

**4125 - 4133 Dundas Street West –
Zoning By-law Amendment, Rental Housing Demolition
and Conversion and Removal of an "H" (Holding
Symbol) Applications - Preliminary Report**

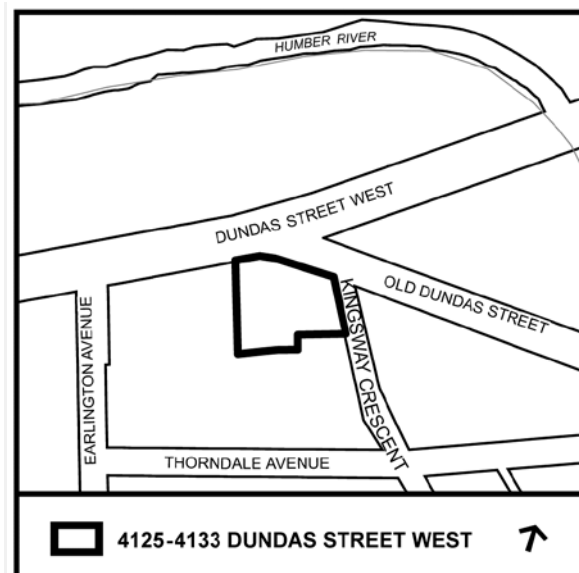
Date:	May 24, 2016
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 5 – Etobicoke-Lakeshore
Reference Number:	16 110541 WET 05 OZ and 16 110555 WET 05 RH

SUMMARY

The Zoning By-law Amendment and removal of an “H” Holding Symbol application proposes an 8-storey mixed use building containing 106 residential units (including 12 rental replacement units and 4 at grade residential units integrated into the building podium) at 4125 - 4133 Dundas Street West. The proposed development would include a residential gross floor area of 8,524 m², 387 m² of retail/service/commercial gross floor area and an overall building density of 2.97 times the lot area.

The applicant is proposing to demolish three existing buildings on the site (one 3-storey residential rental building with 6 rental units, one 2-storey mixed use building with 6 rental units and one commercial building).

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted and will be reviewed concurrently with the Zoning By-law Amendment application.



This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

A community consultation meeting scheduled by staff in consultation with the Ward Councillor and the Ward 4 Councillor on the north side of Dundas Street West is intended to be held in the third quarter of 2016. A meeting on rental housing matters with the tenants of the existing buildings is also required. A Final Report and statutory public meeting under the *Planning Act* to consider these applications is targeted for the second quarter of 2017. This target assumes the applicant will provide all required information in a timely manner.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 4125 - 4133 Dundas Street West together with the Wards 4 and 5 Councillors.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the *Planning Act* be given according to the regulations of the *Planning Act*.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

An Avenue Study was conducted for the portion of Dundas Street West between Royal York Road and the Humber River that included the subject lands. The Dundas Street West Avenue Study was completed and adopted by City Council in 2006 and was implemented through Official Plan Amendment No. 277 that created Site and Area Specific Policy No. 277 (SASP 277) and Zoning By-law No. 717-2006. A link to Zoning By-law No. 717-2006 can be found at:

<http://www.toronto.ca/legdocs/bylaws/2006/law0717.pdf>

Minor Variance Decision # A23/03E, approved several variances for the adjacent residential building to the west at 25 Earlington Avenue (formerly known as 4135 Dundas Street West). One of the variances approved by the Committee of Adjustment was to permit a west side yard building setback of 0 m and east side yard building setbacks of 2.6 m above grade and 0.5 m below grade in lieu of the minimum required side yard building setback of 10.8 m. Approval was also granted for a building height of 19.6 m measured to the top of the main roof and 25.6 m measured to the top of the mechanical room in lieu of the maximum permitted building height of 14 m.

Pre-Application Consultation

A pre-application consultation meeting was held on October 5, 2015 with the applicant to discuss complete application submission requirements.

Issues identified by Planning staff included: Official Plan and Site and Areas Specific Policy 277 conformity; consistency with the Dundas Street West Avenue Study; site organization; built form; density; building heights; building setbacks; maintenance of a 45 degree angular plane from the rear property lines of abutting lands designated *Neighbourhoods*; servicing connections; pedestrian and vehicular circulation; vehicle parking; shadow impacts; provision of public art; Rental Replacement Policies; affordable housing units; larger residential units; an increase in three bedroom unit types; and the “H” Holding Symbol on the site.

ISSUE BACKGROUND

Proposal

The applicant is proposing to demolish three existing buildings on the site (one 3 storey residential rental building with 6 rental units, one 2-storey mixed use building with 6 rental units and one 1-storey commercial building) and to construct a new stepped 8-storey mixed use building with a height of 25.9 m (30.1 m including the mechanical penthouse) (see Attachment 1: Site Plan). The total gross floor area of the proposal would be 8,911 m², of which 387 m² would be comprised of non-residential uses. The proposed overall density would be 2.97 times the area of the lot.

The proposed development would contain 106 residential units (including 12 proposed rental replacement units and 4 at grade residential units integrated within the east side of the building podium fronting Kingsway Crescent) and would include service/retail/commercial space at grade fronting Dundas Street West. The development would consist of 2 studio units (2%), 53 one-bedroom units (50%), 36 two-bedroom units (34%) and 15 three-bedroom units (14%). Of these, 2 studio units, 3 one-bedroom units, 6 two-bedroom units, and 1 three-bedroom unit would be rental replacement units. The residential entrance and the lobby area would be located at the northeast corner of the proposed building fronting the Old Dundas Street, Kingsway Crescent and Dundas Street West intersection.

The existing curb cuts along the Dundas Street West portion of the site would be eliminated and vehicular access to the site would be provided by a 6 m private driveway from Kingsway Crescent. This new consolidated access would provide access to a Type ‘G’ loading space, staging area and the underground parking ramp. The proposed 2 level below grade parking garage would contain a total of 114 parking spaces (92 resident, 19 residential visitor and 3 retail visitor parking spaces). A total of 92 bicycle parking spaces (82 residential, 8 residential visitor, one retail occupant and one retail visitor) are proposed.

The development would have 337 m² of outdoor amenity space located at grade at the southwest corner of the proposed building that would connect to 333 m² of indoor

amenity space which adjoins the residential lobby. The development would include 335 m² of green roof space.

Site and Surrounding Area

The site is located on the south side of Dundas Street West, on the corner of Dundas Street West and Old Dundas Street. It is located east of Earlington Avenue and west of Kingsway Crescent/Old Dundas Street.

The site currently contains the following three buildings:

4125 Dundas Street West - 3 storey residential building containing 6 residential rental units (1 studio, 1 one-bedroom unit and 4 two-bedroom units). All the rental units have affordable rents.

4127- 4129 Dundas Street West - 2 storey mixed use building containing 6 residential rental units (1 studio, 2 one-bedroom units, 2 two-bedroom units, and 1 three-bedroom unit) within the basement, ground and second floors as well as 2 commercial units on the ground floor. One of the two-bedroom residential rental units was vacant at the time of application. Three of the rental units have affordable rents and three have mid-range rents.

4133 Dundas Street West - 1 storey commercial building.

The site slopes down from west to east and is roughly square in shape. The site has a frontage of 16 m along Dundas Street West, 42 m along Old Dundas Street, 22 m along Kingsway Crescent and a total area of approximately 0.30 ha.

The surrounding land uses are as follows:

North: A 3-storey mixed use building with commercial retail and service uses on the ground floor and residential dwelling units above, beyond which is the Humber River Valley.

East: A 3-storey rental apartment building, beyond which is the Humber River Valley and the Dundas Street West bridge.

South: A residential neighbourhood with 1 and 2 storey detached dwellings that front Kingsway Crescent and Thorndale Avenue.

West: A 6-storey residential apartment building containing 129 units.

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; providing an appropriate range of housing types and affordability to meet projected requirements of current and future residents; 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, by the *Planning Act*, 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; providing housing options to meet the needs of people at any age; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The lands are designated *Mixed Use Areas* on Land Use Map 14 of the Official Plan (see Attachment 4 – Official Plan). The site is also subject to Site and Area Specific Policy No. 277 (SASP 277) which was adopted in 2006 to implement the Dundas Street West Avenue Study.

The Dundas Street West portion of the site is identified as an *Avenue* on Map 2 – Urban Structure of the Official Plan. *Avenues* are areas where growth and reurbanization are intended to occur.

According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. *Mixed Use Areas* policies establish a number of site related development criteria that must be met. The Built Form Policies emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings should be located and massed to provide a transition between areas of different development intensity and scale. The development criteria within the *Mixed Use Areas* Policies are also supplemented by additional development criteria outlined in the Built Form Policies in Section 3.1.2 of the Official Plan.

SASP 277 retains the *Mixed Use Areas* designation and policies of the Official Plan, with the exception that it prohibits townhouse development within the first 60 m of depth on the south side of Dundas Street West. SASP 277 also incorporates Urban Design Guidelines in an Appendix that provides a framework to guide growth and development. New development should be consistent with these Guidelines that address built form and massing, site organization, parking and servicing, pedestrian linkages, landscaping, streetscape improvements, public open spaces and public art.

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 which applies to this proposed development, requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless at least the same number, size and type of rental units are replaced and secured with similar rents for a period of at least 10 years and an acceptable Tenant Relocation and Assistance Plan is provided.

The Official Plan also contains several policies related to Healthy Neighbourhoods (Section 2.3.1), the Public Realm (Section 3.1.3), Public Art (Section 3.1.4), and Community Services and Facilities (Section 3.2.2) that will be considered in the review of this application. The Official Plan is available at http://www.toronto.ca/planning/official_plan/introduction/htm.

Mid-Rise Buildings Design Guidelines

Toronto City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide Study is to encourage future intensification along Toronto's *Avenues* that is compatible with the adjacent neighbourhoods through appropriately scaled and designed mid-rise buildings. The Avenues and Mid-Rise Buildings Study identifies a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of performance standards for new mid-rise buildings and identifies areas where the performance standards should be applied.

The Performance Standards are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability and ensuring quality and comfortable streetscapes along the Avenues framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21, pedestrian perception setbacks which mitigate the pedestrian perception of building height along the Avenue and an acceptable relationship between mid-rise buildings and the adjacent *Neighbourhoods* and *Parks and Open Space Areas* which the Official Plan policies are explicit in their intent to protect with appropriate transitions. The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan.

The Dundas Street West Avenue Study is the prevailing policy document. The applicability of the Avenue and Mid-Rise Buildings Study will be evaluated through the review of this application.

Zoning

The site is subject to the former City of Etobicoke Zoning Code, as amended by By-law No. 717-2006 which is the implementing Zoning By-law for SASP 277. The property is zoned General Commercial – Avenues – Holding (CG-AV-H) (see Attachment 5: Zoning - former City of Etobicoke Zoning Code).

The CG-AV-H zone permits a limited range of residential uses, including apartment houses, dwelling units above business or retail uses and live-work units.

Townhouses are not permitted on the north side of Dundas Street West and in the first 60 m of depth on the south side of Dundas Street West. Permitted uses include stores, banks, restaurants, hotels, business and professional offices, service stations and public garages, health centres and athletic clubs.

By-law No. 717-2006 contains 5 development areas, each with varying development standards related to building setbacks and yard requirements. The subject site is located in Area 1 ("A 1").

The maximum permitted floor space index in a CG-AV-H zone is 2.5 and the maximum building height is 14 m and 5 storeys. However, the Zoning By-law permits a development to exceed these provisions to a maximum height of 18.5 m and 6 storeys and a maximum floor space index of 3.0 provided that the owner enters into a satisfactory Section 37 Agreement with the City to secure the provision of 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 CG-AV-H zone includes an "H" Holding Symbol that applies to the subject site. The "H" symbol may be removed by City Council subject to the satisfactory availability of any road, infrastructure, servicing and school capacity improvements necessary to accommodate the proposed development. Upon fulfillment of these criteria, the "H" symbol can be removed, in whole or in part.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. Zoning By-law No. 569-2013 does not apply to this site as site-specific zoning was established through the Avenues Study.

Site Plan Control

A Site Plan Control Application is required for the proposed development but has not been submitted by the applicant.

Tree Preservation

A Tree Protection and Removal Plan was submitted with the applications. City of Toronto By-laws provide for the protection of trees situated on both private and City property. The submitted Plan indicates that 14 private trees and 3 City trees would require removal to accommodate the proposal, while 1 protected private tree would be

preserved. An "Application to Injure or Destroy Privately Owned Trees" has not yet been submitted.

Rental Housing Demolition and Conversion By-law

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. By-law 885-2007 (also known as the Rental Housing Demolition and Conversion By-law), which was enacted by City Council on July 19, 2007, implemented this provision. The By-law established Chapter 667 of the Municipal Code,

The By-law makes it an offence amongst other things, to demolish, or cause to be demolished, the whole or any part of a residential rental property unless approval has been granted for a Section 111 permit for the demolition of the residential rental property. In addition, approval of related planning applications, such as a rezoning dependent on such demolition should be conditional upon the applicant receiving a Section 111 permit.

Where an application for rezoning triggers an application under Section 111 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 to refuse or approve a Section 111 permit under the Municipal Code are not subject to appeal to the Ontario Municipal Board.

City Council may refuse an application, or approve the demolition with conditions. Conditions such as the replacement of rental housing and tenant assistance may be imposed on the approval of a Section 111 permit. These conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition.

On January 29, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code. A Housing Issues Report has been submitted with the required application and is currently under review for consistency with the Official Plan. As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the residential rental properties and matters under Section 111.

Reasons for the Applications

An amendment to the former City of Etobicoke Zoning Code, as amended by Zoning By-law No. 717-2006 is required as the proposal does not comply with the zoning for various performance standards (particularly for height, density and the number of vehicle parking spaces). In addition, the 4 integrated at grade three-bedroom units within the east side of the podium of the building fronting Kingsway Crescent are deemed to be townhouse units and as such are not permitted under By-law No. 717-2006. Further, an amendment is required to establish appropriate development standards for the proposal as well as to remove the "H" Holding Symbol on the site.

The applicant has also submitted an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental housing units as the subject lands contain six or more residential units, of which at least one is rental.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Rationale;
- Functional Servicing and Stormwater Management Report;
- Transportation Impact Study;
- Housing Issues Report;
- Arborist Report;
- Sun/Shadow Study;
- Wind Study;
- Stage 1 Archaeological Assessment;
- Community Services and Facilities Study; and
- Draft Zoning By-law.

The Toronto Green Standard Checklist was also submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.

A Notification of Complete Application was issued on February 26, 2016.

Issues to be Resolved

The application has been circulated to City divisions and public agencies for comment. Issues identified on a preliminary basis include, but are not necessarily limited to:

- Conformity with the Provincial Policy Statement and the Growth Plan;
- Conformity with SASP 277 and consistency with the associated Urban Design Guidelines;
- Conformity with the Official Plan policies, including development criteria for *Mixed Use Areas*, and the Built Form policies in Chapter 3 with respect to building height, massing, fit within the surrounding area or planned context and articulation of the proposed building;
- Conformity with the recommendations of The Dundas Street West Avenue Study;
- Building height, setbacks, stepbacks and conformity with the required angular plane provisions;

- Appropriateness of the proposed mid-rise building and the 4 at grade residential units integrated into the podium within the context of the Avenue Study and the existing mid-rise buildings in the surrounding area;
- Consideration of the Avenues and Mid-Rise Buildings Study Performance Standards supplementary to The Dundas Street West Avenue Study;
- Site design, organization and layout with respect to building massing, height, setbacks from streets and property lines, separation distances between the proposed building and the adjacent 6-storey residential apartment building, architectural expression of the building, open space, site grading, parking spaces and loading spaces;
- Transition from the *Mixed Use Areas* Avenue to the *Natural Areas* of the Humber River;
- Servicing connections, adequacy of existing municipal infrastructure and identification of required improvements to support the proposed residential density;
- Transportation impacts arising from the proposed residential density;
- Provisions for larger residential dwelling units suitable for a broader range of households, including families with children, to support a full range of housing and affordability;
- Adequacy of existing community services and facilities that may be required to serve the development;
- The application for Rental Housing Demolition and Conversion will be assessed under the requirements of the *Planning Act*, the *City of Toronto Act*, Official Plan policies relating to rental housing, and Chapter 667 of the Toronto Municipal Code. A meeting with the tenants will be held at a future date;
- The loss and replacement of rental housing units resulting from the proposed demolition of 12 existing rental housing units;
- The appropriateness of the proposed rental replacement units, including replacement unit sizes and locations;
- The proposed Tenant Relocation and Assistance Plan;
- Tree removal and preservation measures;

- Parkland dedication/cash in lieu requirements;
- Determination of the satisfactory availability of any road, infrastructure, servicing and school capacity improvements necessary to accommodate the proposed development in order to remove the “H” Symbol from the site; and
- Should the application be recommended for approval, identification of appropriate community benefits under Section 37 of the *Planning Act* as provided for by By-law No. 717-2016 as a result of the proposed increase in height and density of the proposal.

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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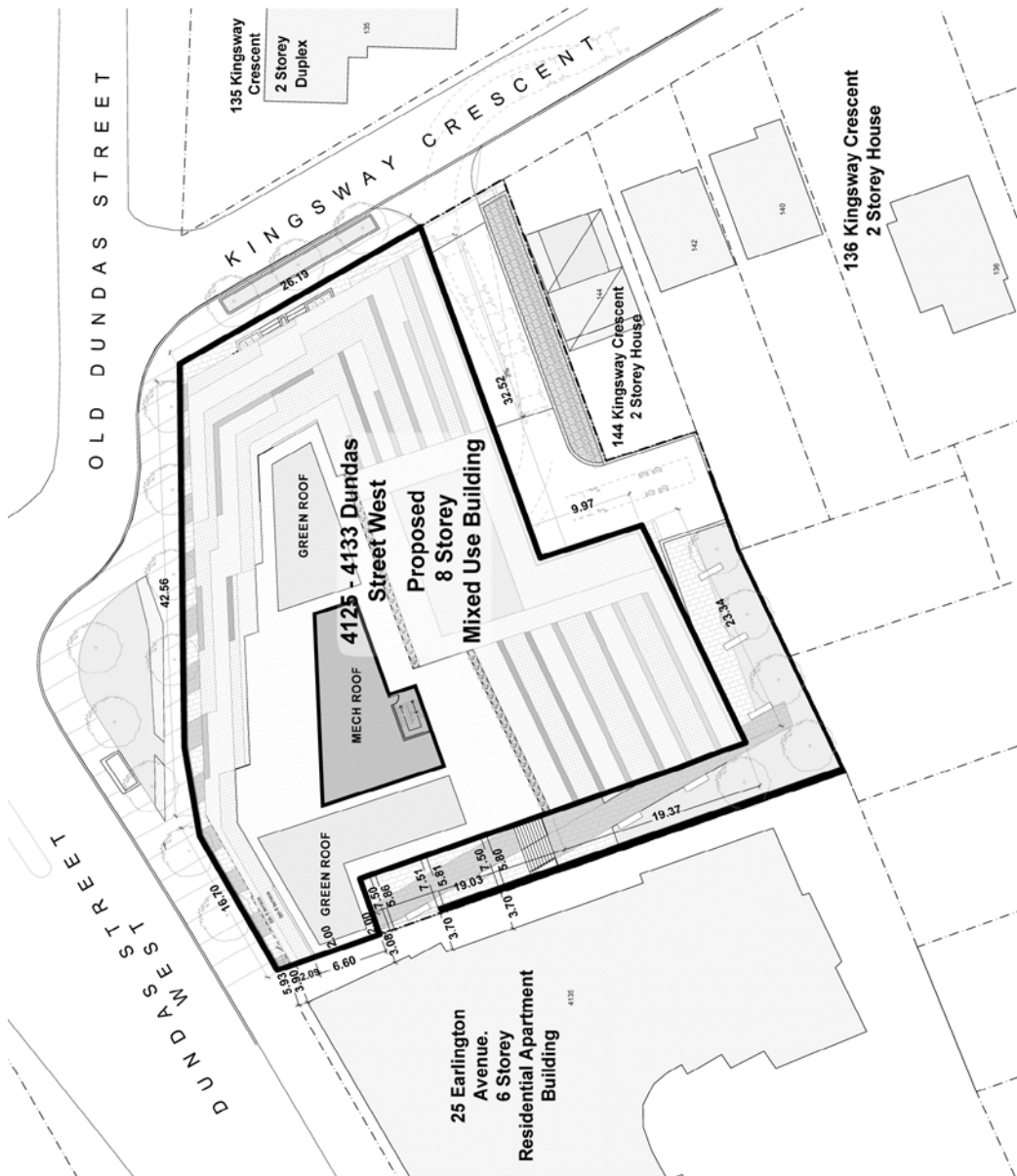
SIGNATURE

Neil Cresswell, MCIP, RPP
 Director of Community Planning
 Etobicoke York District

ATTACHMENTS

Attachment 1:	Site Plan
Attachment 2:	Site Perspective
Attachment 3a:	South Elevation
Attachment 3b:	North Elevation
Attachment 3c:	East Elevation
Attachment 3d:	West Elevation
Attachment 4:	Official Plan
Attachment 5:	Zoning (Former City of Etobicoke Zoning Code)
Attachment 6:	Application Data Sheet

Attachment 1: Site Plan



4125-4133 Dundas Street West

File # 16 110555 WET 05 RH
File # 16 110541 WET 05 OZ

Site Plan
Applicant's Submitted Drawing
Not to Scale
05/18/2016



Attachment 2: Site Perspective



Looking South on Dundas Street

4125-4133 Dundas Street West

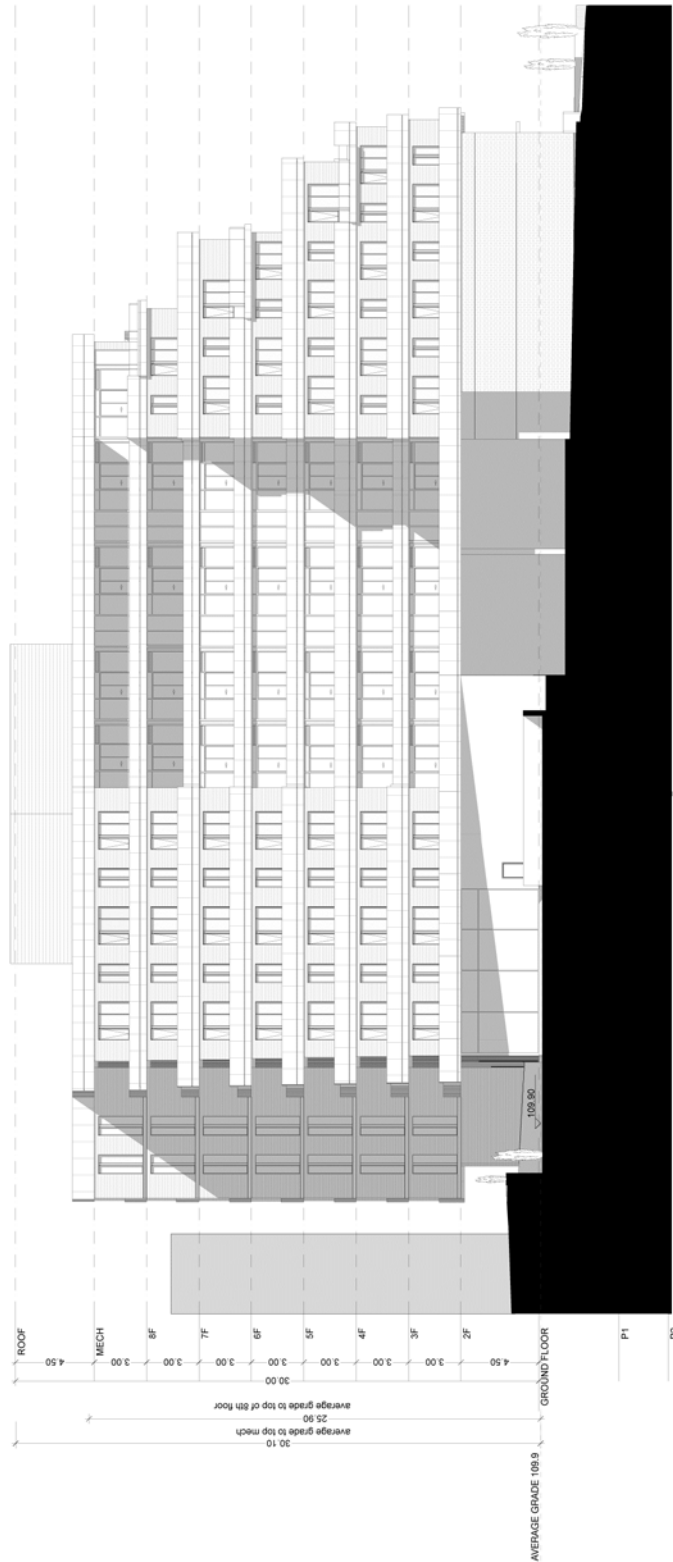
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File # 16 110541 WET 05 OZ

Perspective Drawing

Applicant's Submitted Drawing

Not to Scale
05/18/2016

Attachment 3a: South Elevation



South Elevation

4125-4133 Dundas Street West

File # 16 110555 WET 05 RH
 File # 16 110541 WET 05 OZ

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/18/2016

Attachment 3b: North Elevation



North Elevation

4125-4133 Dundas Street West

File # 16 110555 WET 05 RH
 File # 16 110541 WET 05 OZ

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/18/2016

Attachment 3c: East Elevation

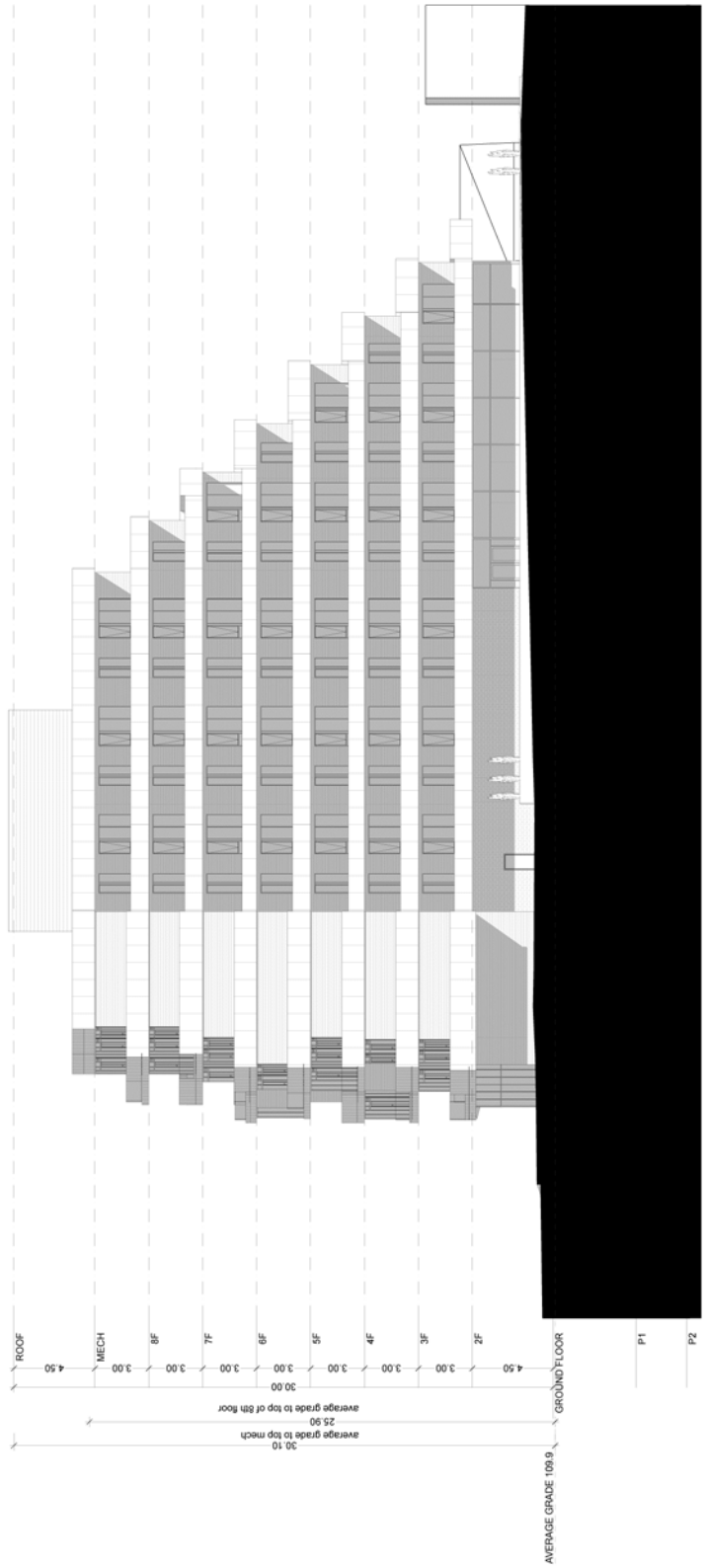


4125-4133 Dundas Street West

File # 16 110555 WET 05 RH
 File # 16 110541 WET 05 OZ

Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/18/2016

Attachment 3d: West Elevation



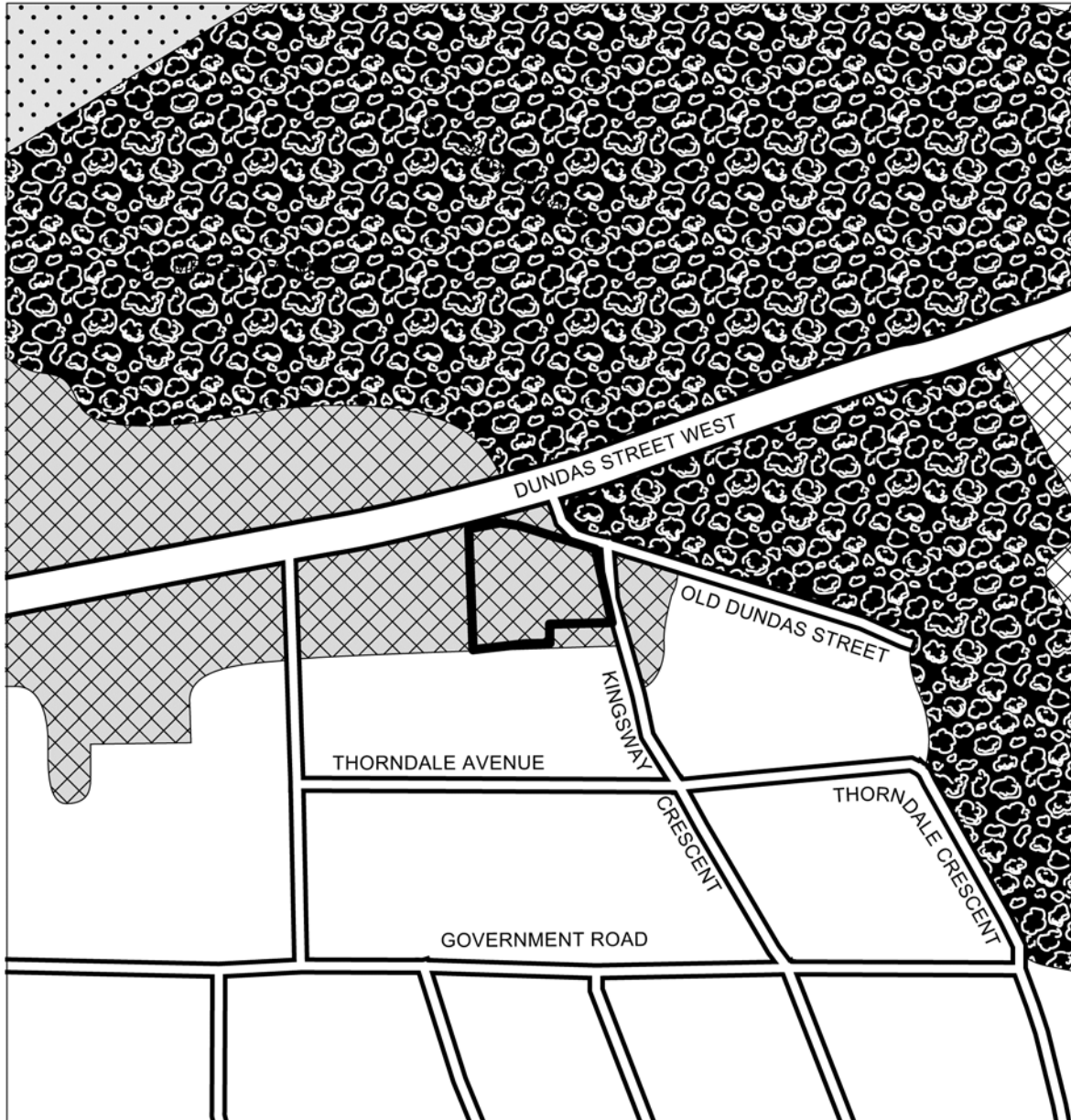
West Elevation

4125-4133 Dundas Street West

File # 16 110555 WET 05 RH
File # 16 110541 WET 05 OZ

Elevations
Applicant's Submitted Drawing
Not to Scale
05/18/2016

Attachment 4: Official Plan



TORONTO City Planning
Official Plan

4125-4133 Dundas Street West

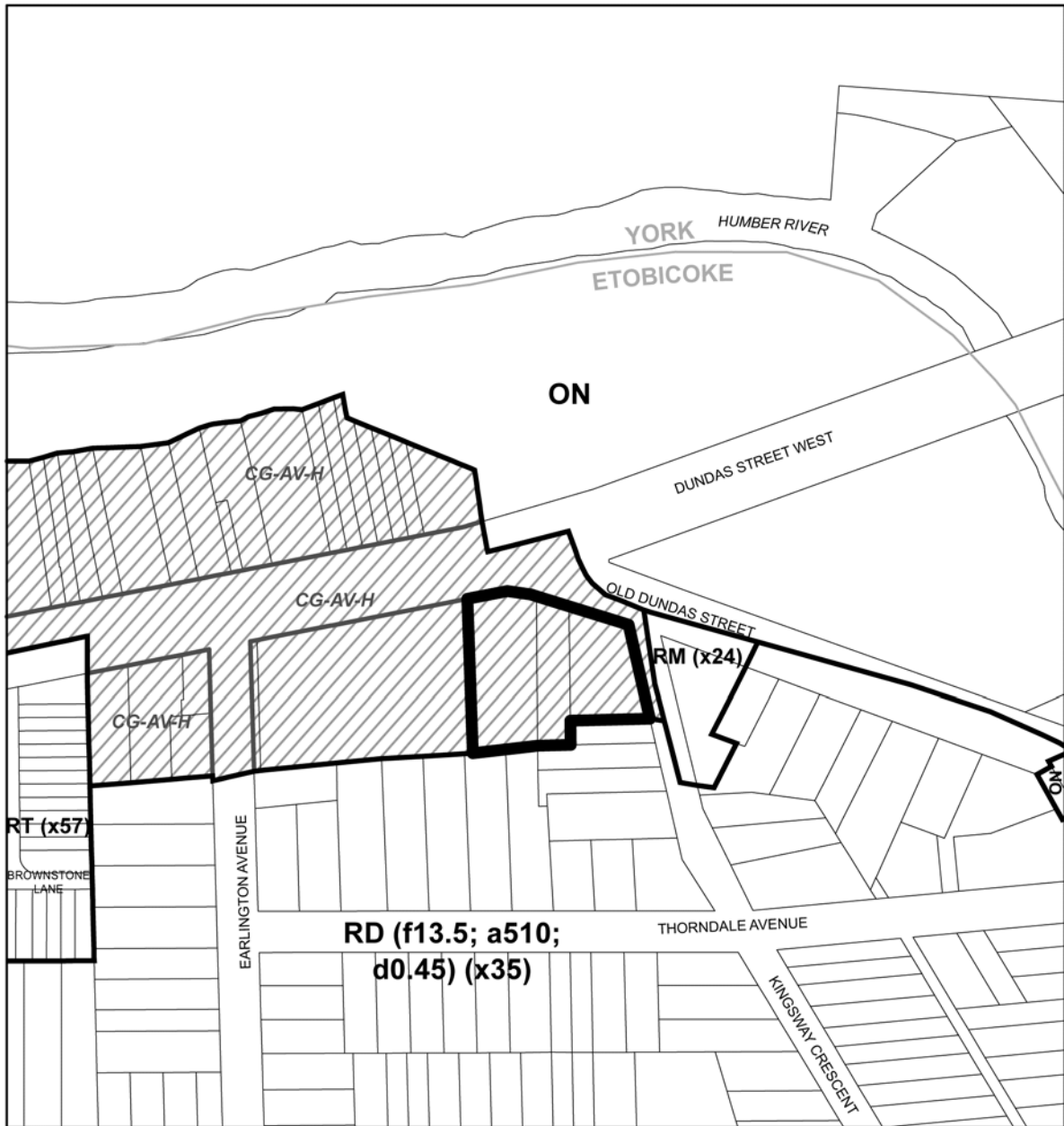
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Attachment 5: Zoning (Former City of Etobicoke Zoning Code)



4125-4133 Dundas Street West

File # 16 110541 WET 05 0Z

File # 16 110555 WET 05 RH



Zoning

Location of Application

RD Residential Detached
RT Residential Townhouse

RM Residential Multiple
ON Open Space Natural

See Former City of Etobicoke By-Law No. 11,737
CG-AV-H General Commercial - Avenues



Not to Scale
Extracted: 04/22/2016

Attachment 6: Application Data Sheet

Application Type	Rezoning	Application Number:	16 110541 WET 05 OZ 16 110555 WET 05 RH
Details	Rezoning, Complex	Application Date:	January 29, 2016
Municipal Address:	4125, 4127 - 4129 and 4133 DUNDAS STREET WEST		
Location Description:	PLAN 910 PT LOT 12 **GRID W0503		
Project Description:	Proposed amendments to the Etobicoke Zoning Code (amending By-law No. 717-2006) to permit an eight storey mixed use building containing 106 residential units (including 12 proposed rental replacement units and 4 at grade residential units integrated into the podium of the building fronting Kingsway Crescent), retail/service/commercial uses at grade and a below grade parking garage. The applicant has also submitted a rental housing demolition application under Section 111 of the <i>City of Toronto Act</i> for the demolition of 12 existing rental units.		

Applicant:	Agent:	Architect:	Owner:
TACT ARCHITECTURE			Multiple

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP No. 277
Zoning: CG-AV-H	Zoning By-law: No. 717-2006	Historical Status:	
Height Limit (m): 6 storeys	18.5 m	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	3002	Height:	Storeys:	8	
Frontage (m):	16 m (Dundas Street West)		Metres:	25.9	
Depth (m):	Varies				
Total Ground Floor Area (sq. m):	1700				Total
Total Residential GFA (sq. m):	8524		Parking Spaces:	114	
Total Non-Residential GFA (sq. m):	387		Loading Docks	1	
Total GFA (sq. m):	8911				
Lot Coverage Ratio (%):	0.57				
Floor Space Index:	2.97				

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:		Residential GFA (sq. m):	8524	0
Bachelor:	2 (2%)	Retail GFA (sq. m):	387	0
1 Bedroom:	53 (50%)	Office GFA (sq. m):	0	0
2 Bedroom:	36 (34%)	Industrial GFA (sq. m):	0	0
3 + Bedroom:	15 (14%)	Institutional/Other GFA (sq. m):	0	0
Total Units:	106			

CONTACT: PLANNER NAME: Nicole Ivanov, Planner, Community Planning, (416) 394-8227

