# **DA** TORONTO

# STAFF REPORT ACTION REQUIRED

# 4187 Dundas Street West, 567, 569 & 571 Prince Edward Drive - Official Plan and Zoning Code Amendment Applications – Request for Direction

Date:	March 12, 2007
То:	Etobicoke-York Community Council
From:	Director, Community Planning, Etobicoke-York District
Wards:	Ward 5 Etobicoke-Lakeshore
Reference Number:	File No. 06 106640 WET 05 OZ, IBMS folder no. 6009362082

# SUMMARY

An application has been submitted to permit a 10-storey (33.75 m.) condominium apartment building at 4187 Dundas Street West, and 567, 569 & 571 Prince Edward Drive.

The purpose of this report is to seek Council's direction on an appeal to the Ontario Municipal Board on the 10-storey proposal. Staff are recommending a building with a

height of 6-storeys (18.5 m.), and a number of changes to the plans.

# RECOMMENDATIONS

# The City Planning Division recommends that:

 City Council refuse the proposed Official Plan and Zoning By-law Amendment Application No. 06 106640 WET 05 OZ, respecting 4187 Dundas Street West and 567, 569 & 571 Prince Edward Drive proposing a 10-storey (33.75 m.) 13,995 m2 condominium apartment building.



- 2. City Council request the applicant to submit a revised application that addresses the following matters as outlined in this report, including:
  - a reduction in height and massing to a maximum height of 18.5 m (6-storeys);
  - appropriate Section 37 Community Benefits;
  - conformity with the recently approved Avenue By-laws;
  - the elimination of the apartment building from the Neighbourhoods and R2 zoned portion of the development site, and appropriate set back of the building from the R2 zone;
  - a relocated entrance at the corner;
  - setbacks that more closely meet the setbacks set out in By-law 717-2006;
  - altered truck exits from the driveway access on Prince Edward Drive and the elimination of the driveway for a loading area on Dundas Street West;
  - commercial live/work units at grade fronting onto Dundas and the removal of private patios to provide for a common outdoor space; and
  - such other matters as may be determined upon completion of review and through further analysis of the submission.
- 3. Authorize the City Solicitor to take the necessary steps, including attending at the Ontario Municipal Board in opposition to the current application.

#### **Financial Impact**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

The Dundas Street West Avenues Study was completed in the Spring of 2006, and Council adopted the Final Report that included an Official Plan Amendment, Zoning Bylaw, Urban Design Guidelines, and a Holding By-law, at its meeting on July 27, 2006. The implementing By-laws 716-2006 (Official Plan Amendment) and 717-2006 (Zoning By-law) were in full force and effect as of August 31, 2006. These by-laws were not appealed to the Ontario Municipal Board. The northern portion of the site is located within the study area.

City Council adopted the Preliminary Report on the site on September 25, 2006. The report noted that the application would be evaluated against the principles outlined in the Dundas Street West Avenues Study and the Neighbourhoods policies of the Official Plan.

# **ISSUE BACKGROUND**

The applicant originally submitted an application for a 10-storey (33.75 m.), 118-unit condominium apartment building on February 1, 2006. He was advised that the height, massing and density were not in keeping with the direction of the Dundas Street West Avenues Study, which was nearing completion. The applicant sent a letter to City Planning, dated February 23, 2006, which stated that he would be submitting a revised set of drawings "to make revisions to the height and massing of our proposal in an effort to

have the building's design better address the currently existing and anticipated planning policies for the site and surrounding neighbourhood."

The letter also requested that Planning Staff withhold reporting on the application in its current form until staff had reviewed a revised application package. The revised plans were submitted on June 20, 2006, for an 8-storey (27.7 m.), 85-unit building. A Preliminary Report was prepared for the September 25, 2006, Council Meeting. Due to the Municipal Elections, a Community Consultation Meeting was not held until November 29, 2006, two weeks after the elections.

The applicant appealed the application on January 18, 2007, on the basis of the City of Toronto's failure to render a decision within 180 days of the application date. The appeal is based on the original application for a 10-storey (33.75 m.) building with 118 units.

#### Proposal

The proposal is for a 10-storey (33.75 m.), 118-unit residential development (See Attachment 1: Site Plan and Attachment 5: Application Data Sheet). Vehicular access is from Prince Edward Drive and Dundas Street West. The lowest part of the building is the south 2-storey portion on Prince Edward Drive that steps up to 10-storeys at Dundas Street West. The building is within a 45 degree angular plane from the property line of 565 Prince Edward Drive. However, it penetrates the 45 degree angular plane when measured from the boundary of the R2 and Avenues Zoning By-law at 569 Prince Edward Drive (See Attachment 2: Elevations).

Site Statistics

Site Area	0.33 hectares		
Gross Floor Area	13,995 m2		
Floor Space Index	4.2		
Number of Units	118		
Units per Hectare	354		
Number of Parking Spaces	160 for residents including 24 visitor parking spaces		
Height	10-storeys (33.75 m.)		
Indoor Amenity Space	236 m2		
Landscaped Open Space	533 m2 (16 % of the site)		

Site Description

The site comprises four properties that include a vacant lot at the southeast corner of Prince Edward Drive and Dundas Street West, and three lots fronting onto Prince Edward Drive that were occupied by detached houses which have been demolished.

The abutting properties consist of the following:

- North: A six-storey residential condominium under construction on the north side of Dundas Street West, and other mixed residential and commercial uses are located along Dundas Street West
- South: one and two-storey detached houses
- East: 3-storey condominium townhouses
- West: a 4-storey office building on the southwest corner and detached houses on Prince Edward Drive

Toronto Official Plan

The new Official Plan is now in effect, with the exception of two housing policies (Policies 3.2.1.5(b) and 3.2.1.9), the definitions of affordable rental housing and affordable ownership housing, Policy 3.1.2.5 (Built Form) and, Policy 4.2.3 (c) (Apartment Neighbourhoods). Policies in the former Official Plans and Metro Plan respecting these policy areas remain in effect.

The site is designated Mixed Use Area (the two north lots) and Neighbourhoods (the two south lots) on Land Use Map 14 (See Attachment 3: Official Plan Map). Development in Mixed Use Areas will:

- □ provide a gradual transition of scale and density from higher buildings to nearby lower buildings through stepping down of buildings towards, and setbacks from those neighbourhoods;
- a maintain adequate views and privacy for residents in nearby neighbourhoods; and
- minimize shadows and uncomfortable wind conditions on neighbouring properties, streets and open spaces, amongst other policies.

Neighbourhoods are physically stable areas made up of residential uses in lower scale buildings. New development will respect and reinforce the existing physical patterns in a neighbourhood with regard to:

- □ patterns of streets;
- $\Box$  heights;
- $\Box$  massing and scale;
- □ prevailing building types; and
- □ prevailing patterns of rear and side yard setbacks.

The prevailing building type will be the predominant form of development. Proposals for intensification of land on major streets in Neighbourhoods are not encouraged by the policies in the Official Plan.

Section 2.3.1, Healthy Neighbourhoods, sets out policies for developments in Mixed Use Areas that are close to Neighbourhoods. New development will:

- be compatible with those Neighbourhoods;
- provide a gradual transition of scale and density as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those Neighbourhoods;
- □ maintain adequate light and privacy for residents in those Neighbourhoods; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those Neighbourhoods.

The Official Plan identifies the northern portion of the subject site with an Avenue on Map 2, Urban Structure. Avenues are identified as areas of potential growth and intensification. Policies respecting Avenues require a study to be carried out, in consultation with local residents, businesses and other stakeholders, to act as a framework that facilitates and shapes growth. The Dundas Street West Avenues Study was undertaken with extensive community consultation. The Final Report on the Avenues Study, and implementing by-laws, were adopted by City Council at its meeting of July 25, 26 and 27, 2006, and are now final and binding. This application is subject to the Study's Official Plan policies, Zoning By-law and Urban Design Guidelines.

The Dundas Street West Avenues Study sets out a number of guiding principles that include:

- creating a safe and enjoyable pedestrian environment;
- □ encouraging a diversity of uses;
- selecting an appropriate building scale and density, encourage high quality architecture and diversity of building form, including a maximum height of 6-storeys (18.5 m.);
- enabling efficient vehicle movement and ease of transit; encourage opportunities for new open space and improve access to existing open space;
- □ protecting the natural environment; and transform the area with a new, distinctive identity.

The application is evaluated in the Comments section against these principles and the policies of the Official Plan.

The proposed apartment building is not permitted in a Neighbourhood Area, therefore an Official Plan Amendment is required.

Provincial Policy Statement

The current Provincial Policy Statement (PPS) came into effect on March 1, 2005 and requires decisions with respect to planning matters to be consistent with the policy statement issued under the PPS. Section 1.1.3.3 requires planning authorities to identify and promote opportunities for intensification and redevelopment where this can be

accommodated taking into account existing building stock or areas. The Toronto Official Plan has identified Avenues as areas with potential for redevelopment and requires further study of these areas to determine how intensification should occur. The Dundas Street West Avenues Study has determined that intensification is appropriate for the area, however only part of the subject application is in the Avenues area. The amount of intensification proposed by the applicant is not in keeping with the Avenues policies and by-law. The two south lots of the proposal are not part of the Avenues area and are not designated for growth.

#### Zoning

The two north lots on the site are zoned CG-AV-H by Avenues By-law 717-2006 and the two south lots are zoned R2 (See Attachment 4: Zoning Map). Apartment houses are allowed in the CG-AV-H zone to a height of 14 metres, (4-5 storeys) with a further height up to 18.5 metres (6 storeys) allowed in exchange for Section 37 benefits. A maximum floor space index of 2.5 is allowed with 3.0 allowed in exchange for Section 37 benefits. The 10-storey (33.75 m.) proposal is over the maximum height limit by 4 to 5-storeys and has a floor space index of 4.2. The zoning also places a holding by-law on the north portion of the site until an acceptable transportation study and school capacity analysis are submitted.

An amendment to the Avenues By-law 717-2006 is required because the building exceeds the height and density limits, does not meet a number of setback and access requirements, and does not maintain the 45 degree angular plane from the properties that are zoned R2.

The R2 zone allows detached houses and some ancillary uses. Apartments are not allowed uses, therefore an amendment is required to the Etobicoke Zoning Code.

The applicant has applied to lift the "H" holding provision.

Site Plan Control

An application has been filed in conjunction with the Official Plan and Zoning Code Amendments, however it has not been appealed to the Ontario Municipal Board.

#### Community Consultation

Approximately 75 people attended the Community Consultation Meeting that was held on November 29, 2006. At that time the revised 8-storey proposal (26.7 m.) was before the community. The impacts of the appealed 10-storey proposal (33.75 m.) will be greater than the 8-storey version shown at the meeting. The following comments arose from the meeting:

□ the development should conform to the height, density and setbacks of the new Avenues Zoning By-law;

- the existing traffic capacity and queuing on Dundas Street West and Prince Edward Drive result in long waiting times to turn. This development will increase traffic and waiting times on those streets;
- □ traffic is already avoiding Dundas Street West by using Government Road as an alternative, thereby infiltrating the community. The proposed development will compound this situation;
- □ the development will reduce the privacy of the townhouses on Brownstone Lane, east of the site, due to the balconies overlooking their rear yards;
- □ the north-east 8-storey (26.7 m.) blank wall in the revised proposal is too close to the townhouse backyards;
- □ the development should provide enough parking for residents and visitors, so they do not park on the street;
- the children living in the development will attend Lambton Kingsway Junior Middle School which may cause overcrowding, or children being bussed to another school;
- □ the vacant corner site was a gas station and the soil should be cleaned before any residential development occurs; and
- □ a shadow study should be submitted to understand the impact of the development on the townhouses to the east.

# COMMENTS

The proposal is the first application to be considered under the new Dundas Street West Avenues Official Plan policies and the implementing Avenues Zoning By-law 717-2006. The application does not meet the guiding principles of the Avenues Study with respect to height, diversity of uses, an appropriate building scale and density; the policies of the Toronto Official Plan; the Avenues Zoning By-law (717-2006); and the Zoning Code, as described below.

#### Land Use

The proposed apartment building use is allowed under the Mixed Use Area designation of the Toronto Official Plan but it is not allowed in the Neighbourhoods designation. The proposed apartment building use is allowed by the Avenues Zoning By-law, but not in the lands to the south zoned R2.

City staff recommend that the apartment building be eliminated from the Neighbourhoods and R2 zoned portion of the development site (567 and 569 Prince Edward Drive). The building should also be set back from the R2 zone. This would achieve a distance buffer and increased landscaping between the proposed use and the detached houses to the south. This change would meet the policies of the Official Plan by providing a gradual transition of scale and density, and maintain adequate light and privacy in the adjacent Neighbourhoods area.

#### Height

The applicant has applied for a 10-storey (33.75m.) building. The Avenues Zoning Bylaw, CG-AV-H allows a 5-storey (14 m.) building, with a possible increase to a 6-storey (18.5 m.) building in exchange for Section 37 benefits to improve the streetscape and local parks.

Section 5.6.13 in the Interpretation chapter of the Toronto Official Plan applies to rezoning applications in completed Avenues areas that are designated Mixed Use and adjacent to Neighbourhoods. If there are no height and density limits specified in the Official Plan:

- "a) a determination will be made as to whether or not such height and/or density limits are as contained in the applicable Zoning By-law implement the Plan, irrespective of whether enactment of the By-law pre-dates approval of the Plan; and
- b) where they implement the Plan, such limits will be considered an important element and point of reference in the assessment of the application. Any increase beyond these limits will require appropriate planning justification consistent with the policies of the plan."

One of the Dundas Street West Avenues Study guiding principles requires that development be of an appropriate scale and density. The maximum building height in the area was established through the Avenues Study after extensive study and community consultation. It was not appealed and is in full force and effect. The applicant is requesting permission to construct a building that is 4-5 storeys higher than the maximum height in Zoning By-law 717-2006. The applicant has not provided any rationale for the increase in height, other than it is at a key intersection. The Dundas Street West Avenues Study did not identify Dundas Street West and Prince Edward Drive as a key intersection.

Some existing Avenues by-laws and studies in the City of Toronto have allowed for additional building heights at key intersections. This was considered for the Dundas Street West Avenues Study but was not found to be good planning and is not in the adopted study or by-law.

Two condominium buildings are currently under construction in the area. They will be completed in 2007. The Essence, east of the subject proposal and The Prince Edward, immediately across the street from the subject proposal, both have heights of 6-storeys. The height of the proposed building should be consistent with these developments and the recently approved Avenues Zoning By-law.

Staff support a height of 6-storeys (18.5 m.) at this location subject to a Section 37 contribution of 15,000 per unit above the fifth floor. The funds should be used for streetscape improvements to Dundas Street West, as set out in the study.

#### Massing

The impacts of the proposed building massing and height on the surrounding buildings and streets must be reviewed through the submission of a massing diagram and shadow studies. These studies should include illustrations of the visual impact of transition, building mass and landscape elements introduced to improve the interface between the proposed building and the existing low-rise residential buildings.

The proposed massing, in conjunction with the proposed height of 10-storeys (33.75 m.) is not appropriate.

#### Setbacks

The setbacks provided by the applicant and those required by Avenues By-law 717-2006 are compared below.

Description	Application	Avenues By-law By-law 717-2006
Front Yard (Dundas)	0.0 metres in some locations	minimum 2.0 metres
Side Yard (Prince Edward)	0.0 metres in some locations	average setback on the rest of the block
Rear Yard	45 degree angular plane measured from the south edge of the property line of 567 Prince Edward	45 degree angular plane measured from the south edge of the property line of 571 Prince Edward
	0.9 metre landscape strip	3.0 metre landscape strip

The applicant should meet the provisions of Avenues By-law 717-2006 more closely with regard to the setback provisions.

The relationship between the side wall and the townhouses must be addressed. The townhouse rear yards require a larger building setback, with further setbacks from the upper storeys. These setbacks will give the ability to accommodate architectural detailing, windows, and landscaping at grade.

#### Vehicular Access

The Urban Design Guidelines and Avenues By-law 717-2006 require the number of driveway curb cuts along Dundas Street West to be minimized and that vehicular access should be provided from a secondary street, where available. The applicant proposes that

most access take place from Prince Edward Drive, however there is also a loading bay exit onto Dundas Street West (See Attachment 1: Site Plan).

The Dundas Street West Avenues Study promotes efficient vehicle movement. The access onto Dundas Street West may create delays to the traffic flow as vehicles exit the site. City staff recommend that the plans be revised to allow the delivery trucks to exit from the driveway access on Prince Edward Drive, and that the driveway for the loading area on Dundas Street West be eliminated.

#### Pedestrian Access

The Urban Design Guidelines and Avenues Zoning By-law require the main entrance to the building be on Dundas Street West. The applicant is proposing the main entrance on Prince Edward Drive. City staff recommend that the entrance be located at the corner.

#### Commercial or Live-Work Units fronting Dundas Street West

The Dundas Street West Avenues Study encourages a diversity of uses. It would be preferable if the proposed at-grade units fronting onto Dundas Street West would be either commercial or live-work units because of their Avenues frontage. These units require barrier-free entrances, high floor to ceiling heights, signage bands, canopies and front yard landscaping that supports a more active pedestrian use. The Avenues Zoning By-law requires the first floor to have a floor to ceiling height of 3.6 metres which would accommodate these uses. The submitted plans meet the height requirement, but do not provide a diversity of uses.

The front yard setback and landscape treatment will vary according to the interior use. Residential units require soft landscaping and commercial units require hard landscaping. Private outdoor amenity spaces such as patios should not be located at-grade within the front yards and along street edges.

#### At-Grade Residential Units fronting Prince Edward Drive

The at-grade residential units should be elevated from the public sidewalk by 0.6-0.9 metres to support and enhance the privacy area provided by the front yard landscaping, while maintaining a visual connection between the building interior and the street.

The private patios are located at-grade within the front yards along the street edges. These should be removed and a common outdoor amenity space should be provided either at-grade elsewhere on site, or on a landscaped roof. This space should be located adjacent to the indoor amenity space to create the opportunity for the residents to move easily between the indoor and outdoor spaces.

#### Underground Garage Ramp

The underground garage ramp is currently located at the south-east corner of the property in the R2 zone, adjacent to the back yards of the townhouses to the east and detached houses to the south. The ramp should be integrated into the building envelope in order to limit the visual and noise impact of this element on the adjoining properties.

#### Traffic Impact Study

A Traffic Impact Study prepared by Marshall, Macklin, Monaghan, was submitted with the original application. There were a number of deficiencies and, as a result, the capacity was required to be re-analyzed to accurately reflect the existing northbound lane configuration as a single lane approach. Southbound queuing studies were required at the north approach to Prince Edward Drive-Government Road intersection to determine if the proposed Prince Edward Drive north access will be blocked simultaneously by northbound and southbound vehicle queues.

A revised study was submitted on February 21, 2007, but the review by staff is not complete. The application to lift the zoning hold was not submitted until January 26, 2007.

#### Section 37 Benefits

The Avenues Zoning By-law 717-2006 outlines the benefits required if there is an increase to height or density over what is allowed in the by-law. This includes parkland and streetscape improvements abutting and beyond the development site including: trees, planters, benches, pedestrian level street lighting, walkways, landscaped medians and public art. The Section 37 benefits have not yet been discussed with the applicant. City staff have determined that the appropriate amount for these benefits to improve the Dundas Street West streetscape should equal \$15,000 per unit above the fifth floor.

#### Lifting the Hold

A Holding By-law has been placed on the majority of the Dundas Street West Avenues Study Area, including this site. The area is subject to a Holding symbol until such time as Council for the City of Toronto is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity, to accommodate the proposed development.

A Traffic Impact Study and School Capacity Analysis are required to be submitted and approved prior to lifting the Hold. Both have been submitted, however a revised Traffic Impact Study was required to address a number of comments from the Development Engineering Division. The revised study has been submitted and circulated for review. The School Capacity Analysis has been circulated to the Toronto District School Board and Toronto Separate School Board. The school boards have not finalized their reviews.

#### Conclusion

The 10-storey (33.75 m.) development proposal is not appropriate for the site. It does not meet a number of Toronto Official Plan policies, Dundas Street West Avenues Study guiding principles, Zoning By-law 717-2006 regulations, and the Urban Design Guidelines. The applicant is requested to revise the application, as outlined in this report, to provide an acceptable development proposal. If the applicant wishes to proceed to the Ontario Municipal Board with the 10-storey (33.75 m.) proposal, it is recommended that the City Solicitor and appropriate City staff be directed to attend any Ontario Municipal Board mediation, pre-hearing, or hearing to support the recommendations outlined in this report.

# CONTACT

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# SIGNATURE

Gregg Lintern, Director Community Planning, Etobicoke-York District

# ATTACHMENTS

Attachment 1: Site Plan Attachment 2: Elevations Attachment 3: Official Plan Map Attachment 4: Zoning Code Map Attachment 5: Application Data Sheet

#### **Attachment 1: Site Plan**





## **Attachment 2 a: Elevation**



#### **Attachment 2 b: Elevation**



**Attachment 2 c: Elevation** 





#### **Attachment 3: Official Plan Map**





**Attachment 4: Zoning Map** 

R4 Residential Fourth Density AV Limited Comme R4G Residential Fourth Density Group (H) Holding District G Park U Utilities Not to Scale Zoning By-law 11,737 as amended Extracted 03/07/07 - RZ

# **Attachment 5: Application Data Sheet APPLICATION DATA SHEET**

Official Plan Amendment &	Application Number:	06 106640 WET 05 OZ
Rezoning		
OPA & Rezoning, Standard	Application Date:	February 1, 2006

4187 DUNDAS ST W, 567, 569 and 571 PRINCE EDWARD DR., TORONTO ON CON C FTH PT LT10 \*\*GRID W0503

Official Plan Amendment and Zoning By-Law Amendment for a proposed 10 storey and 118 unit residential development.

Agent:	Architect:	Owner:
		CIC MILLWORK
		LIMITED IN TRUST

#### PLANNING CONTROLS

Mixed Use and	Site Specific Provision:		
Neighbourhoods			
CG-AV-H and R2	Historical Status:		
	Site Plan Control Area:	Yes	

#### **PROJECT INFORMATION**

Site Area (sq. m):	3332	Height:	Storeys:	10
Frontage (m):	45		Metres:	33.75
Depth (m):	67.5			
Total Ground Floor Area (sq. m):	1575			Total
Total Residential GFA (sq. m):	Residential GFA (sq. m):13995Parking Spaces:		es: 160	
Total Non-Residential GFA (sq. m):	0		Loading Dock	ts 1
Total GFA (sq. m):	13995			
Lot Coverage Ratio (%):	47			
Floor Space Index:	4.2			

#### **DWELLING UNITS**

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Condo	)	Above Grade	<b>Below Grade</b>
rooms 0	Residential GFA (sq. m):	13995	0
bachelor 0	Retail GFA (sq. m):	0	0
1 bedroom 43	Office GFA (sq. m):	0	0
2 bedroom 66	Industrial GFA (sq. m):	0	0
3 bedroom 9	Institutional/Other GFA (sq. m):	0	0
Total 118			
PLANNER NAME: Wendy Johncox, Senior Planner			
TELEPHONE	E: (416) 394-8227		