

3775-4005 Dundas Street West and 2-6 Humber Hill Avenue - Zoning By-law Amendment Application – Final Report

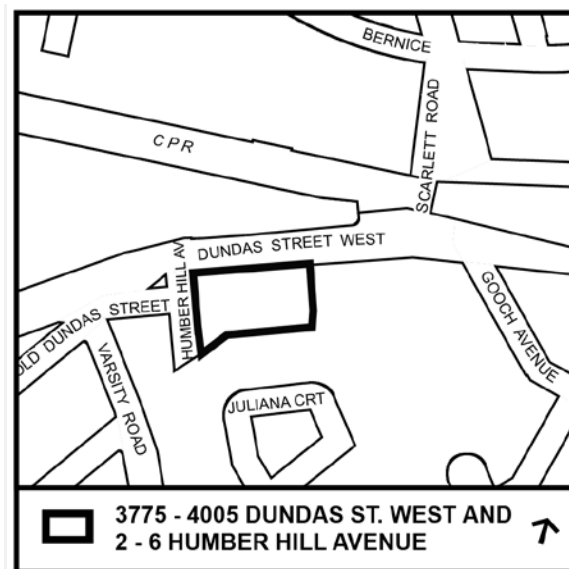
Date:	May 24, 2017
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 13 – Parkdale-High Park
Reference Number:	12 295537 WET 13 OZ

SUMMARY

This application proposes to amend former City of York Zoning By-law No. 1-83 to permit the construction of a 12-storey (42.9 m total, including a 6 m mechanical penthouse) residential apartment building at the southeast corner of Dundas Street West and Humber Hill Avenue.

The proposed development would contain a total of 293 residential units and approximately 26,300 m² of gross floor area, which represents a floor space index of approximately 5.0 times the area of the site. A total of 289 vehicular parking spaces (including 21 tandem spaces) are proposed in a 3 and a half level below-grade parking garage. Of these parking spaces, 246 would be for residents and 43 would be for visitors. A total of 220 bicycle parking spaces (176 resident and 44 visitor spaces) are proposed. Vehicular access to the building is proposed via the east side of Humber Hill Avenue.

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



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of York Zoning By-law No. 1-83 for the lands at 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to:
 - a. Submit a certified cheque in the amount of \$100,000 to the City as a cash contribution for upgrading the Warren Park Sewage Pumping Station to support the development. The City will be responsible for completing these upgrades and the details of which will be secured in the Section 37 Agreement as a legal convenience.
 - b. Submit a Functional Servicing Report to the City for review and acceptance by the General Manager of Toronto Water and the Executive Director, Engineering and Construction Services. The report will determine whether the municipal water, sanitary/combined and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required; and
 - c. Make arrangements to the Satisfaction of the Executive Director, Engineering and Construction Services for the design and construction of the infrastructure upgrades identified in the accepted Functional Servicing Report, at no cost to the City, including financial securities, engineering and inspections fees and insurance, as required.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* as follows:
 - a. Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$525,000 to be allocated as follows:
 - i. \$325,000 towards capital improvements to Lambton Park, Florence Gell Park and/or Magwood Park, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation, in consultation

with the Ward Councillor;

- ii. \$100,000 towards capital improvements to Lambton House to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - iii. \$50,000 towards capital improvements to the Jane/Dundas Toronto Public Library Branch to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Librarian, in consultation with the Ward Councillor; and
 - iv. \$50,000 to Toronto Community Housing Corporation to be used towards capital improvements at Dundas Gooch or Cooper Mills Townhomes to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- b. The cash amounts identified in 4 a. i. to iv. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
- c. In the event the cash contributions referred to in Recommendation 4 a. i. to iv. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, 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.
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. The inclusion of a requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces shall be created as one unit.
 - ii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - iii. 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 of October 26 and 27, 2009.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

On May 14, 2013, Etobicoke York Community Council adopted a Preliminary Report for the subject application. The report provided background information on the proposal, and recommended that a community consultation meeting be held and that notice be given according to the regulations of the *Planning Act*. Etobicoke York Community Council amended the staff recommendations to increase the public notification radius from 120 m to 240 m. The Preliminary Report is available at the following link:

<http://www.toronto.ca/legdocs/mmis/2013/ey/bgrd/backgroundfile-57863.pdf>.

A community consultation meeting was held on June 25, 2013. Issues related to parking, site access, building height, stormwater management and encroachment into the 10 metre setback from the stable top-of-bank were raised.

Pre-Application Consultation

Planning staff attended an introductory meeting with the Ward Councillor and the applicant on May 14, 2012. Planning staff held a pre-application meeting with the applicant on June 14, 2012 to discuss the development proposal and complete application submission requirements. The applicant presented the same proposal at both meetings, which was a mixed-use building having two residential towers of 14 and 18 storeys connected by a 6 storey podium with commercial space at grade along Dundas Street West and four townhouses fronting Humber Hill Avenue. A total of 350 units were proposed. Issues of building height, vehicular access to the site, shadow impact, transition to the adjacent low density residential uses and setback from the stable top-of-bank were identified at this point. A pre-application community consultation meeting was held on July 4, 2012 by the applicant, at the request of the Ward Councillor.

As a result of the community consultation meeting and meetings between the applicant and City staff, the proposal was revised to a single residential building that would transition from a height of 10 storeys along Humber Hill Avenue to 14 storeys along the eastern portion of the site. The four townhouses along Humber Hill Avenue were eliminated from the proposal and the total number of units proposed was reduced to 322. The vehicular and service access that was originally proposed from both Dundas Street West and Humber Hill Avenue was revised to be exclusively from Humber Hill Avenue. This was the application formally submitted to the City for review on December 18, 2012, and was the subject of the community consultation meeting that was held on June 25, 2013, as directed by Etobicoke York Community Council.

ISSUE BACKGROUND

Proposal Iterations

In June 2015, the applicant submitted a revised application that proposed to construct a 100-unit stacked townhouse development. Another community consultation meeting was held on July 13, 2015 to solicit feedback from residents on the townhouse proposal. While the townhouse development was well-received by members of the community, Planning staff were of the opinion that the site was more appropriate for mid-rise development. The proposed setback from the stable top-of-bank, separation distance between townhouse blocks, lack of landscaped open space and relationship to the public realm on Dundas Street West were also significant concerns.

In December 2015, the applicant submitted a revised proposal for a mid-rise building, which was proposed to be 12 storeys in total, stepping down to 11 storeys fronting Humber Hill Avenue, with a series of step backs on the east, south and west sides of the building. A fourth community consultation meeting was held on July 5, 2016 and was attended by approximately 30 members of the community. Feedback from this community consultation meeting is discussed in the Comments section of this report.

Revised Proposal

The proposal involves the demolition of five commercial buildings and three detached residential dwellings and the construction of a residential building fronting both Dundas Street West and Humber Hill Avenue (southeast corner of Dundas Street West and Humber Hill Avenue). The building would be 12 storeys (42.9 m total, including a 6 m mechanical penthouse) in height. On the east side, the building would be located on the property line for the first 7 storeys. It would then step back 1.3 m from the east property line for floors 8 through 11. Floor 12 would further step back so that it would be located 3.7 m from the east property line (see Attachment 1: Site Plan and Attachment 2: Elevations).

The proposed building would be located 0.9 m from the west property line for the first two floors, with additional step-backs as the building rises. The setback from the west property line would be: 2.5 m for floors 3 and 4; 4.2 m for floors 5 through 7; and 6.2 m for floors 8 through 11. Floor 12 would be setback 30.2 m from the Humber Hill Avenue frontage. The proposed building would also include a series of step-backs on the south elevation to provide transition to the properties beyond the valley lands to the south.

The proposed residential unit mix is: 24 studio; 136 one bedroom; 120 two bedroom; and 13 three bedroom units, for a total of 293 residential units. The total gross floor area would be 26,300 m² (the original submission was 29,475 m² and 322 units) representing a density of approximately 5.0 times the lot area (the original submission was 5.6 times the lot area). The primary residential entrance would be on Dundas Street West at the west end of the building. There are twelve two-storey units proposed along Dundas Street West, with primary entrances facing the street.

A total of 623 m² of indoor amenity space (2.1 m² per unit) and 750 m² (2.6 m² per unit) of outdoor amenity space is proposed. The indoor amenity space area would be located on the second floor, adjacent to a 391 m² terrace. The remaining 359 m² of outdoor amenity space would be provided in the form of a terrace at the eleventh floor.

Vehicular access to the site is proposed from the east side of Humber Hill Avenue. A total of 289 parking spaces are proposed (246 resident spaces, including 21 tandem spaces, and 43 visitor spaces). One pick-up/drop-off space is proposed to be located at the P1 level. The visitor parking spaces would all be located at the P1 level, which would be separated from the resident parking by an overhead door. There is one Type-G loading space proposed, which would be located at the P1 level. A total of 220 bicycle parking spaces (176 resident and 44 visitor spaces) are proposed, including 16 spaces at grade, adjacent to the building entrance lobby.

Site and Surrounding Area

The site is located on the southeast corner of Dundas Street West and Humber Hill Avenue. The site is approximately 0.52 ha in size and generally rectangular in shape with an increased depth in the western portion of the site. It has a frontage of approximately 96.3 m on Dundas Street West and 65 m on Humber Hill Avenue. The site is situated at the top of an existing embankment that traverses the site from approximately mid-depth at the east lot line to the southwest corner of the property. The site slopes down gradually from Dundas Street West to the top of the embankment. The embankment extends southerly into and largely lies within the rear yards of the semi-detached dwellings along the north side of Juliana Court.

The site is a consolidation of six properties and currently contains five commercial buildings and three residential houses. There are two 1-storey buildings that are occupied by a heating and air-conditioning company at 3775 Dundas Street West. The properties at 3779-3801 Dundas Street West contain a 1-storey building occupied by an auto parts company. The properties at 3803 and 4005 Dundas Street West contain two buildings; the easterly of which is a vacant 3-storey commercial building and the westerly of which contains an auto sales and service operation. Existing vehicular access for the corner property is from both Dundas Street West and Humber Hill Avenue. At present, three 1- and a half storey single detached dwellings occupy 2, 4 and 6 Humber Hill Avenue.

Surrounding land uses are as follows:

North: A mixed use development with commercial units at grade fronting Dundas Street West and a stacked townhouse complex above is located to the northwest. Directly north is a car wash. The Canadian Pacific (CP) rail line and the CP Lambton Rail Yard is to the northeast.

South: Directly south is a heavily vegetated ravine slope with an elevation drop of approximately 19 m to the Warren Park neighbourhood beyond. The neighbourhood is primarily developed with single and semi-detached dwellings.

East: Immediately adjacent are two 10-storey apartment buildings with sides fronting Dundas Street West. Further to the east is a 1-storey supermarket with a surface and below-grade parking lot.

West: On the west side of Humber Hill Avenue are six single and semi-detached dwellings fronting Humber Hill Avenue. Further west is a variety of residential building forms including single detached dwellings, triplexes and three apartment buildings ranging in height from 5 to 11 storeys within the Warren Park neighbourhood.

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 site is designated *Mixed Use Areas* on Map 14 – Land Use Plan (see Attachment 3: Official Plan). *Mixed Use Areas* provide for a broad range of commercial, residential and institutional buildings in single or mixed use buildings, as well as parks and open spaces and utilities. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing. This section of Dundas Street West is not identified as *Avenues* on Official Plan Map 2 – Urban Structure.

Chapter 2.3, Healthy Neighbourhoods, contains policies that provide direction for development within *Mixed Use Areas* adjacent to *Neighbourhoods* to ensure that the stability and general amenity of the adjacent residential area are not adversely affected.

Policy 2.3.1.2 states that development in *Mixed Uses Areas* that is adjacent or close to *Neighbourhoods* will:

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

Policy 2.3.1.3 states that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impacts.

The Built Form policies in Section 3.1.2 establish key urban design criteria for new development to fit harmoniously within its existing context. The policies require that new development:

- be located and organized to fit with its existing or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate main building entrances to be clearly visible;
- locate and organize vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets;
- consolidate and minimize the width of driveways and curb cuts across the public sidewalk;
- limit surface parking between the front face of a building and the public street or sidewalk;
- be massed and its exterior façade designed to fit harmoniously into its existing and planned context and limit its impact on neighbouring streets;
- mass new buildings to frame adjacent streets and open spaces in a manner that respects the existing street proportion;
- create appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- provide adequate light and privacy;
- adequately limit any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;
- provide amenity space adjacent to streets and open spaces for pedestrians;
- co-ordinate landscape improvements in setbacks to create attractive transitions from the private to the public realms; and
- provide indoor and outdoor amenity space for residents.

Natural Environment Policy 3.4.8 relates to protecting natural heritage features and potential natural hazards by requiring that development be setback from the top-of-bank of valleys by at least 10 m.

Not all *Mixed Use Areas* will experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. The policies of *Mixed Uses Areas* require new development to provide a transition between areas of different intensity and scale. In particular, Official Plan Policy 4.5.2 includes development criteria for *Mixed Use Areas* which include:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- locate and mass new buildings to frame the edges of streets with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Zoning

The site is subject to former City of York Zoning By-law No. 1-83 (see Attachment 4: Former City of York Zoning By-law No. 1-83). The majority of the site is zoned CE (Commercial Employment), however the three properties fronting Humber Hill Avenue developed with detached dwellings are zoned R2 (Residential). The CE zone permits a range of employment uses including industrial, office, business service, restaurants, retail stores, motor vehicle sales and rentals, and public garage uses, as well as day nurseries and recreational uses. The maximum building height for permitted uses is 6 storeys and/or 20 m except that within 10 m of a residential zone the maximum permitted height is 14 m. There is no maximum gross floor area regulation in this zone.

The R2 zone permits a variety of residential buildings including single detached, semi-detached and duplex dwellings and group homes. Non-residential uses permitted include parks, public library, schools, place of worship and home occupations. The maximum permitted building height ranges between 11 to 14 m with not more than 3 storeys. The maximum floor space index is 0.6 times the lot area.

On May 9, 2013 City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. The lands were subject to an active development application at the time of enactment of the new Zoning By-law and therefore, the new Zoning By-law does not apply to the lands.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted and is currently under review. Should this rezoning application be approved, Planning staff anticipate that Notice of Approval Conditions would be issued in the third quarter of 2017.

Reasons for Application

An application to amend the former City of York Zoning By-law No. 1-83 is required to permit the proposed residential building because the lands are located within a CE zone that does not permit residential uses and are also within an R2 zone that does not permit an apartment building. The application is also required to amend other applicable performance standards such as height, parking requirements, building setbacks and density.

Community Consultation

Community consultation meetings were held on July 4, 2012, June 25, 2013, July 13, 2015 and July 5, 2016. At successive meetings, the applicant presented a proposal that attempted to respond to community concerns. The most recent community consultation meeting on July 5, 2016 was attended by the Ward Councillor and approximately 30 members of the public. Issues and concerns related to the application are summarized as follows:

- concerns with respect to the vehicular access via Humber Hill Avenue; many residents expressed a preference for this access to be via Dundas Street West;
- concerns with queuing of automobiles on Humber Hill Avenue, Old Dundas Street and Varsity Road, particularly in winter;
- overall height and massing of the proposed building;
- increased traffic on Dundas Street West;
- TTC bus capacity and crowding on the 30 and 55 bus routes;
- stormwater management and overland flow into the valley south of the site;
- geotechnical stability of the subject site;
- area servicing capacity; and
- area community service capacity.

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 Zoning By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the Provincial Policy Statement. The proposal supports the policy objectives of focusing growth in existing settlement areas. The development

promotes efficient land use, reduces land consumption related to residential development and is transit-supportive.

City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. 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. While this site is located in a built up area, the proposal is considered to represent an appropriate infill development in conformity with the City's Official Plan. The proposal conforms to and does not conflict with the Growth Plan.

Official Plan

Land Use

The subject lands are designated *Mixed Use Areas* in the Official Plan. Amending the Zoning By-law to convert the subject site from a commercial/industrial zone to a commercial/residential zone would implement the vision of the Official Plan and facilitate the redevelopment of the subject lands.

While no commercial uses are proposed at this time, the proposed Zoning By-law Amendment would permit a limited number of commercial uses on the ground floor of the proposed building. The Official Plan does not require that *Mixed Use Areas* be developed with a mix of uses and the policies provide for standalone commercial or residential uses. However, should the proposed building transition to mixed-use in the future by converting ground floor residential units to commercial space, this would be consistent with the *Mixed Use Areas* Official Plan designation.

Density, Height and Massing

The Official Plan policies in Chapters 2, 3 and 4 all require appropriate setbacks and/or a stepping down of heights towards lower scale *Neighbourhoods*. As noted previously, the properties immediately to the west and northwest are designated *Neighbourhoods*, whereas the properties to the east are designated *Apartment Neighbourhoods*. The ravine lands to the south of the site are designated *Natural Areas* and beyond this are more lands designated *Neighbourhoods*. To the north, the properties are designated *Employment Areas*.

The development criteria in *Mixed Use Areas* in Official Plan Section 4.5, policy 2 c) require that development locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*. The relationship between the proposed building and the surrounding lands designated *Neighbourhoods* was one of the most important factors in evaluating the proposal against the existing context. In response to the context, the proposed building has been designed to transition from the existing apartment buildings to the east down to the single and semi-detached dwellings to the west and south.

Immediately to the east of the subject site are two, 10-storey apartment buildings, designated *Apartment Neighbourhoods* in the Official Plan. On its eastern side, the building would be located on the property line for the first 7 storeys. It would then step back and floors 8 through 11 would have a setback of 1.3 m. The twelfth floor would further step back so that it would be located 3.7 m from the east property line.

Immediately to the west of the subject site are six two-storey single and semi-detached dwellings designated *Neighbourhoods* in the Official Plan. Beyond these dwellings the lands are designated *Apartment Neighbourhoods*. The proposed building would be located 0.9 m from the west property line for the first two floors. The setback would increase to: 2.5 m for floors 3 and 4; 4.2 m for floors 5 through 7; and 6.2 m for floors 8 through 11. The twelfth floor would be setback 30.2 m from the Humber Hill Avenue frontage.

The proposed building would also include a series of step-backs on the south elevation to provide transition to the properties designated *Neighbourhoods* beyond the valley lands, which are designated *Natural Areas*. The proposed building would be contained within a 45-degree angular plane from the *Neighbourhoods* lands, which would ensure that it would not tower over the existing homes in the valley to the south.

Transition can be achieved in a variety of ways. Transition to the properties designated *Neighbourhoods* to the west has been achieved by incorporating a series of step-backs in the proposed building design. Transition to the properties designated *Neighbourhoods* to the south has been achieved by applying a 45-degree angular plane. Finally, transition to the lands designated *Neighbourhoods* to the northwest of the site has been evaluated using the shadow studies submitted by the applicant, as discussed below. For these reasons, staff are of the opinion that the massing of the building provides for an appropriate transition to all the adjacent *Neighbourhoods* lands.

Mid-rise Building Design Guidelines

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan. This can be found at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

The study developed guiding performance standards for mid-rise buildings in *Mixed Use Areas* on Avenues to encourage the development of more well designed mid-rise buildings. Although Dundas Street West in this location is not identified as an *Avenue* in the Official Plan, the mid-rise performance standards have informed the evaluation of the application. As discussed above, it is the opinion of staff that the deployment of the building massing minimizes any potential adverse impacts related to light, views and privacy and provides an appropriate transition to the *Neighbourhoods* lands to the south, west and northwest.

Sun and Shadow

The Official Plan Built Form policies in Sections 3.1.2 and 3.1.3 and the *Mixed Use Areas* development criteria in Section 4.5.2 outline the requirements for new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. In addition, these policies require that new buildings frame adjacent streets, parks and open spaces in good proportion.

The applicant provided a shadow study illustrating the shadow movements associated with the proposed building. The proposed building would introduce some shadow impacts on the neighbouring properties to the east (designated *Apartment Neighbourhoods*), on Dundas Street West and on some properties to the north across Dundas Street West (designated *Neighbourhoods* and *Employment Areas*).

The shadow study shows that the proposed building would not impact the apartment buildings located to the east until 4:18 p.m. in March and September and until 6:18 p.m. in June. With respect to the lands to the northwest designated *Neighbourhoods*, the shadow would be largely off the townhouses by 10:18 a.m. in March and September and there is no impact in June. The shadow study shows that there would be no shadowing impact on the single and semi-detached dwellings to the west of the site across Humber Hill Avenue and there would be no shadowing impact on the lands designated *Neighbourhoods* to the south of the subject site. Planning staff are of the opinion the shadows resulting from the proposed building would not result in any adverse impacts for surrounding property owners and would thus be acceptable.

Amenity Space

The development proposal includes both indoor and outdoor amenity space. A total of 623 m² of indoor amenity space would be provided in two multi-purpose rooms on the second floor, located adjacent to the outdoor amenity space. Outdoor amenity space would be provided in the form of two terraces – 391 m² on the second floor and 359 m² on the twelfth floor, for a total of 750 m² of outdoor amenity space. The indoor and outdoor amenity space would be provided at a rate of 2.1 m² and 2.6 m² per unit, respectively, which both achieve the minimum standard of 2.0 m² for both indoor and outdoor amenity space per unit.

Traffic Impact, Access and Vehicular Parking

According to the Traffic Impact and Parking Study submitted as part of the application, the proposed development is expected to generate 100 two-way trips during the morning peak period and 111 two-way trips during the afternoon peak period. Transportation Services' staff have advised that sufficient road capacity is available to accommodate the additional traffic generated by the development and that no road improvements are required to accommodate projected traffic volumes resulting from the proposal.

A consistently repeated concern from members of the community was with respect to vehicle queuing on Old Dundas Street and Varsity Road, particularly in winter months when Varsity Road (sloping down into the valley) has a tendency to be icy. Vehicular

access to the site would be provided by a driveway from Humber Hill Avenue. This driveway would be located approximately 20 metres south of Old Dundas Street. Transportation Services' staff have advised that the location of the entrance driveway is generally acceptable and that details relating to the design and dimensions of the entrance driveway will be secured through the Site Plan approval process. In the opinion of staff, the reduction in the number of units from the original proposal (322 down to 293) as well as the location of the vehicular access as far south as possible, while remaining outside of the TRCA regulated lands, will adequately mitigate the concerns regarding vehicle queuing at the intersection of Humber Hill Avenue and Old Dundas Road.

The application proposes to provide parking in accordance with the requirements of City of Toronto Zoning By-law No. 569-2013. The proposed building would provide a total of 289 parking spaces, of which 246 would be for residents and 43 would be residential visitor spaces. Of the 246 resident parking spaces, 21 are proposed to be in tandem. Transportation Services' staff have advised that that the parking provision is acceptable, provided that the tandem spaces are sold to the same owner. A condition to that effect will be secured through the Site Plan approval process and will be required to be included in the Condominium declaration. Currently, the building is proposed as a condominium, but the owner may decide to construct it as a rental apartment building, which may require less parking than currently proposed.

Bicycle Parking

The Toronto Green Standard requires a total of 220 bicycle parking spaces, of which 176 would be for residents and 44 would be for visitors. The proposed building would provide the required 220 bicycle parking spaces in several locations – 39 resident spaces on the ground floor, 28 visitor spaces at the P1 level, 74 resident spaces at the P2 level, and 63 resident spaces at the P3 level. Another 16 visitor bicycle parking spaces would be located at grade, adjacent to the building entrance at the northwest corner of the building, 10 on the Humber Hill Avenue frontage and 6 on the Dundas Street West frontage. The provision of bicycle parking in the proposed development would satisfy the requirements of the Toronto Green Standard.

Toronto Transit Commission (TTC)

A number of residents expressed concern about crowding on local TTC bus routes and the difficulties the TTC's No. 55 'Warren Park' buses may have navigating Old Dundas Street during winter months if vehicle queues occur. The application was circulated to the TTC and staff from the TTC advised that the plans have been reviewed and are satisfactory.

Servicing

A Functional Servicing Report (FSR) was submitted as part of the application and was reviewed by Engineering and Construction Services and Toronto Water staff. Toronto Water staff have advised that the site is served by the Warren Park Sewage Pumping Station, which is part of the Humber Sewershed system. Based on their review, Toronto Water staff advised that there are capacity concerns with respect to both the Warren Park Sewage Pumping Station and the local sewer network.

With respect to pumping station capacity, Toronto Water staff advised that they have conducted a study on the capacity of the Warren Park Sewage Pumping Station and have determined that upgrades are necessary. In order to accommodate the proposed units, the owner of the subject site will be required to contribute \$100,000 to upgrade the Warren Park Sewage Pumping Station. Toronto Water staff have advised that they will complete the work required to accommodate the proposed development within 3-6 months once the payment is received. City-initiated upgrades to further increase the capacity of the pumping station will take place at a later date.

With respect to the sewer network, Toronto Water is currently conducting a study on the system capacity. Toronto Water staff have advised that the owner is required to conduct its own sewer capacity analysis from the proposed development to the pumping station to the satisfaction of the General Manager, Toronto Water. Depending on the outcome of the analysis conducted by the applicant's consulting engineer and Toronto Water staff, the owner of the subject site may be required to design and construct improvements/upgrades to the sewer network in order to facilitate the proposed development.

If the Zoning By-law Amendment application is approved, staff recommend that several conditions be imposed to ensure that the site can be adequately serviced. These conditions, pertaining to financial contributions towards the pumping station upgrades and the analysis and potential upgrades to the sewer system, would need to be satisfied prior to City Council enacting the Bills to bring the Zoning By-law into force.

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and public property. An Arborist Report was submitted with the application. The report indicates that one private tree and two City-owned trees would be removed. The Planting Plans show a total of 12 new trees to be planted on the City road allowance, 7 trees on private property outside ravine protection limits and 18 trees in the ravine area to the south of the proposed building. Urban Forestry staff have advised that the planting plan is acceptable. The tree planting and tree removal securities for this development will be secured through the Site Plan approval process.

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. The site is in a parkland 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 is 1,333 m² or 25% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the

development site is applied to the residential use. In total, the parkland dedication requirement is 527 m².

Parks, Forestry and Recreation staff have advised that the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu as there is no suitable location for an on-site parkland dedication. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Ravine and Natural Feature Protection

The southern portion of the property is protected under the City of Toronto Municipal Code Chapter 658-Ravine & Natural Feature Protection By-law. Parks, Forestry and Recreation staff do not object to the Zoning By-law Amendment, in principle, subject to the satisfaction of conditions required under the City of Toronto Municipal Code Chapter 658. These conditions will be secured through the Site Plan approval process.

Official Plan Natural Environment Policy 3.4.8 requires that development be setback from the stable top-of-bank of valleys by at least 10 m. The proposed building would maintain a 10 m setback from the stable top-of-bank and would satisfy this requirement. This 10 m setback requirement is included in the Draft Zoning By-law Amendment.

Toronto and Regional Conservation Authority (TRCA)

The proposal is located within a TRCA regulated area of the Humber River Valley. In accordance with Ontario Regulation 166/06, a permit is required from the TRCA prior to any development or site alteration within the regulated area. Planning staff have been advised that TRCA staff support the proposed development in principle. Detailed design elements with respect to stormwater management, erosion and sediment controls and landscape and planting plans will be secured through the Site Plan approval process.

Geotechnical/Slope Stability

Members of the community expressed concern about potential slope destabilization and significant erosion as a result of the proposed development due to the steep sloping of the subject site down to the homes fronting Juliana Court. As noted above, Parks, Forestry and Recreation and TRCA staff have reviewed the proposal with respect to grading and erosion and are satisfied that these issues have been adequately addressed for the purposes of the Zoning By-law Amendment and the detailed design elements of these matters will be secured through the Site Plan approval process. Issues pertaining to structural stability would be reviewed by Toronto Building staff prior to the issuance of any building permits.

Archeological Potential

As part of the application, Stage 1 and 2 Archeological Assessments were submitted for the subject site. The Stage 2 Archeological Assessment recommended an archeological monitoring program during construction. Heritage Preservation Services staff have recommended that a number of conditions, including the archeological monitoring program, be secured through the Site Plan approval process.

School Board Requirement

The Toronto District School Board (TDSB) advises that currently there is insufficient space at the local schools to accommodate students that are anticipated from this development and others in the area. Children from new development will not displace existing students at local schools. The Toronto Catholic School Board (TCSB) has not provided comment.

The TDSB has requested the proponent be required to erect Notice Signs and that warning clauses be included in all purchases, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside the immediate neighbourhood. These requirements would be secured in the Section 37 Agreement, should the application be approved.

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 and this will be secured in the Section 37 Agreement and through the Site Plan approval process.

Section 37

Section 37 of the *Planning Act* authorizes a municipality, with appropriate approved Official Plan policies, 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. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The provision of appropriate community benefits has been discussed with the Ward Councillor and the applicant has agreed to provide appropriate benefits. It is recommended that these benefits be secured in a Section 37 Agreement prior to introducing the necessary Bills to City Council for enactment, to be registered on title. These benefits include:

- a. Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$525,000 to be allocated as follows:
 - i. \$325,000 towards capital improvements to Lambton Park, Florence Gell Park and/or Magwood Park, to the satisfaction of the Chief Planner and Executive Director, City Planning and the

General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;

- ii. \$100,000 towards capital improvements to Lambton House to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - iii. \$50,000 towards capital improvements to the Jane/Dundas Toronto Public Library Branch to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Librarian, in consultation with the Ward Councillor; and
 - iv. \$50,000 to Toronto Community Housing Corporation to be used towards capital improvements at Dundas Gooch or Cooper Mills Townhomes to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- b. The cash amounts identified in a. i. to iv. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment.
- c. In the event the cash contributions referred to in a. i. to iv. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, 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.
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- i. The inclusion of a requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces shall be created as one unit.
 - ii. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
 - iii. 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 of October 26 and 27, 2009.

CONCLUSION

The proposal has been refined through the review process and as a result of extensive consultation with the local community. The proposed amendments to former City of York Zoning By-law No. 1-83 are appropriate and represent good planning. The proposal is consistent with the Provincial Policy Statement, 2014, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe and conforms to the Official Plan *Mixed Use Areas* policies.

The proposed development would provide an appropriate transition from the subject site to the properties designated *Neighbourhoods* to the south, west and northwest of the subject site and would not result in any adverse impacts from shadowing or overlook. The proposal is appropriate in terms of height, density and massing and is consistent with the Official Plan direction that much of the new housing in the City will be absorbed by *Mixed Use Areas*.

As such, Planning staff recommend that the application to amend the Zoning By-law be approved, subject to the conditions noted in this report.

CONTACT

Anthony Hommik, Planner
Tel. No. 416-394-6006
Fax No. 416-394-6063
E-mail: anthony.hommik@toronto.ca

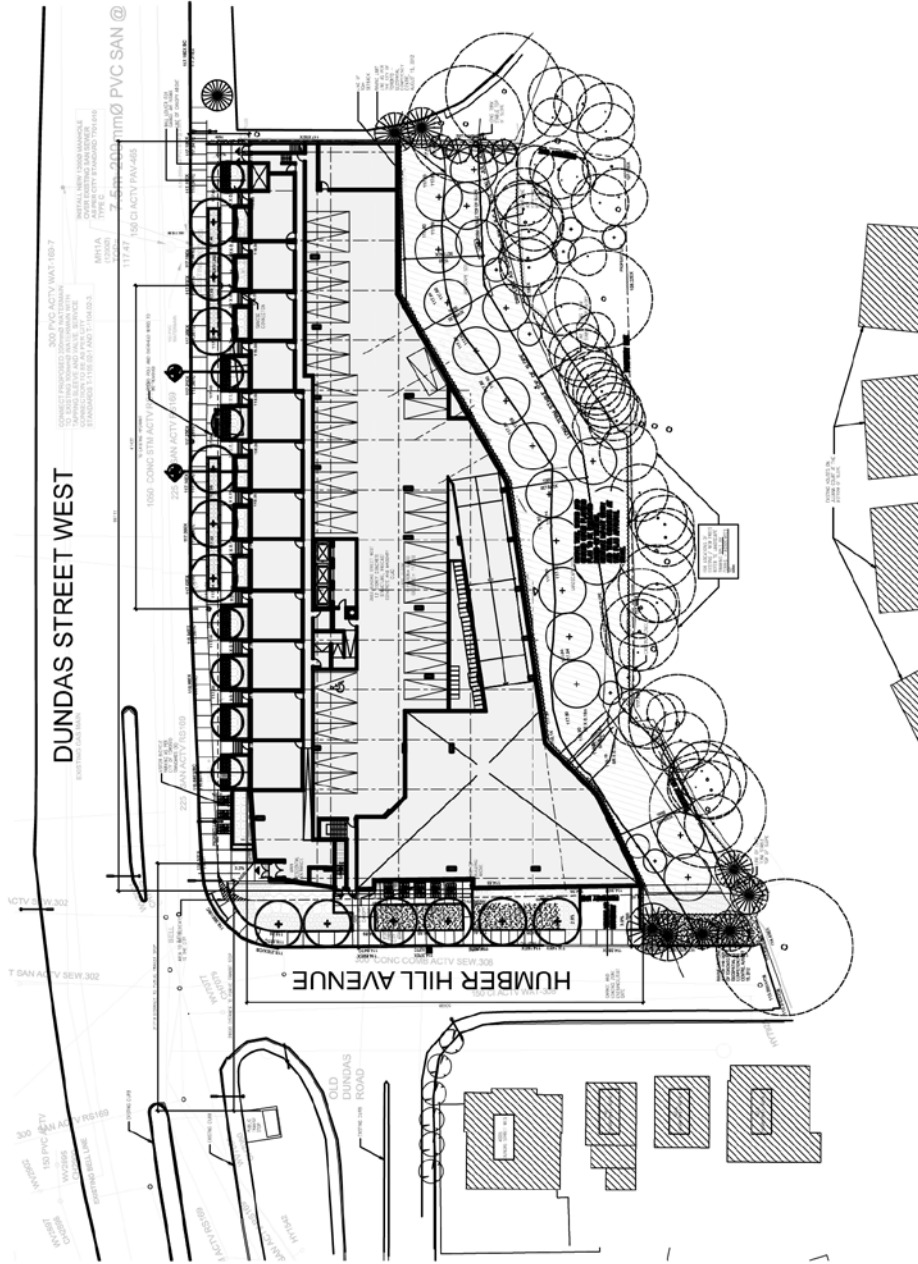
SIGNATURE

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

ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Official Plan
Attachment 4: Former City of York Zoning By-law No. 1-83
Attachment 5: Application Data Sheet
Attachment 6: Draft Zoning By-law Amendment (Former City of York Zoning By-law No. 1-83)

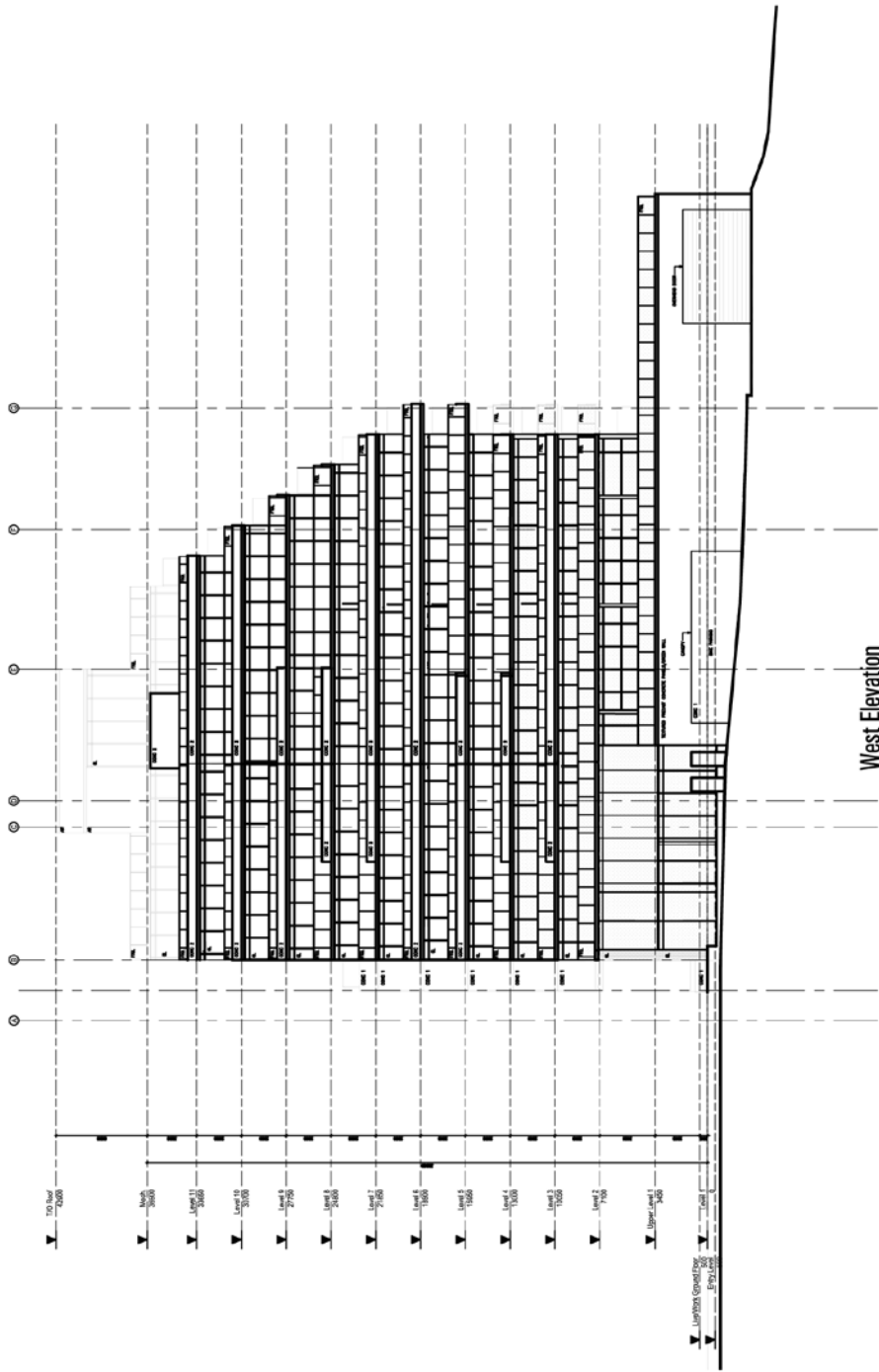
Attachment 1: Site Plan



Site Plan
Applicant's Submitted Drawing
Not to Scale
05/10/16

**3775 - 4005 Dundas Street West and
2 - 6 Humber Hill Avenue**
File # 12_295537 WET 13 0Z

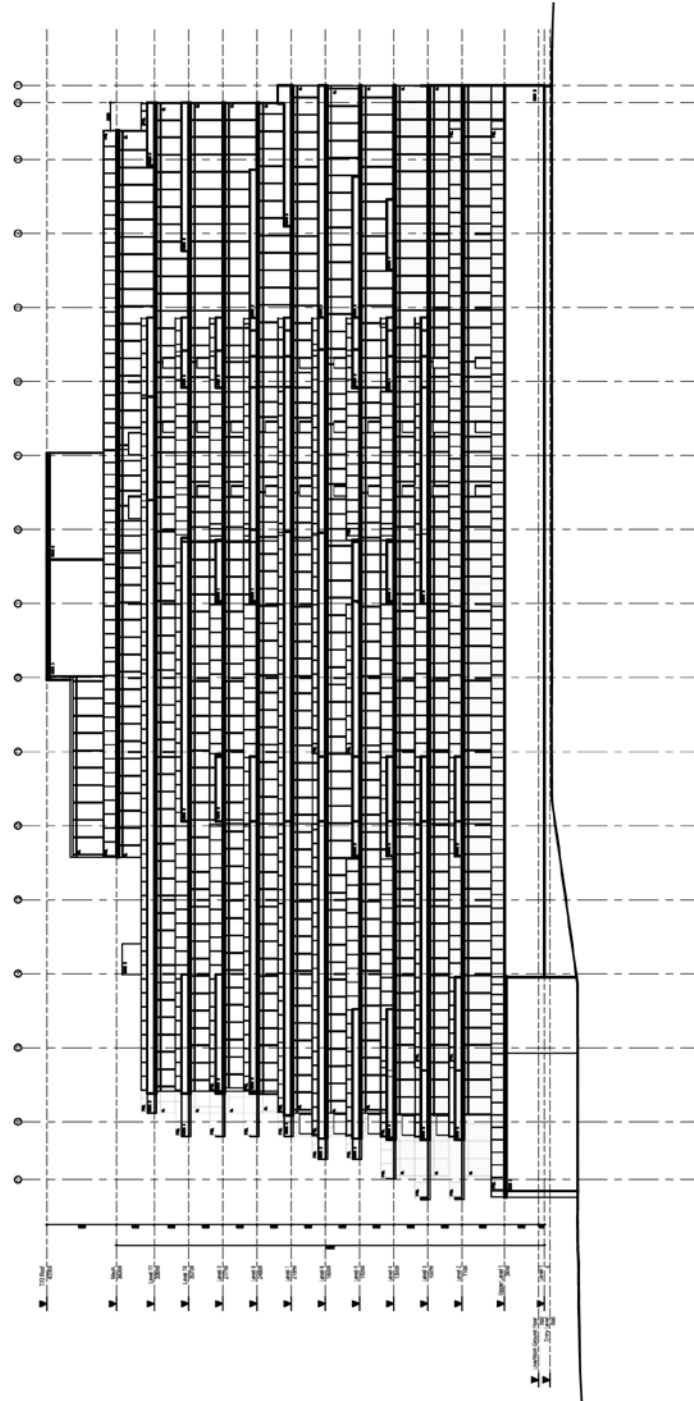
Attachment 2: Elevations



Elevations
 Applicant's Submitted Drawing
 Not to Scale
 05/10/16

**3775 - 4005 Dundas Street West and
 2 - 6 Humber Hill Avenue**
 File # 12_295537 WET 13 0Z

Attachment 2: Elevations



South Elevation

Elevations

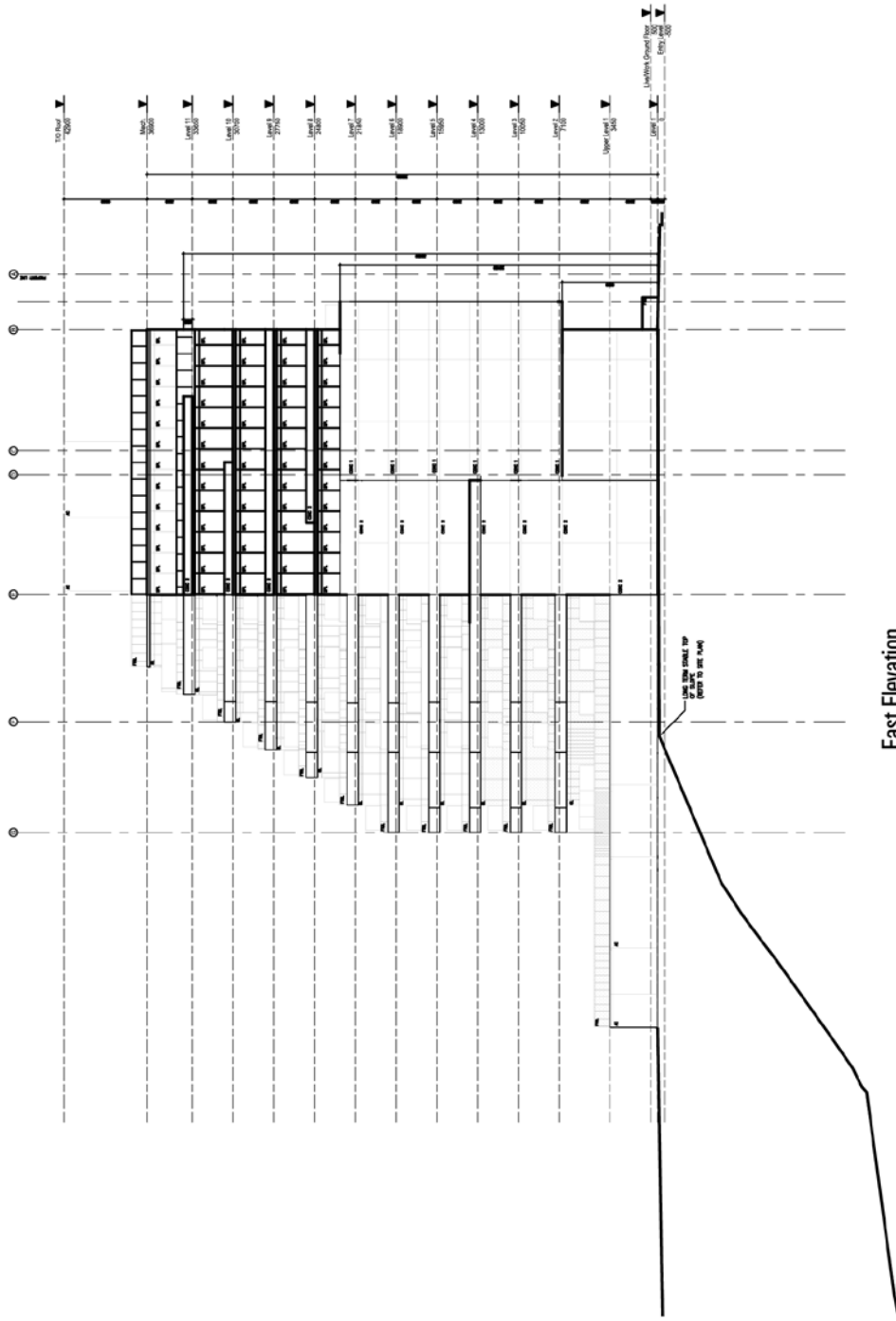
Applicant's Submitted Drawing

Not to Scale
05/10/16

**3775 - 4005 Dundas Street West and
2 - 6 Humber Hill Avenue**

File # 12_295537 WET 13 0Z

Attachment 2: Elevations



East Elevation

Elevations

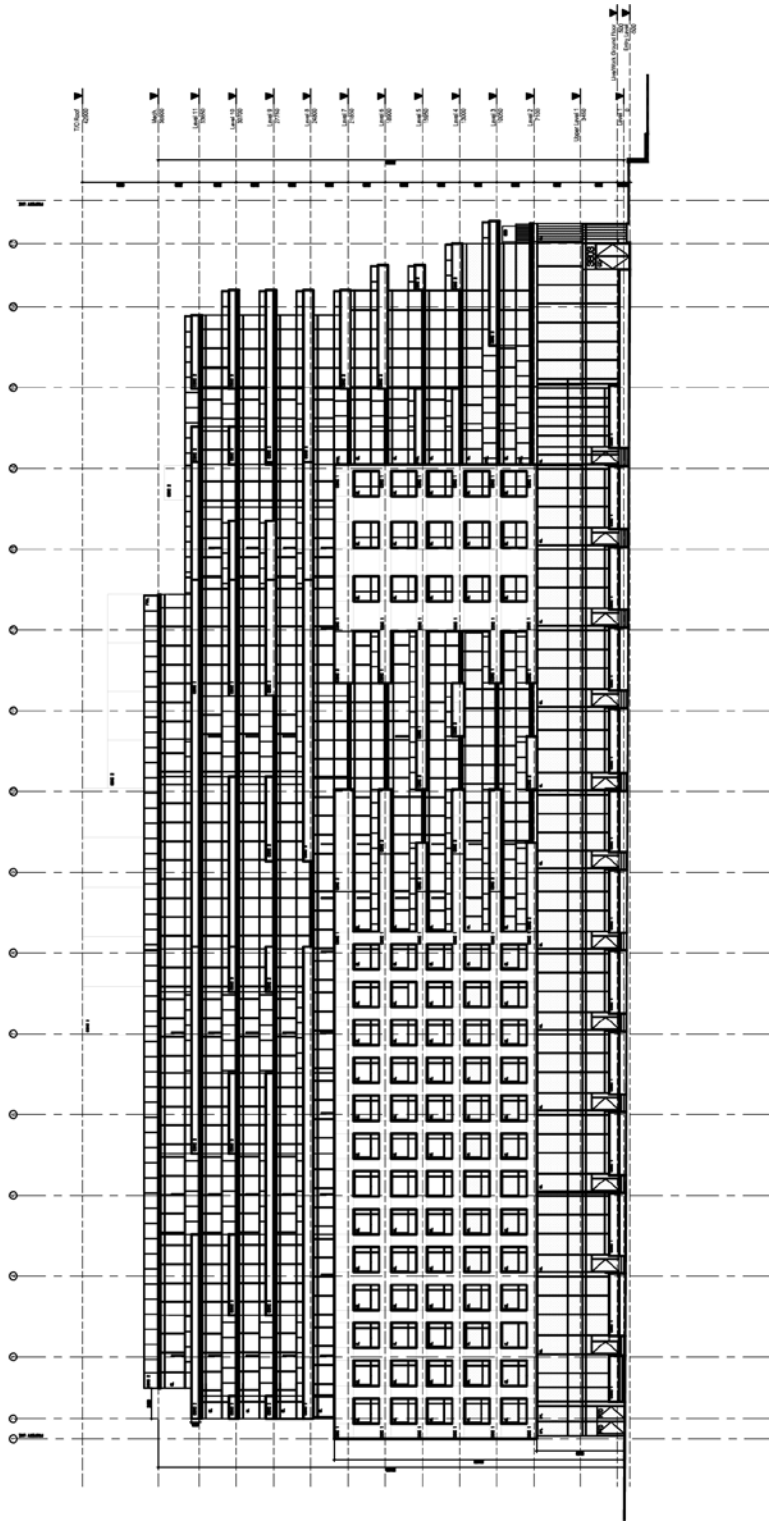
Applicant's Submitted Drawing

Not to Scale
05/10/16

**3775 - 4005 Dundas Street West and
2 - 6 Humber Hill Avenue**

File # 12_295537 WET 13 0Z

Attachment 2: Elevations



North Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
05/10/16

**3775 - 4005 Dundas Street West and
2 - 6 Humber Hill Avenue**
File # 12_295537 WET 13 0Z

Attachment 3: Official Plan



TORONTO City Planning
Official Plan

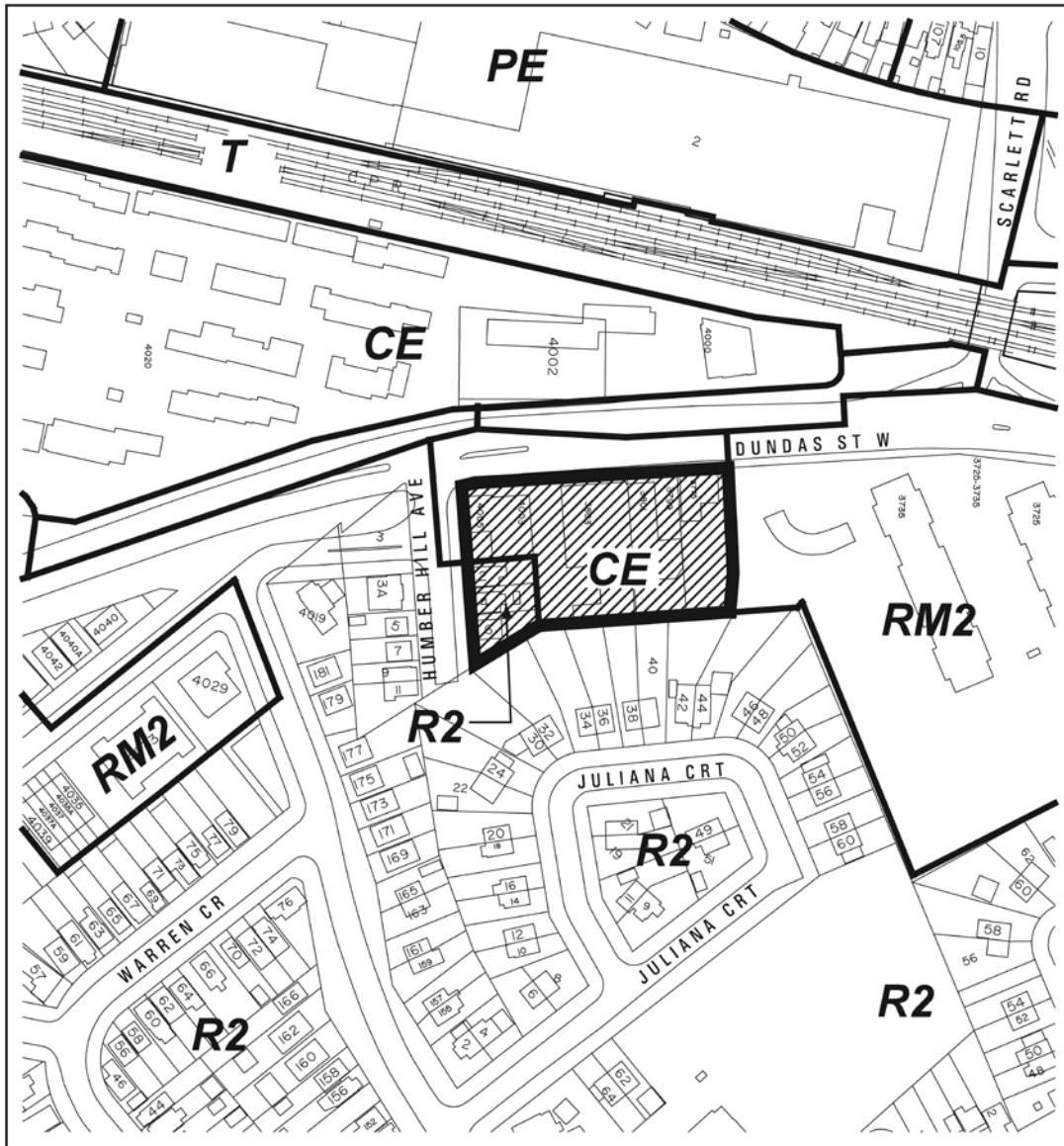
3775 - 4005 Dundas Street West and
2 - 6 Humber Avenue

File # 12 295537 WET 13 0Z



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Not to Scale
05/10/16

Attachment 4: Former City of York Zoning By-law No. 1-83



TORONTO City Planning
Zoning

3775 - 4005 Dundas Street West and
2 - 6 Humber Avenue
File # 12 295537 WET 13 0Z

- R2 Residential Zone
- RM2 Residential Multiple Zone
- PE Prestige Employment Zone
- CE Commercial Employment Zone
- T Transportation & Utilities



Not to Scale
Former York Zoning By-law 1-83
Extracted 04/04/2013

Attachment 5: Application Data Sheet

Application Type	Rezoning	Application Number:	12 295537 WET 13 OZ
Details	Rezoning, Standard	Application Date:	December 18, 2012

Municipal Address: 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue

Location Description: CON 2 FTB HR PT LOT 5 **GRID W1301

Project Description: Proposed amendments to former City of York Zoning By-law No. 1-83 to permit the construction of a 12-storey residential apartment building.

Applicant:	Agent:	Architect:	owner:
TAS Design Build 491 Eglinton Ave W, Suite 503 Toronto ON M5N 1A8	TAS Design Build 491 Eglinton Ave W, Suite 503 Toronto ON M5N 1A8	Teeple Architects 5 Camden Street Toronto ON M5V 1V2	Caribou Urban Properties Inc. 109 Atlantic Ave, Suite 302b Toronto ON M6K 1X4

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	CE and R2 (By-law No. 1-83)	Historical Status:	No
Height Limit (m):	20	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	5,270	Height:	Storeys:	12
Frontage (m):	96		Metres:	36.9
Depth (m):	65			
Total Ground Floor Area (sq. m):	3,019			Total
Total Residential GFA (sq. m):	26,274		Parking Spaces:	289
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	26,274			
Lot Coverage Ratio (%):	57			
Floor Space Index:	5.0			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Tenure Type:	Condo		
Rooms:		Residential GFA (sq. m):	26,274
Bachelor:	24 (8.2%)	Retail GFA (sq. m):	0
1 Bedroom:	136 (46.4%)	Office GFA (sq. m):	0
2 Bedroom:	120 (41%)	Industrial GFA (sq. m):	0
3 + Bedroom:	13 (4.4%)	Institutional/Other GFA (sq. m):	0
Total Units:	293		

CONTACT: PLANNER NAME: Anthony Hommik, Planner
TELEPHONE: 416-394-6006

Attachment 6: Draft Zoning By-law Amendment (Former City of York Zoning By-law No. 1-83)

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

Enacted by Council: ~, 20~

CITY OF TORONTO

BY-LAW No. XX- 2016

To amend the former City of York By-law No. 1-83, as amended, in respect of lands municipally known as 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.

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

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

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

1. That Section 6 of Zoning By-law No. 1-83, as amended, be further amended by adding a new Subsection (194) as follows:

Lands - 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.

“(194) MAP 20

By changing the area shown on District Map 20 more particularly shown on Schedule “A” hereto, from a Commercial Employment (CE) and Residential Zone 2 (R2) to Main Street Commercial/Residential Zone (MCR)(H1) and Section 16 (194).”

2. That Section 16 of Zoning By-law 1-83, as amended, of the former City of York, be further amended by adding a new subsection (194) as follows:

“(194) Lands - 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue.

- 1) Notwithstanding the provisions of Section 12 of this By-law, the lands municipally known as 3775-4005 Dundas Street West and 2-6 Humber Hill Avenue, as shown on Schedule “A” to this By-law and to this Subsection may be only used for the following purposes:

Apartment Building
Dwelling Unit

Home Occupation
Retail Store
Office
Eating Establishment (not including licensed establishments)
Take-out Eating Establishment
Any use Accessory to any of the foregoing uses

Provided that the following regulations are complied with:

- a) Notwithstanding the provisions of Section 12.3 of this By-law, the maximum height of any building or structure, or portion thereof, shall not exceed the height limits in metres specified by the numbers following the symbol H as shown on Schedule "B" except for the following:
 - i. any mechanical penthouse, structures for noise attenuation, cooling towers, chimney stacks, makeup air units, emergency generator, lighting rods, garbage chute overruns, exhaust stacks, outside or open air recreation, stair enclosures, safety or wind protection purposes in addition to the height exemptions listed in Section 3.7.1 of By-law 1-83, as amended, provided that the maximum height of the top of such element or enclosure is no higher than the sum of 6.0 metres plus the height limit otherwise applicable as shown on Schedule "B"; and
 - ii. any curbs, guard rails, balustrades, balcony railings parapets, terrace guards and dividers, planters, railings, decorative screens, trellises and other decorative landscape elements, flues, vents and window washing equipment, roof assemblies including decking and paver, solar panels and solar hot water heaters including those located on the roof of the building, provided that the maximum height of the top of such elements is no higher than the sum of 1.8 metres plus the height limit otherwise applicable as shown on Schedule "B";
- b) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by heavy lines as shown on Schedule "B", with the exception of the following:
 - i. Rooftop architectural features, canopies, awnings, building cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures,

- wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features; and
- ii. Balconies may extend a maximum of 2.0 metres beyond the heavy lines shown on Schedule “B” as measured perpendicular to the exterior walls of the building.
- c) Notwithstanding Section 12.3(5) of this By-law, the maximum Gross Floor Area shall be 26,600 square metres
 - i. The maximum Gross Floor Area used for non-residential uses is 3,500 square metres.
 - d) Residential amenity space shall be provided and maintained on the Lands shown as MCR S16(194) on Schedule “A” in accordance with the following:
 - i) a minimum of 2.0 square metres of indoor amenity space for each dwelling unit must be provided and maintained in two multi-purpose rooms, that may or may not be contiguous with one another, and at least one of which must contain a kitchen and a washroom; and
 - ii) a minimum of 2.0 square metres of outdoor amenity space for each dwelling unit must be provided of which at least 200 square metres must be in a location adjoining or directly accessible from the indoor amenity space required in (i) above.
 - e) Parking spaces for the dwelling units must be provided and maintained in accordance with the following:
 - i) a minimum of 0.7 parking spaces per bachelor or studio dwelling unit;
 - ii) a minimum of 0.8 parking spaces per one bedroom dwelling unit;
 - iii) a minimum of 0.9 parking spaces per two bedroom dwelling unit;
 - iv) a minimum of 1.1 parking spaces per three bedroom dwelling unit;
 - v) a minimum of 0.15 visitor parking spaces per dwelling unit;
 - f) The number of bicycle parking spaces shall be provided in accordance with the following provisions:
 - i) a minimum of 0.60 bicycle parking spaces – occupant per dwelling unit;

- ii) a minimum of 0.15 bicycle parking spaces – visitor per dwelling unit.
- g) Notwithstanding the residential parking requirements outline in subsection f)(i) through f)(iv) above, a maximum of 30 residential *parking spaces* shall be provided in the form of tandem parking spaces; and
- h) None of the provisions of this Zoning By-law shall apply to prevent a temporary sales office on the Lands.
- i) For the purposes of this By-law the following definitions shall apply:

“Ancillary” means naturally and normally incidental, subordinate in purpose or floor area, and exclusively devoted to a permitted use, building or structure.

"Apartment Building" means a building that has five or more dwelling units, with at least one dwelling unit entirely or partially above another, and each dwelling unit has a separate entrance directly from outside or through a common inside area. A building that was originally constructed as a detached house, semi-detached house or townhouse and has one or more secondary suites is not an apartment building.

"Dwelling Unit" means living accommodation for a person or persons living together as a single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

"Eating Establishment" means premises where food or beverages are prepared and offered for sale to patrons for immediate consumption on the premises while they are seated, and which may include an incidental take-out service, but do not include licensed eating establishments.

“Grade” means 117.5 metres Canadian Geodetic Datum.

“Gross Floor Area” means the sum of the total area of each floor level of the building, above and below the ground, measured from the exterior of the main wall of each floor level except for the area in the building used for:

- (A) parking, loading and bicycle parking below-ground;
- (B) required loading spaces at the ground level and required bicycle parking spaces at or above ground;

- (C) storage rooms, washrooms, electrical, utility, mechanical and ventilation rooms in the basement;
- (D) shower and change facilities required by this By-law for required bicycle parking spaces;
- (E) amenity space required by this By-law;
- (F) elevator shafts;
- (G) garbage shafts;
- (H) mechanical penthouse; and
- (I) exit stairwells in the building.

"Home Occupation" means a business use within a dwelling unit, where the dwelling unit is the principal residence of the business operator. The business use shall be limited to 30% of the gross floor area of the unit.

"Office" means a room, set of rooms, or building used as a place for commercial, professional work, excluding medical offices.

"Recreational use" means premises used for sports, physical play or exercise, such as a fitness club, bowling alley, billiards hall or pool hall, swimming pool or skating rink. An amusement arcade and a sports place of assembly is not a recreation use.

"Retail Store" means premises in which goods or commodities are sold, rented or leased.

"Temporary Sales Office" means a building, structure, facility or trailer on the Lands used exclusively for the initial sale of dwelling units to be erected on the lands.

"Take-out Eating Establishment" means premises where food or beverages are prepared and offered for sale to patrons for consumption off the premises.

3. Despite any existing or future consent, severance, partition or division of the lands, the provisions of this By-law shall apply to the Lands as if no consent, severance, partition or division occurred.
4. Section 37 Provisions
 - (a) Pursuant to Section 37 of the *Planning Act*, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 'A' in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Appendix 1 hereof and 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;

- (b) Where Appendix 1 of 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; and
 - (c) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix 1 are satisfied.
5. All other provisions of former City of York Zoning By-law No. 1-83 shall continue to apply except in the case where provisions of this Exception are in conflict, in which case the provisions of this Exception shall prevail.

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

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

APPENDIX 1

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Schedule 'A' in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owners agree as follows:

The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

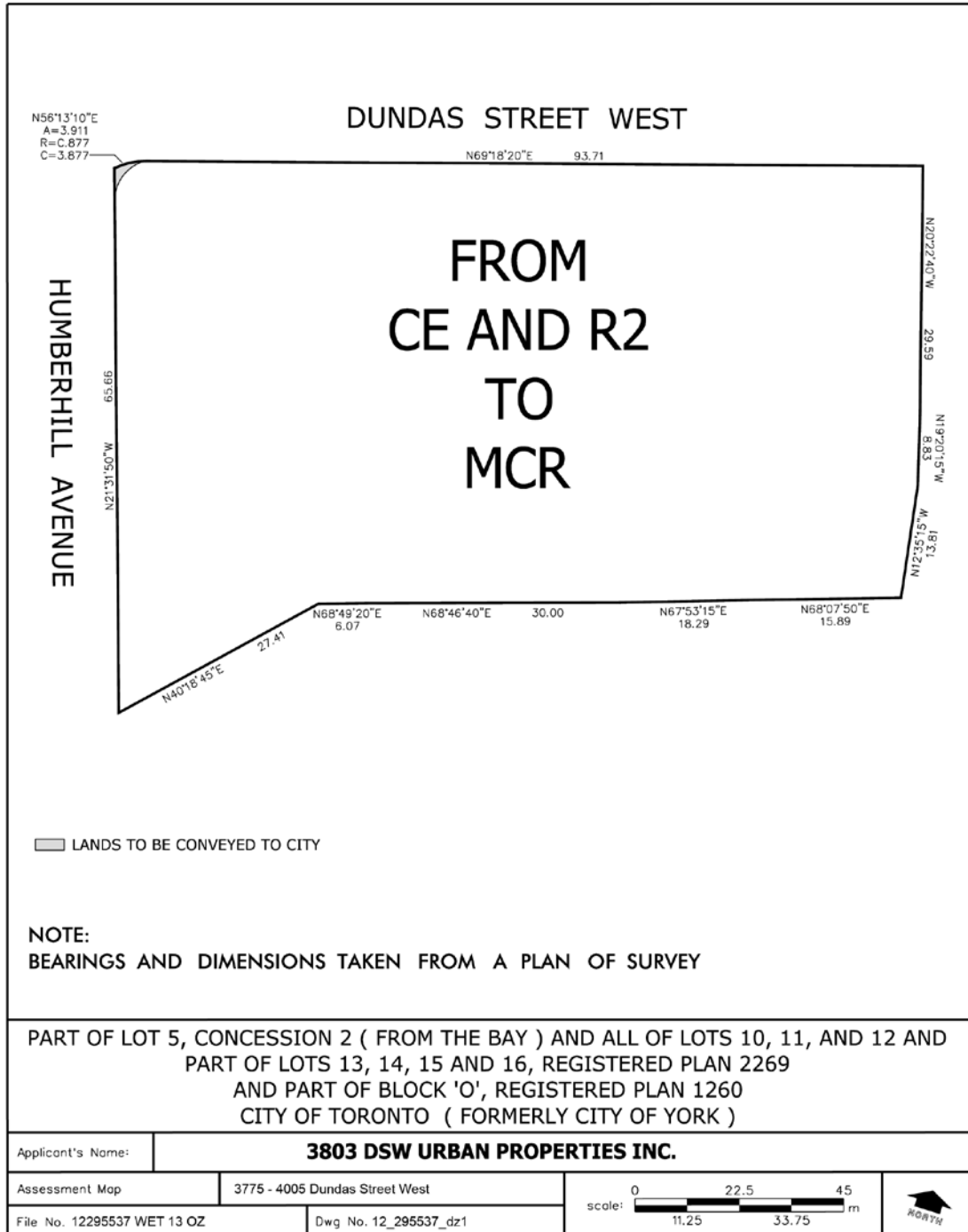
- (1) Prior to the issuance of the first-above grade building permit, the owner shall pay to the City the sum of \$525,000 to be allocated as follows:
 - a. \$325,000 towards capital improvements to Lambton Park, Florence Gell Park and/or Magwood Park, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Parks, Forestry and Recreation, in consultation with the Ward Councillor;
 - b. \$100,000 towards capital improvements to Lambton House to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - c. \$50,000 towards capital improvements to the Jane/Dundas Toronto Public Library Branch to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Librarian, in consultation with the Ward Councillor; and
 - d. \$50,000 to Toronto Community Housing to be used towards capital improvements at Dundas Gooch or Cooper Mills Townhomes to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.
- (2) The payment amounts identified in a. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;
- (3) In the event the cash contributions referred to in Recommendation 6 a. i. through iv. above have not been used for the intended purposes within three (3) years of the By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and

Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

- (4) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support the development:
- a. The inclusion of a requirement that, should the owner make an application to unitize parking spaces within the development through a plan of condominium, any tandem parking spaces shall be created as one unit.
 - b. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues; and
 - c. 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 of October 26 and 27, 2009.
 - d. The owner shall submit a certified cheque in the amount of \$100,000 to the City as a cash contribution for upgrading the Warren Park Sewage Pumping Station to support the development. The City will be responsible for completing these upgrades and the details of which will be secured in the Section 37 Agreement as a legal convenience.

Schedule A

TORONTO Schedule 'A' BY-LAW



Schedule B

