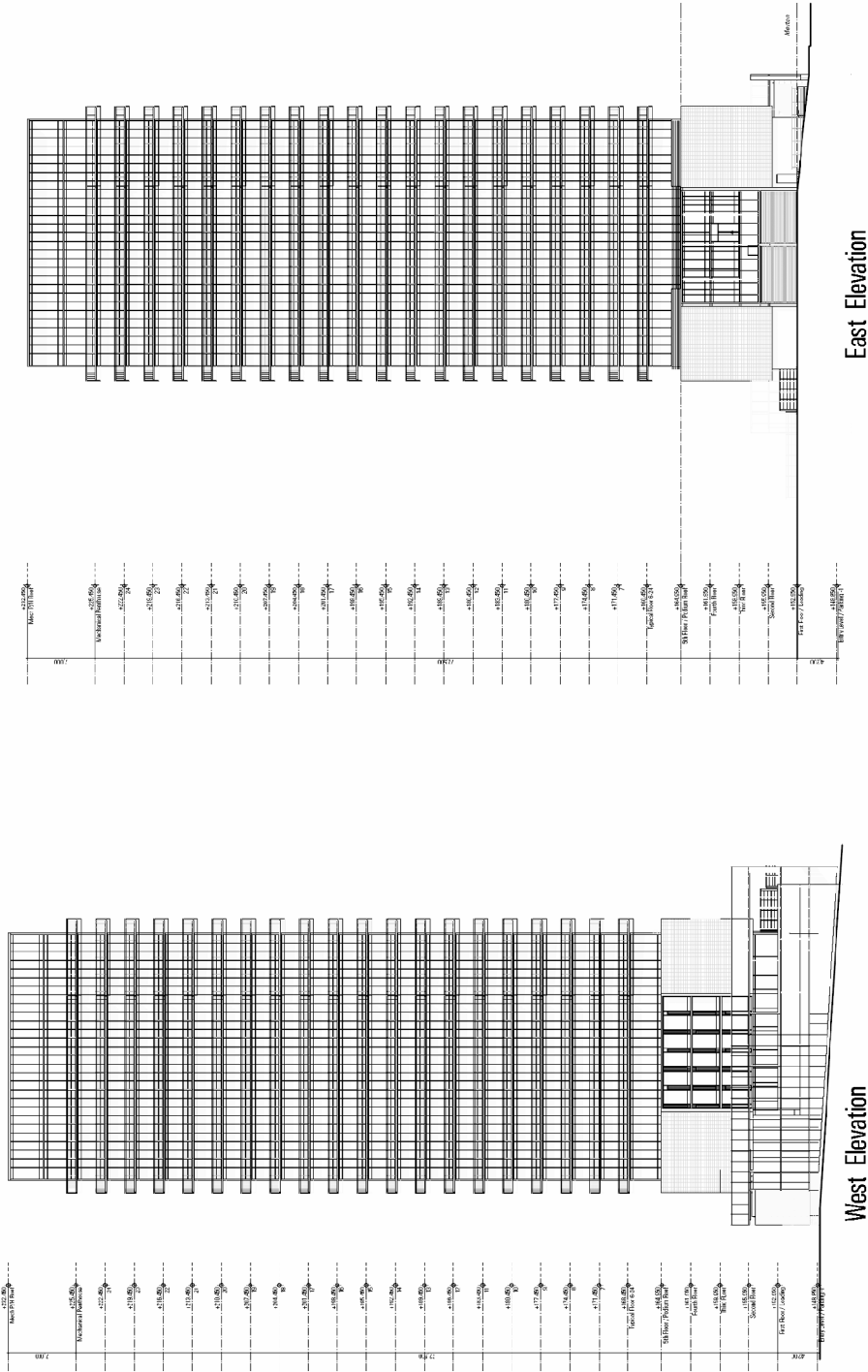
File # 07\_237390

## Elevations

Applicant's Submitted Drawing

Not to Scale  
08/07/08

Attachment 4: East & West Elevations



1815 Yonge Street & 25 Merton Street

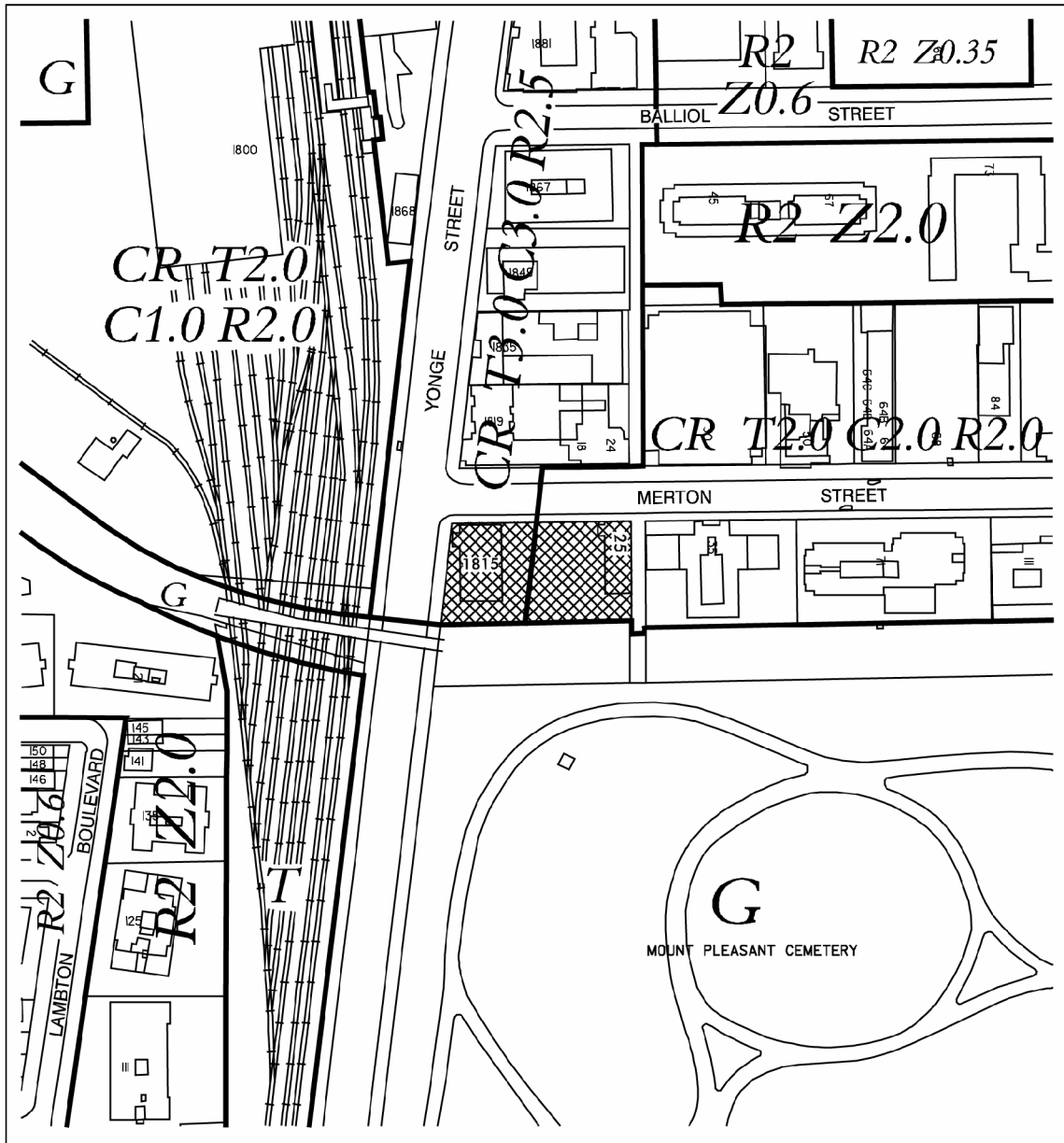
Elevations

Applicant's Submitted Drawing

Not to Scale  
08/07/08

File # 07\_237390

Attachment 5: Zoning



**TORONTO** City Planning  
Zoning

1815 Yonge Street & 25 Merton Street

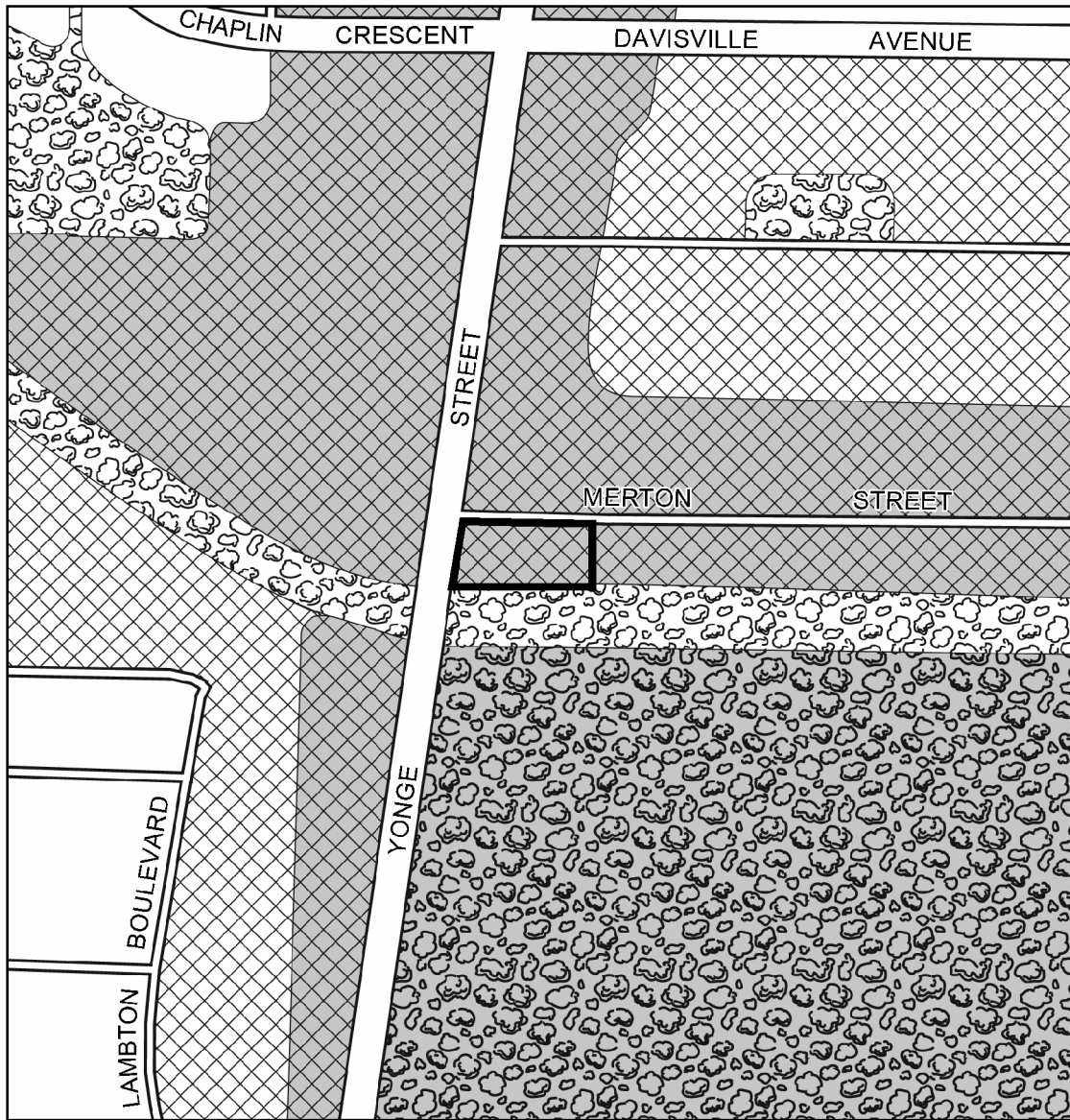
File # 07\_237390

- R2 Residential District
- CR Mixed-Use District
- T Industrial District
- G Parks District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 08/07/08 - TA







## Attachment 6: Official Plan



**TORONTO** City Planning  
**Official Plan**

**1815 Yonge Street & 25 Merton Street**

File # 07\_237390

- |   |                 |   |                          |
|---|-----------------|---|--------------------------|
|  | Site Location   |  | Other Open Space Areas   |
|  | Neighbourhoods  |  | Apartment Neighbourhoods |
|  | Mixed Use Areas |  | Parks                    |

  
 Not to Scale  
 08/07/08

**Attachment 7: Application Data Sheet**  
**APPLICATION DATA SHEET**

Application Type	Rezoning	Application Number:	07 237390 STE 22 OZ
Details	Rezoning, Standard	Application Date:	June 27, 2007

Municipal Address: 1815 YONGE ST  
 Location Description: PL M5 PT LTS 1 AND 2 \*\*GRID S2208  
 Project Description: Construct 24-storey residential apartment building including four levels of underground garage

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MCCARTHY TETRAULT LLP		ARCHTECT'S ALLIANCE	2100699 ONTARIO LIMITED

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T3.0 C3.0 R2.5, CR T2.0 C2.0 R2.0	Historical Status:	
Height Limit (m):	38, 21	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq. m):	2478	Height:	Storeys:	24
Frontage (m):	65.32		Metres:	83.5
Depth (m):	36.3			
Total Ground Floor Area (sq. m):	1552.7			<b>Total</b>
Total Residential GFA (sq. m):	16725		Parking Spaces:	217
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	16725			
Lot Coverage Ratio (%):	62			
Floor Space Index:	6.75			

**DWELLING UNITS**

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	94
2 Bedroom:	108
3 + Bedroom:	14
Total Units:	216

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

	Above Grade	Below Grade
Residential GFA (sq. m):	16725	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

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



## Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Item ●● as adopted by City of Toronto Council on \_\_\_\_\_, 2008

Enacted by Council: \_\_\_\_\_, 2008

### CITY OF TORONTO BY-LAW No. xxx-2008

#### **To amend General Zoning By-law No. 438-86 of the former City of Toronto with respect to lands municipally known as 1815 Yonge Street and 25 Merton Street.**

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

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

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

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

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

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. None of the provisions of Section 2(1) with respect to the definition of *grade* and Sections 4(2)(a), 4(4)(b), 4(12), 4(14)(a)(ii), 4(16), 8(3) Part I 1., 8(3) Part I 3(a), and 8(3) Part II 1(a)(i) of Zoning By-law No. 438-86 of the former City of

Toronto, 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, shall apply to prevent the erection and use of an *apartment building*, including uses *accessory* thereto, on the *lot* provided:

- (1) the *lot* consists of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
- (2) subject to Section 1(3) of this By-law, the *residential gross floor area* of the building erected on the *lot* shall not exceed 16,730 square metres;
- (3) despite clause (i)C. of the definition of *residential gross floor area* in Section 2(1) of By-law No. 438-86, as amended, a part of the building or structure that is used for the parking of motor vehicles or bicycles, storage, *residential amenity space*, or other *accessory* use located on a floor level below *grade* or the first floor level above *grade* that is closest to *grade* shall be excluded from the calculation of *residential gross floor area*;
- (4) no portion of any building above finished ground level is located otherwise than wholly within the areas delineated by heavy lines on Map 2 attached to and forming part of this By-law, except for the following:
  - (a) cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills/surrounds, guardrails, balustrades, railings, stairs, stair enclosures, wheelchair ramps, vents, underground garage ramps and their associated structure, fences, screens, and landscape and public art features;
  - (b) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.2 metres beyond the wall to which they are attached, provided the *height* of such structure is no higher than the portion of the building to which it is attached; and,
  - (c) a glass screen wall may project outside the heavy lines shown on Map 2, provided that it is located within the hatched/shaded area shown as Glass Screen Wall and has a maximum *height* in metres specified by the numbers following the symbol H on the attached Map 2.
- (5) no person shall erect or use a building or structure on the *lot* having a greater *height* in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, except for the following:
  - (a) a wall or structure enclosing a stair tower, elevator shaft, or heating, cooling, and ventilating equipment, provided such elements are located within the area shown as Mechanical

Penthouse on Map 2 and shall not exceed the *height* in metres specified by the number following the symbol H for the Mechanical Penthouse on Map 2;

- (b) roof parapets and railings, provided the maximum vertical dimension of such elements shall not exceed the sum of 3.0 metres and the applicable maximum *height* in metres as specified on the attached Map 2;
  - (c) the projections identified in Section 1(3) of this By-law, subject to the limitations contained therein;
- (6) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:

Residents' Parking:

- (a) a minimum of 0.3 *parking spaces* per *bachelor dwelling unit*;
- (b) a minimum of 0.7 *parking spaces* per one *bedroom dwelling unit*;
- (c) a minimum of 1.0 *parking spaces* per two *bedroom dwelling unit*;
- (d) a minimum of 1.2 *parking spaces* per three or more *bedroom dwelling unit*;

Visitor Parking:

- (e) a minimum of 0.12 *parking spaces* per *dwelling unit* for visitors;

- (7) *residential amenity space* shall be provided and maintained on the *lot* in accordance with the following:

- (a) a minimum of 2 square metres of indoor *residential amenity space* for each *dwelling unit* located in a multi-purpose room or rooms, which need not be contiguous, at least one of which contains a kitchen and a washroom;
- (b) a minimum of 2 square metres of outdoor *residential amenity space* for each *dwelling unit*, of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor *residential amenity space*;

- (8) the owner of the *lot* is required to enter into one or more agreements pursuant to Section 37 of the *Planning Act* satisfactory to the Chief Planning and Executive Director, City Planning Division and the City Solicitor and that such agreement(s) be registered against the title to the *lot*

as outlined in heavy lines on Plan 1 to secure the following facilities, services or matters:

- i) the owner shall provide Section 37 cash contributions toward community benefits as follows:
  - (a) \$200,000.00 for the redesign and reconstruction of the existing street parking on the north side of Frobisher Avenue between Oriole Parkway and Lascelles Boulevard. Redesign and reconstruction will allow for the construction of new handicapped accessible spaces for use by all special needs visitors to Oriole Park and including visitors to the new Neshama (accessible) playground;
  - (b) \$150,000.00 for the reconstruction of the two existing tennis courts in Oriole Park;
  - (c) \$420,000.00 for deposit to the parkland acquisition and development fund that will be established to purchase, design and construct a new park in Yonge-Eglinton Centre; and
  - (d) \$130,000.00 for Beltline Park (south of Oriole Park) improvements which will include, pathway surface upgrade and drainage ditch construction;
- ii) all Section 37 contributions identified in (8) (i) (a), (b), (c) and (d) above shall be submitted by the owner to the City at such time as the site specific zoning by-law comes into force;
- iii) the owner shall develop and implement, to the satisfaction of the Chief Planner and Executive Director of the City Planning Division, an appropriate Construction Mitigation Plan and Resident Communication Strategy prior to the issuance of the first building permit (including excavation permit); and
- iv) the owner shall incorporate, in the construction of the building, exterior materials generally as shown on 1:50 scale drawings of the Yonge Street and Merton Street frontages with building materials labelled to the approval of the Chief Planner and Executive Director subject only to changes as are made pursuant to the site plan approval process.

## 2. Definitions:

For the purposes of this By-law, the terms set forth in italics have the same meaning as such terms have for the purposes of By-law 438-86, as amended, except for the following:

- (1) “*grade*” means 148.85 m Canadian Geodetic Datum;
3. None of the provisions of By-law 438-86, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office or a *commercial parking lot*.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition, or division occurred.
5. Section 13 of By-law 438-86 shall be amended by adding, ‘By-law xxxx’ respecting 1815 Yonge Street and 25 Merton Street.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, A.D. 200\_\_\_\_.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS,  
City Clerk

(Corporate Seal)