

**58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue
Rezoning Application – Final Report**

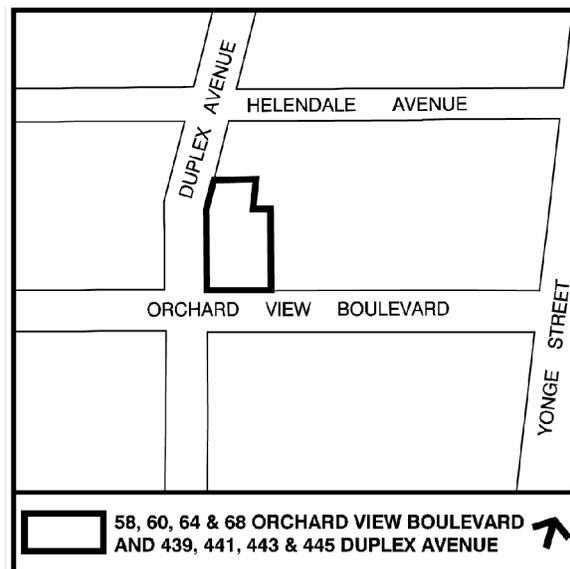
Date:	July 26, 2010
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	08 182458 NNY 16 OZ

SUMMARY

This application was made on July 16, 2008 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

The application proposes to amend the Zoning By-law to permit the construction of a 17 storey apartment building with a height of 50.4 metres containing 229 dwelling units at the subject properties. The proposal consists of a 14-storey tower on top of a 3-storey (10.3m) base massed along the west, north and south façades of the site, a stepback at 6 storeys (18.8m) is found along Duplex Avenue. The base building is massed and articulated to read as grade related townhouse units with direct access for ground floor units from the Duplex Avenue sidewalk. The tower is located on the southeast end of the property with a 3 metre stepback at the 3rd storey along Orchard View Boulevard.

The proposal allows for compatible infill development on underutilized lands within an *Apartment Neighbourhoods* designation within the Official Plan. The development of these lands intensifies residential uses on lands in close proximity to a subway station



and adjacent to an area designated for growth and intensification by the PPS, Growth Plan and Official Plan. The proposal fits within the high density context created by neighbouring buildings and provide a step down in height from the commercial and residential towers within the *Yonge-Eglinton Centre* to the low scale uses designated *Neighbourhoods* on the west side of Duplex Avenue and the north side of Helendale Avenue. The proposal is appropriate considering an emerging standard of transition along the edge of the *Yonge-Eglinton Centre* area.

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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 58, 60, 64 & 68 Orchard View Boulevard and 439, 441, 443 & 445 Duplex Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. a payment of \$400,000.00 prior to the introduction of the necessary Bills to City Council. Such payment will be directed to the Planning Act Reserve Fund to be budgeted for capital improvements for the Yonge-Eglinton area, which includes streetscape furniture and other pedestrian amenity, to be determined in consultation with the local Councillor.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. as part of the Site Plan Approval Process, the owner shall provide 1:50 scale drawings illustrating the 3-storey podium portion of the building for the north, west and south elevations with building materials labelled:

- ii. the Owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and
 - iii. prepare a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director City Planning.
4. Before introducing the necessary Bills to City Council for enactment, require the applicant to enter into a Site Plan Agreement under Section 41(16) of the Planning Act and Section 114 of the City of Toronto Act.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

In 2002 an Official Plan and Zoning By-law Amendment application and Site Plan Control application were submitted for a portion of the lands subject to this application to permit the construction of a 17 storey (61.3m), 185 unit apartment building at a density of 11.12 times the area of the lot for 58, 60, 64 & 68 Orchard View Boulevard and 439 & 441 Duplex Avenue. The applications were refused by City Council at its meeting of February 4, 5 & 6, 2003. A copy of City Council's decision is available at:

<http://www.toronto.ca/legdocs/2003/agendas/council/cc030204/ey1rpt/cl037.pdf>

Three pairs of vacant semi-detached dwellings existed on the lands when the above noted applications were submitted. The previous owner had let these units fall into disrepair and members of the community expressed concern regarding the poor conditions of the dwellings as well as vagrancy, garbage and safety on the premises leading the previous owner to file applications for permission to demolish the dwellings. City Council at its meeting of October 26-28, 2004, citing public safety concern, adopted a motion which approved the demolition application and the houses were demolished in July, 2005.

Shortly after the demolition of the vacant dwelling units, the previous owner (Brydale Investments) conveyed the lands to the current owner (Orchard View Holdings Inc.). Orchard View Holdings Inc. sought relief from the Committee of Adjustment to allow for a commercial parking lot on the lands. In June 2007, the Committee of Adjustment approved the application to permit a temporary commercial parking lot on the lands for a period of three years from the date of site plan control approval. The City Planning Division approved the site plan control application for the commercial parking lot on October 24, 2007.

Orchard View Holdings Inc. has since acquired two additional properties to the north of the original assembly of lands (443 and 445 Duplex Avenue). Applications to demolish the two semi-detached dwellings existing on the lands were submitted on June 26, 2008. A report from the Deputy Chief Building Official to North York Community Council recommended refusal of the application to demolish the dwelling units without a replacement building permit. A copy of the staff report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2008/ny/bgrd/backgroundfile-14957.pdf>

North York Community Council accepted this recommendation and refused the application to demolish the two dwelling units at 443 and 445 Duplex Avenue. In addition, Community Council passed a motion directing the District Manager, Municipal Licensing and Standards, North York District, to ensure that the properties are in conformity with existing property standards. Orchard View Holdings Inc. has appealed this decision to the Ontario Municipal Board.

A preliminary report for the current application was considered by North York Community Council in January 2009 authorizing staff to conduct a community consultation meeting with notice given to an expanded area. The report can be accessed via the following link:

<http://www.toronto.ca/legdocs/mmis/2009/ny/bgrd/backgroundfile-17790.pdf>

ISSUE BACKGROUND

Proposal

The application has been revised several times since the original submission in June, 2008 in response to discussions with staff and the local residents. A summary of the revisions made to the building from the original proposal to the current proposal is provided in the following table:

	June, 2008 Original Proposal:	July 2010 Revised / Current Proposal:
Height (m)	20 storeys (62m) Residential use wraps mechanical penthouse.	17 storeys (50m) Mechanical penthouse is additional height
Podium / Terracing Elements	4 and 8 storeys	3 and 6 storeys
No. of Storeys Adjacent to Property Line	North – 8 storeys West – 4 storeys South – 4 storeys	North – 3 storeys West – 3 storeys South – 3 storeys
Unit Count	236	229
Parking Count	104	132 (includes 4 car share spaces)

Floor Area	16,296m ²	15,270 m ²
Amenity Area	414m ² 260m ² indoor 154m ² outdoor	460 m ² 215 m ² 245 m ²
Density	10.6	10.2

Additional site statistics are provided in the Application Data Sheet included as Attachment 7.

The current proposal has been revised with a building form now composed of a 17-storey tower with a total height of 50.4 metres consisting of a 3-storey base (10.3 metres) terracing up to 6-storeys (18.8 metres) moving away from Duplex Avenue (see Attachment 1). A total of 229 dwelling units are proposed consisting of 182 one bedroom units and 47 two bedroom units.

The 3-storey base portion of the building fronts both Duplex Avenue and Orchard View Boulevard, and wrap along the north portion of the building adjacent to the existing low-scale residential homes to the north of the site. The first two floors of the 3-storey base along Duplex Avenue are designed with masonry elements with lighter materials above to allow them to read as two storey townhouses. Ground floor units would have pedestrian access directly from the Duplex Avenue sidewalk and would be landscaped for private gardens as is typically found in this context.

The tower is generally rectangular in shape and has a floor plate of approximately 850m². It would be oriented north-south with the narrow portion of the tower facing Orchard View Boulevard. The mechanical penthouse will be stepped back from the tower to limit its visual appearance. The tower portion of the building is sited in the southeast corner of the site with an 8m setback from the west property line and an 8m setback from the north property line. The building terraces down from 17-storeys to 6-storey and then down to 3-storeys at the north and west ends of the site in order to provide transition in scale to the adjacent lower scale residential uses in those areas. Details of the various setbacks and stepbacks can be found on the Site Plan / Roof Plan (Attachment 1) and Draft Zoning By-law Schedule (Attachments 8).

Vehicular access to a five-level, 132 space underground parking garage is proposed from Orchard View Boulevard. The proposal has been revised to allow for loading and servicing vehicles to access the site from Orchard View Boulevard, turn around on site and exit in a forward direction on to the public street. All loading and servicing activities would occur within the building footprint on the ground floor.

Site and Surrounding Area

The site is located on the northeast corner of Orchard View Boulevard and Duplex Avenue west of Yonge Street. The site has a 30.64m frontage along Orchard View Boulevard and 56.4m along Duplex Avenue and an area of 1,494m². The southern portion of the site contains the previously noted commercial parking lot. Two

semidetached dwellings remain on the northern part of the lands (443-445 Duplex Avenue).

Land uses surrounding the subject site are as follows:

North: three single detached dwellings;

East: a 14 storey (53m) Co-op Apartment Building (Stanley Knowles Co-op) above a two storey Toronto Public Library;

South: across Orchard View Boulevard, the Yonge-Eglinton Centre is a mixed use complex that consists of two apartment buildings of 22 and 17 storeys in height, two office towers of 22 and 27 storeys in height and approximately 38,000m² of retail uses split between the first two floors and below grade concourses with connections to Eglinton Subway Station. In April, 2010, City Council approved an application to amend the site specific zoning for the property to permit an additional 4,000m² of retail space and additions of 5 and 7 storeys of office space above the existing office towers, bringing the permitted height of the towers to 27 and 34 storeys; and

West: across Duplex Avenue, low scale residential uses comprised of detached and semi-detached dwellings flanking Duplex Avenue.

Provincial Policy Statement and Provincial Plans

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

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

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

Official Plan

The subject lands are designated *Apartment Neighbourhoods*. This designation is distinguished from low rise *Neighbourhoods* because of the greater scale of buildings it provides for. Both *Neighbourhoods* and *Apartment Neighbourhoods* are considered physically stable areas and development will be consistent with this objective and reinforce and respect the existing physical character of buildings, streetscape and open space patterns.

While built up *Apartment Neighbourhoods* are not generally anticipated to accommodate significant growth, compatible infill development is provided for on underutilized sites according to development criteria outlined in Policies 4.2.2 and 4.2.3. Across Duplex Avenue to the west of the development site are lands designated *Neighbourhoods* which are to be protected from more intense forms of development. A key theme of the development criteria for *Apartment Neighbourhoods* as found in Policy 4.2.2 is the appropriate provisions of setbacks from and stepping down of heights towards lower scale *Neighbourhoods*.

The subject site is immediately adjacent to the *Yonge-Eglinton Centre*, one of four *Centres* identified on Map 2 as part of the Official Plan's growth management strategy. The boundaries of this growth area were recently amended to implement the policies of the Province's Growth Plan for the Greater Golden Horseshoe for intensification in urban growth centres. West of Yonge Street, the northern boundary of the *Yonge-Eglinton Centre* as approved by City Council in April, 2010 is Orchard View Boulevard. While in close proximity to the *Centre*, the subject lands fall outside of the urban growth center.

The subject site is located within the Yonge-Eglinton Secondary Plan Area which further articulates a primary objective of maintaining and reinforcing the stability of *Neighbourhoods* and minimizing conflicts between the various designations in terms of land use, scale and vehicular movement. It is an objective of the Secondary Plan to maintain the existing scale of development within stable *Neighbourhoods* and limit overshadowing by securing a transition in height and scale from development in *Mixed Use Areas* and *Apartment Neighbourhoods* to *Neighbourhoods*.

The Secondary Plan provides for development of the greatest height, density and scale to be situated in *Mixed Use Area "A"*, and development of a lesser scale that is contextually appropriate and compatible with adjacent areas to be located in *Mixed Use Areas "B"*, *"C"*, and *"D"*. The Secondary Plan directs higher density residential development proposals within *Apartment Neighbourhoods* to sites with nearby subway station access. Residential proposals on these sites may have reduced parking requirements in order to reduce conflicts between vehicular traffic and on-street servicing, maximize the utilization of existing parking facilities and encourage residential uses to locate within the Secondary Plan area.

Zoning

Zoning By-law 438-86 of the former City of Toronto zones the subject lands R2 with a density limit of 1.0 times the area of the lot. Permitted uses in an R2 zone include apartment buildings, detached houses, duplexes, row houses, semi-detached dwellings and triplexes. The maximum height permitted is 14.0m. In addition, buildings with a front lot line on Duplex Avenue may not extend beyond a 45 degree angular plane projected over the lot from a point 10m from the east street line.

Site Plan Control

A site plan control application was submitted on June 19, 2009 and is being reviewed.

Reasons for Application

An application to amend the Zoning By-law is required to permit the proposed height, density and coverage, as well as establish appropriate zoning standards to facilitate the proposal.

Community Consultation

A number of community consultation meetings have been held on the subject application. The local Councillor convened a community meeting attended by staff and the applicant to review the original 20-storey proposal in October, 2008 prior to the consideration of a preliminary report by Community Council. Staff held a community consultation meeting in February, 2009 as authorized by the adoption of the recommendations in the preliminary staff report. This meeting was attended by the local Councillor, the applicant and approximately 75 members of the public. Subsequent to that meeting, the local Councillor established a working group of local residents to address the specific issues raised and allow for direct dialogue between the applicant and local residents. Staff were not present at all working group meetings. Several working group meetings have been held as the application has been revised, the most recent being July 13, 2010.

A number of issues have been raised through the community consultation process and in correspondence submitted on the file. The main concerns expressed are those related to the height of the building and the proposed density. The proposal has been reduced in height by 3 storeys and 12m from the original submission. However, in recent working group meetings, local residents continue to express their concern with the height of the proposal. Linked with this issue is one dealing with a lack of stepbacks and setbacks for the purpose of transitioning the development to adjacent low scale development both immediately adjacent to the development site and across Duplex Avenue to the west. Other issues raised through the consultation process include the lack of landscaping and greenspace provided in the subject proposal given the proposed unit count and density.

Concerns were also raised with design elements of the original proposal. In order to accommodate an acceptable loading arrangement, the applicant redesigned the ground floor for a drive through loading space accessed from Orchard View Boulevard existing onto Duplex Avenue. At working group meetings, this was seen as a potential conflict with pedestrians and traffic along Duplex Avenue. The applicant redesigned the ground floor of the proposal to allow for a loading vehicle to enter and exit the site off Orchard View Boulevard in a forward direction, eliminating the need for a curb cut on Duplex Avenue. This allowed for a continuous street wall treatment along Duplex Avenue that with resident input, was sculpted to read as two storey townhouse units. Similarly, issues originally raised by the community related to the inadequacy of the proposed parking supply have been addressed through subsequent revisions which have added underground parking and car share spaces to ensure the site is adequately serviced.

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

The proposal is consistent with the PPS. The site is located adjacent to a designated growth area and is proposed to be developed with suitable standards to facilitate appropriate intensification of an underutilized site.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It intensifies residential uses on lands adjacent to an Urban Growth Centre and within a Built-Up Area, which can appropriately accommodate this form of intensification. Additionally, the subject lands are located within a major transit station area. The Growth Plan defines a major transit station area as the area within a 500m radius of an existing or planned higher order transit station. The subject lands are approximately 210m from Eglinton Subway Station and the proposed intensification is appropriate.

Land Use

The proposed residential apartment building is provided for by the *Apartment Neighbourhoods* designation of the Official Plan. The proposed apartment building reflects the Plan's objectives of contextual stability within the designation and intensifies residential use on lands with good proximity to higher order transit. Similar residential uses within a tall building form already exist immediately east of the site and to the south across Duplex Avenue.

Massing and Height

The subject site is suitable for intensification in a tall building form. The Secondary Plan directs uses of the greatest height, density and scale to the *Mixed Use Area "A"* designation which is centered at the intersection of Yonge Street and Eglinton Avenue. Intensification is provided for on sites in *Apartment Neighbourhoods* with nearby subway access.

The building is designed as a tower on top of a base building of 3 storeys stepping up to 6 storeys as directed by the City's Design Criteria for Tall building Proposals (June 2006). The base building takes its scale from the existing residential context and responds to the height and setback provisions of the as-of-right zoning. At grade, the setback of the base building is similar to the front and side yard setbacks of low-rise residential properties along Duplex Avenue. The townhouse treatment of the first two floors responds to the surrounding existing residential character on the west side of Duplex Avenue. In addition, ground floor units would be accessed directly from the Duplex Avenue sidewalk as directed by the development criteria for *Apartment Neighbourhoods* and

private landscaping gardens associated with these entrances at grade would be provided. The stepbacks and massing provided at the third and sixth floors creates an appropriate street wall along Duplex Avenue to fit with houses north and west of the site.

The proposed tower on a base building is similar in form to the Stanley Knowles Co-op on the property to the immediate east of the subject lands. The City's design guidelines for tall buildings recommend a maximum building floor plate of approximately 750 square metres. In this case, the proposed building's floor plate at approximately 850 square metres is above that, however, on balance is acceptable given the rectangular shape of the north-south lot configuration and its location at the corner of Orchard View Boulevard and Duplex Avenue.

The tower portion of the building is positioned to set the proposal within the tall building context created by the Knowles Co-op tower at 40 Orchard View Boulevard (53m + mechanical) and apartment buildings on the south side of Orchard View Boulevard 411 Duplex Avenue (70m + mechanical) and 33 Orchard View Boulevard (53m + mechanical). The north wall of the tower is set back 8m from the north property line which aligns it with the northern edge of the Stanley Knowles Co-op tower. The west wall of the tower is set back 8m from the Duplex Avenue property line which is comparable to the apartment building on the south side of Orchard View Boulevard at 411 Duplex Avenue which is setback 8.5m from the Duplex Avenue property line. The proposed 1m setback of the tower from the east property line would create a building separation of approximately 22m between the proposed tower and the closest point along the western edge of the Knowles Co-op tower. This separation is appropriate and is generally in keeping with the intent of the City's tall building guidelines requirement of 25 metres as the two buildings are not situated face-to-face and this separation distance increases to approximately 40m at the southern most edge of the Knowles tower.

The proposed height of 50.4m plus mechanical penthouse is three meters shorter than the height of the Co-op building and steps down from the heights of the residential apartment buildings within the *Mixed Use Areas 'A'* designation south of Orchard View Boulevard. The height of the proposal would step down on its own site from 17-storeys to 6-storeys (18.8 metres) and down to a base 3-storey (10.3 metre) building which is massed to respond to the scale of the adjacent residential neighbourhood. The proposed stepping and terracing creates appropriate massing and transition to the lower-scale residential neighbourhoods and is in keeping with the *Yonge-Eglinton* design guidelines.

The three remaining properties on the east side of Duplex Avenue between the development site and Helendale Avenue currently contain single detached dwellings. They are designated *Apartment Neighbourhoods* and contain similar zoning provisions to the subject lands. The base building steps down on the north edge of the base building to 3-storeys in height and is compatible with the existing uses and possible future infill development under the *Apartment Neighbourhoods* designation.

As previously noted, the site is 210m from the Eglinton subway station. As part of the redevelopment of the mixed-use Yonge-Eglinton Centre, an upgrade to the mall entrance

from Orchard View Boulevard, including additional landscaping, will provide an improved connection through the block to the subway. The Secondary Plan allows for intensification on sites within *Apartment Neighbourhoods* near subway station access. The proposal is appropriate considering an emerging standard of transition along the edge of the *Yonge-Eglinton Centre* area. The proposal fits within the high density context created by neighbouring buildings and provide a step down in height from the commercial and residential towers within the *Yonge-Eglinton Centre* to the low scale uses designated *Neighbourhoods* on the west side of Duplex Avenue and the north side of Helendale Avenue.

Sun and Shadow

Shadow studies were submitted in support of the revised proposal based on the existing context. The apartment building creates minimal additional morning shadow on March 21 and September 21 onto lands designated *Neighbourhoods* south of Helendale Avenue. The shadows from this development provide acceptable levels of shadows to adjacent streets and neighbouring properties.

For a portion of the morning, these shadows fall within the shadows cast by the recently approved addition to the office building at 2300 Yonge Street. Therefore the incremental shadow increase is limited to early morning shadows (before 10:18) which, along with the office tower shadows, quickly clear properties designated *Neighbourhoods* as noted. Staff have reviewed the submitted shadow studies against shadows studies demonstrating the shadows cast by the additions to the Yonge-Eglinton Centre office towers and are satisfied the proposal would adequately limit shadow impact on surrounding lands designated *Neighbourhoods*.

Wind

Official Plan policies require that the location and form of buildings minimize adverse effects of wind on all exterior pedestrian areas. As part of the on going site plan review, staff will request a wind study from the applicant of the wind conditions created by this proposal. Should any negative conditions be identified, staff will work with the applicant to resolve them and if necessary revise drawings prior to site plan approval.

Traffic Impact, Access, Parking

The applicant submitted a Traffic Impact Statement in support of the proposed zoning by-law amendment using trip generation rates based on the City's Yonge-Eglinton Focused Review. These trip generation rates are comparable to other developments with similar proximity to the subway (within 500m) and are an appropriate measure of traffic generated during the AM and PM peak hours. Transportation Services staff have reviewed and accepted the conclusion of the study that the area road network can accommodate the traffic generated by the proposed development.

Vehicular access for servicing and parking would be taken from Orchard View Boulevard. A single curb cut is proposed from Orchard View that would access a ramp to the below grade parking garage and a drive aisle to an internal service court. Loading and garbage operations would occur within the building envelope in a two storey service

court that is appropriately screened from adjacent development by walls and fencing. The fencing and details related to screening of this area will be secured through the site plan approval process.

Transportation Services has required the applicant to provide 0.5 parking spaces for bachelor or one-bedroom units, 0.75 parking spaces per two-bedroom unit and 0.06 parking spaces per dwelling unit for visitors as required by former City of Toronto Zoning By-law 438-86. Based on these ratios and the proposed mix of unit types, 140 parking spaces are required of which 14 are to be dedicated to visitors. The applicant is proposing 132 parking spaces in a five level underground garage. Four of these parking spaces would be dedicated spaces for car-share service. When car share spaces are provided, a reduction in required parking is permitted. For the proposed development of 229 dwelling units, the maximum allowable reduction to the minimum residential parking is 15 spaces when four car share spaces are provided. Therefore, Transportation Services has indicated that the 15 space reduction is acceptable with the provision of the 4 car-share arrangement, and further 128 spaces provided on site will satisfy the parking requirement for the site.

Bicycle Parking

The site is well-situated for bicycle use. It is located north of an access to the Kay Gardiner Belt Line Park, just south of Yonge Street and Davisville Avenue, which is an off-road cycle and pedestrian path. The Belt Line connects many of the Mid Town neighbourhoods with downtown-leading cycle routes.

The applicant is proposing 87 bicycle parking spaces on each of underground parking levels P1 and P2 and a total of 30 spaces at ground level for a total of 204 bicycle parking spaces. Former City of Toronto Zoning By-law 438-86 requires a total of 172 parking spaces of which 138 are to be dedicated for use by residents and 34 for visitors. It is appropriate to provide visitor bicycle parking in areas that are easily accessible on P1 or at grade. The applicant's plans identify 30 visitor bicycle parking spaces at grade which are conveniently located for visitor access. The applicant will be required to provide an additional 4 visitor parking spaces either at grade or appropriately identify an additional 4 spaces within one of the underground levels. This can be resolved and secured at the site plan review stage.

Servicing

The applicant has submitted a site servicing review that concluded there is sufficient municipal infrastructure capacity available to service the proposed development. Technical Services staff has accepted this conclusion.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The subject lands are in an area with 0.8 to 1.56 hectares of local parkland per 1,000 people which represents the middle quintile of current provision of parkland.

The application proposal is for 229 residential units on a 1,494m² site. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be 0.315 hectares (3,146m²) which represents 210 percent of the site. A cap of 10 per cent applies to sites that are less than 1 hectare in size. As a result, the development would be subject to a parkland dedication of 149m².

The Parks, Forestry and Recreation Division is requiring the applicant to satisfy this parkland dedication requirement through a cash-in-lieu payment. This is appropriate as the parkland conveyance would be small. The actual amount for the cash-in-lieu payment will be determined by the Facilities and Real Estate Division at the time of building permit issuance.

Toronto Green Standard

This application was submitted prior to the Toronto Green Standard coming into force and effect on January 31, 2010. As such, the applicant is not required to meet the Green Standard. However, staff have encouraged the applicant to implement Tier 1 of the Green Standard on a voluntary basis. Matters such as minimum parking standards and bicycle parking spaces have been proposed and will be secured through the completion of the site plan control process.

Construction Management Plan

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

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

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

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

- the general construction processes, the construction stages and the appropriate duration of each stage;

- an approach to identifying and mitigating, if possible, potential negative impacts of construction activity such as construction noise, dust/mud control, construction vehicle access and material deliveries, parking for construction trades, location of construction material storage areas; provision of hoarding or temporary fencing; location/operation of cranes; and interruption of services (hydro, water, gas) for local residents;
- a tentative meeting schedule and strategy for dissemination of information through the resident liaison committee to the neighbourhood on construction phases providing advance notice where possible and including contact names and phone numbers for residents to call regarding noise and dust and other construction related questions or concerns (also, a number to call to report any 'emergency' or any urgent 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, where possible.

Streetscape and Landscaping

The applicant is proposing a 3-storey base element building along the east side of Duplex Avenue facing the existing single detached and semi-detached houses on the west side of the street. The units are proposed to be set back 0.4 metres from the property line plus an additional approximately 5.5 metre setback from the curb. Included within the City's boulevard area would be a 2 metre wide sidewalk adjacent to the street curb. The dwelling units will have grade related access to Duplex Avenue with at grade seating/patio areas that can be integrated with the area between the building and sidewalk to provide private landscape gardens as is typically found in this context. The applicant will also be required to plant large growing shade trees within the City's road allowance along both street frontages.

The applicant has proposed walkways from each of the dwelling units along Duplex Avenue to the public sidewalk, and paving elements along the south end of the building which includes the main entrance lobby area and a portion of the visitor bicycle parking area. The curb cut associated with the vehicular access will be located along the southeast end of the site along Orchard View Boulevard. Staff will work with the applicant through the site plan approval process to secure public and private landscaping elements and recommend that the site plan be revised to illustrate the lobby entrance fronting on to Orchard View Boulevard with appropriate weather protection.

Amenity Space

The applicant is proposing 215 square metres of indoor amenity space located on the fourth floor, 45 square metre of outdoor amenity space on the fourth floor and 200 square metres of outdoor amenity space on the 17th floor. The total amount of amenity space being provided is 460 square metres.

Through the review of this proposal staff has requested that the applicant provide a total of 687 square metres of amenity space distributed evenly indoors and outdoors.

Unacceptable privacy and overlook conditions are created with the 45 square metres of outdoor amenity space located on the fourth floor abutting the low scale residential homes in that area and the private balconies on the lower levels at the 2nd to 5th floors. The applicant will be required to revise their floor plans in order to increase the amount of amenity area provided, remove the outdoor fourth floor amenity area and delete any balconies on the 2nd to 5th floors along the north and west property lines. These matters have been secured through the Daft Zoning By-law (Attachment 8).

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increase in height and/or density pursuant to Section 37 of the *Planning Act*. The proposed density on site is 10.2 times the area of the lot for a total of 15,270 square metres of gross floor area. The as-of-right R2 zoning permits a maximum density of 1.0 times the area of the lot for a total of 1,494 square metres. Community Planning staff in consultation with the Ward Councillor and applicant have agreed upon a \$400,000.00 Section 37 contribution to be provided and used within the community.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

- i. a payment of \$400,000.00 prior to the introduction of the necessary Bills to City Council. Such payment will be directed to the Planning Act Reserve Fund to be budgeted for capital improvements for the Yonge-Eglinton area, which includes streetscape furniture and other pedestrian amenity, to be determined in consultation with the local Councillor.

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

- i. as part of the Site Plan Approval Process, the owner shall provide 1:50 scale drawings illustrating the 3-storey podium portion of the building for the north, west and south elevations with building materials labelled:
- ii. the Owner shall incorporate in the construction of the building, and thereafter maintain, exterior building and landscape materials to the satisfaction of the Chief Planner and Executive Director, City Planning Division; and

- iii. prepare a Construction Management Plan and Neighbourhood Communication Strategy, prior to the issuance of the first building permit (including demolition and/or excavation permit), to the satisfaction of the Executive Director Technical Services in consultation with the Chief Planner and Executive Director City Planning.

Development Charges

It is estimated that the development charges for this project will be \$1.2 million. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

Paul Byrne, Manager
Tel. No. (416) 395-7105
Fax No. (416) 395-7155
E-mail: pbyrne@toronto.ca

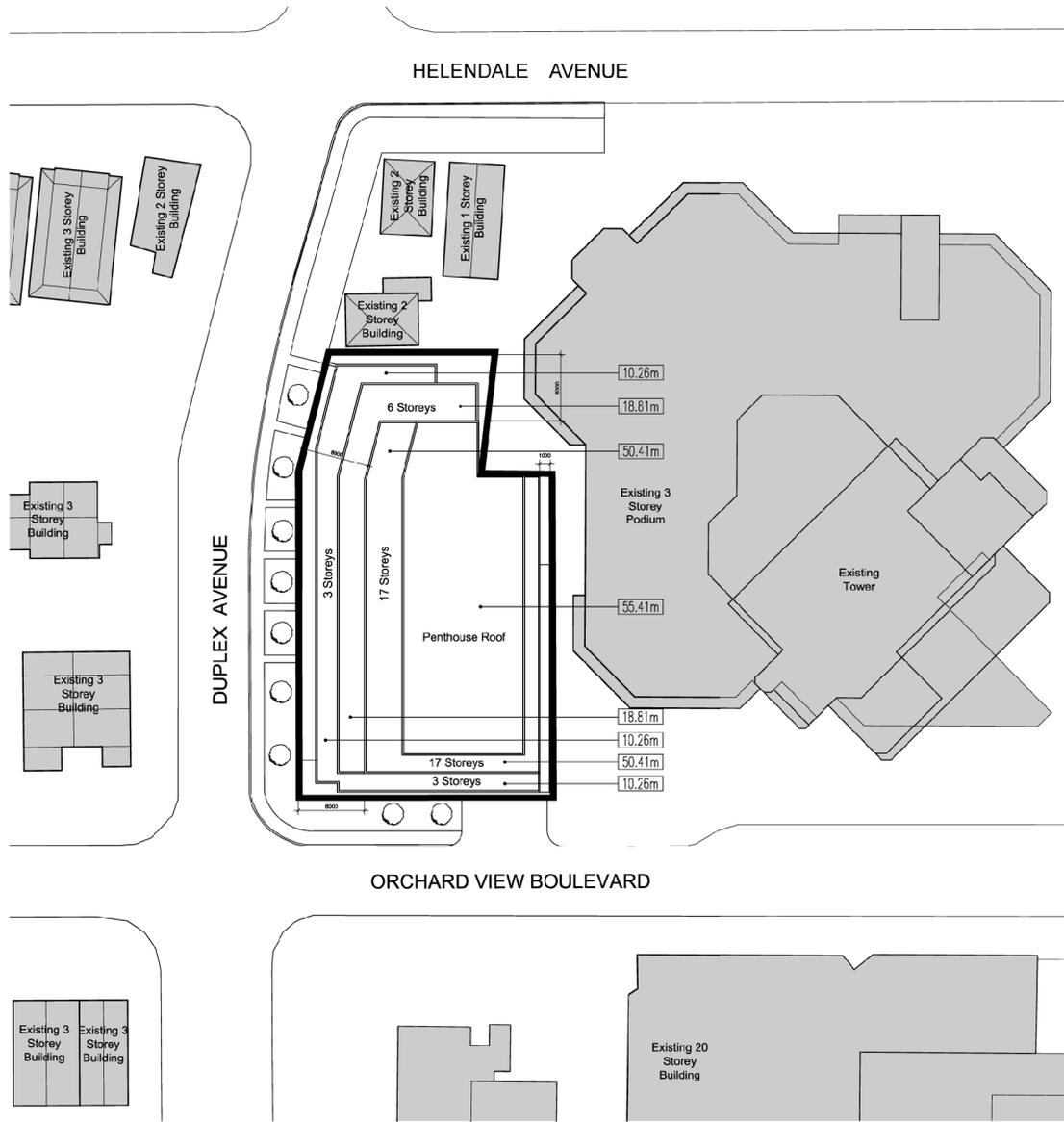
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan / Roof Plan
Attachment 2: Ground Floor Plan
Attachment 3: North and South Elevations
Attachment 4: West and East Elevations
Attachment 5: Official Plan
Attachment 6: Zoning
Attachment 7: Application Data Sheet
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan / Roof Plan



Site Plan

Applicant's Submitted Drawing

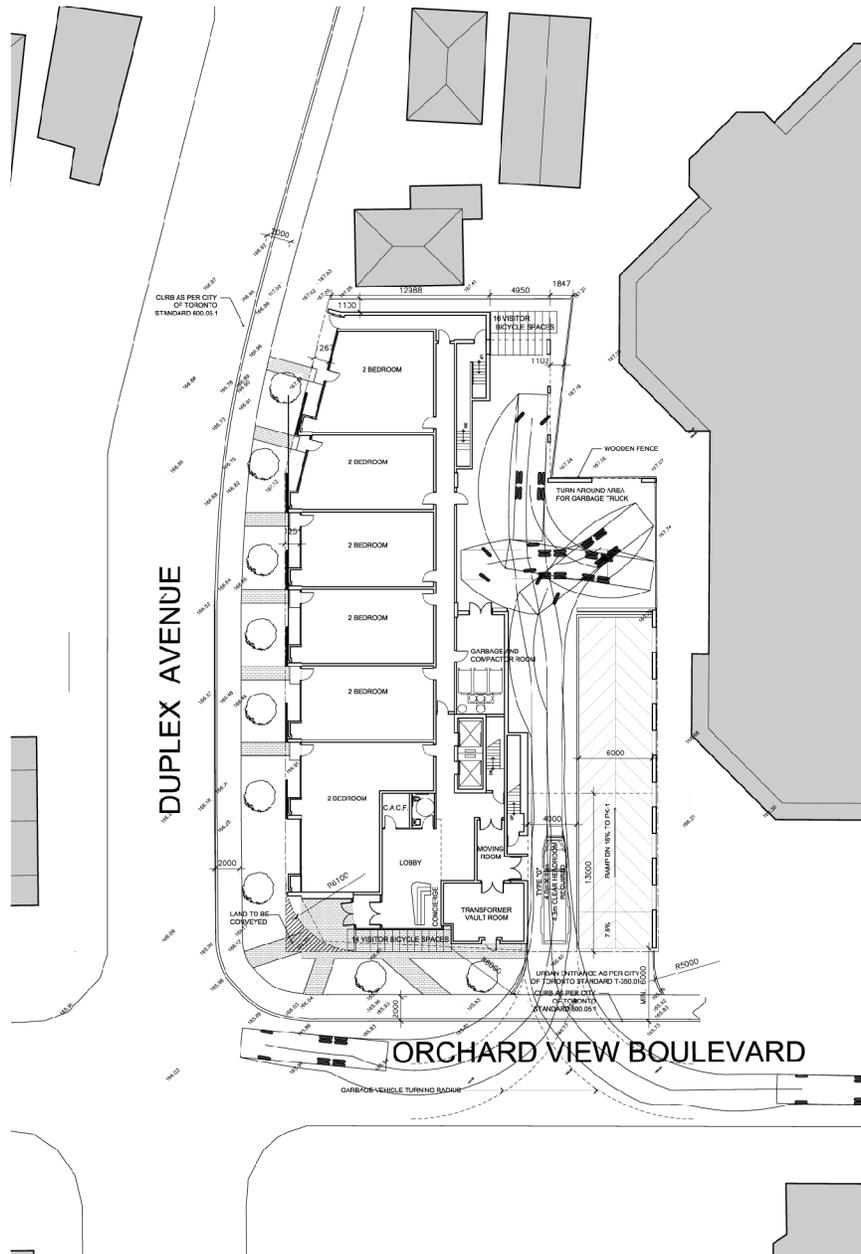
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07/22/2010

58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue

File # 08_182458

Attachment 2: Ground Floor Plan



Ground Floor Plan

Applicant's Submitted Drawing

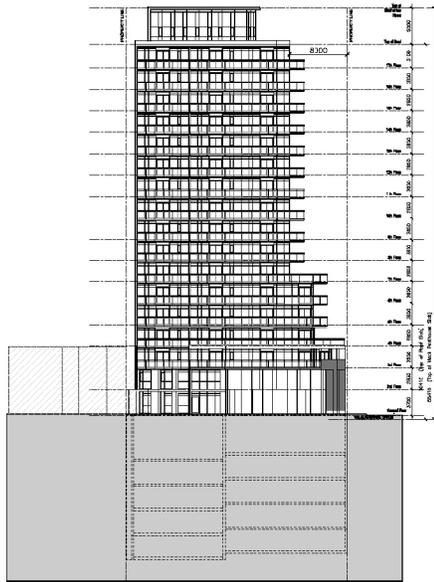
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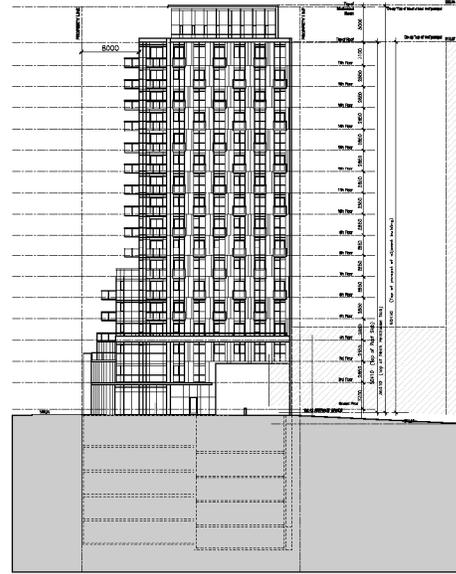
58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue

File # 08_182458

Attachment 3: North and South



NORTH ELEVATION



SOUTH ELEVATION

Elevations

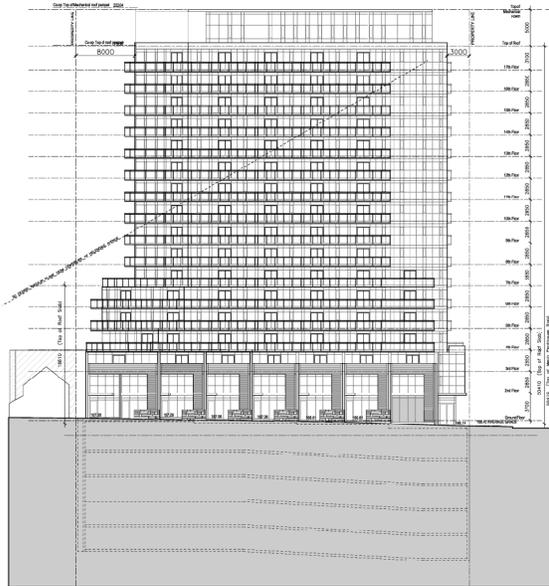
Applicant's Submitted Drawing

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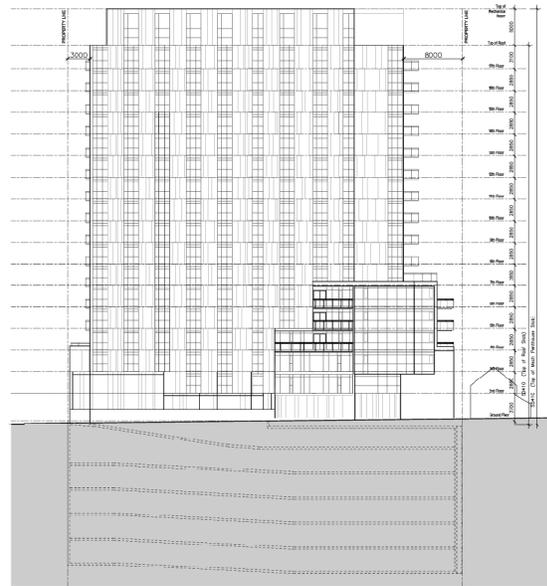
58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue

File # 08_182458

Attachment 4: West and East Elevations



WEST ELEVATION



EAST ELEVATION

Elevations

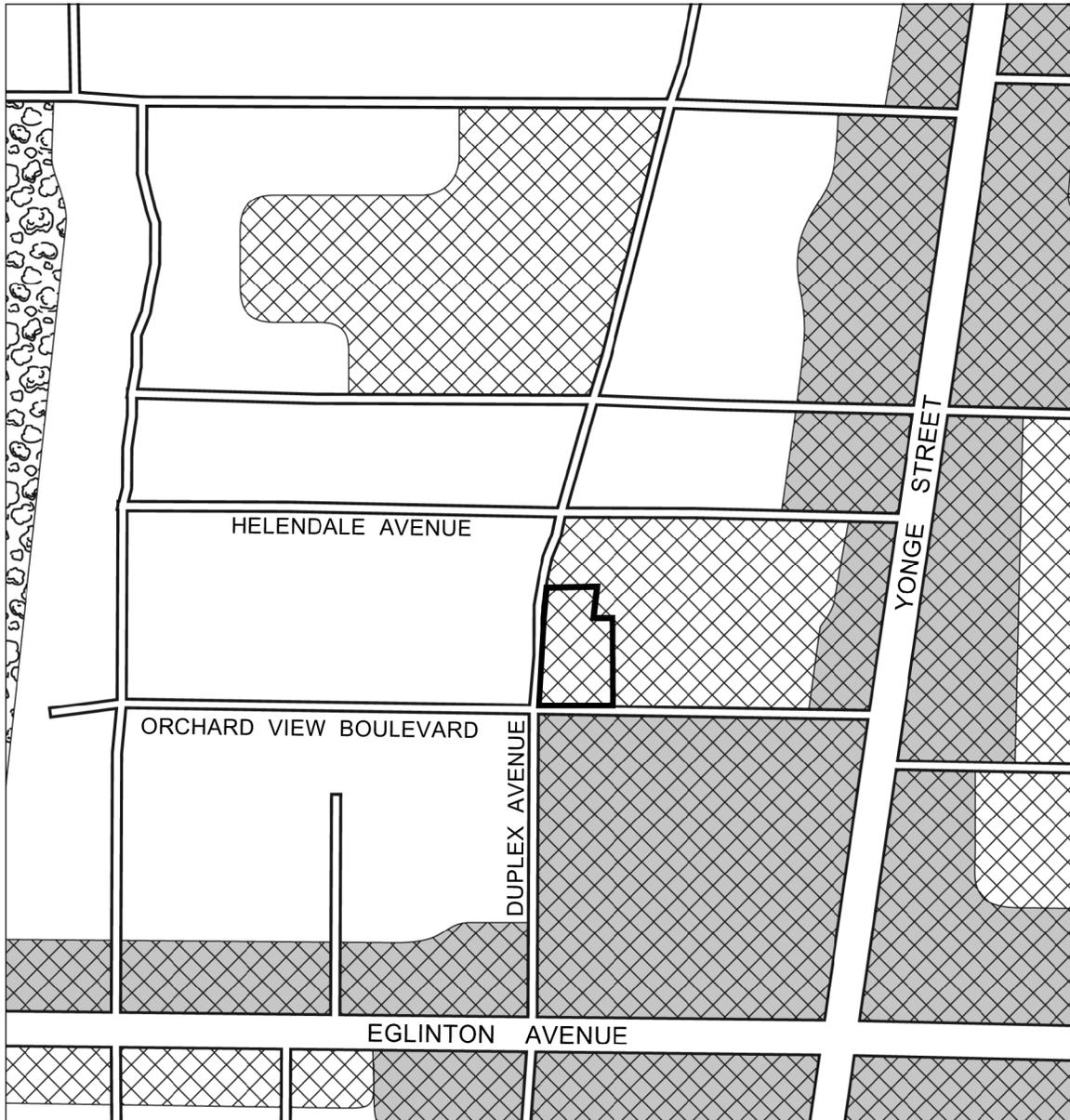
Applicant's Submitted Drawing

Not to Scale
07/22/2010

58, 60, 64 & 68 Orchard View Boulevard and
439, 441, 443 & 445 Duplex Avenue

File # 08_182458

Attachment 5: Official Plan



Toronto City Planning
Official Plan

**58, 60, 64 & 68 Orchard View Boulevard and
 439, 441, 443 & 445 Duplex Avenue**

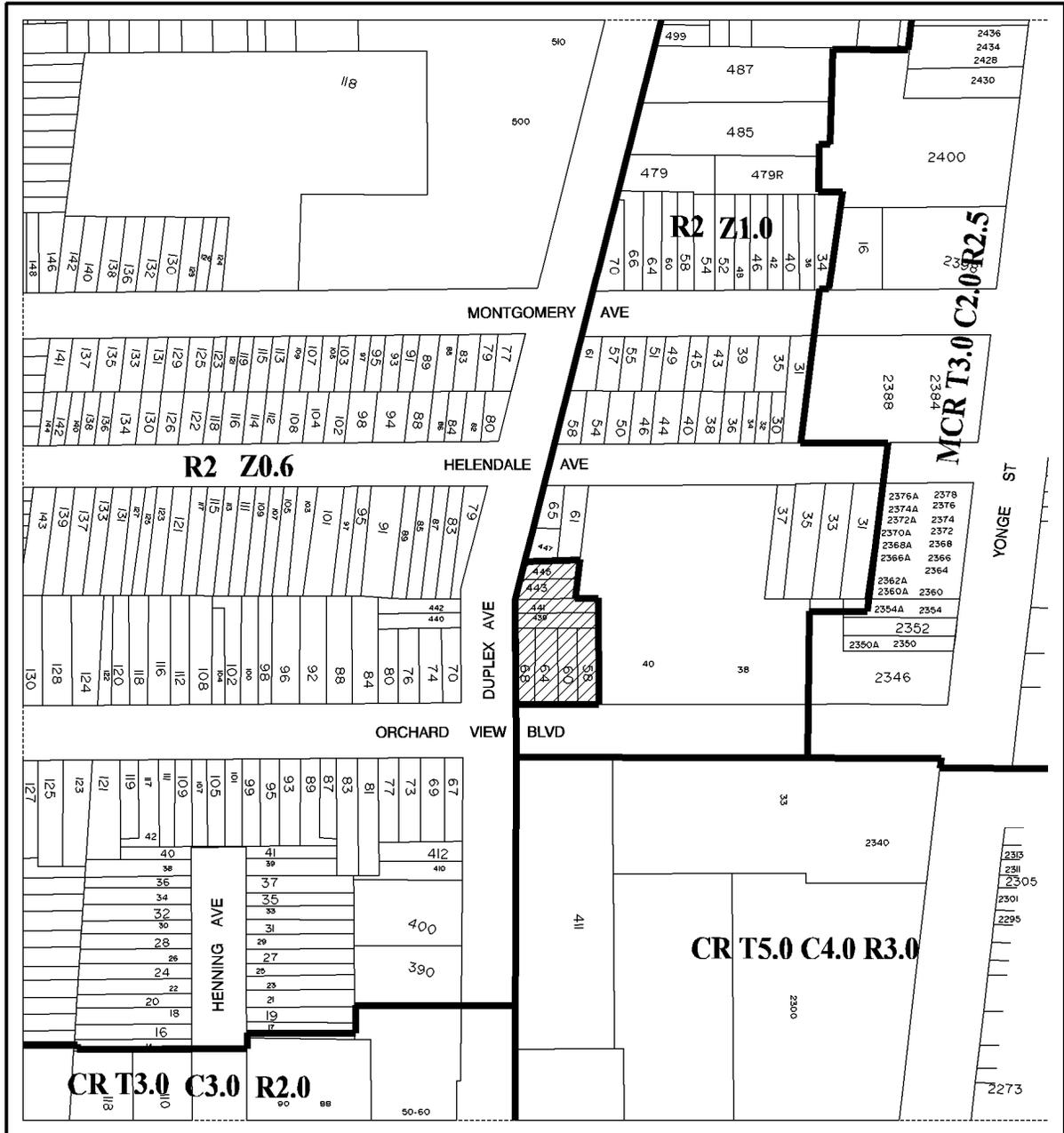
File # 08_182458

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



Not to Scale
 10/07/2008

Attachment 6: Zoning



**58, 60, 64 & 68 ORCHARD VIEW BOULEVARD AND
439, 441, 443 & 445 DUPLEX AVENUE**
File # 08_182458

- R2 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District



Not to Scale
Zoning By-law 7625 as amended
Extracted 10/06/2008

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	08 182458 NNY 16 OZ
Details	Rezoning, Standard	Application Date:	July 16, 2008

Municipal Address: 58, 60, 64 & 68 ORCHARD VIEW BOULEVARD AND 439, 441, 443 & 445 DUPLEX AVENUE

Location Description: PL 1567 PT LT9 **GRID N1606

Project Description: The proposal is to develop the site with a 17-storey residential tower having an 3-storey base building.

Applicant:	Agent:	Architect:	Owner:
SHERMAN - BROWN - DRYER - KAROL			ORCHARDVIEW HOLDINGS INC

PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:	
Zoning:	R2 Z1.0	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq. m):	1494	Height:	Storeys:	18
Frontage (m):	30.64		Metres:	54.81
Depth (m):	56.4			
Total Ground Floor Area (sq. m):	755			Total
Total Residential GFA (sq. m):	15270		Parking Spaces:	128 + 4 car share
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	15270			
Lot Coverage Ratio (%):	0			
Floor Space Index:	10.22			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	15270	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	182	Office GFA (sq. m):	0	0
2 Bedroom:	47	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	229			

CONTACT:	PLANNER NAME:	Paul Byrne, Manager
	TELEPHONE:	416-395-7105 pbyrne@toronto.ca

Attachment 8: Draft Zoning By-law Amendment

Authority: North York Community Council Item ~
as adopted by City of Toronto Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXX – 2010

To amend the General Zoning By-law No. 438-86, as amended, for the former City of Toronto with respect to the lands known as 58, 60, 64 & 68 Orchard View Boulevard and 439, 441, 443 & 445 Duplex Avenue

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

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provisions of such facilities, services or matters as are set 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 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; 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 Sections 2 with respect to “*lot*” and “*grade*” and Sections 4(2), 4(4), 4(12), 4(16), 6(3) Part I 1, 6(3) Part II, 6(3) Part III, 6(3) Part IV 2 and 12(2)119 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, shall apply to prevent the erection and use of a *residential building* containing *dwelling units* on the lands municipally known as 58, 60, 64 and 68 Orchard View Boulevard and 439, 441, 443, 445 Duplex Avenue, hereinafter set forth, provided that:
 - (a) the *lot* comprises the lands identified as “Lands Subject to Zoning By-law ____-2010” on the attached Schedule 1;
 - (b) the *residential gross floor area* of the *residential building* does not exceed 15,270 square metres;
 - (c) the maximum number of *dwelling units* does not exceed 229;
 - (d) no portion of any *residential building* above *grade*, is located otherwise than wholly within the areas delineated by heavy lines on the attached Schedule 2;
 - (e) the *height* of any *residential building* or structure, or portion thereof, does not exceed those *heights* in metres as shown on the attached Schedule 2;
 - (f) the following *residential building* elements and structures are permitted to extend beyond the heavy lines and building envelopes, and above the heights shown on Schedule 2;
 - (i) balconies, canopies, cornices, lighting fixtures, awnings, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps and their associated structures, fences, screens, landscape and public art features;
 - (ii) mechanical penthouses provided it is less than 5.0m in height and set back a minimum of 4.15m from the building face of any portion of the *residential building* parallel to a public right of way;
 - (iii) notwithstanding (i) above, balconies are not permitted on the 2nd to 5th floors on the north and west elevations, and all other balconies can extend to a maximum depth of 1.5 metres.
 - (g) *parking spaces* shall be provided and maintained on the *lot* in accordance with the following minimum rates:
 - (i) Bachelor and one-bedroom dwelling units - 0.5 parking space per dwelling unit;
 - (ii) Two-bedroom dwelling units - 0.75 parking space per dwelling unit;

- (iii) Three or more bedroom dwelling units – 1.0 parking spaces per dwelling unit;
 - (iv) Visitor parking spaces – 0.06 parking spaces per dwelling unit;
 - (v) 4 *car-sharing parking spaces* shall be provided and maintained for use by resident and non-resident *car-sharing* members, which shall be counted as equivalent to 15 resident parking spaces required by subsection (g) herein;
- (h) a minimum of 1.5 square metres per dwelling unit of indoor *residential amenity space* shall be provided; and
 - (i) a minimum of 1.5 square metres per dwelling unit of outdoor *residential amenity space* shall be provided.
2. For the purposes of this By-law:
- (a) “*lot*” means those lands outlined on Schedule 1 attached hereto;
 - (b) “*grade*” means 167 metres Canadian Geodetic Datum;
 - (c) “*car-share*” means the practice whereby a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization. To use a car-share vehicle, a person must meet the membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable. Cars are reserved in advance and fees for use are normally based on time and/or kilometres driven and include the use of cars on an hourly basis;
 - (d) “*car-sharing parking space*” shall mean a *parking space* exclusively for a car used only for *car-sharing* purposes and such vehicle is accessible to resident and non-resident *car-sharing* members at all times;
 - (e) Every other 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.
3. Pursuant to Section 37 of the *Planning Act*, the height and density of development permitted on the land by this By-law, are permitted in return for the provision by the *owner* of the following facilities, services and matters to the City at the *owner’s* sole expense:

Agreement

- (i) the *owner* enters into one or more agreements with the City pursuant to Section 37 of the *Planning Act* which shall be registered on title to the land by the City to secure the facilities, services and matters required to be

provided by this Section of the by-law and consents to the registration of such agreement or agreements against title to the *land*; and

Cash Contribution

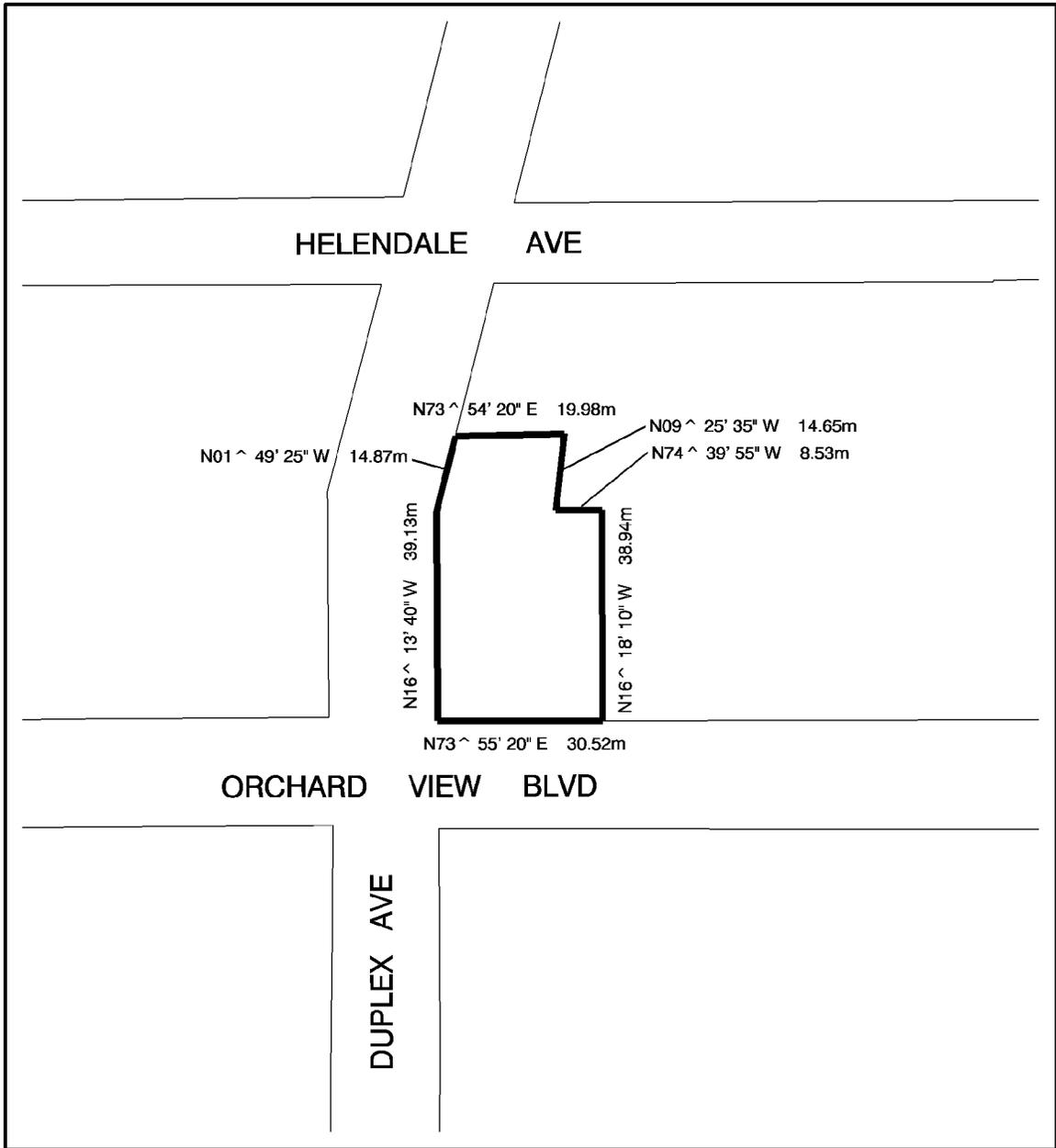
- (ii) a payment of \$400,000.00 prior to the introduction of the necessary Bills to City Council. Such payment will be directed to the Planning Act Reserve Fund to be budgeted for capital improvements for the Yonge-Eglinton area, which includes streetscape furniture and other pedestrian amenity, to be determined in consultation with the local Councillor.
4. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole *lot* as if no severance, partition or division occurred.

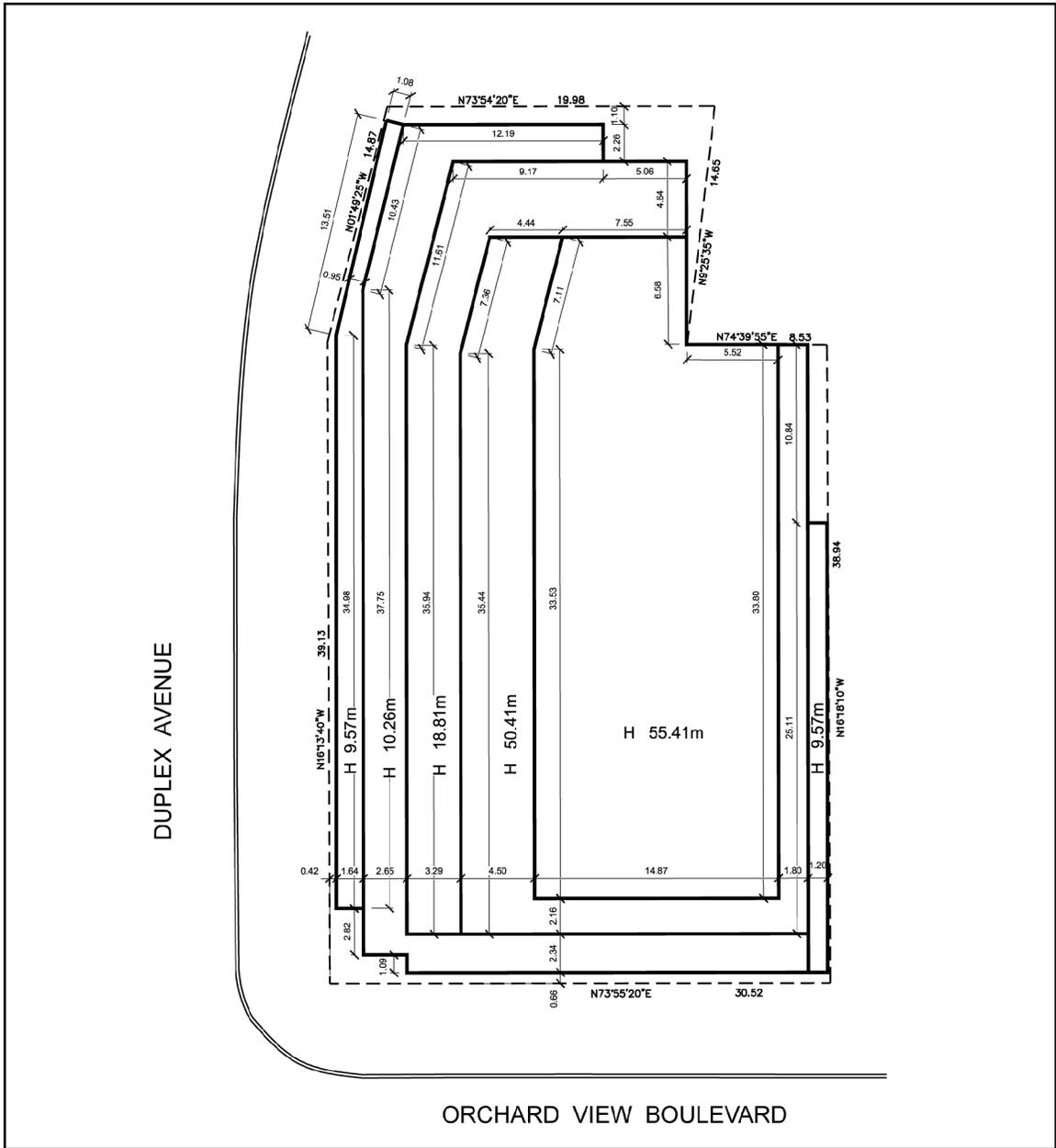
ENACTED AND PASSED this _____ day of _____, A.D. 2010.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)





From Applicants Drawing

File # 08_182458

Date: 07/22/2010
 Approved by: J.A.

↑
 Not to Scale