

3130 Dufferin Street - Zoning by-law Amendment - Request for Direction Report

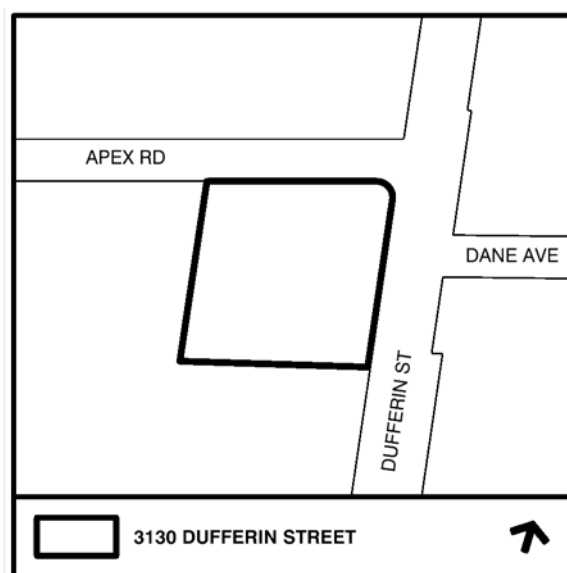
Date:	June 11, 2015
To:	North York Community Council
From:	Director, Community Planning, North York District
Wards:	Ward 15 – Eglinton-Lawrence
Reference Number:	12 142013 NNY 15 OZ

SUMMARY

This application proposes to amend the former City of North York Zoning By-law No. 7625 to permit a mixed use building containing 374 residential dwelling units and 1,379m² of retail floor space at 3130 Dufferin Street. The application proposes a 12-storey building element abutting Dufferin Street, a 6-storey building component abutting Apex Road, a 24-storey tower situated internally to the site (in the southwest corner) and a 6-storey building element connecting the 24-storey and 12-storey towers. With 45,814m² of gross floor area, the application proposes a Floor Space Index of 5.84.

The applicant has appealed the proposed Zoning By-law Amendment application to the Ontario Municipal Board (OMB), citing Council's lack of decision on the application within the time frame specified in the Planning Act. A Pre-Hearing Conference was held on March 10, 2015 and a second Pre-hearing Conference on this appeal is scheduled for July 7, 2015.

The purpose of this report is to seek Council's direction with respect to the position of the City at the Ontario Municipal Board. A hearing date has not yet been scheduled.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor together with City Planning staff and other City staff as appropriate to attend the Ontario Municipal Board in opposition to the Zoning By-law Amendment application No. 12 142013 NNY 15 OZ for the lands at 3130 Dufferin Street for the reasons discussed in this report including:
 - a. the proposal is not in conformity with either the in-force City Official Plan or the results of the Dufferin Street Avenue Study (consultant's report direction) and the proposed Dufferin Street Secondary Plan;
 - b. the height, scale and density of the development are not consistent with the existing and planned context;
 - c. the proposal does not adequately address Council-approved guidelines including the Avenues and Mid-Rise Building Study; and
 - d. the proposal represents overdevelopment of the site.
2. City Council authorize the City Solicitor together with City Planning staff and other City staff as appropriate to attend the Ontario Municipal Board to request a hearing date for the appeal at 3130 Dufferin Street that allows the completion of the reporting process and Council decision in respect of the Dufferin Street Avenue Study;
3. City Council authorize City staff to discuss revisions to the proposal to addresses the issues set out in this report; and
4. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct staff to request that the Board withhold any order to approve a Zoning By-law Amendment for the subject lands until such time as: the form of the by-law has been settled to the satisfaction of the City Solicitor; appropriate community benefits have been secured through a registered Section 37 Agreement satisfactory to the City Solicitor; and, the owner has entered into and registered a site plan agreement between the City and the owner and any preconditions to site plan approval are fulfilled.

Financial Impact

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

DECISION HISTORY

The Zoning By-law Amendment application was submitted on March 23, 2012 seeking permission to amend the Zoning By-law to permit a mixed use building containing 374 residential dwelling units and 1,379m² of retail floor space at 3130 Dufferin Street. The Staff report for action – Request for Direction - 3130 Dufferin Street

application proposes a 12-storey component abutting Dufferin Street, a 6-storey element abutting Apex Road, a 24-storey tower situated internally to the site (in the southwest corner) and a 6-storey element connecting the 24-storey and 12-storey towers. With 45,814m² of gross floor areas, the application proposes a Floor Space Index of 5.84.

A Preliminary Report was adopted by North York Community Council on October 10, 2012 recommending that the Zoning By-law Amendment application be reviewed in the context of the Dufferin Street Avenue Study. The Preliminary Report authorized City Planning staff to schedule a community consultation meeting with the Ward councillor and that notice for the public meeting be given according to regulations of the Planning Act. The Preliminary Report is available at:

<http://www.toronto.ca/legdocs/mmis/2012/ny/bgrd/backgroundfile-50378.pdf>

At its meeting on September 13, 2012, Planning and Growth Management Committee adopted without amendment a report recommending that an Avenue Study be undertaken on Dufferin Street between Highway 401 to just south of Lawrence Avenue West. On October 2, 2012 City Council endorsed the Study to be undertaken. The 2012 Avenue Study – Dufferin Street, between Highway 401 to just south of Lawrence Avenue West Report is available at:

<http://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Community%20Planning/Files/pdf/B/backgroundfile-49687.pdf>

At its meeting of August 25-28, 2014, City Council endorsed in principle the Dufferin Street Avenue Study consultant report and adopted a report and recommendations by the Director, City Planning Division.

City Council directed the appropriate staff to finalize the Transportation and Infrastructure and Stormwater Master Plans, draft the Official Plan Amendment and Zoning By-law to create site and area specific policies and new zoning provisions and any other appropriate planning tools suited to this Avenue segment.

Staff were also directed to conduct community consultation on a draft Official Plan Amendment, amendments to the Zoning By-laws, and other planning tools and necessary implementation strategies prior to bringing forward these planning tools and strategies to North York Community Council's consideration. The Council decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.96>

At its meeting of June 16, 2015, North York Community Council will consider the report entitled *Dufferin Street Avenue Study City Initiated Official Plan Amendment* dated May 29, 2015 and recommendations by the Director, City Planning Division, which would direct staff to circulate the draft Dufferin Street Secondary Plan to appropriate City divisions and agencies, the Dufferin Street Avenue Study's Technical Advisory

Committee and Local Advisory Committee, and to post the draft Secondary Plan and Urban Design Guidelines on the project webpage, for review and comment.

The report also recommends that Staff report back to City Council with a final version of the Dufferin Street Secondary Plan and Urban Design Guidelines, and any other necessary implementation tools, for a statutory public hearing under the *Planning Act* to implement the findings of the Dufferin Street Avenue Study. A report to City Council is anticipated in the fourth quarter of 2015.

ISSUE BACKGROUND

Proposal

This application proposes a mixed-use development on a large site at the southeast corner of Dufferin Street and Apex Road containing grade-related non-residential uses in a 6-metre high ground floor along both Dufferin Street and Apex Road and a total of 374 residential units. The development would be a single building above underground parking comprised of a 12-storey (41.1 metre) component (Building B) abutting Dufferin Street, a 6-storey (22.2 metre) component (Building B1) abutting Apex Road, a 24-storey (76.0 metre) tower (Building A) situated internally to the site (in the southwest corner) and a 6-storey building component (Building A1) connecting the 24-storey and 12-storey building elements.

The development is proposed to be setback from the Apex Road lot line 0.3 metres at ground level. The proposed setbacks from the Dufferin Street right-of-way vary between 1.1 metres and 1.5 metres. The ground floor setback from the south lot line is approximately 2.2 metres to 2.7 metres in the southeast corner of the site. Along the west lot line, building setbacks are greater, ranging from 7.1 metres to 17.1 metres to accommodate a ramp from the underground parking structure and retail surface parking.

The 24-storey tower in the southwest corner of the site (Building A) has a floor plate above the 7th floor which is approximately 776 m². The 12-storey building component (Building B) which fronts Dufferin Street has floor plates ranging from 1,396 m² to 1,769 m² from the second floor to the tenth floor. The 11th and 12th floors have floor plates of approximately 1,000 m². The 6-storey building element which fronts Apex Road (Building B1) has floor plates ranging from 778 m² to 820 m².

The proposed 12-storey Building B along Dufferin Street steps back 1.5m at the 4th and 9th floor and an additional 3 metre stepback at the 11th and 12th floor. The 4th and 9th floor stepbacks wrap around the corner along Apex Road for approximately 20 metres. The proposed 6-storey Building B1, along Apex Road, steps back 1.8 metres on the 4th floor. The proposed 6-storey Building A1 along the south property line provides no stepbacks.

The proposed tower separation distance is 25 metres between Building A and Building B. The ground floor height would be 6 metres.

Vehicular access would be provided from both Apex Road and Dufferin Street to an at-grade courtyard, surrounded by the proposed buildings. The ground level courtyard would provide non-residential customer parking (52 spaces) as well as three at-grade loading spaces. The courtyard would also provide access to a two-storey underground structure containing 383 resident and 97 residential visitor parking spaces for a total of 480 parking spaces below grade.

The entrance lobbies for the residential components are located both at-grade and at the second floor level. A second vehicular ramp from the ground level internal courtyard would provide access to the second level residential entrances and drop-off areas.

A total of 288 bicycle parking spaces are provided on the site with 228 bicycle spaces being provided for long term retail and resident use and 60 spaces being provided for short term visitor bicycle parking. With the exception of 11 spaces which will be provided at grade, all bicycle parking will be provided in secure rooms at the P1 level of the underground parking garage.

The following table summarizes a number of the proposed statistics:

Proposed Units	1 bedroom	243 units (65%)
	2 bedroom	131 units (35%)
	Total Units	374 units
Proposed Amenity Areas	Indoor	2,076 m² (55.5 m² per unit)
	Outdoor	408 m² (1.09 m² per unit)
Bicycle Parking	Occupant (residential and retail)	228 spaces
	Visitor (residential and retail)	60 spaces
	Total Bicycle Parking	288 spaces
Vehicular Parking	Retail Parking	52 spaces
	Visitor Parking U/G 1	97
	Residents U/G 1	143
	Residents U/G 2	240
	Total Parking	532 spaces

With 45,814m² of gross floor area, the application proposes a Floor Space Index of 5.84.

Relevant project information is contained in the Application Data Sheet (Attachment 8).

Site and Surrounding Area

The 0.78 hectare site is located at the southwest corner of the intersection of Dufferin Street and Apex Road. Dufferin Street has a right-of-way of 30.0 metres and Apex Road

has a right-of-way of 20 metres. The lot has a frontage of 86.88 metres on Dufferin Street and a depth of 89.86 metres on Apex Road. This lot depth, which is typical of lots along the west side of Dufferin Street, is greater than a typical *Mixed Use Areas* lot along an *Avenue*. The site is currently developed with a car dealership which is to be demolished as part of the proposed development. To provide access to the on-site automobile storage areas and the showroom itself, there are presently 3 curb cuts to the site; two from Dufferin Street and one from Apex Road. The property is relatively flat.

The surrounding area contains a mix of uses including residential, commercial, retail, office and light industrial as follows:

- North: Beyond Apex Road is a one-storey plaza surrounded by surface parking (3140 to 3170 Dufferin Street and 60 Apex Road).
- South: A one-storey restaurant with surrounding parking (3120 Dufferin Street) and a car dealership (Yorkdale Toyota at 3080 Dufferin Street) are located immediately south of the site.
- East: Beyond Dufferin Street are low rise (one and two storey) commercial/office buildings with residential above, single detached residential dwellings beyond, and an approved development (Treviso) at the northeast corner of Dufferin Street and Lawrence Avenue West for a mixed use development containing 1,488 residential units and a total gross floor area of 122,667m².
- West: One-storey industrial manufacturing facility (Centura Floor and Wall at 53 Apex Road).

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The City's Official Plan sets out a broad strategy for managing future growth by identifying an urban structure of areas where development is appropriate and areas where little physical change is expected to occur. The Plan outlines how growth is to be directed towards areas with supporting infrastructure. The Urban Structure Map, Map 2, identifies four categories of growth areas including the *Downtown*, *Centres*, *Avenues* and *Employment Areas* overlay.

The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The Dufferin Street frontage of the subject site is identified as *Avenues* on Map 2 of the Official Plan.

The site is designated *Mixed Use Areas* by Map 16, Land Use Plan. The *Mixed Use Areas* designation identifies areas intended for growth for both population and jobs, encouraging a broad range of commercial, residential, institutional and open space uses.

The Official Plan identifies areas that are well-served by public transit and the existing road network and which have a number of properties with redevelopment potential that can accommodate growth. These areas are shown on Map 2 Urban Structure and are identified by four categories including *Avenues*. The *Avenues* are important corridors along major streets where re-urbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit service for community residents. The subject site falls within an *Avenues* overlay.

Section 3.1.1 of the Official Plan addresses the public realm, recognizing how important good design is in creating a great city, and great cities are identified by the look and quality of their streets and public spaces and the buildings which frame and define them. Toronto's concession road grid is recognized as a major organizing element to be maintained and improved. The policies require that new development enhance the quality of the public realm and streets adjacent to new development will be designed to perform their diverse roles.

The public realm policies also address the creation of new streets in situations where larger blocks must be divided into smaller development blocks to provide connections with adjacent neighbourhoods, and promote a connected grid of streets.

The narrative of Section 3.1.2 Built Form acknowledges that our personal enjoyment of our streets and open spaces depends on the visual quality, activity, comfortable environment, and perception of safety in those spaces. Those qualities are influenced directly by the built form of adjacent buildings. New development needs to fit in, respecting and improving the character of the surrounding area. The Official Plan recognizes that large redevelopment sites are unique and new planning contexts may be

created to ensure that each new development in these areas adds up to more than the sum of parts.

The Official Plan contains policies for building new neighbourhoods in Section 3.3. The Plan requires the provision of a comprehensive planning framework reflecting the Plan's city-wide goals as well as the local context to ensure that new infrastructure, streets, parks and local services to support new development and connect it with the surrounding fabric of the City is provided.

Policies in Section 3.2.2, Community Services and Facilities, encourage the provision of community services facilities in all significant private sector development across the City through development incentives and public initiatives.

The Official Plan encourages the inclusion of public art in all significant private sector developments across the City. Art is a public benefit to be enjoyed and experienced by residents and visitors throughout the city.

The Official Plan provides for the use of Section 37 of the *Planning Act* to secure the provision of community benefits in return for an increase in height and/or density of a development. The City may require the owner to enter into an agreement to secure these matters.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts. The city-wide Guidelines are available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=80a70621f3161410VgnVCM10000071d60f89RCRD>

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto. These guidelines were used to inform modelling and testing for sites within the Dufferin Street Secondary Plan Area.

Planning staff have determined that the subject site is not a tall building site. As a result, a detailed discussion of the proposal in relation to the Tall Building Design Guidelines is not included in this report. However, it is noted that the proposal does not meet the key

requirements of the Tall Building Design Guidelines with respect to; site context, site organization, tall building design, and the pedestrian realm.

Avenues and Mid-Rise Buildings Guidelines

In May of 2010, City Planning staff presented an update report to the Planning and Growth Management Committee on the status of the 'Avenues and Mid-Rise Building Action Plan'. The Action Plan consisted of a number of components to encourage the re-urbanization of Toronto's Avenues including a consultant's *Avenues and Mid-Rise Building Study* which provides guidance to the future built form of the *Avenues* through suggested Performance Standards.

On July 8, 2010 City Council adopted a number of recommendations relating to the Avenues and Mid-Rise Buildings Study and Action Plan including a direction that staff use the "Mid-Rise Building Performance Standards" contained in Section 3 of the report. The Performance Standards provide the foundation for new zoning regulations and urban design guidelines for mid-rise buildings along Toronto's *Avenues* that are to be applied during the review of all new and current mid-rise development proposals on the *Avenues* and in the implementation of future *Avenue Studies*.

Planning staff consider the site to be appropriate for mid-rise buildings in keeping with the proposed planning framework for the area. As a result, the proposal has been assessed using the Performance Standards for Mid-Rise Buildings discussed in more detail below under the comments section of this report.

The *Avenues and Mid-Rise Buildings Study* is available on the City's website at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=7238036318061410VgnVCM10000071d60f89RCRD>

Downsview Airport Height Limits

The subject lands fall southwest of the Downsview Airport, operated as a manufacturing and test facility and private airfield by Bombardier Aerospace. There are a number of daily flights from the airport for testing newly assembled planes as well as shuttles for Bombardier's employees between Toronto and their headquarters in Montreal.

As the owner and operator of a runway, Bombardier is required to comply with certain regulations and standards set by Transport Canada regarding the height of structures surrounding the facility. An Airport Hazard Map forms part of former City of North York Zoning By-law 7625 and the new Citywide Zoning By-law 569-2013. The airport hazard map currently permits building heights no greater than 60.96 metres on the site.

Dufferin Street Avenue Study

The stretch of Dufferin Street between Highway 401 to just south of Lawrence Avenue West contains a number of vacant and underutilized lots and is appropriate for an *Avenue Study*. On September 13, 2012 Planning and Growth Management Committee adopted a report that an *Avenue Study* proceed for Dufferin Street between Highway 401 to just Staff report for action – Request for Direction - 3130 Dufferin Street

south of Lawrence Avenue West which was considered by City Council on October 2, 2012. The *Avenue Study* provided an opportunity to develop a comprehensive vision for this stretch of Dufferin Street. The subject lands are within the study area for the Dufferin Street *Avenue Study* and the application will be reviewed in the context of that *Avenue Study*.

The link to the Staff Report that was considered by Planning and Growth Management is found here:

<http://www.toronto.ca/legdocs/mmis/2012/pg/bgrd/backgroundfile-49687.pdf>

Planning staff were directed in 2014 by North York Community Council to draft Official Plan Amendments, amendments to the Zoning By-laws, and other planning tools and necessary Implementation Strategies, suited to this Avenue. After a thorough assessment of existing Official Plan policies, staff were of the opinion that the study area demonstrated many of the characteristics of a Secondary Plan set out in Section 5.2.1 of the Official Plan, particularly with respect to large areas of underutilized land which would benefit from comprehensive development and areas where development is occurring at a scale and intensity which necessitates local streets, block plans, public works, open space and other public services and facilities. Staff are, therefore, proposing that the Avenue Study be implemented through a Secondary Plan.

The proposed Secondary Plan for Dufferin Street provides a comprehensive framework to guide growth, including direction for a desired building type and form of physical development, providing for appropriate transition in scale and activity between districts, and guides investment in infrastructure and community services and facilities required to support future growth. Specifically, the proposed Secondary Plan envisions a mix of residential and commercial land uses, improved connectivity through new public streets and lanes, pedestrian and cycling infrastructure, and priority transit lanes.

The proposed Secondary Plan policies require a comprehensive implementation approach that will encourage development at a manageable pace and ensure that financing is in place for the infrastructure necessary to support development. The development control framework will also strategically connect the implementation plans, guidelines and strategies.

The proposed Secondary Plan establishes a comprehensive planning framework for development and intensification. It is currently anticipated that it will not put in place detailed zoning for Blocks 1, 6, 7, and 8 (Attachment 5) for development to proceed and will be managed with holding provisions. The subject site forms part of Block 8. Approvals for these blocks should be achieved by development proponents through a Block Master Plan process, and appropriate applications under the *Planning Act*. Implementing zoning will be developed for all other properties on Map 2.

The proposed Secondary Plan requires comprehensive planning for Large Blocks, including Block 8, where this application is located, that would be evaluated on the basis

of a Block Master Plan. The proposed Secondary Plan identifies the planning tools that will be used to review development proposals on Large Blocks. The purpose of the Block Master Plans is to ensure that development is planned comprehensively, that necessary investment is made in infrastructure, streets, parks, facilities and the public realm, and that development proceeds in an orderly manner fitting together to create a comfortable defined and supported public realm.

The Block Master Plan will encompass all the lands of these blocks and the approved Plan will be adopted by City Council concurrent with the adoption of an implementing Zoning By-law to ensure that zoning standards are appropriate. It is currently anticipated that upon adoption by City Council, the Block Master Plan will be appended to the Urban Design Guidelines to guide future development within the portion of the Block that is not subject to the implementing Zoning By-law.

To permit residential or mixed use development on Large Blocks, the proposed Secondary Plan will require, appropriate mechanisms, such as concurrent applications for draft Plan of Subdivision to ensure zoning standards are appropriate for the configuration of the land parcels, and that the land parcels facilitate development consistent with the intent and objectives of the Secondary Plan and in accordance with the Block Master Plans approved by City Council.

The proposed Secondary Plan includes a vision and site specific policies to guide growth on Large Blocks. The vision for Block 8 emphasizes the importance of the Dufferin Street and Lawrence Avenue West, where two *Avenues* meet, and its function as a gateway to the Secondary Plan Area from the south. The vision for this large block includes a network of new public streets and smaller blocks, and a new public park. Street-related mixed-use development will be sensitively designed, and sensitive uses appropriately buffered from adjacent *Employment Areas*. Tall buildings are envisioned at the intersection with a new east-west street defining the limit of tall building sites to the south, and mirroring the limit of tall buildings on the east side of Dufferin Street. Generous setbacks and an urban plaza will define the Dufferin Street and Lawrence Avenue West intersection, connect to the open space network and create a focal point for social activity for Block 8. Block Master Planning will ensure comprehensive and coordinated redevelopment, and cooperation between land owners will be encouraged.

Public planning objectives for new mixed use development on Block 8 include:

- A vision for Dufferin Street as an organizing spine for the Secondary Plan with development lining Dufferin Street to define and support the edge of the landscaped Promenade. The proposed Secondary Plan includes a requirement for a 5.0m setback on Large Blocks fronting on Dufferin Street. These proposed setbacks would serve a civic role in improving the quality of the pedestrian experience on Dufferin Street and in establishing a new streetscape character. The setback is intended to accommodate amenities such as a second row of trees on the deeper lots, retail amenity space, amenity and transition to at-grade residential uses, including other co-ordinated landscape elements with the proposed streetscape strategy. Amenities should be appropriate to the adjacent uses in order to enhance

retail and commercial uses and buffer residential uses at grade from activities on the street.

- A network of new public streets will be introduced through the large block with a minimum of one new north-south street and one new east-west street. The Transportation Master Plan recommends a minimum of 20 metre rights-of-way for new public streets.
- A new public park in the block will be introduced as a focal point for the block with generous frontage on at least one public street.
- A vision for mid-rise buildings lining Dufferin Street and tall buildings limited to the Dufferin Street and Lawrence Avenue West intersection and designed to meet the setback, transition and built form policies in the Secondary Plan and other appropriate urban design guidelines. The height and scale of buildings are directed to transition from the Dufferin Street and Lawrence Avenue West intersection to the planned mid-rise mixed use context in the balance of the *Avenue* and Secondary Plan Area.
- Toronto City Council has adopted clear policy directions which prioritize the existing *Employment Areas*. A minimum setback of 20 metres from sensitive uses to *Employment Areas* have been prescribed in the Secondary Plan under Section 3.4 to provide a buffer, ensure new development does not affect any Environmental Compliance Certificates of industries and their renewal, minimize complaints of adverse effects that could potentially change industrial operations or restrict operating hours, and to mitigate potential residential 'creep' beyond the existing *Mixed Use Areas* designation.

The 20 metre setback is proposed as a minimum dimension and could include roads, open spaces, parking lots, laneways and private driveways. These separation distances are not intended to replace the Ministry of the Environment's Land Use Compatibility Guidelines and satisfaction of minimum separation distances required for uses that abut *Employment Areas* and are meant to be read together. The implementation of the Ministry of the Environment 'D' series guidelines for compatibility between sensitive uses and industry, and any successor guidelines, may require greater separation distances.

- Sensitive uses, including residential development, will be required to be designed and constructed to mitigate noise, traffic, odours or other contaminants from nearby industry.

The proposed Secondary Plan is supported by a number of implementation plans, strategies and guidelines, including the Dufferin Street Transportation Master Plan, Infrastructure and Stormwater Master Plan, Urban Design Guidelines, and Community Services and Facilities Strategy. These documents provide direction to City staff when evaluating development applications in the Secondary Plan Area. Additional complete application requirements are outlined in Appendix 1 of the proposed Secondary Plan.

The report on the Dufferin Street Avenue Study City Initiated Official Plan Amendment can be found here:

<http://www.toronto.ca/legdocs/mmis/2015/ny/bgrd/backgroundfile-80963.pdf>

Zoning

The site is zoned Industrial Commercial Zone “MC(H)” by former City of North York Zoning By-law No. 7625. The “MC(H)” zone permits a variety of industrial, commercial and institutional uses. The zone permits a maximum floor space index of 1.0 and height restrictions in compliance with Schedule “D” of the By-law. Notwithstanding the general provisions of the “MC” zone, the Holding (H) provision applies restrictions to the amount of floor area for retail stores, personal service shops and office uses. Residential uses are not permitted in the “MC(H)” zone.

Site Plan Control

An application for Site Plan Control will be required but has yet to be submitted.

Reasons for the Application

The proposal requires an amendment to the North York Zoning By-law to permit the proposed mixed use development. Appropriate standards regarding gross floor area, coverage, height, setbacks, parking, landscaped open space and other matters would be established through a site specific exception.

Community Consultation

A Community Consultation meeting was not held for this application. While the Preliminary Report recommended that a Community Consultation meeting be scheduled in consultation with the Ward Councillor, the Preliminary Report also recommended that the Zoning By-law Amendment application be reviewed in the context of the Dufferin Street Avenue Study. The Community Consultation meeting was not scheduled pending the finalization of the Dufferin Street Avenue Study, which is not anticipated until late 2015. Depending on the outcome of the study, the applicant may have been motivated to revise their proposal and it would have made sense to present a revised proposal to the community at a Community Consultation meeting.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS), 2014 and the Growth Plan for the Greater Golden Horseshoe are high-level and broad reaching documents. The City is a development area and infill is encouraged under these policies. However, the tenor of both the PPS and the

Growth Plan is that planning authorities are responsible for identifying appropriate locations for growth. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

Within this framework, the PPS recognizes that the Official Plan is the most important vehicle for implementing PPS requirements and that comprehensive, integrated and long term planning is best achieved through municipal official plans. The City's Official Plan meets the requirements of the PPS. Further, the proposed Dufferin Street Secondary Plan complies with the City's Official Plan and with the PPS.

The Official Plan and the proposed Dufferin Street Secondary Plan contain clear, reasonable and attainable policies that protect provincial interest and direct development and intensification to suitable areas. In this area intensification is promoted through development that respects and reinforces the existing and planned context for mid-rise buildings along Dufferin Street. The proposal does not conform to either the in-force City Official Plan or the results of the Dufferin Street Avenue Study (consultant's report direction) and the proposed Dufferin Street Secondary Plan and is not consistent with the way that either would implement the Provincial Policy Statement. The proposal, therefore, cannot be supported.

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. The Growth Plan for the Greater Golden Horseshoe (The Growth Plan) strives, among other things, to direct growth to areas of urban intensification. It requires municipalities to set clear targets for population and employment growth. This is not an area where the scale of intensification and built form proposed, is anticipated or appropriate. The proposal is not consistent with the way in which the Official Plan implements the Growth Plan for the Greater Golden Horseshoe. Based on this, the proposal does not conform to, and conflicts with, the Growth Plan for the Greater Golden Horseshoe.

Land Use

The site is designated *Mixed Use Areas* on Map 17 in the City's Official Plan. Within *Mixed Use Areas* a broad range of uses are encouraged, providing opportunities to live, work and shop within the same areas. *Mixed Use Areas* are anticipated to accommodate growth with new service, employment and residential uses all locating in a manner that is appropriate to their surrounding contexts, with adequate transportation and infrastructure servicing. The application proposes a mixed-use building with retail and residential uses. The *Mixed-Use Areas* designation on the site provides for these uses.

Site Organization

The application proposes private internal driveways to service the site, one north-south driveway with access from Apex Road and one east-west driveway with access from Dufferin Street, both utilizing existing curb cuts. The site access from Dufferin Street

would be aligned with Dane Street to the east of Dufferin Street. The access from Apex Road would be located at the western end of the site, as far west from Dufferin Street as possible.

The proposed Dufferin Street Secondary Plan proposes a network of new and existing streets that will, along with the parks and open space system, form the physical structure of new mixed use development in the Secondary Plan area and provide improved connectivity and circulation for vehicles, pedestrians and bicycles. Attachment 4 illustrates the network of new local public streets to facilitate movement and accessibility through the study area.

The proposed Dufferin Street Secondary Plan recommends a new 20 metre wide north-south public street, extending south from Apex Road, along the west side of the subject site as shown on Attachment 4. This street would be the northern segment of a north-south connection going south from Apex Road to Lawrence Avenue West to provide access and address to the interior parcels.

The proposed Dufferin Street Secondary Plan also recommends a 20.0 metre wide east-west public street, extending west from Dufferin Street, along the south side of the site. The obligation from the applicant would be half of that new street width (10.0 metres). This street would serve to divide the large block between Lawrence Avenue West and Apex Road into smaller development blocks and provide public access and address to future development parcels to the south of the site.

Together the two new local streets would intersect at the south west corner of the subject site, providing a connected grid of streets for travel options and public access and address to all the proposed buildings on the development block.

The twenty (20.0) metre street right-of-way allows for appropriate amounts of space in the boulevards to permit the growth of large canopy street trees to create comfortable streets for pedestrians to walk as well as opportunities for on-street parking to serve retail activity and future park activities and programming, the park to be located just south of the new east-west road described above (See Attachment 4).

Access to the proposed development should be taken off the new local public streets to avoid curb cuts on Dufferin Street and Apex Road to ensure pedestrian comfort and safety on these streets.

The application proposes a varying setback from the Dufferin Street right-of-way between 1.1 metres and 1.5 metres. Along Apex Road the development generally has a 0 metre setback. The setback along the south lot line is approximately 2.2 metres to 2.7 metres in the southeast corner and 7.0 metres in the south west corner that contains a ramp access to the second level within the setback area. Along the west lot line, building setbacks are greater, ranging from 17.1 metres at the north end to 7.2m at the south end that accomodates a private driveway and ramp access to the underground and above-ground courtyard.

The Dufferin Street Secondary Plan anticipates that as the organizing spine of the Secondary Plan area, Dufferin Street will serve as an urban main street and focal point for the community with a concentration of retail, active uses at grade and landscaped setbacks that provide for pedestrian amenity. The proposed Dufferin Street Secondary Plan requires that a minimum 5.0 metre building setback be provided along Dufferin Street to allow for a new supporting built-form edge with a wide public sidewalk, a double row of street trees and active at-grade spill out uses like cafes or landscaped residential amenity to enhance the Dufferin Street Promenade.

The proposed Secondary Plan also requires a minimum 5.0 metre setback along Apex Road to allow for a landscape transition to buffer and provide privacy to residential units with patios and enable exterior access at grade that will serve to activate the street edge along this busy local street.

Along the new local streets, the proposed Secondary Plan requires minimum building setbacks of 3.0 metres to accommodate front landscape space and privacy for residential uses. This is particularly important along the new east-west street south of the subject lands as a new public park is proposed to the south of the new street (See Attachment 4). Active residential uses at-grade (to provide overlook into the park) with appropriate space for landscaping (to provide privacy) is important in this location.

The proposed Secondary Plan requires that for properties that share a boundary with lands designated *Employment Areas* a minimum setback of 20.0 metres will be provided between any building containing sensitive land uses and the *Employment Areas* designation to act as a buffer and minimize adverse impacts. This 20.0 metre setback would be achieved by the provision of the full 20.0 metre north-south public road.

The Avenues & Mid-Rise Building Study recommends a minimum separation distance of 11.0 metres between buildings to achieve minimum privacy dimensions between facing windows. The Tall Building Design Guidelines recommends a minimum separation distance of 25.0 metres between towers to provide privacy dimensions between facing windows. These minimum separation dimensions have been met for this proposal.

The proposed ground floor organization of Building A locates the ramp access to the second floor drop off court along the south property line with the ground floor lobby set back behind the driveway to the ramp access. The primary lobby to Buildings A, B and B1 is located at the second floor drop off court. Servicing, loading and 52 spaces of retail parking are located at-grade below the second floor drop off court.

Official Plan policies provide for main building entrances to face public streets with direct access to a public sidewalk. A reorganization of the Building A ramp and lobby is recommended to internalize the ramp access and place the ground floor lobby along the new east-west public street edge giving a public address and main entrance to Building A which will animate the new local street and the future park to the south of the street.

Main building entrances to Buildings B and B1 should also face Dufferin Street and Apex Road at grade. This requires a reorganization of the proposed multi-level servicing, loading and drop off areas. A consolidation of the drop-off, servicing and loading area is recommended at-grade with relocation of a portion of the ground level retail parking spaces into the underground parking structure to accommodate the redesign.

In summary, the site is a large block and requires the provision of new public streets in compliance with the in-force Official Plan and the proposed Dufferin Street Secondary Official Plan. The site should be reorganized to address the location of vehicular accesses and building entrances as they relate to the required new public streets.

Built Form, Massing and Height

The Official Plan provides for the reurbanization of the *Avenues* including intensification. The built form for redevelopment and intensification on this *Avenue* should generally be mid-rise buildings in keeping with the existing and planned context for the majority of Dufferin Street in this area as determined through the Dufferin Street Avenue Study.

The proposed Secondary Plan introduces Tall Building Areas to guide future development and identifies areas where tall buildings are envisioned. One of the areas is at the intersection of Dufferin Street and Lawrence Avenue West where two *Avenues* meet and functions as a gateway to the Secondary Plan Area from the south. Tall buildings are envisioned at the northwest corner of Dufferin Street and Lawrence Avenue West with a new east-west street defining the northern limit of the tall building site in this location as well as mirroring the limit of tall buildings on the east side of Dufferin Street (See Attachment 6).

The subject site is outside of the area identified for tall buildings and falls instead into an area proposed for mid-rise development. The performance standards for the mid-rise buildings within the Dufferin Street Secondary Plan area will be described in the Urban Design Guidelines. Typically, mid-rise buildings are no taller than the width of the street right-of-way or between 5 and 11 storeys. Dufferin Street is anticipated to have an ultimate right-of-way of 30.0 metres so a mixed use building facing Dufferin Street should be no higher than 9 storeys and 28.5 metres. The applicant is proposing a 12 storey building along Dufferin Street that has a height of 41.1 metres. Apex Road has an ultimate 20.0 metre right-of-way so mixed-use buildings facing Apex Road should be no higher than 6 storeys and 19.5 metres. The applicant is proposing a 6 storey building along Apex Road that is 23.5 metres high.

The proposed 12-storey Building B along Dufferin Street steps back 1.5 metres at the 4th and 9th floor and an additional 3.0 metre step back at the 11th and 12th floor. The 4th and 9th floor stepbacks wrap around the corner along Apex Road for approximately 20.0 metres. The proposed Dufferin Street Secondary Plan recommends a 6 storey streetwall height to define the character of the Dufferin Street Promenade with a 3.0 metre step back at the 7th floor. The step back at the 7th floor in combination with building adherence to a front angular plane allows for good street proportion and sunlight and skyview on Dufferin Street, creating a comfortable, sun-lit pedestrian promenade. The 6 storey

streetwall and step back on the 7th floor should wrap around along Apex Road and the new east-west public street to a distance of approximately 30.0 metres where the building should step down to meet the 6 storey midrise height of the local side street.

The proposed 6 storey Building B1, along Apex Road, steps back 1.8 metres on the 4th floor. The proposed Dufferin Street Secondary Plan recommends a 3.0 metre stepback be provided at the 5th floor to achieve a maximum 4 storey street wall height in proportion with the narrower existing Apex Road and proposed north-south local street.

The proposed 6 storey Building A1 along the south property line provides no stepbacks. The proposed Dufferin Street Secondary Plan recommends a 3.0 metre stepback be provided at the 5th floor to achieve a maximum 4 storey street wall height in proportion with the narrower local street and provide a lower scale building that will frame the street and future park edge to the south.

Similarly, Building A should provide a 3.0 metre stepback at the 5th floor resulting in a 4 storey streetwall height to provide good street proportion and sunlight access to both new east-west and north-south 20.0 metre wide public streets.

Staff is of the opinion that the proposed building heights are inappropriate as they do not reflect mid-rise building standards and the proposed building massing could be improved through a reduction in heights and appropriate stepbacks to provide good street proportion. Significantly, the applicant is proposing tall buildings on this site contrary to the proposed Dufferin Street Secondary Plan which cannot be supported. The proposal should be revised to reflect the policies of the in-force Official Plan and the proposed Dufferin Street Secondary Plan.

Downsview Airport Height Limits

Bombardier has advised that in the general area of the development site, no structure may exceed a height of approximately 239.0 metres above sea level. The applicant is proposing a structure of 83.7 metres above established grade. Bombardier advises that a structure of this height would penetrate the height restriction imposed by Transport Canada possibly impacting present and future flight operations and have implications for the future of manufacturing aircraft at the site. For this reason, Bombardier objects to the height of the proposed structure.

Density

Density is a measure of the level of intensity that arises from the built form, massing and height of a development. The subject site has the potential to accommodate a greater scale of development provided planning policy relating to built form, community services and facilities, transportation and servicing infrastructure are appropriately addressed.

The proposed Dufferin Street Secondary Plan sets out a density distribution that is an outcome of the Consultant's Study results and appropriately distributes built form, height and residential units across the proposed Secondary Plan area. The proposed densities for

the Secondary Plan area vary from 0.5 to 3.5 FSI. On the subject site, the Secondary Plan proposes a maximum density of 3.0 (see Attachment 7). The applicant has proposed a density of 5.84 times the lot area.

Staff are of the opinion that a number of the proposed building heights are inappropriate and the proposed building massing could be improved. As a result of the proposed built-form, the site density is significantly higher than densities elsewhere in the community. The proposal reflects a density that is typically assigned to subway-related development elsewhere in North York. Subway station locations are an appropriate location for higher density development and density should diminish as distance from a subway station increases. The subject site is not on a subway line and is a considerable distance from the Lawrence West Subway Station. Conformity to the built-form policies of the City Official Plan and proposed Dufferin Street Secondary will result in a development which reflects non-subway densities on an *Avenue*. Staff are of the opinion the proposal is an overdevelopment of this site.

Sun and Shadow

Section 4.2.2(b) & (c) of the Official Plan requires that: new development in *Mixed Use Areas* be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

The shadow study submitted with the application indicates that shadow impact of the 12-storey building on Dufferin Street (Building B) at the spring and fall equinox begins at approximately 2pm. The shadow impact of the proposed tower (Building A) on Dufferin Street begins at approximately 4pm. Both Building A and B begin to cast shadows on the low density neighborhood east of Dufferin Street at approximately 5pm.

The proposed Dufferin Street Secondary Plan recommends a midrise building height on Dufferin Street no greater than the Dufferin Street right of way with a front angular plane as per the Avenues & Mid-Rise Buildings Study to achieve good street proportion and a minimum 5 hours of sunlight on the Dufferin Street Avenue. A redesign of Building B to a 9-storey height limit with the application of a front angular plane as per the Avenues & Mid-Rise Buildings Study will achieve appropriate shadow impact on Dufferin Street and Apex Road sidewalks as well as the low rise neighborhood to the east. A revision of building type for Building A from tower to midrise form will remove shadow impacts of this building on Dufferin Street, Apex Road and the low rise neighborhood to the east.

Pedestrian Comfort/Wind Study

A Pedestrian Wind Assessment by RWDI, Consulting Engineers and Scientists, dated February 26th, 2010 was submitted with the application. The study summarized that higher wind activity will occur along the west side of Building A, along the rooftops of Buildings A1 and B1 and at the north-east corner of Building B at the intersection of Apex Road and Dufferin Street.

A revision of building type for Building A from tower to midrise form will mitigate catchment of winds at higher elevations typical of tall buildings, reducing the amount of wind interception and downwashing of wind onto the ground level. Design features for wind control such as step-backs, canopies and landscaped setbacks are recommended by the Wind Study at the corner of Apex Road and Dufferin Street to mitigate wind impact. These features should be used and the proposal modified accordingly.

Traffic Impact, Access and Loading

A Traffic Impact Study prepared by HDR Inc. and dated March 2012 was submitted in support of the application. City Transportation staff has reviewed the report and require further information, clarification and correction to the report in the areas of existing vehicular and pedestrian crossing volumes, parking space dimensions, ramp slope design and location of site access. The submitted Traffic Impact Study therefore cannot be accepted by city staff.

Access to the site is proposed to be provided by two full movement entrance driveways; one from Apex Road and the other from Dufferin Street, directly across from Dane Avenue. Signalization of the Dufferin Street/Dane Avenue intersection is no longer being considered. As a result, it is appropriate to redesign the site so that access to the project is not taken from Dufferin Street but rather from another abutting street. This access arrangement would also comply with the policies contained in the City's Official Plan, Access Management Guidelines and Road Classification System, which discourages access off Major Arterial Roads in cases where access options from lower order roads exist. The traffic analyses and site plan drawings must be revised to reflect this access arrangement.

Given the proposed uses that are envisioned for this project, and the respective development scale, the application requires 1 type 'G' loading space and 1 types 'B' loading space. The applicant has proposed two Type 'G' spaces and one Type 'B' space and the proposal is satisfactory in that regard. The loading spaces for the project will be located on the ground floor, adjacent to their respective buildings. All loading spaces must be designed to allow vehicles to enter and exit the public right-of-way system in a forward motion. The loading areas should continue to be located in the centre of the block away from existing and new public streets.

The outstanding information related to traffic impact, access and must be addressed in the form of updated studies submitted for review by staff.

Vehicle and Bicycle Parking

According to the site statistics, a total of 532 parking spaces will be provided for this project, consisting of 383 resident spaces, 97 visitor spaces and 52 retail spaces. All parking spaces will be located within a two-level parking garage, except for the retail spaces, which will be located at-grade.

The parking requirements for the project are governed by the applicable parking provisions contained in both the former City of North York Zoning By-law 7625 and the City of Toronto Zoning By-law 569-2013. The proposed on-site parking supply is satisfactory to staff.

Based upon the data submitted, the application proposes a total of 288 bicycle parking spaces for: retail and residential occupant (228) and retail and residential visitor (60). Five percent (11) of the occupant bicycle parking spaces are required to be provided at grade while the remaining 277 bicycle spaces are provided in the parking garage (level P1). The number of bicycle parking spaces provided is satisfactory to City staff.

Servicing

The Functional Servicing Report prepared by Odan/Detech Group and dated December 19, 2010 was submitted in support of the rezoning application. The report was reviewed by Engineering and Construction Services staff. Revisions are required to include the following information: clarification of the sanitary drainage area for this site; the provision of a sanitary sewer analysis (drainage plans, flow sheets and hydraulic analysis as necessary) to identify required improvements to the existing sanitary sewer system, up to the Trunk connection point, to provide information for peak sanitary flows generated by this development and any extraneous wet weather flow, and any other known developments which are to be served by the same sanitary sewer system. As this site is within a Basement Flooding Study area, the sanitary sewer evaluation must include both a dry weather flow analysis and a wet weather flow analysis to determine the impact of any sewer surcharge on the development. If the sewers along the site frontage are surcharged, the applicant will be responsible for contributing to the sewer upgrades or construction of a storage tank. A flow test and water distribution analysis must be completed to verify that water pressures and flows are adequate to service this development. This analysis is required to identify that the minimum required fire flows can be met for this development. If minimum required fire flows cannot be met, the consultant engineer is to identify required improvements to the existing watermain system to support this Zoning By-law Amendment application.

The application of stormwater management on this site was presented in the Functional Servicing Report and is generally acceptable with the exception of the method of quality control. A detailed stormwater management report will be required to be submitted at the site plan approval stage.

Outstanding information must be provided in the form of revised reports for further review and comment. The submitted Functional Servicing Report is not acceptable to City staff in its current form.

Open Space/Parkland

The proposal is to be a mixed-use residential and commercial development. The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. The lands which are the subject of this application are in an area with 0.8 – 1.56 hectares of parkland per 1,000 people. The site is in a

parkland priority area, and is subject to the alternative parkland dedication rate through the City Wide Parkland Dedication By-law 1020-2010.

The applicant has submitted a proposal to construct a mixed-use building with 375 residential units and 1400m² of commercial space within a site area of 0.7845 hectares (7,845m²). At the alternative rate of 0.4 hectares per 300 units, specified in By-law 1020-2010, the residential component will generate a parkland requirement of 0.0759 hectares (759m²) while the non-residential component will generate a parkland requirement of 0.00076 hectares (7.6m²). In total, the parkland dedication requirement will be 0.0767 hectares (767m²).

The applicant is required to satisfy the parkland dedication through a cash-in-lieu payment. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit. This parkland payment is required under Section 42 of the Planning Act, and is required as a condition of the building permit applicant process.

Amenity Space

The built form and *Mixed-Use Areas* policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. The policies also provide that each resident have access to outdoor amenity spaces such as balconies, terraces, courtyard, rooftop gardens and other types of outdoor spaces.

A total of 2,076 m² of indoor amenity space is proposed at various locations throughout the ground floor level and the second floor. This equates to a rate of 5.55 m² per dwelling unit. The applicant has proposed 408 m² of outdoor amenity space at the podium level to serve 374 residential units. This equates to a rate of 1.09 m² per unit.

While the amount of indoor amenity space is adequate, City planning staff have concerns with the amount of outdoor amenity space being proposed. Staff recommend that additional outdoor amenity space be provided in keeping with a recommended standard of a minimum of 2 square metres per dwelling unit for both indoor and outdoor amenity space.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. Should the proposed development be approved by the OMB, the proposal would be required to meet Tier 1 of the TGS.

Public Art

The Official Plan includes a policy that encourages public art, in prominent locations and visible from the public streets, where opportunities exist. The policy requires that Staff report for action – Request for Direction - 3130 Dufferin Street

artwork must be clearly visible at all times from publicly accessible areas. The site is of a size that warrants a public art contribution and the block plan and building configuration provides several opportunities to create on-site public art. While City Planning staff have not had any discussions with applicant regarding the provision of public art, it is anticipated this would be incorporated as part of this proposal should this development be approved.

Section 37

Section 37 of the *Planning Act* provides the City the authority 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 matters such as parkland and/or park improvements above the required parkland dedication, public art, streetscape improvements on the public boulevard not abutting the site, community facilities and/or local improvements to transit facilities. The community benefits must bear a reasonable planning relationship to the proposed development, including at a minimum, an appropriate geographic relationship with the development. Community benefits will assist in addressing the additional demand on local community resources, maintaining the quality of life in the larger areas, and implementing Official Plan objectives related to balanced and well-managed growth.

The applicant is aware that the City will require a Section 37 contribution for this proposal although the specific requirements have not been finalized. In accordance with City policies this is done in consultation with the local Councillor. However, before consideration can be given to securing any Section 37 benefits, the proposed development must constitute good planning. Given staff concerns with the application, recommendations on Section 37 benefits cannot be brought forward at this time.

The Community Services and Facilities Study undertaken for the Dufferin Street Avenue Study identified priorities for community services and facilities needed to support residential growth in this area.

Priorities for the Study Area include:

- Flexible multi-purpose space to provide for a wide range of programs and services including: community recreation programs, supplemental library space and/or human agency programs;
- Two to three new child care facilities to serve the projected population growth;
- Capital improvements to the Glen Long Community Centre and potential expansion;
- Capital improvements to library branches servicing the lands subject to the proposed Dufferin Street Secondary Plan; and
- Small scale improvements for large existing parks.

The proposed Dufferin Street Secondary Plan identifies these community services and facilities as priorities for Section 37 community benefits.

Subdivision Approval

The redevelopment of the proposed Dufferin Street Secondary Plan area will require the construction of new streets, and municipal services and infrastructure, and may require improvements to existing streets and services both on and off-site, and new parks and open spaces to support development along with new public parks and open spaces. To ensure that the streets, parks and appropriate development blocks are created and that required municipal infrastructure is designed, and secured in accordance with City practices, Plans of Subdivision will be required where appropriate. On this particular site, an application for draft Plan of Subdivision approval will be required for the creation of road blocks along the south and west lot lines as described earlier.

Site Plan Issues

It should be noted that comments provided pertain to the submitted Zoning By-law Amendment application. Required revisions related to the Zoning By-law Amendment application include the provision of public streets, reduction of building height, and modifications to the proposed building setbacks and stepbacks, among others, which will result in a decrease in the proposed density to address the proposed Dufferin Street Secondary Plan.

This development will be subject to a future site plan application and additional comments related to a Site Plan Control Application will be provided through that process. On a preliminary basis, the following issues have been identified:

- Resolution of urban design matters;
- Some of the parking spaces appear to be undersized;
- A requirement for the submission of swept-path drawings;
- A determination of the ultimate layout of the loading spaces, including ingress/egress thereto, and on-site connections to the non-residential uses;
- The provision of ramp slope information;
- The refinement of the site circulation;
- The supply of resident, visitor and retail parking spaces that are over and above the minimum requirements; and
- The submission of a detailed stormwater management report.

CONCLUSIONS

The proposal is not in conformity with either the in-force City Official Plan or the results of the Dufferin Street Avenue Study (consultant's report direction) and the proposed Dufferin Street Secondary Plan intended to set out the desired type and form of physical development for the area.

The Dufferin Street Secondary Plan was undertaken to develop a comprehensive planning framework to guide the redevelopment of a portion of Dufferin Street between Bridgeland Avenue to just south of Lawrence Avenue West. The result is a comprehensive policy framework to guide the redevelopment of the Study Area as a

complete community with a fine grain network of streets, parks and open spaces, and appropriate built form and uses. This report has described a number of principles that will be achieved through the implementation of the Official Plan and the Dufferin Street Secondary Plan.

Staff are of the opinion that a number of the proposed building element heights are inappropriate as they do not reflect mid-rise building standards and the proposed building massing could be improved through a reduction in heights and relocation of stepbacks to provide good street proportion. Significantly, the applicant is proposing tall buildings on this site contrary to the proposed Dufferin Street Secondary Plan which cannot be supported. The overall site density is also higher than the maximum density identified on this site by the proposed Secondary Official Plan.

The proposed development fails to address City Official Plan policies and does not provide crucial elements of the Dufferin Street Secondary Plan described above. The required 10 metre wide strip of land for the east-west road across the south side of the site has not been provided nor has the 20.0 metre wide right-of-way for the north-south connection along the west of the site. The 5.0 metre setback along Dufferin Street and Apex Road has not been provided nor has the 3.0 metre building setbacks required along the proposed new local streets along the south and west portions of the site.

The subject site has the potential to accommodate a greater scale of development provided planning policy relating to built form, community services and facilities, transportation and servicing infrastructure are appropriately addressed. In conclusion, Staff are of the opinion the proposal is an overdevelopment of this site and the requested application for Zoning By-law Amendment cannot be supported.

This report recommends that staff oppose the applicant's appeal of the application at the OMB and that staff be authorized to discuss revisions to the proposal to address the issues set out in this report, in keeping with the City Official Plan and the planned context as set out by the proposed Dufferin Street Secondary Plan.

CONTACT

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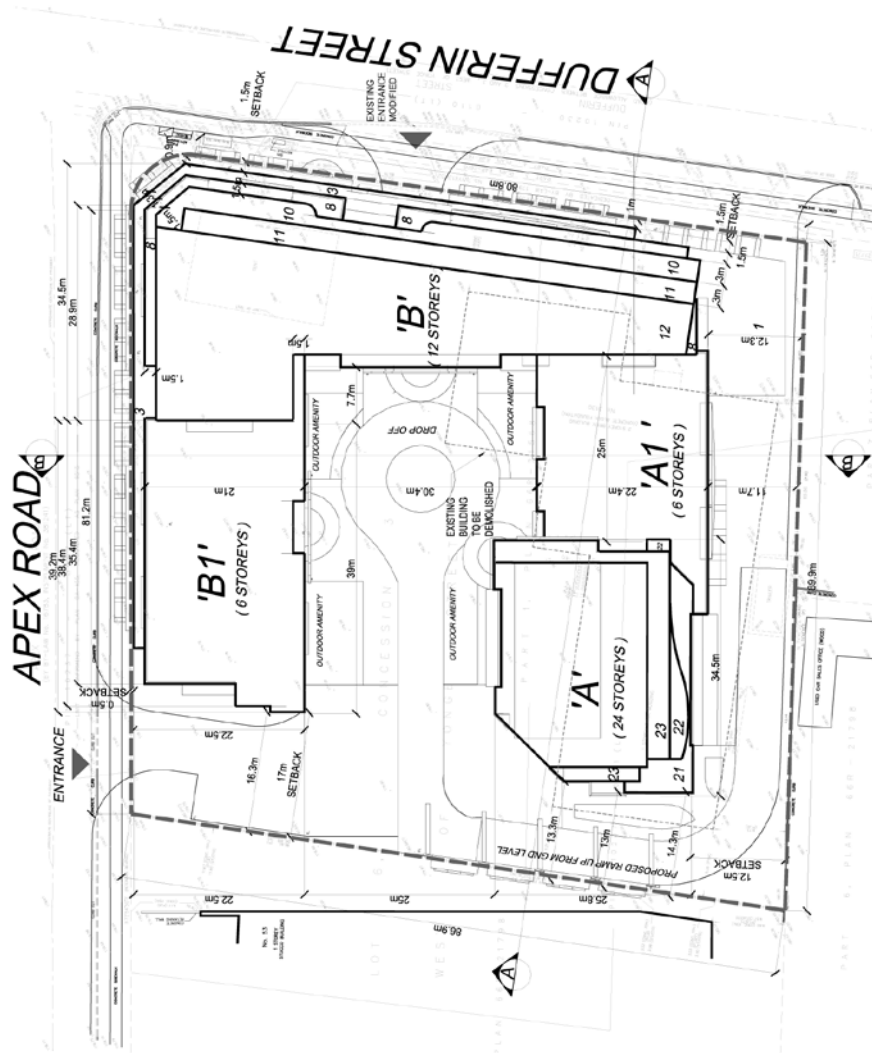
SIGNATURE

Joe Nanos, Director
Community Planning, North York District

ATTACHMENTS

- Attachment 1: Site Plan
- Attachment 2a: North and South Elevations
- Attachment 2b: West and East Elevations
- Attachment 3: Zoning by former City of North York By-law 7625
- Attachment 4: Excerpt from proposed Dufferin Street Secondary Plan – Map 3 Structure Plan
- Attachment 5: Excerpt from proposed Dufferin Street Secondary Plan – Map 2 Specific Block Policies Plan
- Attachment 6: Excerpt from proposed Dufferin Street Secondary Plan – Map 10 Building Type Areas
- Attachment 7: Excerpt from proposed Dufferin Street Secondary Plan – Map 11 Maximum Density
- Attachment 8: Application Data Sheet

Attachment 1: Site Plan



Site Plan

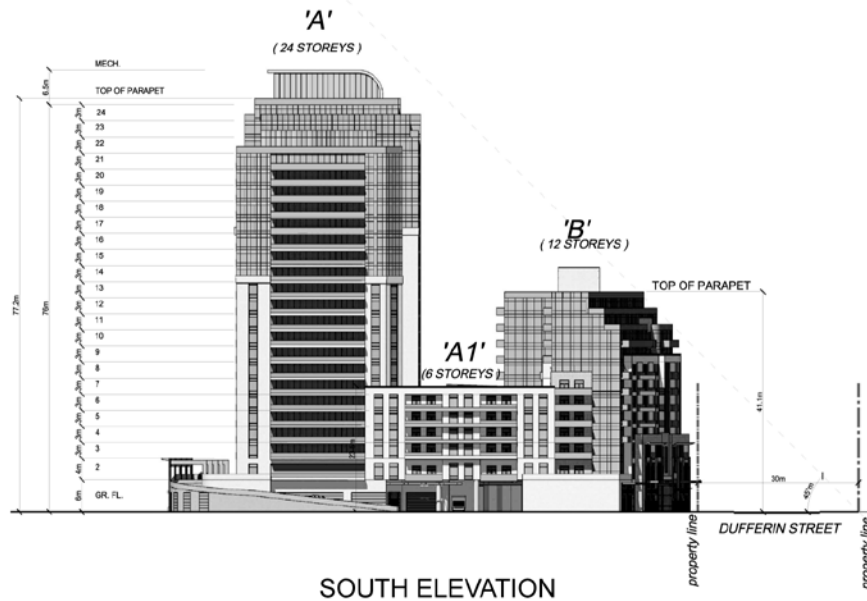
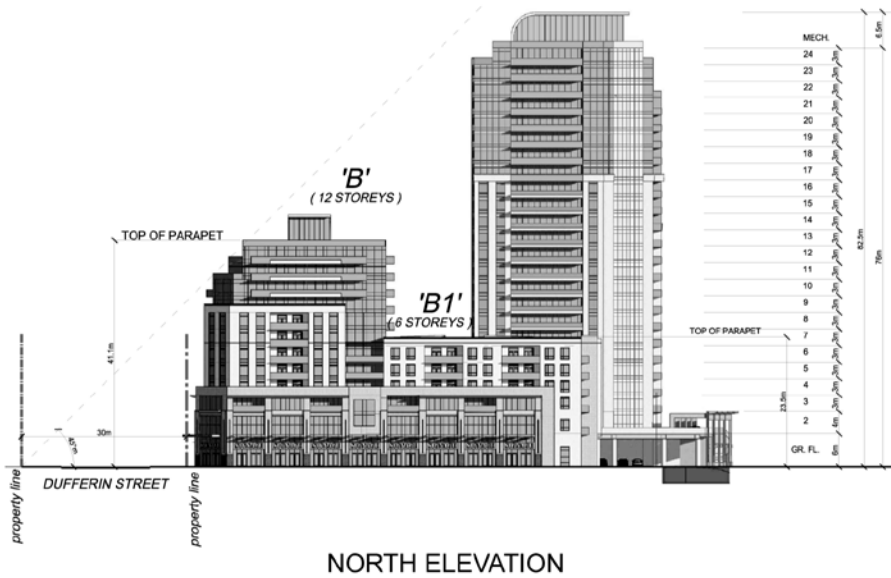
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04/17/2012

3130 Dufferin Street

File # 12 142013 NNY 15 02

Attachment 2: North and South Elevations



Elevations

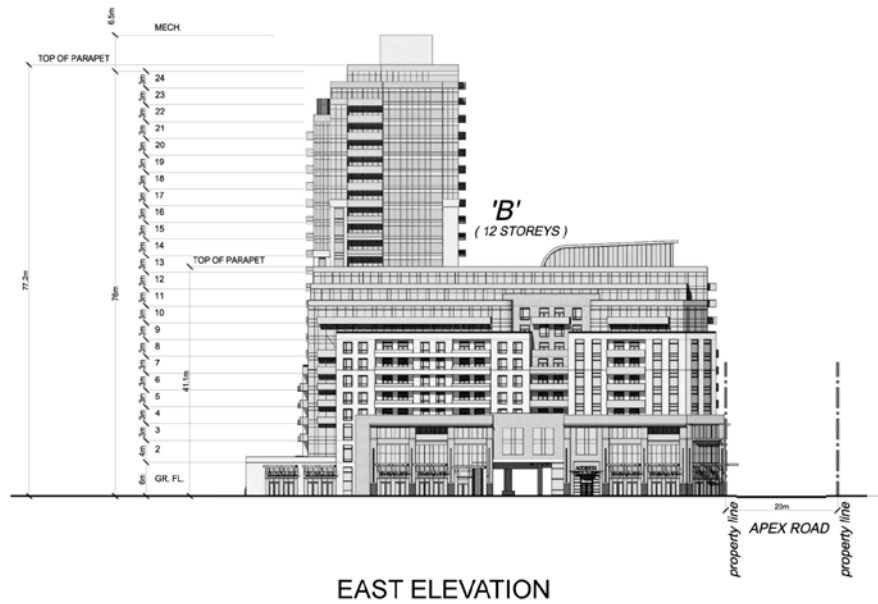
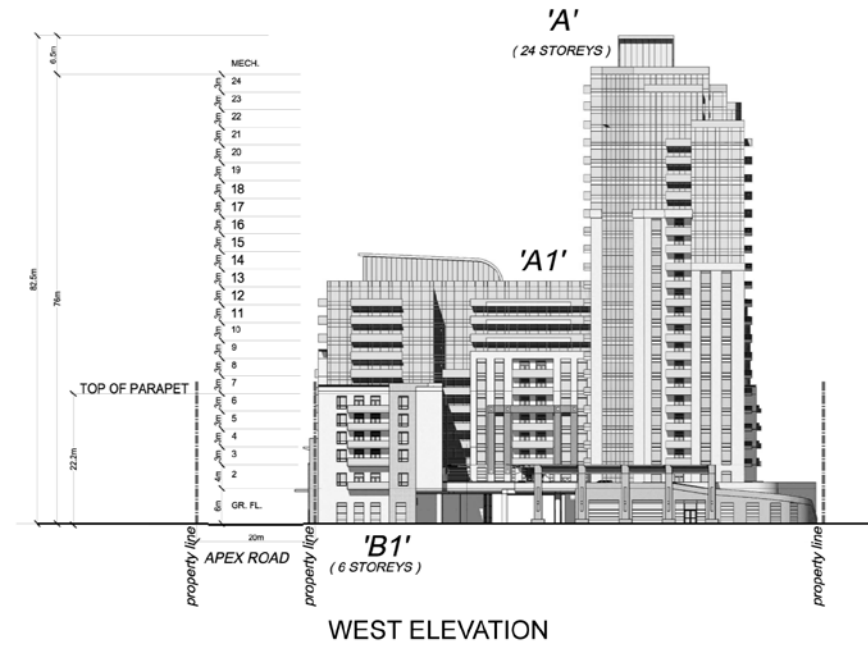
Applicant's Submitted Drawing

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04/23/2012

3130 Dufferin Street

File # 12 142013 NNY 15 02

Attachment 2: North and South Elevations



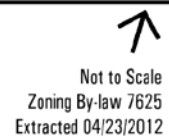
Elevations

Applicant's Submitted Drawing

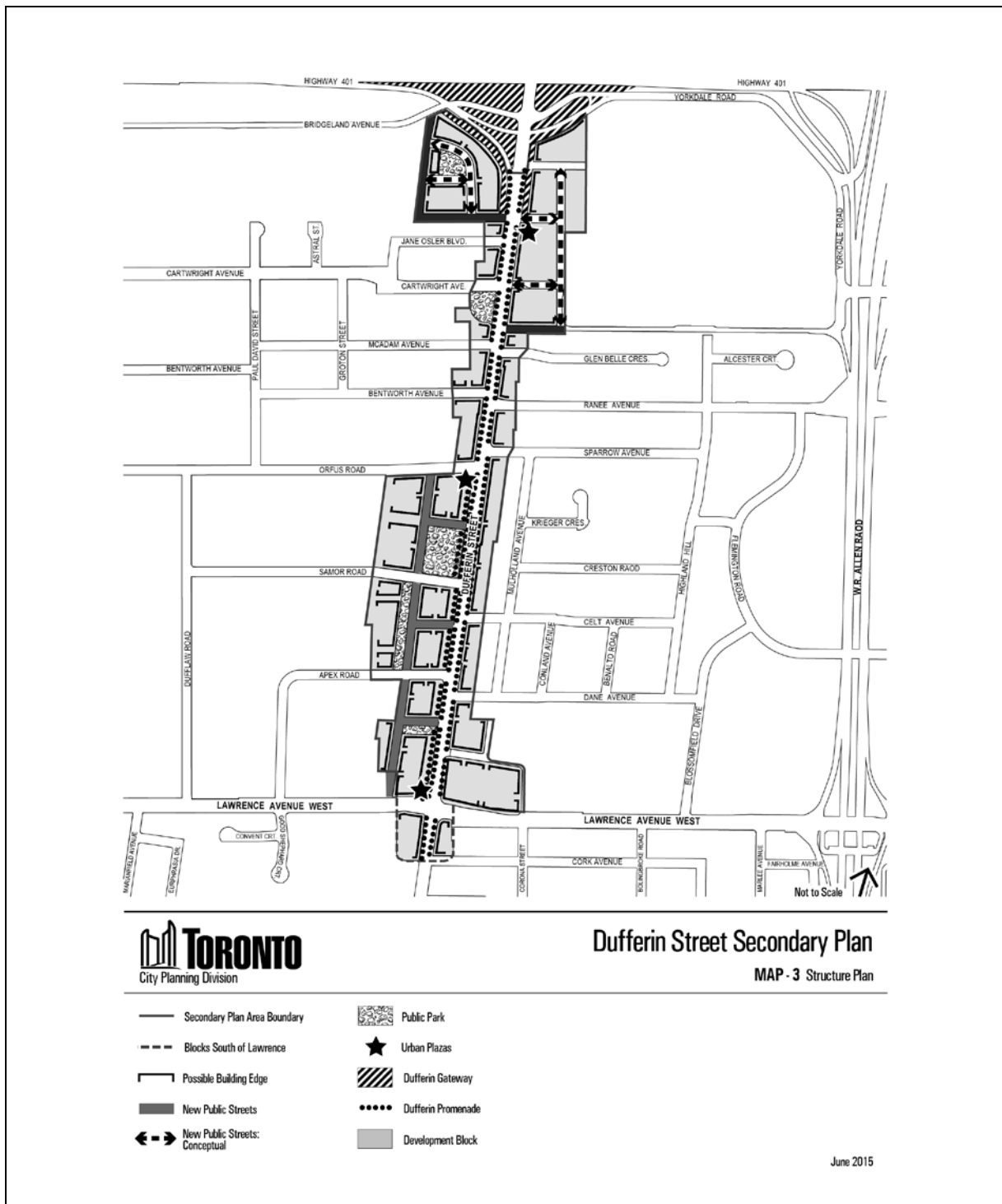
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3130 Dufferin Street

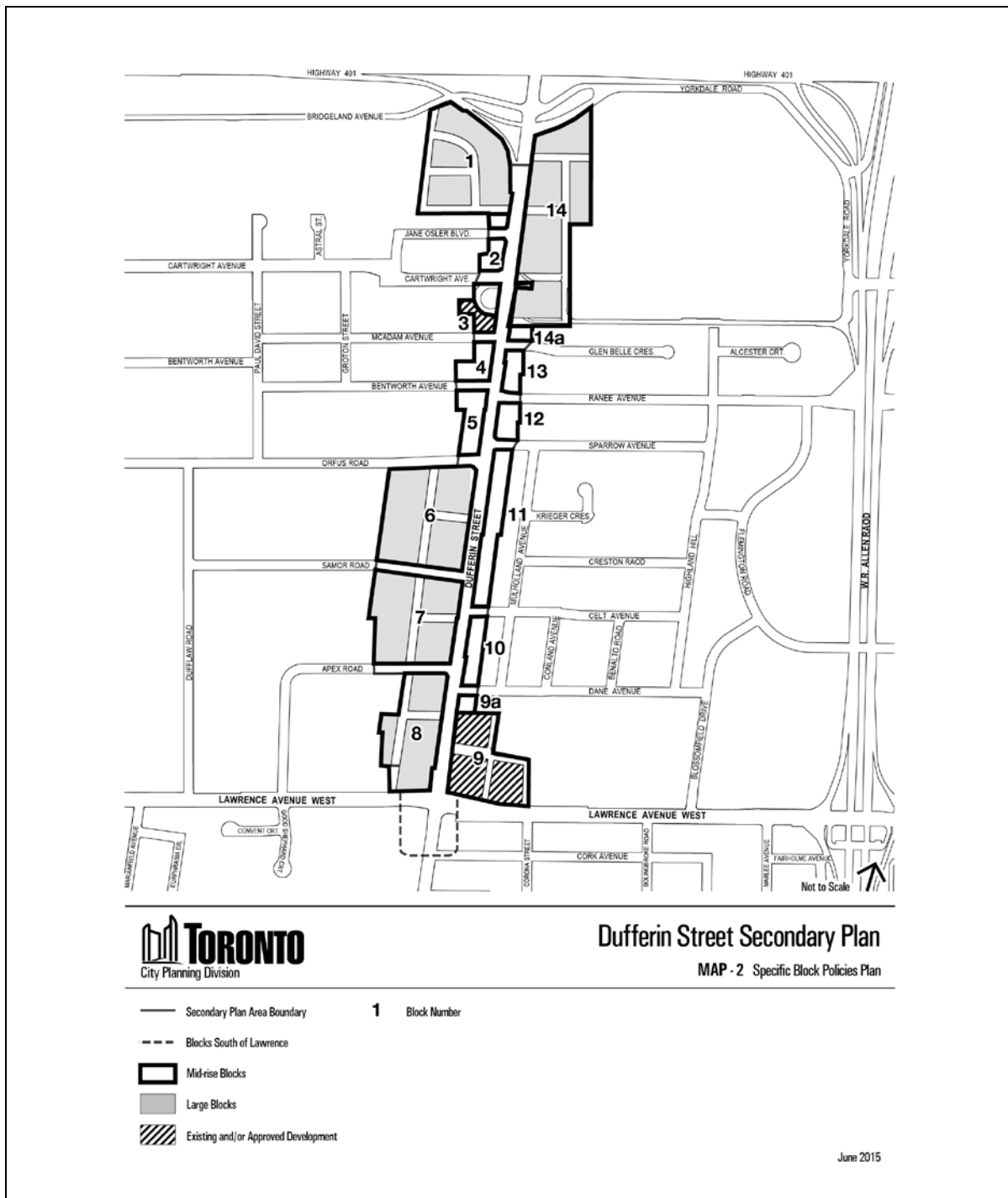
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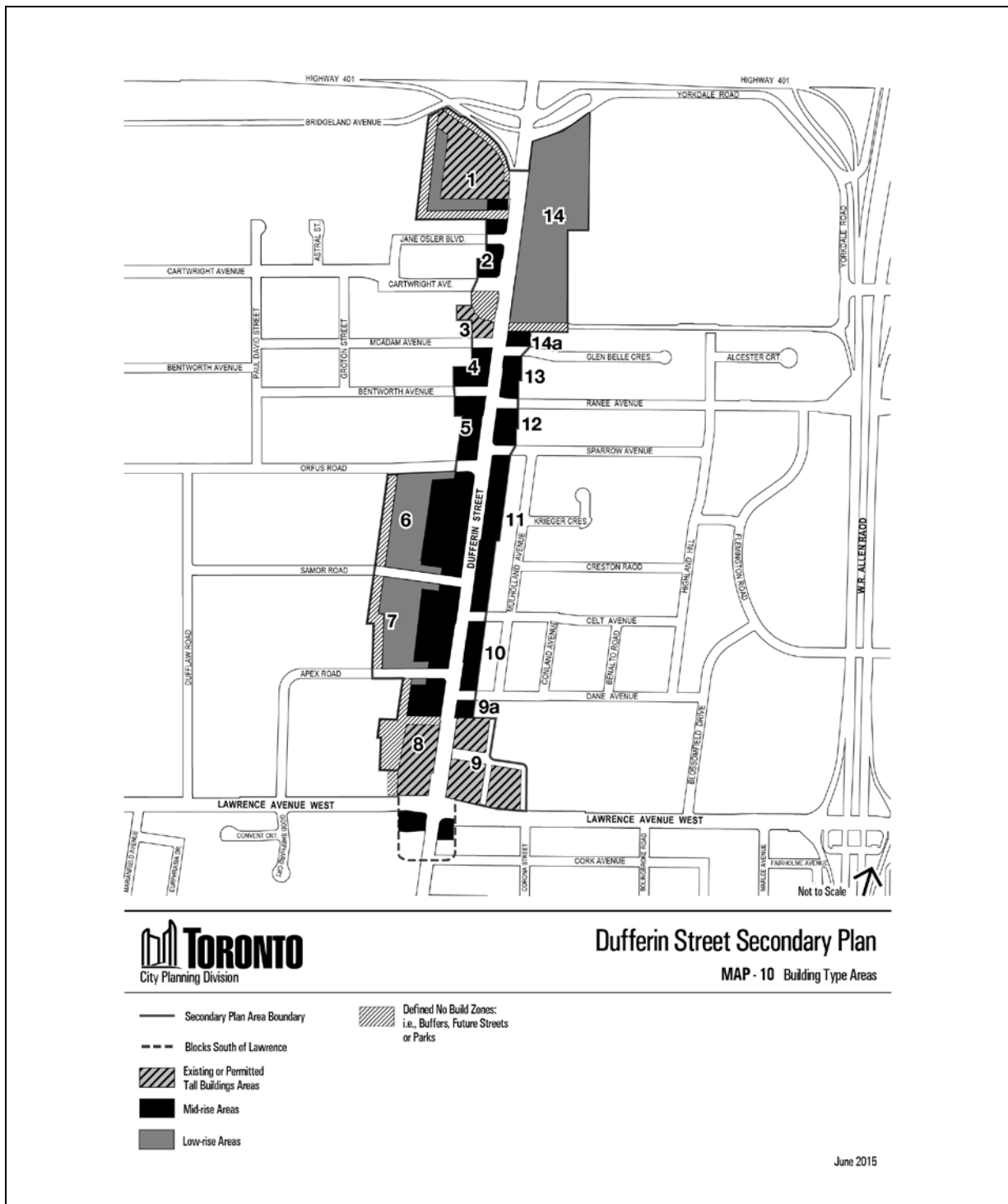
Attachment 4: Excerpt from proposed Dufferin Street Secondary Plan – Map 3 Structure Plan



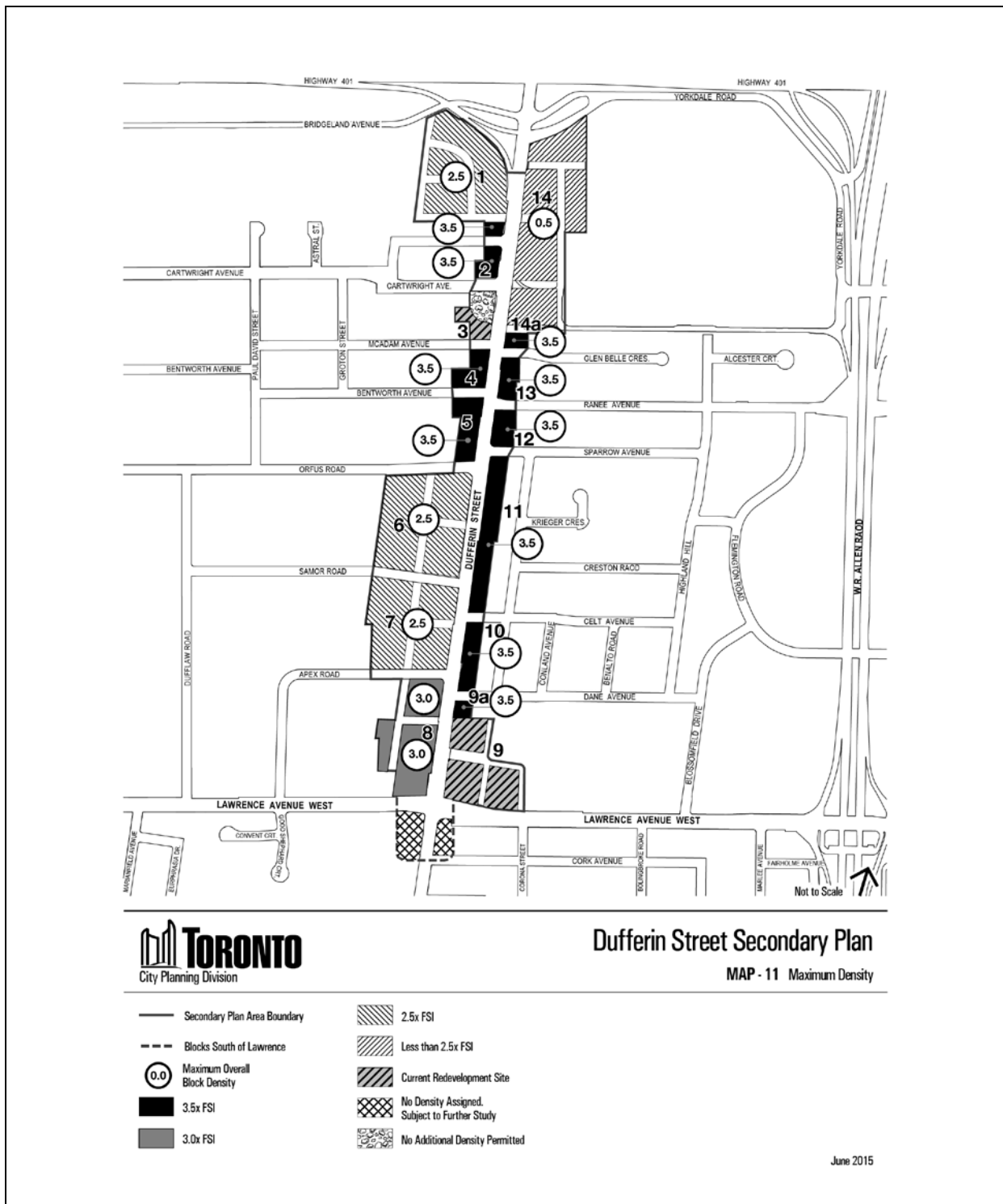
Attachment 5: Excerpt from proposed Dufferin Street Secondary Plan – Map 2 Specific Block Policies Plan



Attachment 6: Excerpt from proposed Dufferin Street Secondary Plan – Map 10 Building Type Areas



Attachment 7: Excerpt from proposed Dufferin Street Secondary Plan – Map 11 Maximum Density



Attachment 8: Application Data Sheet

Application Type	Rezoning	Application Number:	12 142013 NNY 15 OZ
Details	Rezoning, Standard	Application Date:	March 23, 2012

Municipal Address: 3130 DUFFERIN ST

Location Description: CON 3 WYS PT LOT 6 RP 66R21568 PART 1 **GRID N1501

Project Description: To permit a mixed use development comprising 374 residential condominium apartments and 1,379 m2 of grade related retail.

Applicant:	Agent:	Architect:	Owner:
Paul W Rycroft MCIP RPP Land and Development Consultant	Paul Rycroft 35 Sable Street Toronto, ON M6M 3K8	Turner Fleischer 67 Lesmill Road Toronto, ON M3B 2T8	Yorkdale Ford Lincoln Sales Ltd

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	no
Zoning:	MC(H)	Historical Status:	no
Height Limit (m):		Site Plan Control Area:	yes

PROJECT INFORMATION

Site Area (sq. m):	7,845	Height:	Storeys:	24
Frontage (m):	80.8		Metres:	82.5 plus mechanical
Depth (m):	89.86			
Total Ground Floor Area (sq. m):	3,069			Total
Total Residential GFA (sq. m):	42,359		Parking Spaces:	532
Total Non-Residential GFA (sq. m):	1,379		Loading Docks	3
Total GFA (sq. m):	43,738 (not including amenity area)			
Lot Coverage Ratio (%):	3,912			
Floor Space Index:	5.84			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	42,395	0
Bachelor:	0	Retail GFA (sq. m):	1,379	0
1 Bedroom:	243 (65%)	Office GFA (sq. m):	0	0
2 Bedroom:	131 (35%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	374			

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