

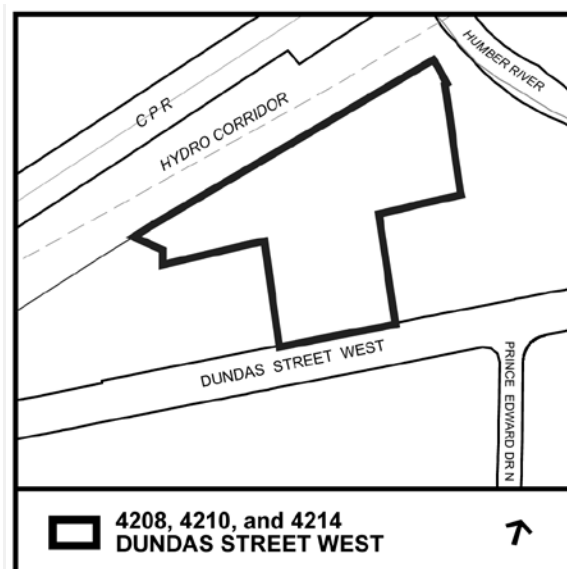
4208, 4210 and 4214 Dundas Street West – Official Plan and Zoning By-law Amendment Application – Final Report

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| Date: | October 27, 2016 |
| To: | Etobicoke York Community Council |
| From: | Director, Community Planning, Etobicoke York District |
| Wards: | Ward 4 – Etobicoke Centre |
| Reference Number: | 14 183631 WET 04 OZ |

SUMMARY

This application proposes to amend the Official Plan and former City of Etobicoke Zoning Code to permit a mixed-use development at 4208, 4210 and 4214 Dundas Street West. The development would include an 8-storey (35 metre) mixed-use building fronting Dundas Street West, 3-storey (13 metre) stacked townhouses and a 21-storey (72 metre) residential apartment building at the rear of the site, a public road and a public park.

The proposed development would contain a total of 399 residential units and 36,840 m² of gross floor area, of which 3,035 m² would be comprised of retail uses on the lower floors of the 8-storey building fronting Dundas Street West. A total of 522 vehicular parking spaces are proposed. Vehicular access would be provided by a new public road which would extend northward from Dundas Street West toward the rear of the site. A private driveway would provide access and address to the rear residential buildings. A westward continuation of the public road would be provided on the south side of a new public park, to be located in the northwest portion of the site.



This report reviews and recommends approval of the application to amend the Official Plan and Etobicoke Zoning Code.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 4208, 4210, 4214 Dundas Street West substantially in accordance with the Draft Official Plan Amendment attached as Attachment 6 to the report from the Director of Community Planning, Etobicoke York District, dated October 27, 2016.
2. City Council amend the former City of Etobicoke Zoning Code and Zoning By-law 717-2006 for the lands at 4208, 4210 and 4214 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to the report from the Director of Community Planning, Etobicoke York District, dated October 27, 2016.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Official Plan and Zoning By-law Amendments as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the owner to register a Section 118 Restriction pursuant to the *Land Titles Act* as the Chief Planner and Executive Director, City Planning determines is appropriate for the public road and park block.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into one or more Agreements pursuant to Section 37 of the *Planning Act* to secure the following at the owner's expense:
 - a. Community benefits related to the increase in height and/or density:
 - i. An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for either Building 1, Building 2 or Building 3 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - ii. An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for Building 4 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of

the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.

- iii. The cash contributions identified in i. and ii. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.
 - iv. In the event the cash contributions identified in i. and ii. above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee and updated in 2013.
 - ii. The owner shall construct a minimum of 1,200 m² of non-residential floor space in Building 4.
 - iii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - iv. The owner shall provide a minimum area of 550 m² of privately-owned publicly-accessible space (POPS), as generally shown on Schedule C of the Zoning By-law Amendment, with the specific location, configuration and design of this space to be determined through the Site Plan approval process and secured in a Site Plan Agreement.
 - v. The owner shall own, operate, maintain and repair the privately-owned publicly-accessible space (POPS).

- vi. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
 - vii. The owner shall provide public access easements to and over the POPS, and to access the Ravine Lands described in 5.d.vii below for members of the public as well as City of Toronto and Toronto Region Conservation Area maintenance vehicles.
 - viii. The owner shall convey the public access easements described in vii. above to the City and to the Toronto Region Conservation Authority for nominal consideration.
 - ix. The owner shall convey public access easements over the private driveway such that the public and maintenance vehicles can drive through the site in a forward motion, prior to the earlier of first occupancy or condominium registration.
 - x. The owner shall execute an agreement to undertake adjustments to the traffic control signal timing at the Prince Edward Drive North / Dundas Street West intersection, as noted in Table 22 of the January 22, 2016 Traffic Impact Study prepared by BA Group, to be completed to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
 - xi. The owner shall execute an agreement to construct the proposed public road / Dundas Street West unsignalized intersection which will require removal of the portion of the existing centre left-turn lane pavement markings along Dundas Street West through the proposed intersection, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
 - xii. The owner shall apply to revise existing by-laws regarding the existing centre left-turn lane along this section of Dundas Street West, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- c. Through the Site Plan application process, the following is required:
- i. The owner shall revise the design of the P1 level of the underground garage to achieve appropriate soil volumes for large-growing canopy trees along Dundas Street West and

where appropriate throughout the site, to the satisfaction of the General Manager, Parks, Forestry and Recreation.

- ii. The owner shall design and construct the streetscape along Dundas Street West to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning, and at no cost to the City.
 - iii. The owner shall construct or reconstruct the abutting public road and municipal sidewalks according to applicable City standards and shall comply with AODA requirements for accessibility, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
 - iv. The owner shall incorporate revisions, as required, to minimize electromagnetic field exposure for residents, if necessary, to the satisfaction of the Medical Officer of Health, Toronto Public Health and the Chief Planner and Executive Director, City Planning.
- d. The owner shall secure such conditions of Subdivision approval as the Chief Planner and Executive Director, City Planning determines are appropriate, prior to first above grade building permit, including:
- i. Conveyance of land to the City for road widening along Dundas Street West as shown in Schedule C of Draft Zoning By-law Amendment.
 - ii. Conveyance of land to the City for a new public road extending northward from Dundas Street West, and associated daylight triangle as shown in Schedule C of the Draft Zoning By-law Amendment.
 - iii. Conveyance of land to the City for half the width of a future public road extending westward from the new public road described in 5 d. ii. above, as shown in Schedule C of the Draft Zoning By-law Amendment
 - iv. Conveyance of land to the City for public parkland, with a minimum size of 1,580 m², as shown in Schedule C of the Draft Zoning By-law Amendment.
 - v. Securing the design and construction of the new public park to Above Base Park Improvements.

- vi. Compliance with the Parks, Forestry and Recreation Division standard conditions relating to the conveyance, design and development of the new public park.
 - vii. Conveyance of Ravine Lands to the Toronto Region Conservation Authority, as shown in Schedule C of this by-law.
 - viii. Submission of a revised Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, addressing all servicing related matters.
 - ix. Execution of a financial agreement with the City to construct municipal infrastructure necessary to support the development.
 - x. Submission of engineering fees, inspection fees, and insurance as required, in relation to municipal infrastructure.
- e. The owner shall enter into the City's standard Subdivision Agreement, register the Plan of Subdivision and satisfy the pre-registration conditions contained therein, prior to first above grade building permit.
6. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation. The development charge credit shall be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

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, including the subject lands. The Dundas Street West Avenue Study was completed and adopted by City Council in 2006 and was implemented through an Official Plan Amendment that created Site and Area Specific Policy No. 277 (SASP 277) and Zoning By-law 717-2006. A link to Zoning By-law 717-2006 can be found at: <http://www.toronto.ca/legdocs/bylaws/2006/law0717.pdf>

A number of pre-application consultation meetings and discussions were held with the applicant to discuss the required planning applications and complete application submission requirements, as well as various issues related to the proposal. Identified issues included: built form, building type, density, site organization and layout, vehicular parking, public road requirements, location of landscaped open spaces, building setbacks, and pedestrian and vehicular circulation.

The application was submitted in July 2014 and contemplated a taller residential tower at the rear (24 storeys), an additional 10-storey building at the rear of the site, 3-storey stacked townhouses and both retail space and a childcare facility within the 8-storey building fronting Dundas Street West. The initial proposal included 628 residential units and 3,331 m² of non-residential gross floor area, with a density of 2.51 times the area of the lot. The proposal included 757 vehicular parking spaces and 493 bicycle parking spaces. The original application did not include on-site parkland.

A Preliminary Report for this application was considered by Etobicoke York Community Council on August 12, 2014 and can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY35.15>

The applicant submitted the current revised proposal on July 4, 2016.

ISSUE BACKGROUND

Proposal

The proposed development at 4208, 4210 and 4214 Dundas Street West includes an 8-storey (35 metre) mixed-use building fronting Dundas Street West, two blocks of 3-storey (13 metre) stacked townhouses and a 21-storey (72 metre) residential apartment building at the rear of the site, as well as a public road and a public park.

The proposed development would comprise four blocks. Blocks 1 and 2 would contain 3-storey stacked townhouses (80 units). Block 3, located in the northeast corner of the site, would contain a 203 unit, 21-storey (72 metre) residential building. Block 4 would contain a 116 unit, 8-storey mixed-use building with non-residential space at grade and on the 2nd storey. In total, the proposed development would contain 36,839 m² of gross floor area, including 399 residential units (33,804 m²) and 3,035 m² of non-residential space fronting Dundas Street West. The density would be 2.13 times the area of the lot, based the portion of the site that is above the long-term stable top-of-bank.

The applicant proposes 522 vehicular parking spaces, including 347 for residents, 67 for residential visitors and 108 for retail uses. The applicant proposes 343 bicycle parking spaces (32 at-grade and 311 underground). Three loading spaces are proposed to serve the development.

The applicant proposes to dedicate lands for public uses and provide public access easements. A 20 m wide public street extending northward from Dundas Street West toward the rear of the site would be conveyed to the City. A private driveway with public

access easements would provide access and address to the rear residential stacked townhouses and the 21-storey residential building.

A privately-owned publicly-accessible open space (POPS) is proposed at the northeast boundary of the site, adjacent to the 21-storey residential building, linking the private driveway to the edge of the abutting TRCA lands. Ravine lands at the northeast corner of the site would be conveyed to the Toronto Region Conservation Authority, with an easement for maintenance access to the ravine. The proposal also includes a new 1,580 m² public park at the northwest corner of the site.

To allow for further westward continuation of the public road, the applicant would also convey lands to the City immediately south of the new park. This conveyance would be 9.25 metres wide, half of the required 18.5 metre width of the future right-of-way.

Pedestrian connections in the form of public and private sidewalks are proposed alongside the public road and the private driveway, as well as a walkway leading to the hydro corridor. Public access would be provided through the POPS to the edge of the Humber River Valley ravine. However, public access into the hydro corridor and into the valley have not been secured.

A total of 647 m² of indoor amenity space and 642 m² of outdoor amenity space is proposed. In the 8-storey building, this is comprised of a 236 m² indoor amenity space and a 231 m² east-facing terrace on the 2nd storey. In the 21-storey building, this is comprised of a series of amenity spaces (89 m² combined with the lobby on the ground floor plus a balcony, a 192 m² fitness centre on the 2nd floor and a 124 m² party room with 305 m² terrace on the 7th floor). This provides more than 2 m² of indoor and outdoor amenity space per unit for the units in the 8-storey and 21-storey buildings. No common indoor or outdoor amenity space is proposed for the stacked townhouses.

Site and Surrounding Area

The site is located on the north side of Dundas Street West, just west of Prince Edward Drive North and is comprised of three properties municipally known as 4208, 4210 and 4214 Dundas Street West.

The site is 1.91 ha in size, roughly "T-shaped" and has a frontage of 80.5 metres on Dundas Street West. The site is configured with a rectangular portion fronting Dundas Street West, and a wider, triangular-shaped portion comprising the rear of the site, bounded by a rail and hydro corridor to the north and the Humber River Valley to the northeast. The northeast portion of the site consists of a steep vegetated valley that slopes down approximately 28 metres to the Humber River.

The site is currently occupied by two low-rise (2-storey) office buildings fronting Dundas Street West (4210 and 4214 Dundas Street West), and a RONA retail store in the northeast corner of the site (4208 Dundas Street West). A number of storage buildings associated with the RONA operation are also located on the site. In total, there is approximately 6,200 m² of non-residential space on the lands (2,560 retail space, 2,120

m² of office and 1,600 m² of warehouse / covered outdoor storage). The remainder of the site is an asphalted parking area that extends into the hydro corridor.

The immediate area is characterized by a mix of low-rise commercial uses and residential apartment buildings along Dundas Street West. Surrounding uses include:

- North: Hydro One corridor, Canadian Pacific Railway corridor, Lambton Woods Park, Humber River Valley, as well as the outdoor amenity space of a residential apartment building.
- East: Along the north side of Dundas Street West, a 2-storey commercial building, a 3-storey mixed use building, and residential buildings ranging between 3 and 8 storeys. East of the rear of the site is the Humber River Valley and Lambton Park.
- South: On the south side of Dundas Street West, 1- to 3-storey commercial and mixed use buildings, a vacant site with approval for an 8-storey residential building and townhouses.
- West: Along the north side of Dundas Street West, a 1-storey veterinary clinic, a gas station with car wash, a 1-storey commercial plaza and a 6-storey condominium apartment building. West of the rear of the site, the Hydro One corridor, Canadian Pacific Railway corridor, and two residential buildings (14-storey and 11-storey).

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, 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; 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, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed 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 and 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 also identified as an *Avenue* on Map 2 – Urban Structure of the Official Plan. The northeast section of the site is also shown as *Natural Heritage System* on Map 9.

Avenues are areas where growth and reurbanization are intended to occur. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Policy 4.5.2 of the Plan contains a number of criteria for development in *Mixed Use Areas* that refer to locating and massing new buildings to provide a transition between areas of different development intensity and scale while limiting impacts on neighbouring streets, parks, open spaces and properties. The development criteria contained in the *Mixed Use Areas* policies are also supplemented by development criteria outlined in the Built Form policies in Section 3.1.2 and 3.1.3 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 on the north side of Dundas Street West. The SASP also specifically addresses the rear portion of the subject site, stating that the "lands between the railway corridor and beyond the 80-metre distance from the Dundas Street edge should be the subject of a separate review process because of its distance from the Dundas Street edge and the opportunities for greater building heights and densities."

SASP 277 incorporates Urban Design Guidelines to provide a framework to guide growth and development. New development is required to be consistent with these Guidelines that address built form and massing, site organization, vehicle parking, servicing, pedestrian linkages, landscaping, streetscape improvements and public open spaces. The Urban Design Guidelines limit the height of the buildings fronting Dundas Street West to 6 storeys (18.5m).

These lands at the northeast corner of the site are also shown as natural heritage system on Map 9 of the Official Plan, in Chapter 3, Section 3.4 The Natural Environment. Development is generally not permitted in the natural heritage system shown on Map 9. The natural heritage system is comprised of areas where protecting, restoring and enhancing the natural features and functions should be given high priority in city-building decisions. Where the underlying land use designation provides for development, it will maximize opportunities to reduce negative impacts on, protect, restore, enhance and extend the system. Under Policy 3.4.8, development will be set back at least 10 metres from the top-of-bank of valleys, ravines, bluffs and other natural hazards. Where the underlying land use designation provides for development in or near the natural heritage system, development will recognize natural heritage values and potential impacts on the natural ecosystem as much as is reasonable in the context of other objectives for the area; and, minimize adverse impacts and when possible, restore and enhance the natural heritage system. Lands below the top of bank may not be used to calculate permissible density in the Zoning By-law.

The Official Plan also contains a number of policies related to the Public Realm (Section 3.1.1), Housing (Section 3.2.1) and Community Services and Facilities (3.2.2) that were considered in the review of the application.

Zoning

The site is subject to the former City of Etobicoke Zoning Code, as amended by By-law 717-2006 which is the implementing Zoning By-law for SASP 277. The northerly portion of the site abutting the hydro corridor is zoned CG (General Commercial), while the southerly portion of the site fronting Dundas Street West is zoned CG-AV-H (General Commercial – Avenues – Holding).

The CG zone permits a wide range of residential uses, including one-family detached dwellings, duplex dwellings, lodging-houses, apartment houses, and dwelling units above a business use, as well as a wide range of business, institutional and public uses. Permitted business uses include neighbourhood stores, banks, restaurants, hotels, business and professional offices, service stations and public garages, health centres and athletic clubs. The maximum permitted height in a CG zone is 14 m.

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. In addition, all business, institutional and public uses permitted in the CG zone are permitted in the CG-AV-H zone. Townhouses are not permitted on lands zoned CG-AV-H on the north side of Dundas Street West and in the first 60 m of depth on the south side of Dundas Street West.

The maximum permitted floor space index in the CG-AV-H zone is 2.0 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 a Holding Symbol (“H”) that applies to the southern portion of the site with frontage on Dundas Street West. By-law 717-2006 states this holding 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, or by changing the zoning on the site as a whole.

By-law 717-2006 contains 5 development areas, each with varying development standards related to building setbacks and yard requirements. The proposed development site is located in Area 2 (southmost 80 m of 4208 Dundas Street West), Area 3 (4210 and 4214 Dundas Street West) and Area 4 (rear portion of 4208 Dundas Street West).

On May 9, 2013 City Council enacted City-wide Zoning By-law 569-2013 currently under appeal to the Ontario Municipal Board. As By-law 717-2006 is an area specific Zoning By-law resulting from an Avenue Study, all the lands subject to By-law 717-2006 including the proposed development site are excluded from the City-wide Zoning By-law.

Reasons for Application

An amendment to the Official Plan is required to permit townhouses on the lands at the rear of the site, to redesignate certain lands at the northwest of the site to *Parks* and to redesignate certain lands at the northeast of the site to *Natural Areas*. An amendment is also required because the distance between the limit of development and the long-term stable top of bank does not meet the Official Plan's minimum requirement of at least 10 m. The balconies and terraces of Building 3 (and a 2 m maintenance buffer) would encroach into the required setback of 10 m from the long-term stable top of bank. There is one point where the setback from the maintenance buffer to the long-term stable top of bank would be 6.84 metres, while in others it would be greater (up to 14.9 m). The Official Plan Amendment would allow for the development to be setback an average of 10 metres from the long-term stable top of bank of the Humber River Valley to the limit of development, with a minimum setback of 6.8 m.

An amendment to the Zoning By-law is required to permit the proposed development, including but not limited to building height, required building setbacks, the addition of stacked townhouses as a permitted use, vehicular parking, provision of indoor and outdoor amenity space, and changing the zoning on the portions of the site that would be dedicated to the City as parkland and to the Toronto Region Conservation Area. The amendment is also required to remove the holding symbol from the southern portion of the site.

Related Applications

A Draft Plan of Subdivision application is required to convey the proposed public road and public park block to the City. The Draft Plan of Subdivision application has yet to be submitted.

To secure the conveyance of the proposed public park and public road to the City, this report recommends that the owner register a Section 118 Restriction pursuant to the *Land Titles Act* as the Chief Planner and Executive Director, City Planning determines is appropriate. A Section 118 Restriction is used to prevent the owner from conveying any lands until the Plan of Subdivision is registered

The proposed development is also subject to Site Plan Control. A Site Plan Control application has yet to be submitted.

Community Consultation

A community consultation meeting was held on January 21, 2015 at Humber Valley United Church. Major concerns raised at the public meeting included the following:

- Density of proposed development;

- Height of the rear building;
- Lack of on-site parkland; and
- Traffic impacts.

A second community consultation meeting was held on December 7, 2015 at Etobicoke Collegiate Institute to present the applicant's revised proposal, which included reduced building height and density, the provision of on-site public parkland and a revised traffic analysis.

Key issues raised at the second public meeting in relation to the revised proposal included:

- Traffic impact affecting Dundas Street West, including worsening peak hour flows, increased queueing, and challenges turning in and out without a traffic signal;
- Concern that the proposed westward public road will not materialize, or will not be constructed for a long time;
- Insufficient parking, including concerns that the parking for the proposed retail and daycare space is insufficient and will create spillover effects in the area;
- Built form of the tower, including height, floorplate and shadow impacts on the condominium buildings located to the east;
- Stacked townhouses are not an appropriate building type for the area;
- Impacts on pedestrian safety for children along Government Road;
- Ravine slope protection;
- Adequacy of underground infrastructure;
- Timing of RONA store closure and construction;
- Unit mix by number of bedrooms; and
- Uncertainty regarding the type of retail uses to be expected.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It would accommodate residential infill development and commercial uses, supporting the policy objectives related to focusing growth in existing settlement areas. The proposal also supports efficient land use, reduces land consumption related to residential development and makes efficient use of infrastructure. The proposed development addresses natural heritage and erosion issues through setbacks from and restoration of the valley edge.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. In this case, Section 2.2.2 of the Growth Plan states that population and employment growth will be accommodated by directing a

significant portion of new growth to the built-up areas of the community through intensification. The proposal conforms and does not conflict with the Growth Plan.

Land Use

The site is designated *Mixed Use Areas* in the Official Plan, signaling that these lands are intended for growth and reurbanization. The proposal includes commercial, residential and parkland uses on lands which are partially within *Avenues* and addressed by Official Plan SASP 277. The proposed development conforms to the *Mixed Use Areas* designation and its development criteria, and is supportive of the Built Form policies within the Official Plan.

The proposed development includes 3,035 m² of non-residential gross floor area on the first and second floors of the 8-storey building fronting Dundas Street West. Staff have included a minimum non-residential space requirement in the Draft Zoning By-law, which is slightly less than the proposed amount of commercial space on the 1st floor (1,200 m²) to allow for flexibility at the time of the development. This represents slightly less than the amount of ground floor commercial space shown on the current proposal. While this minimum amount would not replace the existing approximately 6,200 m² of non-residential space on-site today (4,600 m² of office and retail and 1,600 m² of warehouse / outdoor storage), it does ensure that this stretch of Dundas Street West would continue to include commercial uses through secured ground floor commercial space and optional additional commercial space above.

The proposal indicates the upper floors of the 8-storey building fronting Dundas Street West alternately as seniors' residence or as residential units. A seniors' residence would be desirable from a policy perspective.

The revised proposal no longer includes a childcare facility on the 3rd and 4th storeys of the 8-storey building fronting Dundas Street West as provincial regulations do not permit a licensed childcare facility to be located above the 2nd storey. However, the Draft Zoning By-law would still permit childcare uses on the property.

Density, Height and Massing

The density of the proposed development is 2.13 times the area of the lot, after subtracting the ravine lands below the top of bank, as per Official Plan policy 3.4.9. This is within the density provided for by the current zoning combined over the two existing zones. The overall density is 1.92 times the area of the entire lot.

The Urban Design Guidelines in Official Plan SASP 277 state that the lands between the railway corridor and beyond an 80 metre distance north of Dundas Street West have opportunities for greater building heights and densities than otherwise permitted along Dundas Street West. The proposed development includes buildings having a variety of heights: an 8-storey building fronting Dundas Street West, 3-storey stacked townhouses in the centre and rear of the site and a 21-storey building at the rear of the site. Coupled with the public road, public parkland, protection of ravine lands and provision of a POPS, this represents an appropriate scale of development for this site.

The 21-storey building at the rear of the site includes a podium, with setbacks above the 6th storey up to 6.5 metres on the south face of the building and up to 1.3 metres on the west. There is no setback on the north and east building faces and part of the west building face. A canopy is provided to mitigate wind impacts.

For the building fronting Dundas Street West, the proposal includes a 2-storey (13.0 m) commercial podium, a setback of 3.5 m above the 2nd storey to the residential portion of the building, and another setback of 7.3 m above the 7th storey. The Zoning By-law has been drafted to allow for flexibility to strengthen the podium's contribution to the street edge along Dundas Street West. Combining a taller podium with deeper setbacks at the upper levels would reduce pedestrian perception of the building's overall height. Staff are recommending the Zoning By-law require a setback of 3.0 m to occur at or below a height of 5 storeys or 25 metres, and a further setback above the 7th storey. At the time of Site Plan approval, the applicant will be encouraged to modify the building massing within the allowable maximum gross floor area, with a focus on increasing the setback above the 6th storey.

Design Review Panel

The preliminary site design and massing was reviewed by the City's Design Review Panel on July 7, 2015, minutes for which are available at the following link:

https://www1.toronto.ca/City%20Of%20Toronto/City%20Planning/Urban%20Design/Files/pdf/DRP/DRP%202015/DRP%20FINAL%20Minutes%20July%202015_2.pdf

The Panel suggested modifications to the original design of the development, including:

- The redesign of the central townhouse blocks;
- A westward road extension to connect with future adjacent development;
- Improved public open spaces;
- Improved visual and physical connections to the valley lands at the east end of the site;
- A taller podium on the 8-storey building; and
- Consideration of a greater height for the rear building in combination with a lower (3-storey) podium and smaller tower floorplate.

The applicant implemented several of these modifications related to the overall structure of the site, and the objectives of the modifications would be further refined through the Site Plan approval process.

Sun, Shadow and Wind

The additional shadow impacts of the proposed development, compared to the existing conditions, at the March and September equinoxes would be:

- Shadow from the 8-storey building on a small portion of the new on-site public park between 9:00 a.m. and 10:00 a.m.;
- Additional shadow on portions of the Humber River Valley park and ravine lands, including parts of the pedestrian path, between 10:00 a.m. and 4:00 p.m.; and

- Additional shadow impacts on the pedestrian sidewalk on the south side of Dundas Street West after 5:00 p.m.

Due to the site location to the northwest of Dundas Street West, the incremental increase in shadow impacts from the 8-storey building would primarily fall on new development within the property itself. As such, it is the opinion of Planning staff that the minimal shadow impacts to the public realm along Dundas Street West are acceptable.

The tall building at the rear of the site would shadow the lands identified as natural heritage system located on the northeast facing slope of the Humber Valley, including an Environmentally Sensitive Area. This area is currently largely in shadow during the afternoon. Due to the steepness and orientation of the slope, the incremental shadow from the tall building is deemed acceptable. The Environmentally Sensitive Area currently receives morning sun and that would not be affected. Toronto Region Conservation Authority and Urban Forestry staff (Ravine and Natural Feature Protection) have determined the shadow impacts of the proposed development are acceptable.

The wind study provided by the applicant indicates that wind conditions would be suitable for walking in the winter, or suitable for walking and sitting year-round. A more detailed wind study would be required to address and secure potential wind mitigation measures through the Site Plan approval process.

Urban Design Guidelines

The development is consistent with most but not all of the Urban Design Guidelines of SASP 277 with respect to this section of Dundas Street West. For instance, not all units would front onto public streets and the height of the 8 storey (35.3 metres) building exceeds the height limits in the Urban Design Guidelines (6 storeys and 18.5 metres). The private road is designed with on-street parking and generous buildings setbacks, allowing for sidewalks and tree planting. The 8-storey building height, while greater than the height provided for in the Urban Design Guidelines, is in keeping with other 8-storey buildings in the immediate vicinity. This very deep lot, on the north side of the street, can accommodate additional height relative to properties on the south side of Dundas Street West.

Traffic Impact, Access and Parking

Access to the proposed development would be provided by a new public street, extending northward from Dundas Street West along the western edge of the site. Access to the individual stacked townhouses and to the main entrance to the building at the rear of the site would be from a private driveway having a width of 8 metres, including provision for a 6 metre travelled portion, 2 metre parallel parking and drop-off area and sidewalks and trees on both sides of most of the private driveway. A portion of the private driveway along the east property line would provide a sidewalk and shrub plantings on one side only. As the driveway would turn behind the 8-storey building and loop back to the new public road, it would be lined by trees and a loading area along the south side of the driveway and perpendicular parking and the rear yards of the stacked townhouses on the north side.

Provision is made for a future public road to extend westward, to the south of the new park. The proposal includes a 9.25 metre land conveyance to provide half the lands required for a future road with a right-of-way width of 18.5 metre.

A Traffic Impact Study, prepared by BA Group on behalf of the applicant, was reviewed by Transportation Services staff. Transportation Services staff accept the revised Traffic Impact Study. Transportation Services staff would require that this proposal provide the following at no cost to the City:

- Traffic control signal timing adjustments at the Prince Edward Drive North/ Dundas Street West intersection; and
- Removal of a portion of the existing centre left-turn lane pavement markings along Dundas Street West at the unsignalized intersection of Dundas Street West and the proposed new road.

As there is signage associated with the existing centre left-turn lane, removing a section of the lane will require a revision to the Municipal Code, Section 950 Traffic and Parking, regarding this section of Dundas Street West. The applicant would be required to make an application to revise the by-law.

The conveyance of a 0.4 m road widening along Dundas Street West as well as a daylight triangle at the intersection of Dundas Street West and the new public road would be required. Some areas of the proposed building and underground garage would need to be redesigned such that there are no building encroachments into the conveyances and to allow for sufficient soil volume for tree planting.

As a legal convenience, matters related to the new public road and road widening would be secured through provisions in the Section 37 Agreement related to the Subdivision Agreement.

The proposed development includes 522 vehicle parking spaces, slightly more than the minimum amount recommended by staff (490 spaces). The required residential visitor and commercial parking spaces would be shared. At the time of Site Plan approval, signage would be required indicating that certain spaces are exclusively for use by residential visitors during specific times of the day and week.

The proposed 343 bicycle parking spaces meet the minimum bicycle parking space requirements in the Toronto Green Standard. The location of the short-term and long-term bicycle spaces (32 at-grade and 311 underground) would be finalized and secured through the Site Plan approval process.

Loading would be provided via three loading spaces. One loading space would serve the building at the rear of the site and the stacked townhouses. Two loading spaces would be located in the 8-storey building, to serve both the non-residential and residential uses.

Ravine and Toronto Region Conservation Authority

Portions of the site along the north and east property lines are *Natural Areas*, including Environmentally Sensitive Areas, located within the Humber River Valley. Ravine lands at the northeast corner of the site (3,648 m²) would be conveyed to the Toronto Region Conservation Authority. Official Plan policies require that development be set back 10 metres from the top of bank. In this instance, Planning staff and Toronto Regional Conservation Area staff have agreed to define the Limit of Development such that it is an average of 10 m from the long-term stable top-of-bank. This is reflected in the proposed amendment to SASP 277 to allow the closest distance to be 6.8 m minimum. The conveyance of the lands to Toronto Region Conservation Authority and the easements in favour of Toronto Region Conservation Authority over the driveway and privately-owned public space (POPS) would be required through provisions in the Section 37 Agreement related to the subdivision agreement. The proposed Zoning By-law Amendment rezones these lands to Public Open Space (OS).

Though the ravine lands will be conveyed to the Toronto Region Conservation Authority, the development of a stair and ramp for valley access at this location is not required as part of this proposal. This is due to the steepness of the slope, expected cost, insufficient Section 37 funds and potential impact on the Environmentally Sensitive Area of building a ramp that meets accessibility standards. A public access easement would be secured to the edge of the TRCA lands so the possibility of adding a link through the site into the Humber Valley in the future is not precluded.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland and in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement would be 5,532 m² or 53% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 1,835 m² or 14.1% of the net site area of 13,176 m².

The applicant proposes a public parkland dedication of 1,581 m² or 11.9% of the net site area, as opposed to the full 14.1% based on the alternative parkland dedication rate.

Official Plan policies state that on large sites, parkland dedication is preferred to cash-in-lieu of parkland. The proposed park, on its own, is marginally undersized in relation to City standards. However, there is also the opportunity to expand the park southward and westward in the future, should adjacent lands redevelop. The open spaces to the north of the site, including the hydro corridor, railway corridor, outdoor amenity space of the

apartment site to the northwest and the natural areas beyond that visually expand the proposed undersized park.

Parks, Forestry and Recreation Division staff accept the proposal for a land conveyance of 1,581 m² plus cash-in-lieu of parkland dedication payment prior to issuance of above grade building permit.

The proposed Zoning By-law Amendment rezones the future park lands to Public Open Space (OS). Through the Site Plan approval process, consideration would be given to providing public access through the park to the informal trails of the hydro corridor lands immediately north of the park, balancing them against concerns regarding limiting access to minimize cumulative electromagnetic field exposure for residents of the development.

The proposed park would, for the time being, have only one frontage onto a public road. Should the lands to the south and west redevelop and the second public road be created, the park would have substantial additional public frontage and increased visibility.

Staff recommend that the interim landscaping of the lands to be dedicated for half of the width of the future public road along the south side of the new public park be similar to that of other public parkland until such time as the properties to the south redevelop. If and when the properties to the south redevelop, the property to the south would be required to dedicate lands for half the public road as well as on-site parkland dedication alongside the road. This would allow the City to then shift the new road southward, consolidating the additional parkland dedication from these sites with the undersized park that is proposed as part of this application. This would allow the future road lands of approximately 600 m² to be available for public use and enjoyment until the road is constructed.

While Parks and City Planning staff generally prefer that parkland requirements be satisfied entirely on-site, Parks and Planning staff have determined that, on balance, it would be appropriate to accept a combination of land dedication and cash-in-lieu of parkland in this instance. Given the additional open space on-site and nearby, balancing other modifications made to the proposal to address issues of height, density and on-site landscaping, and considering the opportunities to further expand the new public park if sites to the west and south redevelop in the future, Parks and Planning staff support the revised proposal for a combination of on-site parkland and cash-in-lieu of parkland.

The design and construction, by the owner, of Above Base Park Improvements is recommended. Parks staff recommend that a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements be approved. The development charge credit would be in an amount that is the lesser of the cost to the owner of designing and constructing the Above Base Park Improvements and the Parks and Recreation component of development charges payable for the development

In addition to the public park at the northwest corner of the site, the application includes a 550 m² privately-owned publicly-accessible space (POPS) to the north of the 21-storey residential building. Public access over this site would be secured so that an access point to the valley is possible in the future. A public easement would also be required over the private driveway, to gain access to the POPS and to the valley lands.

The Section 37 provisions in the proposed Zoning By-law Amendment would include a requirement that conditions of subdivision approval, as determined to be appropriate by the Chief Planner and Executive Director, City Planning, will be secured, including satisfying any pre-registration conditions related to parkland.

Indoor and Outdoor Amenity Space

The Official Plan requires every significant multi-unit residential development to provide indoor and outdoor amenity space for residents of new development. Built Form Policy 3.1.2.6 states that each resident is to have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

In this proposal, each resident of the 8-storey and 21-storey building would have access to common outdoor amenity space and may also have a private balcony. Residents of the stacked townhouses would have access in most cases to private balconies, patios or rooftop decks. All residents of the stacked townhouses would have access to the POPS north of Block 3 and the landscaped forecourt north of Block 2.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City property. An Arborist Report submitted in support of the application indicates that the proposed development would require removal and/or injury of four trees, as identified by the applicant's arborist.

The proposed development includes 22 new large growing native shade trees proposed on private property, 22 trees on the city road allowance along Dundas Street West and on the new public road, 6 new trees on the new public park, and 9 new trees on the future westward road extension.

The applicant would be required to provide detailed landscape plans showing tree planting specifications in accordance with the City of Toronto's Best Practice Manual for trees to be planted in turf and in continuous soil trench as well as to ensure that sufficient soil volume is provided for trees planted above underground parking structures. These matters would be secured through the Site Plan approval process.

Electromagnetic Fields

Toronto Public Health staff recommended that a number of measures be undertaken to limit the impact of the electromagnetic field from the adjacent hydro corridor on residents, and in particular on children. Specifically, Toronto Public Health staff requested that the rooftop amenity spaces on the rear stacked townhouse units be moved further away from the hydro lines. The applicant has revised the proposal to shift the

rooftop amenity spaces southward by 2.2 metres. Although the design of the new park is not yet finalized, if a children's play area is to be constructed, it should be located as far away from the hydro corridor as possible. A continuous row of trees has been proposed along the property line to limit the visual impact of the hydro corridor. These matters would be finalized and secured through the Site Plan approval process.

Servicing

Further work is required to confirm there is adequate capacity in the existing municipal infrastructure to accommodate the stormwater runoff, sanitary flow and water supply demand resulting from the proposed development. A provision in the Section 37 agreement would require that, as part of the Subdivision approval process, a revised Functional Servicing Report be submitted, to the satisfaction of the Executive Director, Engineering and Construction Services, indicating there is adequate capacity in the existing municipal infrastructure.

Should any improvements to the municipal infrastructure be required to support this development, the applicant must make satisfactory arrangements and enter into appropriate agreements with the City for the design and construction of the improvements. This would also be secured through the Subdivision approval process.

Streetscape

The streetscape designs submitted as part of this application include a 10.5 m wide public realm along Dundas Street West, as measured from curb to building face, including a row of large-growing canopy trees along the street edge and a row of ornamental trees inside the property line in raised planters. Through the Site Plan approval process, the applicant would be requested to replace the second row of ornamental trees with large-growing canopy trees. In order to achieve sufficient soil volume to allow the trees to grow while avoiding above-grade planters, further modifications to the design of the underground parking garage would be required to achieve appropriate soil volumes for these trees. The proposed Zoning By-law Amendment includes provisions requiring the underground garage to be setback to allow for the appropriate soil volume. A road widening of 0.4 m would result in a publicly-owned portion of the streetscape of 4.4 m in width. A daylight triangle would also be conveyed to the City.

The streetscape design along the new public road includes large-growing canopy trees and sidewalks within the 20 m right-of-way. The streetscape design along the private driveway allows for tree planting and sidewalks on both sides of the street along most of the driveway, but narrows to a sidewalk and shrubs on one side along a portion of the east property line. These details would be finalized and secured through the Site Plan approval process.

City-Wide 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 they fit within their context and minimize their local impacts. The City-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>.

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 Official Plan related to the design and development of tall buildings in Toronto.

The proposed building at the rear of the site is 21 storeys, with a 6-storey podium. The tower floorplate would be 824 m², which exceeds the 750 m² floorplate maximum in the Tall Building Design Guidelines. The size and articulation of the floorplate of a tall building is key to its visual and physical impacts on adjacent areas. The limitation to the floorplate size is intended to reduce visual and physical impacts on adjacent areas by limiting shadow and sky view impacts as well as preventing a general sense of physical overcrowding. The proposed tall building is adjacent to undevelopable lands to the north and east. As such, undue impacts resulting from the proposed 824 m² floorplate in relation to shadow and skyview are not anticipated. Further, due to the adjacent hydro corridor and Humber River valley, the larger floorplate would not contribute to a sense of overcrowding. SASP 277 specifies that the rear portion of this very deep lot is the only site within the area that is suitable for additional height. Given this geographic and policy context, the impact of a larger floorplate for this one tall building is appropriate at this location.

Tower setbacks from the podium would vary. Along the north and east building faces, there would be no setback from the podium. Along a portion of the west building face, a 1.3 m setback is proposed above the podium. Along the south property line, the setback from the podium to the tower would be 6.5 m. Wind mitigation measures would be provided to reduce pedestrian level wind impacts, such as a deep canopy on portions of the building. Additional measures may be required and would be finalized and secured through the Site Plan approval process.

The tower is set back generously from property lines on three sides (20 m from the north, 30 m from the east and 140 m from the west). The setback from the tower to the south property line ranges from 9.5 m to 17.5 m, with an average of 13.5 m. The policy framework in SASP 277 states that buildings on adjacent sites are limited to 6 storeys.

While the proposed rear building does not meet all of the Tall Building Design Guidelines, Planning staff recommend the approval of the rear building, given the policy framework in SASP 277, the existing and planned context and proposed mitigation measures to be included in the building design.

Tenure

The applicant has indicated that the building at the rear and the stacked townhouses would be condominium in tenure. The applicant's intent is to develop and market the 8-storey building as a seniors' residence. However, the tenure of the residential units in the 8-storey building have not been specified in the application.

School Capacity

Toronto District School Board indicates that sufficient capacity is not available in the local elementary schools to accommodate children anticipated from this development and other proposed developments nearby. The applicant would be required to post signage and include clauses in purchase and/or rental agreements indicating that children may not be accommodated in local schools and may be bused to alternate schools from a central pick-up location. These matters would be secured through the Site Plan approval process.

Toronto Green Standard

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. 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.

The applicant is required to meet Tier 1 of the TGS. The applicant has indicated the development will achieve Tier 1. The proposed Zoning By-law Amendment would secure the following Tier 1 development features: automobile infrastructure, cycling infrastructure, and storage and collection of recycling and organic waste. Other applicable TGS performance measures would be identified and secured through the Site Plan approval process.

Section 37

Section 37 of the *Planning Act* authorizes a municipality, with appropriate approved Official Plan provisions, to pass by-laws increasing the height or density otherwise permitted by a Zoning By-law in return for the provision of community benefits by the applicant.

The provision of appropriate public benefits has been discussed with the Ward Councillor, and the applicant has agreed to provide appropriate benefits. These should be secured in a Section 37 Agreement to be registered on title prior to introducing the necessary Bills to City Council for enactment.

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

- a. Community benefits related to the increase in height and/or density:

- i. An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for either Building 1, Building 2 or Building 3 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - ii. An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for Building 4 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - iii. The cash contributions identified in i. and ii. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.
 - iv. In the event the cash contributions identified in i. and ii. Above have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
- i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee and updated in 2013.
 - ii. The owner shall construct a minimum of 1,200 m² of non-residential space in Building 4.

- iii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- iv. The owner shall provide a minimum area of 550 m² of privately-owned publicly-accessible space (POPS), as generally shown on Schedule C of the Zoning By-law Amendment, with the specific location, configuration and design of this space to be determined through the Site Plan approval process and secured in a Site Plan Agreement.
- v. The owner shall own, operate, maintain and repair the privately-owned publicly-accessible space (POPS).
- vi. The owner shall install and maintain a centralized sign, at its own expense, stating that members of the public shall be entitled to use the POPS from 6:00 a.m. to 12:01 a.m. 365 days of the year.
- vii. The owner shall provide public access easements to and over the POPS, and to access the Ravine Lands described in 5.d.vii below for members of the public as well as City of Toronto and Toronto Region Conservation Area maintenance vehicles.
- viii. The owner shall convey the public access easements described in vii. above to the City and to the Toronto Region Conservation Authority for nominal consideration.
- ix. The owner shall convey public access easements over the private driveway such that the public and maintenance vehicles can drive through the site in a forward motion, prior to the earlier of first occupancy or condominium registration.
- x. The owner shall execute an agreement to undertake adjustments to the traffic control signal timing at the Prince Edward Drive North / Dundas Street West intersection, as noted in Table 22 of the January 22, 2016 Traffic Impact Study prepared by BA Group, to be completed to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- xi. The owner shall execute an agreement to construct the proposed public road / Dundas Street West unsignalized intersection which will require removal of the portion of the existing centre left-turn lane pavement markings along Dundas Street West through the proposed intersection, to the

satisfaction of the General Manager of Transportation Services and at no cost to the City.

- xii. The owner shall apply to revise existing by-laws regarding the existing centre left-turn lane along this section of Dundas Street West, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
- c. Through the Site Plan application process, the following is required:
- i. The owner shall revise the design of the P1 level of the underground garage to achieve appropriate soil volumes for large-growing canopy trees along Dundas Street West and where appropriate throughout the site, to the satisfaction of the General Manager, Parks, Forestry and Recreation.
 - ii. The owner shall design and construct the streetscape along Dundas Street West to the satisfaction of the Executive Director, Engineering and Construction Services, the General Manager of Transportation Services and the Chief Planner and Executive Director, City Planning, and at no cost to the City.
 - iii. The owner shall construct or reconstruct the abutting public road and municipal sidewalks according to applicable City standards and shall comply with AODA requirements for accessibility, to the satisfaction of the General Manager of Transportation Services and at no cost to the City.
 - iv. The owner shall incorporate revisions, as required, to minimize electromagnetic field exposure for residents, if necessary, to the satisfaction of the Medical Officer of Health, Toronto Public Health and the Chief Planner and Executive Director, City Planning.
- d. The owner shall secure such conditions of Subdivision approval as the Chief Planner and Executive Director, City Planning determines are appropriate, prior to first above grade building permit, including:
- i. Conveyance of land to the City for road widening along Dundas Street West as shown in Schedule C of Draft Zoning By-law Amendment.
 - ii. Conveyance of land to the City for a new public road extending northward from Dundas Street West, and associated daylight triangle as shown in Schedule C of the Draft Zoning By-law Amendment.

- iii. Conveyance of land to the City for half the width of a future public road extending westward from the new public road described in xii. above, as shown in Schedule C of the Draft Zoning By-law Amendment
 - iv. Conveyance of land to the City for public parkland, with a minimum size of 1,580 m², as shown in Schedule C of the Draft Zoning By-law Amendment.
 - v. Securing the design and construction of the new public park to Above Base Park Improvements.
 - vi. Compliance with the Parks, Forestry and Recreation Division standard conditions relating to the conveyance, design and development of the new public park.
 - vii. Conveyance of Ravine Lands to the Toronto Region Conservation Authority, as shown in Schedule C of this by-law.
 - viii. Submission of a revised Functional Servicing Report, to the satisfaction of the Executive Director, Engineering and Construction Services, addressing all servicing related matters.
 - ix. Execution of a financial agreement with the City to construct municipal infrastructure necessary to support the development.
 - x. Submission of engineering fees, inspection fees, and insurance as required, in relation to municipal infrastructure.
- e. The owner shall enter into the City's standard Subdivision Agreement, register the Plan of Subdivision and satisfy the pre-registration conditions contained therein, prior to first above grade building permit.

Conclusion

Planning staff recommend that the application to amend the Official Plan and Zoning By-law be approved by City Council.

The proposed Official Plan and Zoning By-law Amendments would permit the coordinated development of a large, deep and irregularly-shaped parcel fronting Dundas Street West and backing onto the hydro corridor and ravine, securing an 8-storey building including both commercial and residential uses along Dundas Street West and a balance of residential low-rise and tall building development at the rear of the site where Official Plan SASP 277 identified an opportunity for greater height. This would be in accordance with the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe,

and the *Mixed Use Areas* designation in the City's Official Plan. The new public road, new public park and conveyance of ravine lands to the Toronto Region Conservation Authority contribute to the overall positive impact of the proposed development.

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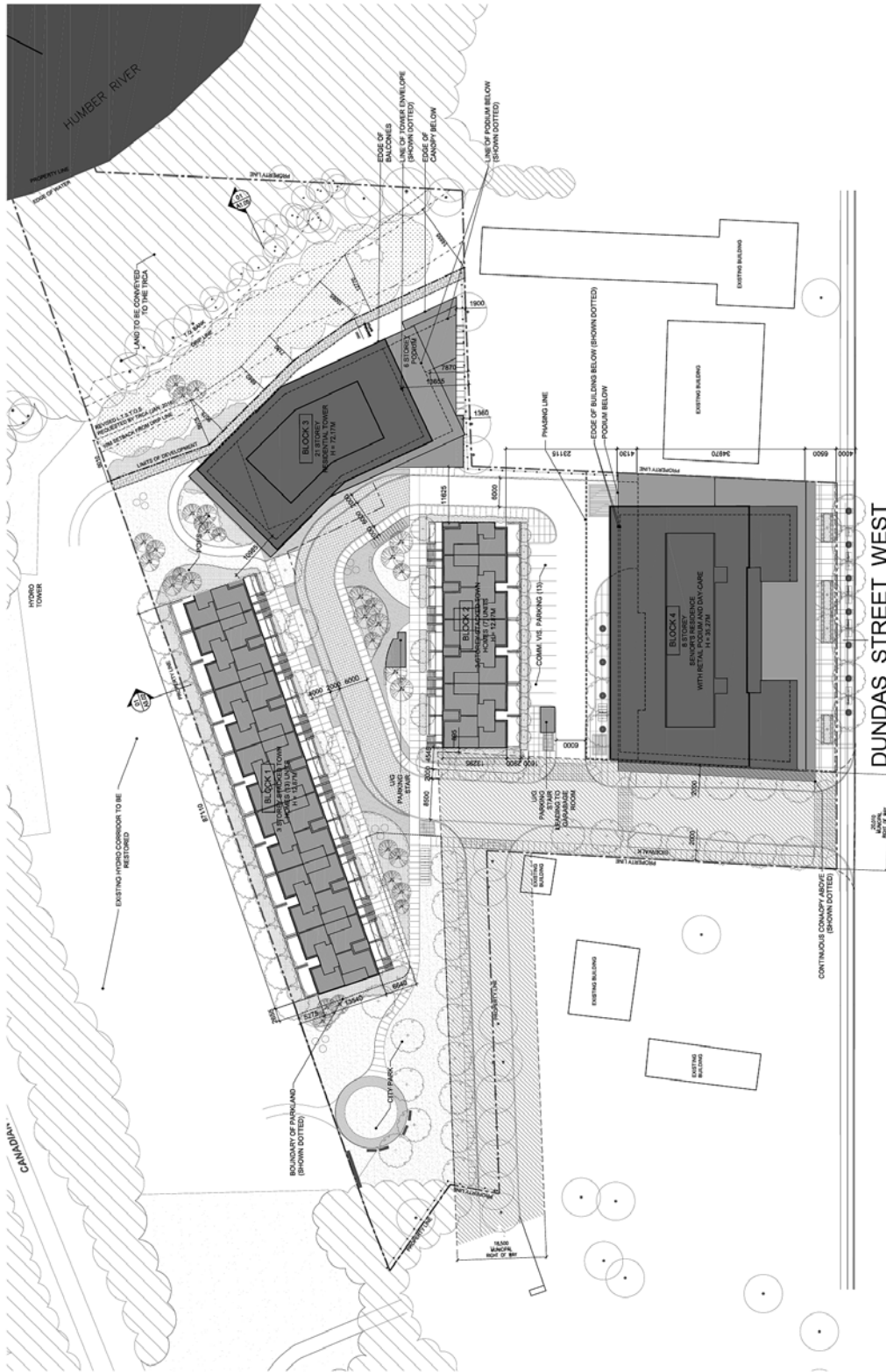
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Official Plan
Attachment 5: Application Data Sheet
Attachment 6: Draft Official Plan Amendment
Attachment 7: Draft Zoning By-law Amendment

Attachment 1: Site Plan



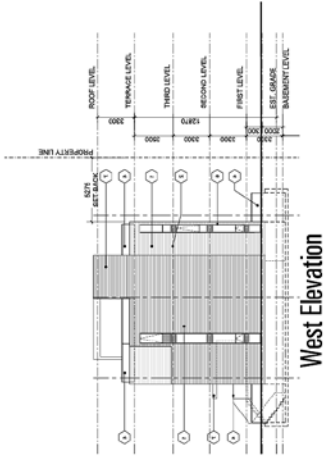
Site Plan
4208, 4210 and 4214 Dundas Street West

Applicant's Submitted Drawing

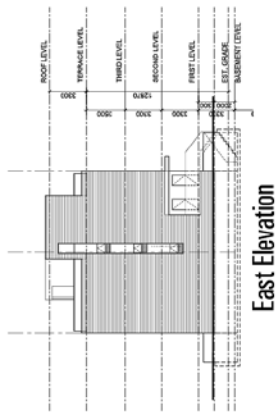
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File # 14 183631 WET 04 0Z

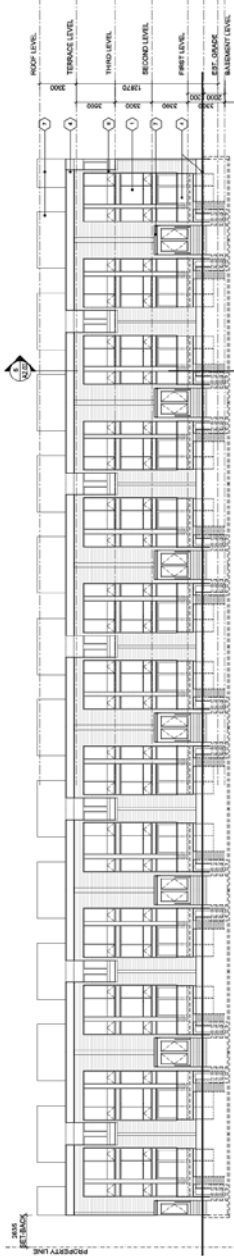
**Attachment 2:
Elevations**



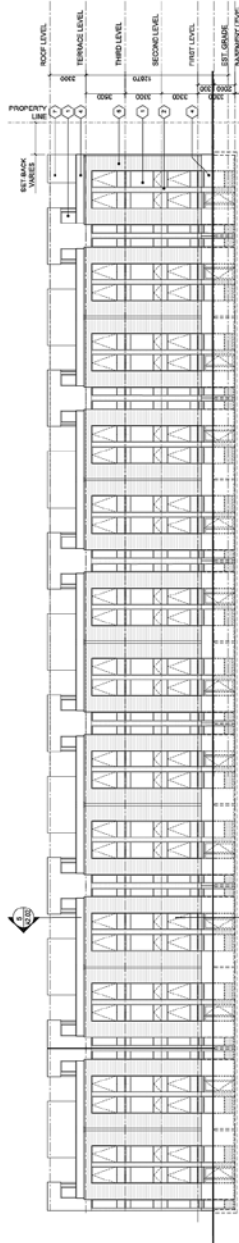
West Elevation



East Elevation



South Elevation



North Elevation

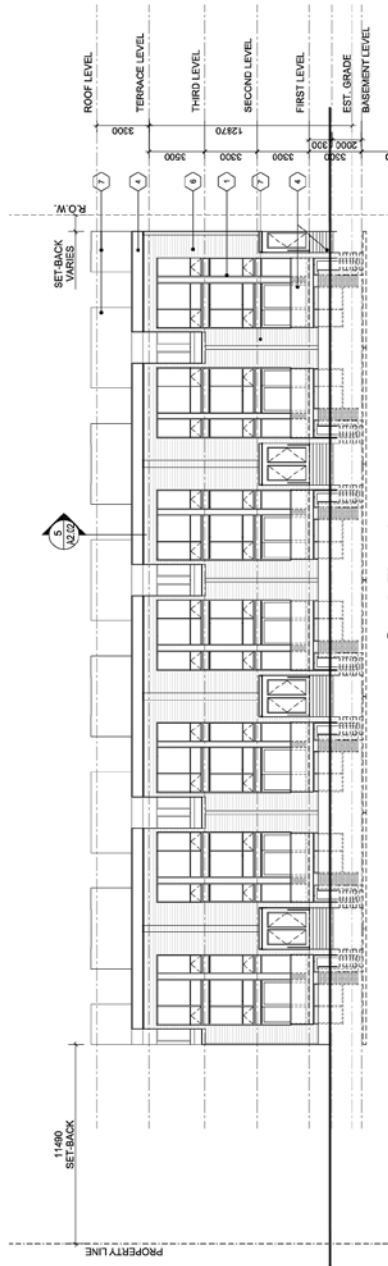
4208, 4210 and 4214 Dundas Street West

Elevations - Block 1

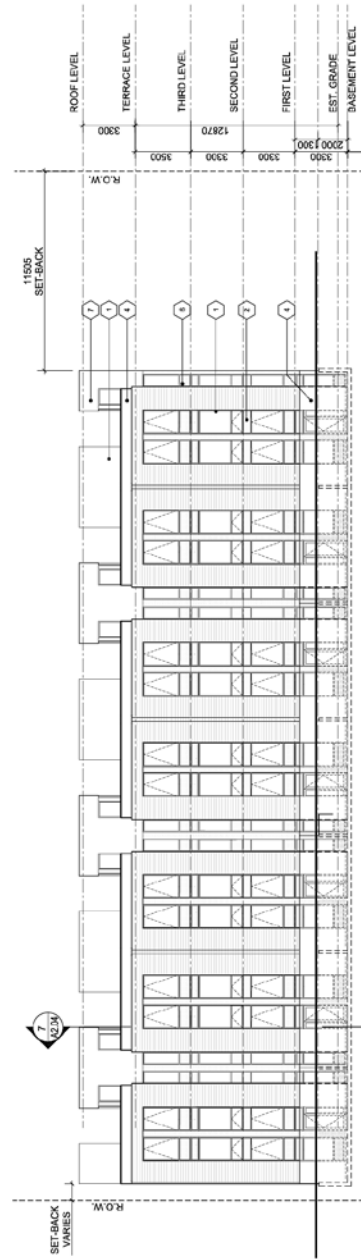
Applicant's Submitted Drawing

Not to Scale
10/14/2016

File # 14 183631 WET 04 0Z



South Elevation



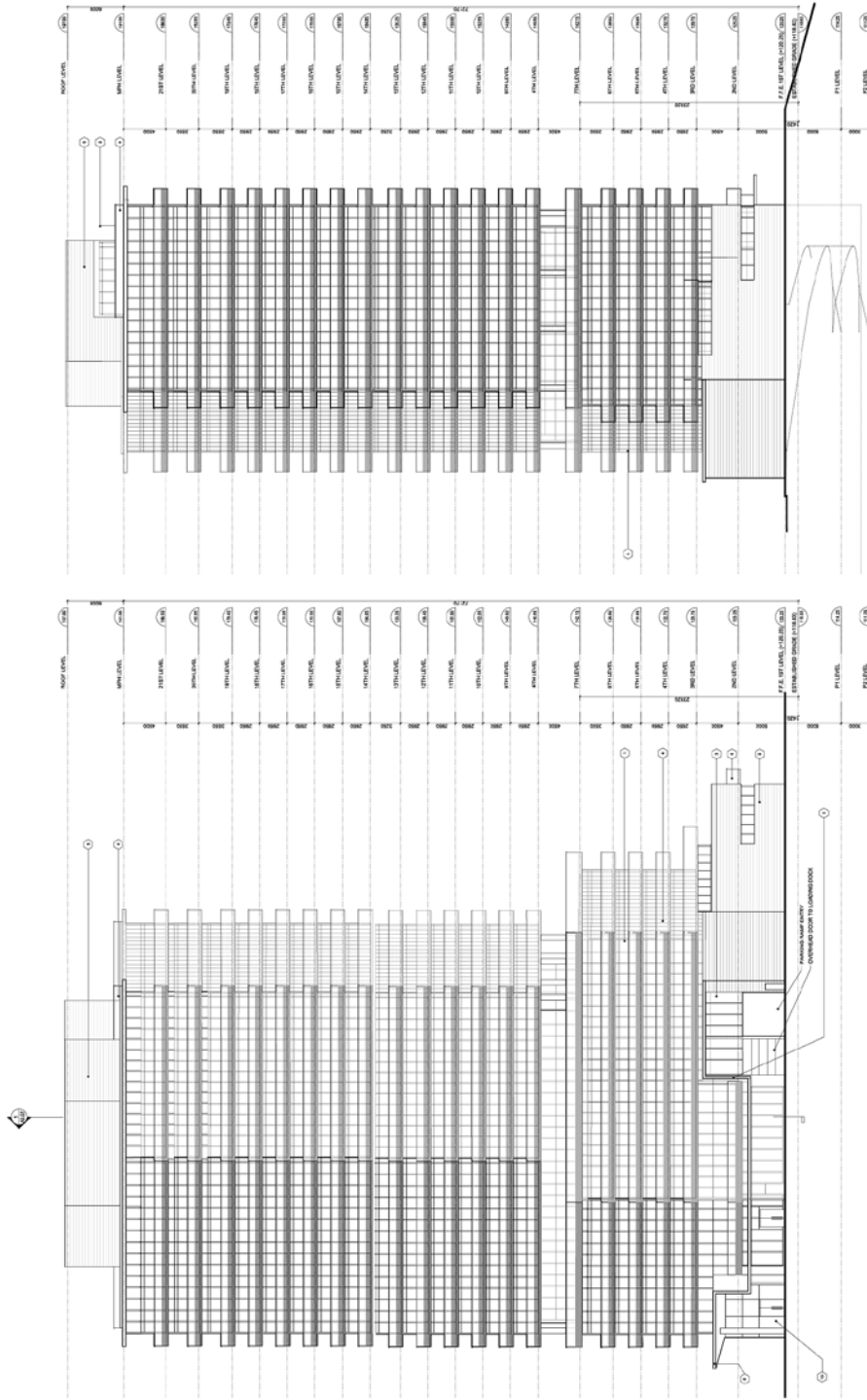
North Elevation

Elevations - Block 2

Applicant's Submitted Drawing
 Not to Scale
 10/14/2016

4208, 4210 and 4214 Dundas Street West

File # 14 183631 WET 04 0Z



West Elevation

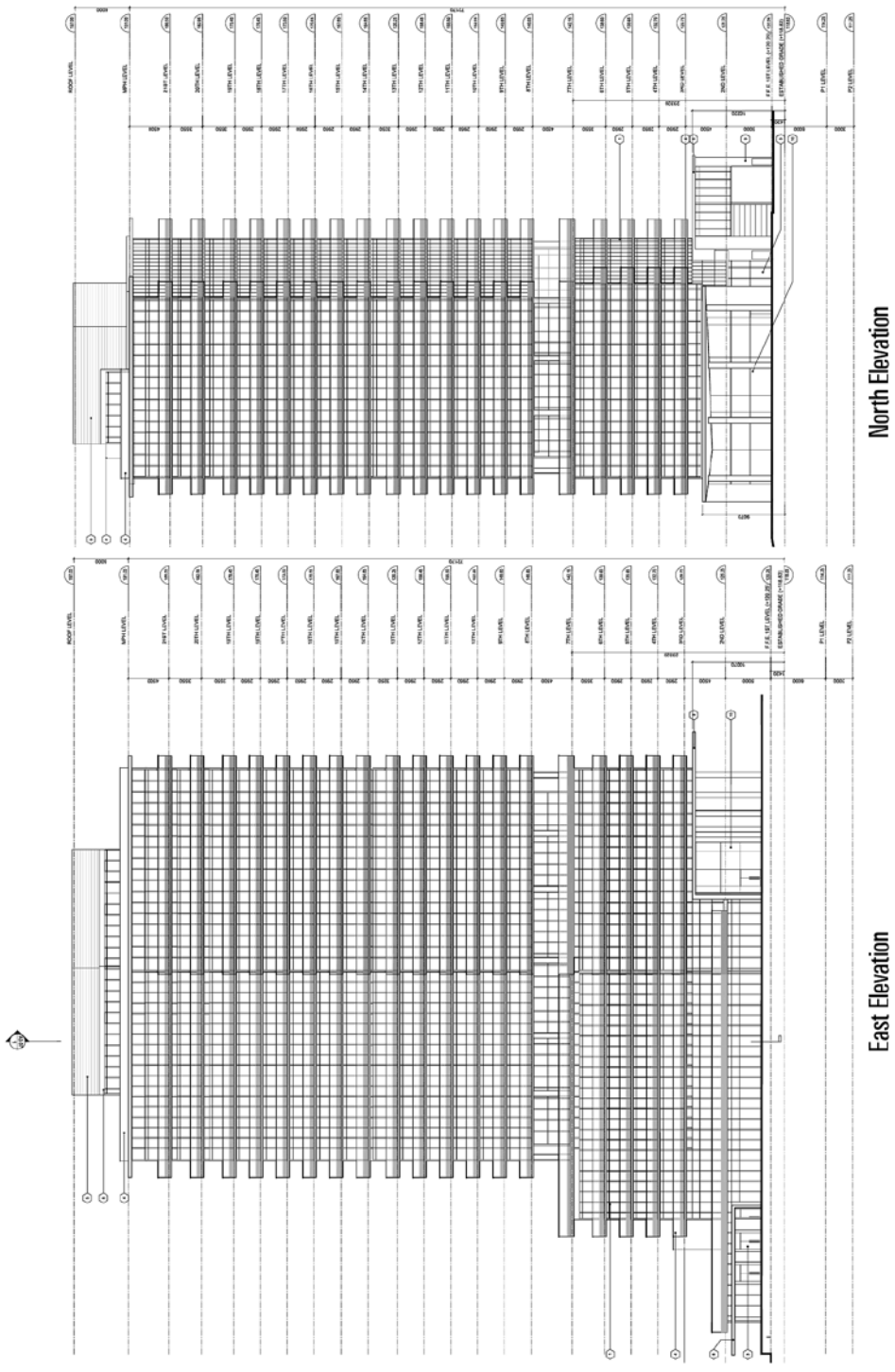
South Elevation

Elevations - Block 3
 Applicant's Submitted Drawing

Not to Scale
 10/14/2016

4208, 4210 and 4214 Dundas Street West

File # 14 183631 WET 04 02

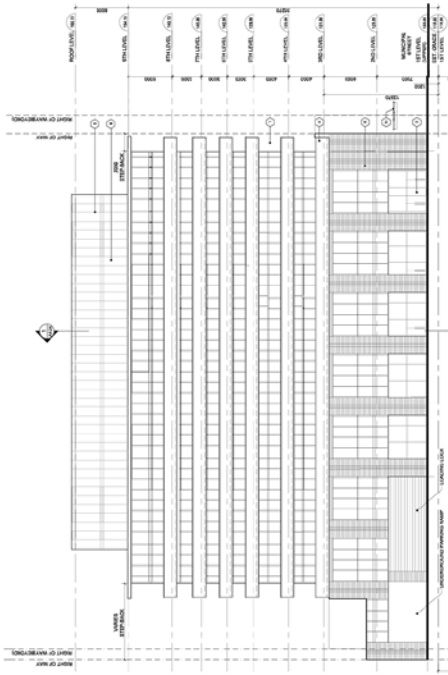


Elevations - Block 3
4208, 4210 and 4214 Dundas Street West

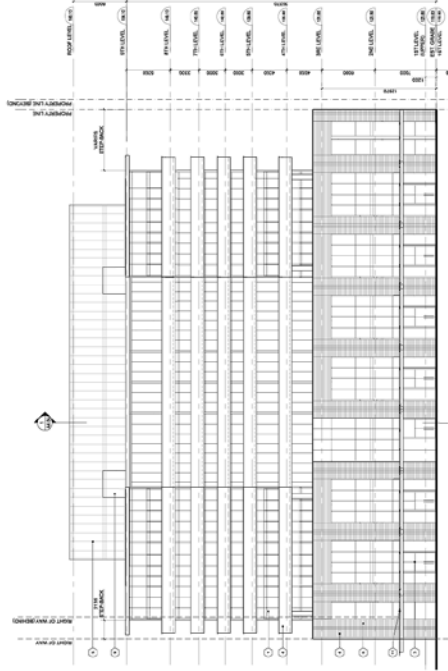
Applicant's Submitted Drawing

Not to Scale
 10/14/2016

File # 14 183631 WET 04 02



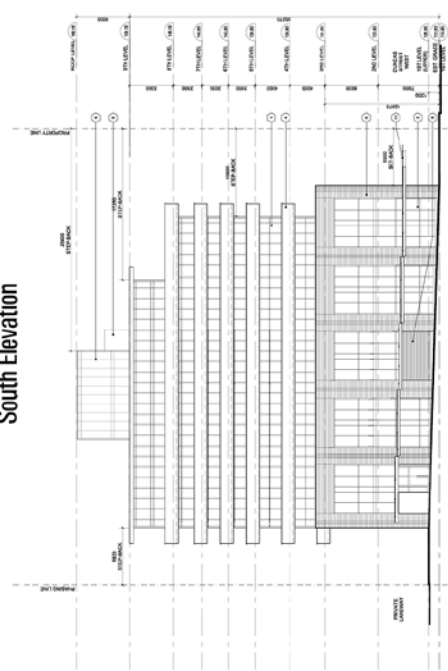
North Elevation



South Elevation



East Elevation



West Elevation

Elevations - Block 4

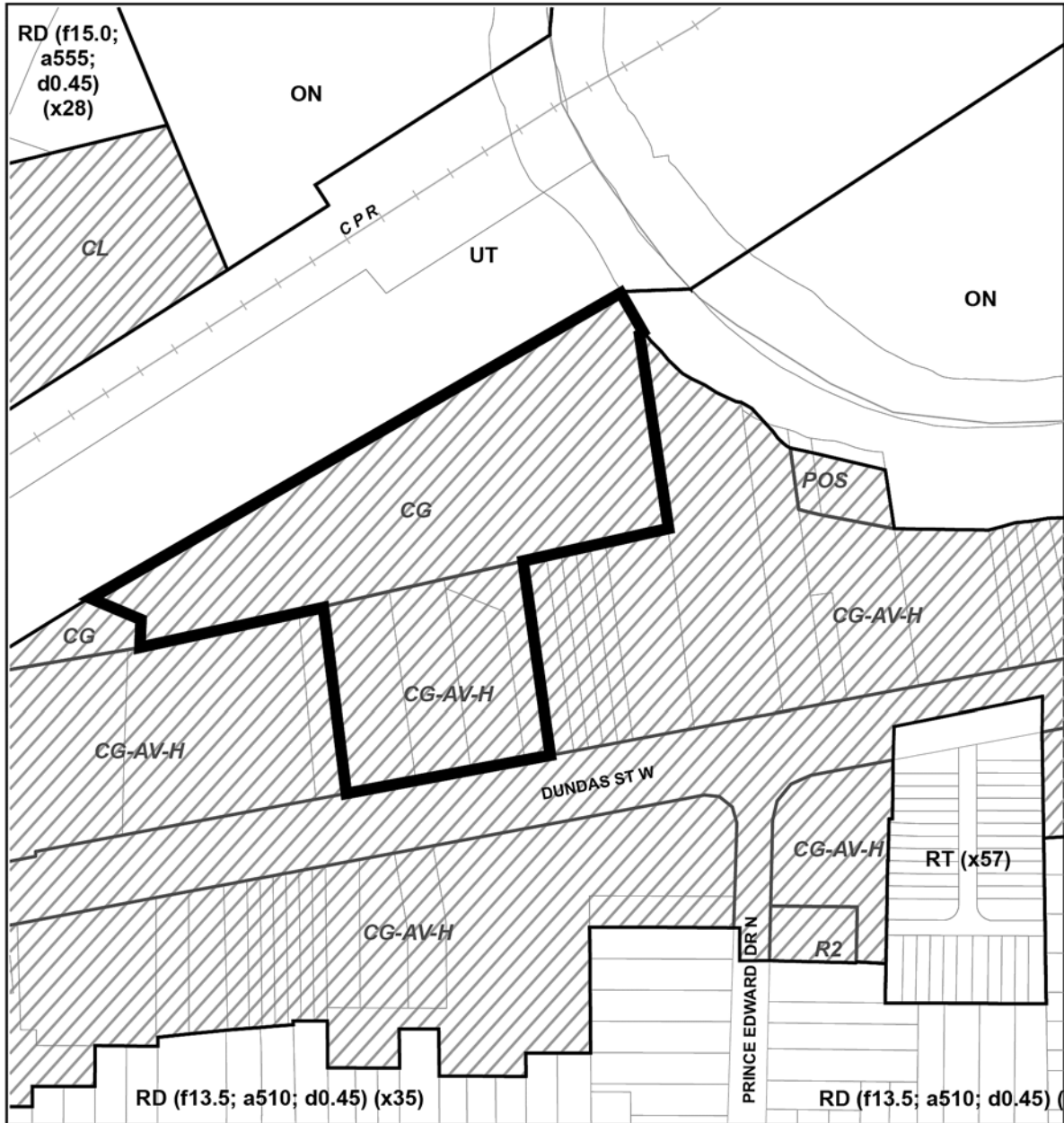
Applicant's Submitted Drawing

Not to Scale
10/14/2016

4208, 4210 and 4214 Dundas Street West

File # 14 183631 WET 04 02

Attachment 3: Zoning



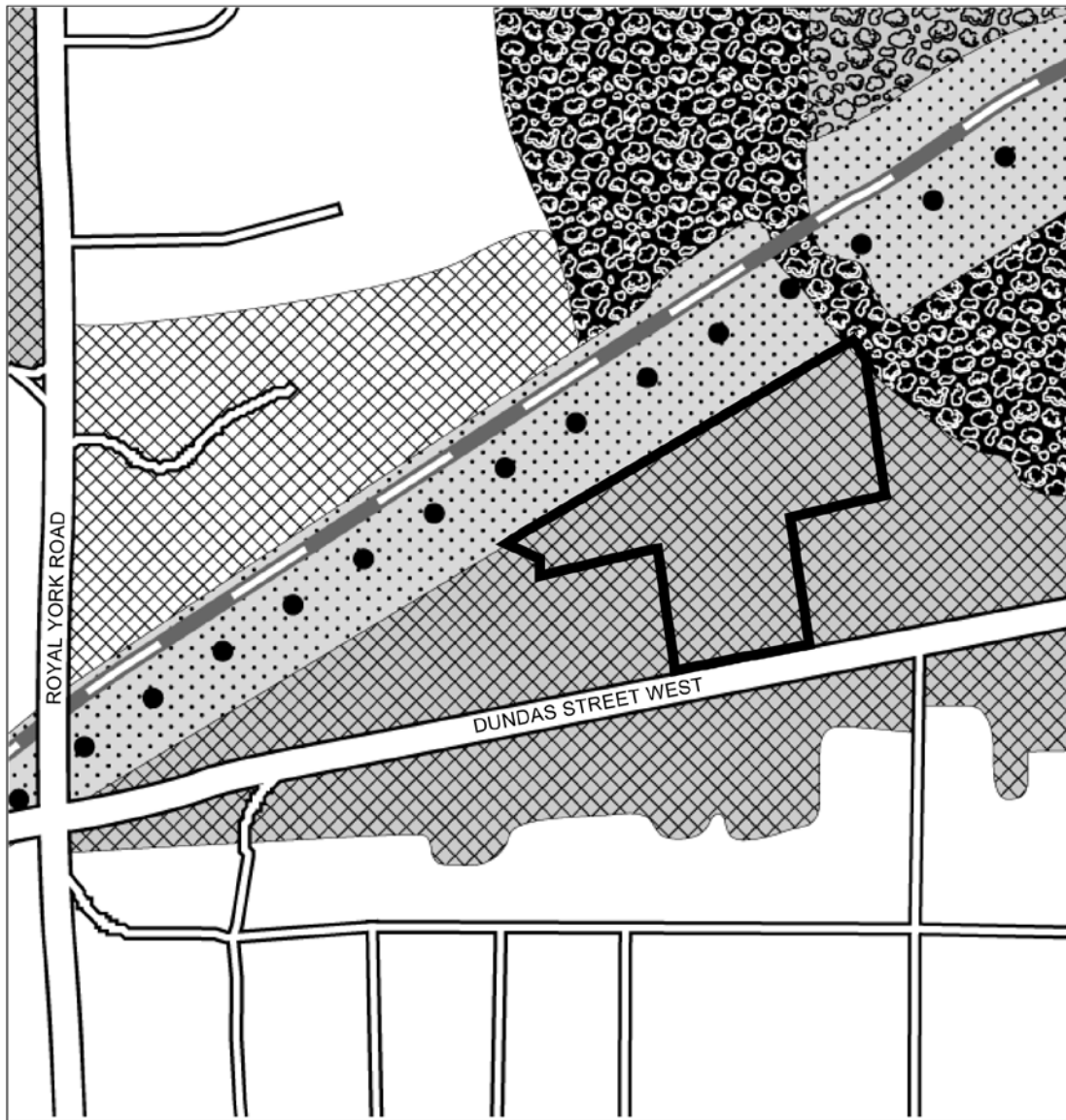
TORONTO City Planning
Zoning By-law 569-2013

4208, 4210 and 4214 Dundas Street West
 File # 14 183631 WET 04 0Z

| | |
|----------------------------------|--|
| Location of Application | See Former Zoning Code of the City of Etobicoke V131 |
| RD Residential Detached | ON Open Space Natural |
| RT Residential Townhouse | UT Utility and Transportation |
| CR Commercial Residential | R2 Residential Second Density |
| | CL Commercial Limited |
| | CG General Commercial |
| | CG-AV Commercial General-Avenues |

Not to Scale
 Extracted 07/17/2014

Attachment 4: Official Plan



TORONTO City Planning
Extract from Official Plan

4208, 4210 and 4214 Dundas Street West

File # 14 183631 WET 04 0Z

| | | |
|--|--|---|
|  Site Location |  Natural Areas |  Utility Corridors |
|  Neighbourhoods |  Other Open Space Areas | |
|  Apartment Neighbourhoods | | |
|  Mixed Use Areas | | |


 Not to Scale
 07/21/2014

Attachment 5: Application Data Sheet

| | | | |
|------------------|------------------------------------|---------------------|---------------------|
| Application Type | Official Plan Amendment & Rezoning | Application Number: | 14 183631 WET 04 OZ |
| Details | OPA & Rezoning, Standard | Application Date: | July 2, 2014 |

Municipal Address: 4208, 4210 and 4214 DUNDAS STREET WEST

Location Description: PLAN 234 LOTS 94 AND 95 PT LOTS 88 TO 93 96 PT WILLIAM ST PLAN 1222 PT LOT 1 RP 64R8777 PT PART 1 **GRID W0406

Project Description: This application proposes to amend the Official Plan and former City of Etobicoke Zoning Code to permit a mixed-use development at 4208, 4210 and 4214 Dundas Street West. The development would include an 8-storey (35 metre) mixed-use building fronting Dundas Street West, 3-storey (13 metre) stacked townhouses and a 21-storey (72 metre) residential apartment building at the rear of the site, and a public road and park.

| | | | |
|-------------------|---------------|-------------------|-----------------------------|
| Applicant: | Agent: | Architect: | Owner: |
| BOUSFIELDS INC. | | | 4208 DUNDAS DEVELOPMENTS GP |

PLANNING CONTROLS

| | | | |
|----------------------------|--------------------------|--------------------------|----------|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | SASP 277 |
| Zoning: | CG-AV-H&CG, ZBL 717-2006 | Historical Status: | |
| Height Limit (m): | 14 metres | Site Plan Control Area: | Yes |

PROJECT INFORMATION

| | | | | | |
|------------------------------------|-------|---------|-----------------|-----|--------------|
| Site Area (sq. m): | 19146 | Height: | Storeys: | 21 | |
| Frontage (m): | 80 m | | Metres: | 72 | |
| Depth (m): | 170 m | | | | |
| Total Ground Floor Area (sq. m): | 4084 | | | | Total |
| Total Residential GFA (sq. m): | 33804 | | Parking Spaces: | 522 | |
| Total Non-Residential GFA (sq. m): | 3035 | | Loading Docks | 3 | |
| Total GFA (sq. m): | 36840 | | | | |
| Lot Coverage Ratio (%): | 11 | | | | |
| Floor Space Index: | 2.13 | | | | |

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

| | | Above Grade | Below Grade |
|--------------|-------|----------------------------------|-------------|
| Tenure Type: | Condo | | |
| Rooms: | | Residential GFA (sq. m): | 33804 |
| Bachelor: | 0 | Retail GFA (sq. m): | 3035 |
| 1 Bedroom: | 183 | Office GFA (sq. m): | 0 |
| 2 Bedroom: | 176 | Industrial GFA (sq. m): | 0 |
| 3 + Bedroom: | 40 | Institutional/Other GFA (sq. m): | 0 |
| Total Units: | 399 | | |

| | | |
|-----------------|----------------------|----------------------------------|
| CONTACT: | PLANNER NAME: | Elise Hug, Senior Planner |
| | TELEPHONE: | 416-338-2560 |

Attachment 6: Draft Official Plan Amendment

**CITY OF TORONTO
BY-LAW No. ____-2016**

To adopt Amendment No. 364 to the Official Plan for the City of Toronto respecting the lands known as 4208, 4210 and 4214 Dundas Street West.

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

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

The Council of the City of Toronto enacts:

1. The attached Amendment No. 364 to the Official Plan is adopted pursuant to the *Planning Act*, as amended.

Enacted and passed on _____, 20__.

John Tory,
Mayor

Ulli S. Watkiss,
City Clerk

(Seal of the City)

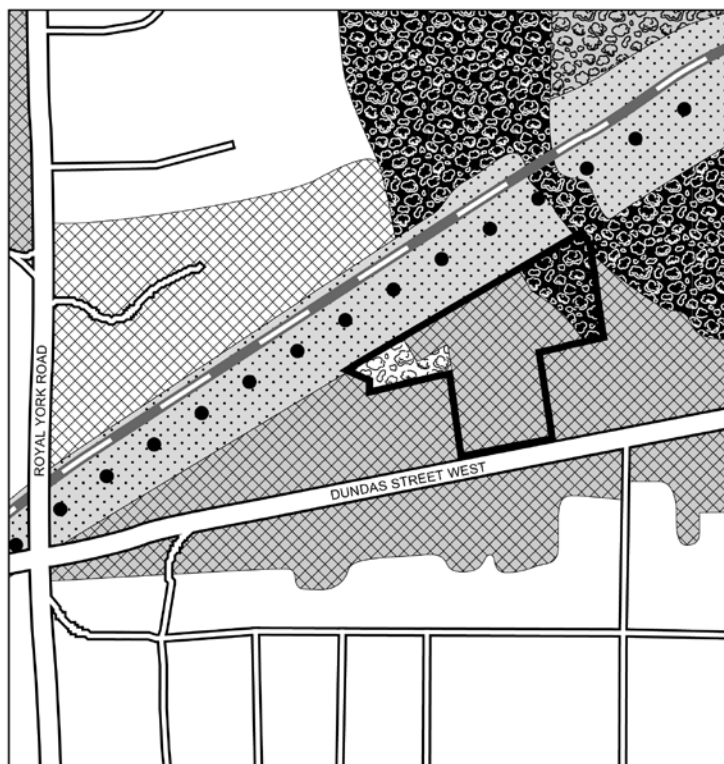
AMENDMENT NO. 364 TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS 4208, 4210 AND 4214 DUNDAS STREET WEST

The Official Plan of the City of Toronto is amended as follows:

1. Map 14, Land Use Plan is amended by re-designating the lands known municipally as 4208, 4210 and 4214 Dundas Street West in 2016 from *Mixed Use Areas* to *Parks* and from *Mixed Use Areas* to *Natural Areas*, as shown on the attached Schedule 1.

Schedule 1



TORONTO City Planning
Official Plan Amendment #364
Revisions to Map 14 Land Use Plan to redesignate lands from Mixed Use Areas to Parks and Natural Areas
4208, 4210 and 4214 Dundas Street West
File # 14 183631 WET 04 02



↑
Not to Scale
10/14/2016

2. Chapter 7, Site and Area Specific Policies, Policy 277, is amended by:

1. Adding the number 1. in front of the first policy, such that it reads:

1. Townhouses are not permitted in *Mixed Use Areas* on the north side of Dundas Street West and in the first 60 metres of depth from the Dundas Street West frontage on the south side of Dundas Street West.

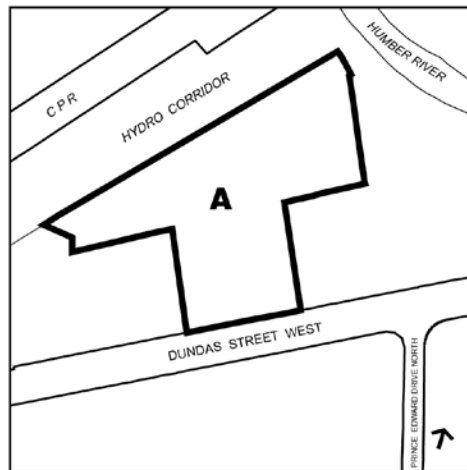
2. Immediately thereafter, adding the following policies for the lands known municipally in 2016 as 4208, 4210 and 4214 Dundas Street West:

2. 4208, 4210 and 4214 Dundas Street West

On the lands shown as "A" on the map:

1. Stacked townhouses are permitted on lands located a minimum of 60 metres north of Dundas Street West.

2. Development will be set back an average of 10 metres from the long term stable top-of-bank of the valley, and in no case less than 6.5 metres.



Attachment 7: Draft Zoning By-law Amendment

CITY OF TORONTO

BY-LAW No. XXX-2016

To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law No. 717-2006 with respect to the lands municipally known as 4208, 4210 and 4214 Dundas Street West

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

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

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

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

1. The zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), and attached as Schedule A-4 to Zoning By-law No. 717-2006 be and the same are hereby amended by changing the classification of a portion of the lands as described in Schedule 'A' from General Commercial (CG) to Public Open Space (OS).
2. Schedule A-4 to Zoning By-law No. 717-2006 is amended by changing the designation of the lands described in Schedule 'A' such that the designation is revised from "CG-AV(H)" to "CG-AV" as shown on Schedule 'A'.
3. In addition to the Etobicoke Zoning Code and By-law 717-2006, the following provisions and development standards shall apply to the Lands.
4. Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 717-2006, the provisions of this By-law shall apply.
5. **Definitions**

In addition to Section 304-3 of the Etobicoke Zoning Code and By-law No. 717-2006, for the purposes of this By-law, the following definitions will apply:

"Bicycle Parking Spaces – Long-term" means bicycle parking spaces intended for use by residents and employees;

"Bicycle Parking Spaces – Short-term" means bicycle parking spaces intended for use by visitors;

"Building 1", "Building 2", "Building 3" and "Building 4" means "BUILDING 1", "BUILDING 2", "BUILDING 3" and "BUILDING 4", identified on Schedule 'B' to this By-law;

"Building Envelope" means the area delineated by heavy lines and identified on Schedule 'B' to this By-law;

"Grade" means 118.83 metres Canadian Geodetic Datum;

"Gross Floor Area" means the total area of all floors in a building between the outside faces of the exterior walls, except that the following areas shall be excluded: storage areas, parking areas for motor vehicles, parking areas for bicycles, loading areas, Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas up to 2 square metres per unit, and unenclosed balconies;

"Height" means the vertical distance between Grade and the highest point of the roof of a building, excluding the following: any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures located on the roof of the building, provided the maximum height of such elements is no higher than 6 metres above the roof of a building;

"Indoor Amenity Area" means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Lands" means the lands described in Schedule 'A' attached hereto;

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

"Mechanical Penthouse" means an enclosed structure and/or area located on the roof surface of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;

"Minor Projections" means minor building elements which may project from

the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 1.5 metres with the exception of the main entrance canopy, which may extend to a maximum of 3.0 metres. Minor Projections shall not encroach into any public park, public road right-of-way or future public road right-of-way;

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Stacked Townhouse" means a multiple dwelling consisting of a series of units attached both vertically and horizontally, each having direct access from the outside; and

"Storey" means the part of a building which is between one floor level and the next higher floor level, but excludes a Mechanical Penthouse.

6. Permitted Uses

A. In addition to the uses permitted in Section 3.A. of By-law No. 717-2006, for the portion of the Lands with a zone symbol CG-AV and located more than 60 metres from Dundas Street West, the following use is permitted:

(1) Stacked Townhouses.

B. In addition to the use permitted by Section 320-95.A. of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol CG, the following use is permitted:

(1) Stacked Townhouses.

7. Building Heights

Notwithstanding Section 320-97 of the Etobicoke Zoning Code and Sections 3.B.(1) and 3.B.(3) of By-law No. 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule 'B', attached hereto.

8. Maximum Gross Floor Area

Notwithstanding Section 3.D.(2) and Schedule A-6 of By-law No. 717-2006, the maximum Gross Floor Area permitted on the Lands is 36,840 square metres, of which a maximum Gross Floor Area of 35,640 square metres is permitted for all

residential uses.

A minimum non-residential Gross Floor Area of 1,200 square metres is required in Building 4.

9. Parking Requirements

Notwithstanding Section 320-18 of the Etobicoke Zoning Code and Section 3.E of By-law No. 717-2006, vehicle parking shall be provided on the Lands as follows:

A. The following minimum number of parking spaces will be provided:

- (1) 0.7 parking spaces per unit for bachelor units;
- (2) 0.8 parking spaces per unit for one-bedroom units;
- (3) 0.9 parking spaces per unit for two-bedroom units;
- (4) 1.1 parking spaces per unit for three-bedroom units;
- (5) 0.15 parking spaces per unit for visitors;
- (6) 2.69 spaces per 100 square metres of gross floor area for Business Uses;
- (7) Despite 9.A.(6) above, 5.0 parking spaces per 100 square metres of gross floor area for restaurant uses over 500 square metres in gross floor area;
- (8) Despite 9.A.(6), 1 parking space per 100 square metres for a day nursery; and
- (9) 4 parking spaces for every 50 parking spaces or part thereof must comply with the requirements for an accessible parking space.

B. A parking space is subject to the following:

- (1) Minimum length of 5.6 metres;
- (2) Minimum width of 2.6 metres;
- (3) Minimum vertical clearance of 2.0 metres; and
- (4) The minimum width in 9.B.(2) above must be increased by 0.3

metres for each side of the parking space that is obstructed according to 9.E.below.

- C. For a parking space accessed by a drive aisle with a width of less than 6.0 metres, whether it is a one-way or two-way drive aisle, the dimensions of a parking space are:
 - (1) Minimum length of 5.6 metres;
 - (2) Minimum width of 2.9 metres;
 - (3) Minimum vertical clearance of 2.0 metres; and
 - (4) The minimum width in 9.(C)(2) above must be increased by 0.3 metres if one or both sides of the parking space is obstructed according to 9.(E) below.

- D. The dimensions of a parking space that is adjacent and parallel to a drive aisle from which vehicle access is provided are:
 - (1) Minimum length of 6.7 metres;
 - (2) Minimum width of 2.6 metres;
 - (3) Minimum vertical clearance of 2.0 metres; and
 - (4) The minimum width in 9.D(2) above must be increased by 0.3 metres for each side of the parking space that is obstructed according to 9.E below.

- E. The side of a parking space is obstructed if any part of a fixed object such as a wall, column, bollard, fence or pipe is situated:
 - (1) within 0.3 metres of the side of the parking space, measured at right angles; and
 - (2) more than 1.0 metre from the front or rear of the parking space.

- F. The maximum dimensions for a parking space are:
 - (1) Length of 6.0 metres; and
 - (2) Width of 3.2 metres.

- G. An accessible parking space is subject to the following:

- (1) Minimum length of 5.6 metres;
 - (2) Minimum width of 3.9 metres
 - (3) Minimum vertical clearance of 2.1 metres; and
 - (4) Minimum width in 9.G.(2) above must be increased by 0.3 metres for each side of the parking space that is obstructed according to 9.E. above.
- H. The minimum vertical clearance for a parking space or accessible parking space extends over the entire length and width of the parking space, excluding a wheel stop with a height of less than 18.0 centimetres.
- I. Despite the minimum vertical clearances in 9.B.(3), 9.C.(3), 9.D.(3) and 9.G.(3) above, parking spaces wholly or partially located within 6 metres of the south property line adjacent to Dundas Street West and located on the first underground level (P1) may have a reduced vertical clearance of a minimum of 1.5 metres for the southmost 1.5 metres of the parking spaces.
- J. Accessible parking spaces must be the parking spaces located:
- (1) closest to a main pedestrian access to a building;
 - (2) at the same level as the pedestrian entrance to the building; and
 - (3) despite 9.J.(1) above, not located in an area of permitted reduced vertical clearance.
- K. A minimum 6.0 metre wide access drive aisle shall be provided.
- L. Sharing of the required residential visitor and commercial parking spaces is permitted; however, this shared parking supply shall be the sum of the minimum residential visitor parking requirement and the minimum business use parking requirement.
- M. No fee will be charged for the public's use of residential visitor parking spaces.

10. Loading

Despite Section 3.J. of By-law 717-2006, loading spaces shall be provided as follows:

- A. for Buildings 1, 2 and 3 collectively, one loading space with a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum

vertical clearance of 6.1 metres shall be provided;

- B. for Building 4, two loading spaces with a minimum length of 13.0 metres, a minimum width of 4.0 metres and a minimum vertical clearance of 6.1 metres shall be provided for residential uses; and
- C. The loading space provided for residential uses within Building 4 may be shared with non-residential uses, and shall satisfy the requirement for one loading space required for non-residential uses.

11. Indoor and Outdoor Amenity Space

Section 3.F. of By-law 717-2006 shall not apply to Stacked Townhouses.

12. Building Setbacks and Yard Requirements

- A. Notwithstanding Section 320-80 of the Etobicoke Zoning Code and Sections 3.L.(2) and 3.L.(3) of By-law No. 717-2006:
 - (1) Minimum building setbacks above grade shall be as shown on Schedule 'B';
 - (2) Within 1.5 metres of the Dundas Street West street line in 2016, an underground parking garage shall not be permitted within the first 1.2 metres below grade;
 - (3) Building setbacks, including underground parking structures, shall be measured from the Dundas Street West right-of-way limit as it was in 2016 and/or the right-of-way limit of the proposed (and future proposed) public road, as the case may be;
 - (4) Minor Projections are permitted outside the Building Envelope.

13. Section 37

- A. The density and heights of development permitted by this By-law are subject to the owner of the Lands, at its sole expense, providing the following cash contributions toward specific facilities in accordance with and subject to the Agreement required in this Section, pursuant to Section 37 of the Planning Act as follows, including insurance, indemnity, and letters of credit:
 - (1) An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for either Building 1, Building 2 or Building 3 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in

the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.

- (2) An indexed cash contribution of \$150,000 to be paid to the City prior to issuance of the first above-ground building permit for Building 4 for parkland improvements and/or access to the Humber River Valley trail system in Ward 4 in the vicinity of the site and/or community facilities in Ward 4 with an appropriate geographic relationship to the development.
 - (3) The cash amounts identified in 13.A.(1) and 13.A.(2) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of expenditure of the sum by the owner.
 - (4) In the event the cash contributions in 13.A.(1) and 13.A.(2) have not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contributions may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.
- B. Pursuant to Section 37 of the *Planning Act* and subject to the compliance with this By-law, the increase in density of development on the **Lands** contemplated herein is permitted in return for the provision by the owner, at the owners expense, of the following facilities, services and matters which are secured by one or more agreements pursuant to Section 37(3) of the *Planning Act* that are in a form and registered on title to the **Lands**, to the satisfaction of the City Solicitor.
- C. Where this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- D. The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to the by-law unless all provisions of Section 13.A.(1) and 13.A.(2) are satisfied.

- E. Prior to the issuance of any building permits, the owner shall enter into an Agreement pursuant to Section 37 of the *Planning Act*, such agreement is to be registered on title to the lands at 4208, 4210 and 4214 Dundas Street West to secure the provision of community benefits, capital facilities, improvements and/or other matters identified in the Toronto Official Plan as required to support the development and promote City building objectives.

14. By-law Applies to Whole of Lands

Notwithstanding any conveyance, severance, partition or division of Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

15. Chapter 324, Site Specifics

Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

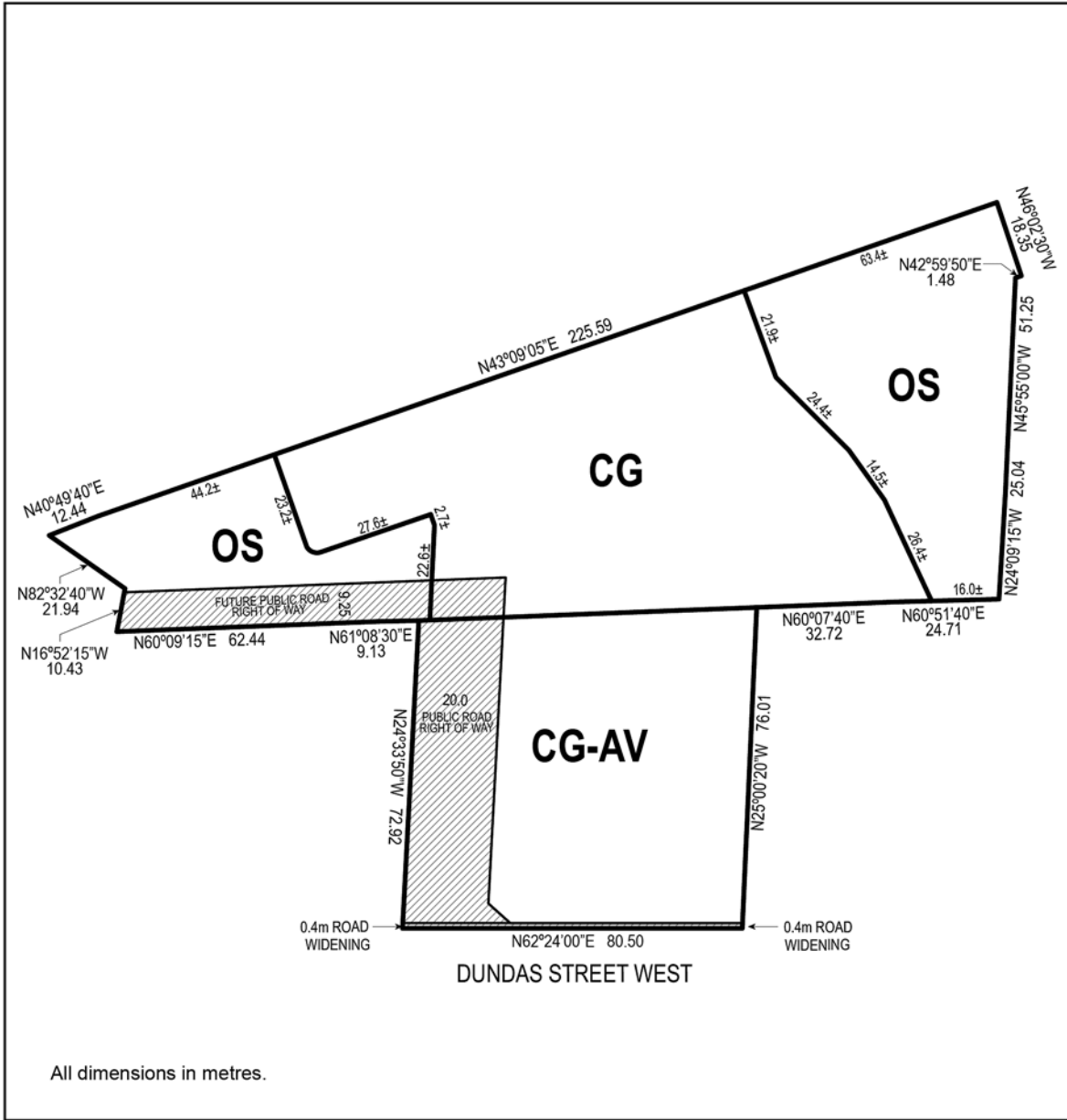
| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|--|--|---|
| [Clerk to enter number]- 2016 | Lands located on the north side of Dundas Street West, west of Prince Edward Drive North, known as 4208, 4210 and 4214 Dundas Street West. | To provide site specific development standards to permit a comprehensive mixed-use development at 4208, 4210 and 4214 Dundas Street West. |

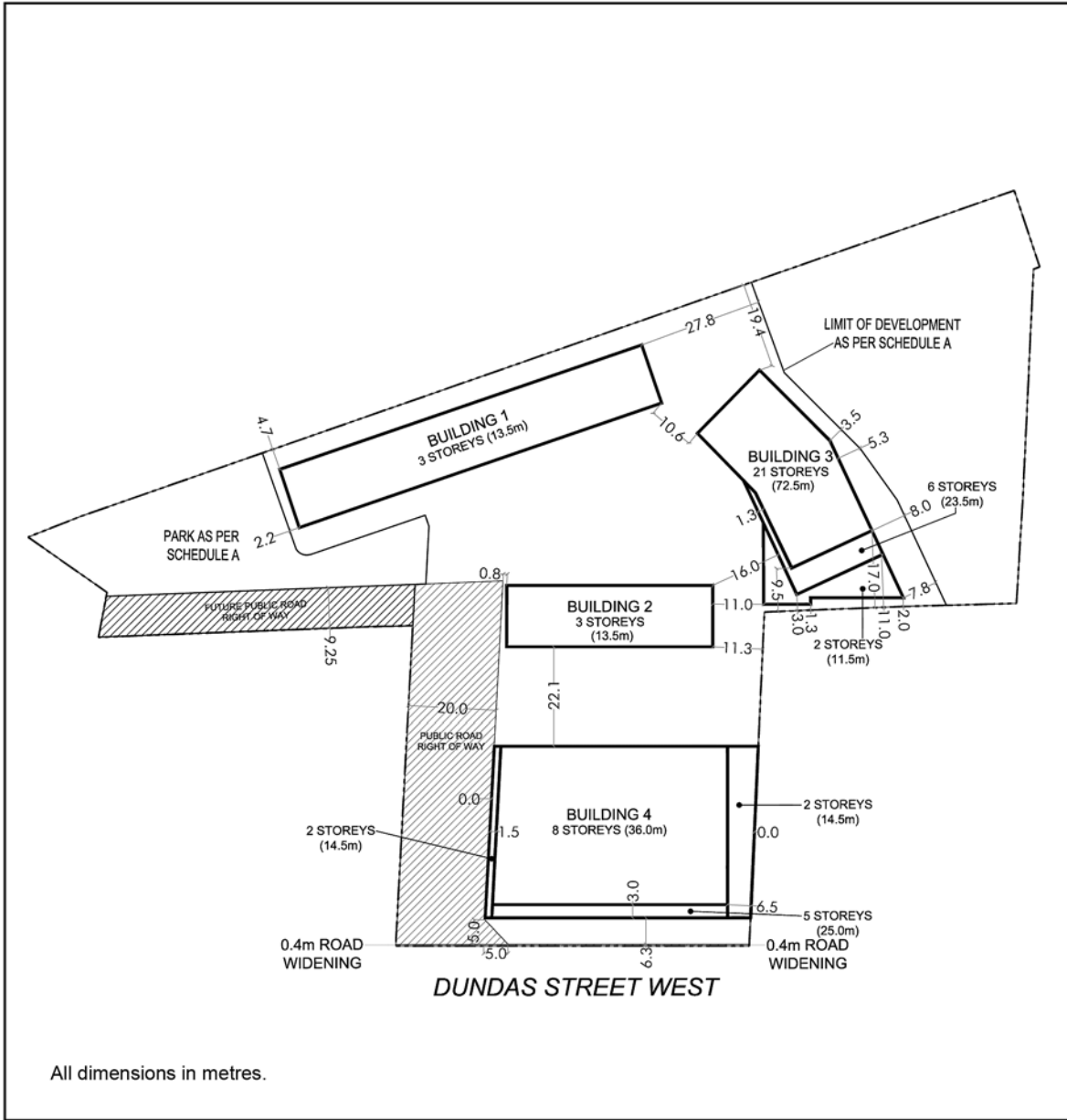
ENACTED AND PASSED this ~ day of ~, A.D. 2016.

JOHN TORY,
Mayor

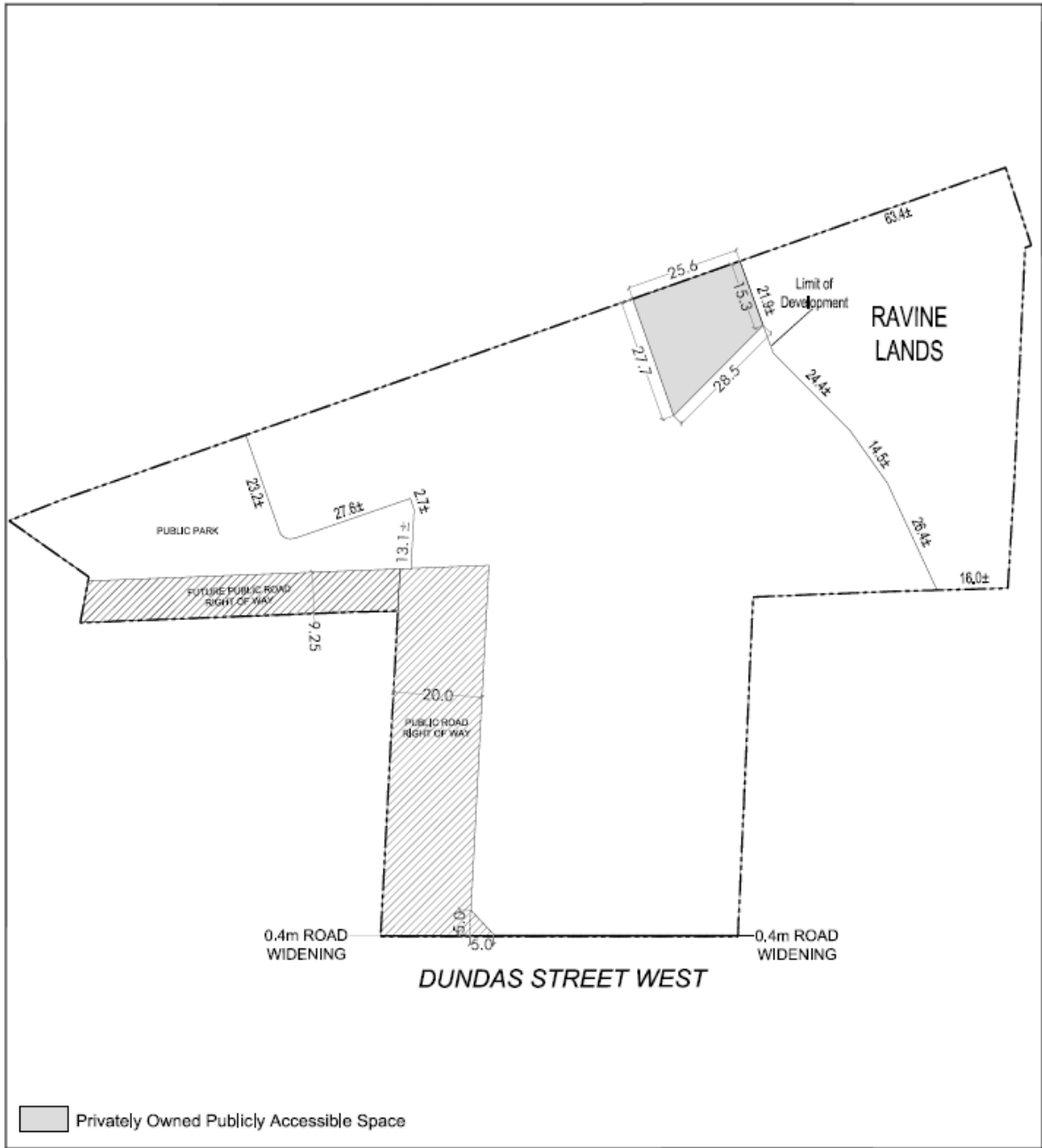
ULLI S. WATKISS,
City Clerk

(Corporate Seal)





SCHEDULE 'C'



4208 Dundas Street West



File # _____



Not to Scale