



REPORT FOR ACTION

**5507 and 5509 Dundas Street West – Zoning By-law
Amendment Application – Final Report**

Date: December 14, 2020

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward 3 - Etobicoke-Lakeshore

Planning Application Number: 18 133602 WET 05 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit a 22 storey (21 storey plus mezzanine) 71.3 m in height excluding mechanical penthouse (73.3 m in height including mechanical penthouse) mixed-use building at 5507 and 5509 Dundas Street West. The building would contain 259 residential units and 1,209 m² of commercial at-grade floor area. The building would have a gross floor area of 21,935 m², yielding a Floor Space Index of approximately 6.56 times the area of the lot. A total of 183 parking spaces would be provided in three levels of parking. Vehicular access to the below grade parking would be provided via a rear lane which would be subject to a public easement and potential conveyance to the City in the future. The proposal also includes a POPS space at the front of the building with a public art installation and six affordable rental apartment units.

The proposed development has regard for matters of Provincial Interest, is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020). The proposed development represents appropriate intensification along Dundas Street West and is consistent with the City Official Plan and Guidelines.

This report reviews and recommends approval of the application to amend the Zoning By-laws subject to the owner entering into a Section 37 Agreement and the conditions listed in a Holding Provision. Provided the matters subject to the Holding Provision are addressed, staff are of the opinion the proposed development is appropriate in this location.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code for the lands at 5507 and 5509 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
2. City Council amend City-wide Zoning By-law No. 569-2013 for the lands at 5507 and 5509 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-laws as may be 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, including provisions for indemnity, insurance, financial security, maintenance, HST and indexing, as applicable, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, as follows:
 - a. The community benefits recommended to be secured in the Section 37 Agreement are as follows:
 - i. Prior to the issuance of the first above-grade building permit, the owner shall make a financial contribution to the City in the amount of one million dollars (\$1,000,000) by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements for one or more of the following capital improvements within the Ward:
 - A. Islington BIA;
 - B. Etobicoke Centre Six Points Park;
 - C. Etobicoke Civic Centre Library and Community Centre;
 - D. Local non-profit child care facilities;
 - E. Wedgewood Pool; and
 - F. Local park and streetscape improvements.
 - ii. The financial contribution pursuant to Recommendation 4.a.i. above shall be indexed upwardly in accordance with the Statistics Canada

Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;

- iii. In the event the financial contribution in Recommendation 4.a.i. above has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands;
- iv. The owner shall make a Public Art contribution in the amount of five hundred thousand dollars (\$500,000) on public art program terms set out in the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of issuance of the first above-grade building permit;
- v. The owner shall provide and maintain at least six (6) affordable rental dwelling units within the proposed mixed-use building on the lot to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
- vi. The owner shall provide and maintain the six (6) affordable rental dwelling units as rental dwelling units for at least twenty (20) years, beginning from the date that each such unit is first occupied on terms set out in the Section 37 Agreement. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provides a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes or to demolish any affordable rental dwelling unit shall be made for at least twenty (20) years from the date of first occupancy. Upon the expiration of the twenty (20) year period, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise;
- vii. The owner shall provide and maintain the six (6) affordable rental dwelling units in accordance with the following: a) one (1) of the affordable rental dwelling units shall be three-bedroom or larger and shall have a minimum floor area of 111.7 m²; b) two (2) of the affordable rental dwelling units shall be two-bedroom units or larger and shall each have a minimum floor area of at least 87 m²; and c) three (3) of the affordable rental dwelling units shall be one-bedroom units or larger and shall each have a minimum floor area of at least 62.7 m²;

- viii. The owner shall provide and maintain the six (6) affordable rental dwelling units at affordable rents for at least fifteen (15) years, beginning with the date that each such unit is first occupied, in accordance with the terms set out in the Section 37 Agreement, including:
- A. The initial rent (inclusive of utilities) charged to tenants upon first occupancy of a new affordable rental dwelling unit shall not exceed the average rent for the same unit type for the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report;
 - B. After the first year of occupancy of a new affordable rental unit, the rent (inclusive of utilities) charged to tenants occupying the new affordable rental unit may be escalated annually by not more than the annual provincial rent guideline, until the tenancy ends;
 - C. Notwithstanding the annual rent increases permitted in subsection viii (a) above, the rent (inclusive of utilities) charged to any tenants occupying an affordable rental dwelling unit shall not be increased to an amount that exceeds the average rent for the same unit type for the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report; and
 - D. If an affordable rental dwelling unit becomes vacant and is re-rented during the 15-year affordability period, the initial rent (inclusive of utilities) charged to new tenants shall be no higher than the average rent for the same unit type for the City of Toronto, as reported by Canada Mortgage and Housing Corporation in its most recent annual Rental Market Report, until the tenancy ends.
- ix. Tenants of the new affordable rental units shall have access to all indoor and outdoor amenity spaces associated with the mixed-use building on the same basis as other units within the development with no separate or additional charges
- x. The location and layouts of the new affordable rental units within the new mixed-use building shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.
- xi. At least six months in advance of any new affordable rental units within the development being made available for rent to the general public, the owner shall develop and implement a Co-ordinated Access Plan in consultation with, and to the satisfaction, of the Chief Planner and Executive Director, City Planning; and
- xii. The Co-ordinated Access Plan will provide that:

A. Any affordable rental units are provided only to tenant households that have demonstrated, to the satisfaction of the Chief Planner and Executive Director, City Planning, they are in financial need of affordable rental accommodation, as the case may be;

B. The owner shall consult with the Chief Planner and Executive Director, City Planning, and offer any affordable rental units to tenant households who have demonstrated need as in A. above and who are on such waiting lists as may be specified, prior to making any affordable rental units available for rent to the general public; and

C. The owner shall make reasonable efforts, to the satisfaction of the Chief Planner and Executive Director, City Planning, to ensure, that any accessible rental units are made available for rent to tenant households having one or more household members with special needs, including physical and/or mental limitation; and

D. When entering into a tenancy agreement for a new affordable rental unit, the tenant's household income shall not exceed four (4) times the annual equivalent of the rent (inclusive of utilities) for the rental unit; and

xiii. The new affordable rental units shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units erected on the Lands are available and ready for occupancy.

b. The following matters are also recommended to be secured in the Section 37 Agreement in support of the development:

- i. The owner shall construct and maintain, at its own expense, an area of not less than 177 m² in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road, for use by the general public as privately-owned publicly accessible open space (POPS) with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
- ii. Prior to the issuance of the first above-grade building permit, building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.
- iii. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 7.5 metres measured

from the south property boundary the full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor. Such access easement shall include use associated with properties adjacent to a westerly extension of the rear access to a new proposed public street and fronting onto Dundas Street as well as properties south of such westerly extension, as applicable.

- iv. The owner shall, at its own expense, construct and maintain the rear access lands, referred to in Recommendation 4.b.iii. above, to the standard required of a public lane to the satisfaction of the General Manager, Transportation Services, with the design, details and configuration to be determined and secured in the context of site plan approval.
- v. The owner shall provide the City with a right, upon delivery of written notice in the future, to require the fee simple conveyance of the rear access lands referred to in Recommendation 4.b.i.i.i above to the City, all to the satisfaction of the General Manager Transportation Services and the City Solicitor on terms set out in the Section 37 Agreement. The right shall be exercisable at the discretion of the General Manager, Transportation Services, to facilitate a public lane at the rear of properties fronting onto Dundas Street West and extending westerly between Shorncliffe Road and a new proposed street to the west. Upon receipt of such notice, the then owner of the of property shall prepare all documents and convey the rear access lands to the City on a date that is 120 days following the delivery of notice, or a date otherwise determined appropriate by the General Manager, Transportation Services, to the satisfaction of the City Solicitor. Prior to conveyance, and as may be required, the then owner shall assess and remediate the lands being conveyed, in accordance with the most current environmental policies of City Council and reconstruct the rear access as a public lane.
- vi. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a pedestrian clearway easement in favour of the City in perpetuity, including support rights as applicable, to achieve a minimum of 2.1 metre public sidewalk for use by the public along the frontages of Dundas Street West and Shorncliffe Road, all to the satisfaction of the General Manager, Transportation Services and the City Solicitor. The details, location and configuration of the pedestrian clearway will be determined and secured in the context of site plan approval and the owner shall construct and maintain the pedestrian clearway easement lands at its own cost and expense.
- vii. 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 from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning.

- viii. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation.
- ix. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - A. In the event that car-share spaces, as defined in the Zoning By-law Amendment, are to be provided, a car-share provider shall be secured to the satisfaction of the General Manager, Transportation Services;
 - B. Implementation of any required air quality and odour mitigation or other recommendations, as detailed in the Air Quality and Odour Assessment (revised January 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - C. Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise and Vibration Impact Assessment (revised April 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - D. Construction of a bus platform, stop and shelter on the Shorncliffe Road frontage to the satisfaction of the Toronto Transit Commission;
 - E. Implementation of noise attenuation for the units in proximity to the proposed bus stop as may be recommended by the Toronto Transit Commission, including warning clauses in the associated purchase and sale/tenancy agreements;
 - F. Reconstruction of the City sidewalks to City standards along the frontages of Dundas Street West and Shorncliffe Road, to the satisfaction of the General Manager, Transportation Services;
 - G. Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning; and

- H. Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POP) to be located in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road.
- x. The conveyance of any easement or fee simple interest of lands to the City as contemplated in this Recommendation 4, shall be at no cost to the City, for nominal consideration and free and clear of encumbrances to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning as well as the General Manager, Transportation Services, as the case may be, and the cost of preparation and deposit of accepted reference plans shall also be at the owner's expense.

FINANCIAL IMPACT

The City Planning Division confirms there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

In 2007, the City initiated a Planning Framework Study for the lands on the north and south sides of Dundas Street West between Highway 427 and Shorncliffe Road to address the appropriate land uses, densities, building heights and built form for the redevelopment of the lands designated *Mixed Use Areas* and *Employment Areas* located north of the CPR Railway Line between Highway 427 and Shorncliffe Road. The study was also intended to resolve the related Official Plan Amendment applications submitted by the owners of the Honeydale Mall and Metro lands to the west of the subject site. There was extensive community consultation through the study and the study was completed in 2011 resulting in Official Plan Amendment No. 156 which implemented the recommendations of this study through Site and Area Specific Policy No. 367 (SASP 367). A copy of the Dundas Street West/Highway 427 Planning Framework Study can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.EY8.5>

Landowners to the west and south of the subject site (Metro and Azuria Group, respectively) appealed OPA 156 for their lands and settlements were reached resulting in a mixed-use and employment community that differs from the Dundas Street West/Highway 427 Planning Framework Study including the realignment of the road network and increased heights and densities, among other matters. The Ontario Municipal Board withheld its Order approving this settlement pending the fulfillment of conditions in its decision dated March 26, 2012. This continues to be the status for the Azuria lands adjoining the subject site immediately to the south.

A pre-application meeting was held on October 5, 2017. The current application was submitted for 5509 Dundas Street West on March 27, 2018 and a notice of Complete Application was issued on April 26, 2018. A Preliminary Report on the application was adopted by Etobicoke York Community Council on January 15, 2019 authorizing staff to

conduct a community consultation meeting. This consultation was held on February 27, 2019. A copy of the Preliminary Report can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.EY2.4>

After the community consultation meeting, the applicant purchased the adjacent property at 5507 Dundas Street West and the proposal was significantly revised to incorporate that site. For this reason, an additional virtual community consultation was scheduled with an expanded notification area as directed by the Ward Councillor. This virtual meeting was held with the applicant on September 23, 2020.

Community consultation comments are summarized in the Comments Section of this report.

PROPOSAL

The proposal seeks to amend the former City of Etobicoke Zoning Code and City-wide Zoning By-law No. 569-2013 to permit the construction of a 22 storey (21 storey plus mezzanine) mixed use building at 5507 and 5509 Dundas Street West. The proposed building would have a height of 68.3 m excluding mechanical penthouse, on the majority of the tower, and a height of 71.3 m on the northeast corner of the tower and 73.3 m height including the mechanical penthouse. The proposed development would have a gross floor area of 21,935 m², of which 1,209 m² would be for non-residential uses on the ground floor and the remaining 20,726 m² would be for residential uses. A total of 259 rental apartment units would be provided. The proposed density for the project represents a Floor Space Index of 6.56 times the area of the lot.

The proposal includes 519 m² (2 m² per dwelling unit) of indoor amenity space located on the ground floor in the form of a gathering space and meeting room (130 m²), in the mezzanine level in the form of a multi-purpose room, lounge area, co-work self-serve and a meeting room space (282 m²), on the 8th floor in the form of a party room and dining room (102 m²), and in the lower level in the form of a dog wash facility (5 m²). The proposed outdoor amenity space would total 864 m² (3.33 m² per dwelling unit) and would comprise two rooftop outdoor areas: one on the roof of the ground floor at the rear of the building (610 m²); and one on the rooftop of the 8th floor on the midrise portion at the front of the building (254 m²).

The main entrance to the building for residents would be from Dundas Street West at the corner of Dundas Street West and Shorncliffe Road with a POPS plaza (177 m²) directly in front of the entrance. An additional pedestrian access into the building is proposed from the laneway at the back of the building.

Five apartment units are proposed to have direct pedestrian access from the street off Shorncliffe Road. The application proposes 183 vehicular parking spaces, all but one of which would be located in a three level underground parking garage. Of the total vehicular parking spaces, 148 spaces would be for residents, 26 parking spaces would be for residential visitors and 9 parking spaces would be for commercial visitors. Five accessible parking spaces would be provided, and the site would also have the ability to convert 4 residential parking spaces into car-share parking spaces. Primary vehicular

access would be from a proposed partial-movement laneway from Shorncliffe Road on the south side of the proposed building.

Vehicular access to the parking garage would be from the access laneway. This laneway would provide access and egress for passenger vehicles to/from the parking spaces underground, as well as the loading area for garbage, moving in and servicing the retail. Also proposed within the laneway is a layby for drop off and pick up of passengers.

Loading would occur on the south side of the building near the parking garage ramp and garbage facilities. Garbage and recycling would be stored inside the building within a garbage and recycling room having direct access to the back of the building.

Based on the statistics of the application 203 bicycle parking spaces are to be provided. Of these, 177 are long term bicycle parking spaces for residential uses, 3 are long term bicycle parking spaces for non-residential uses, 19 are short term bicycle parking spaces for residential visitors and 4 are short term bicycle parking spaces for non-residential visitors. Bicycle access would be from the rear of the building off the access laneway with long term parking spaces located inside the building on the ground floor level and in the first level of the underground parking. The short term parking spaces would be located on the Dundas Street West frontage of the building.

For additional project information, see Attachment 1 for the Application Data Sheet, Attachment 8 for the site plan of the proposal and Attachments 9-12 for the building elevations.

Site and Surrounding Area

The site is located at the southwest corner of Dundas Street West and Shorncliffe Road and consolidates 5507 and 5509 Dundas Street West into one development parcel. The site has an area of 3,341 m² and is generally rectangular in shape, with significant grading changes over the site sloping downward toward the south. The site at 5507 Dundas Street west is currently occupied by a car dealership and the site at 5509 Dundas is vacant and used for parking.

Surrounding land uses include:

North: The site fronts onto Dundas Street West, with a 2-storey car dealership and a gas station on the north side of the street. Further north is a low rise residential community designated *Neighbourhoods*.

West: To the immediate west is a 2-storey car dealership, a 1-storey auto body shop and a vacant lot at Paulart Drive. Further west are vacant commercial lands.

East: The site fronts onto Shorncliffe Road, with a 1-storey restaurant across the street at the southeast corner of Shorncliffe Road and Dundas Street West, and a series of 1-storey commercial uses further east. These lands are the subject of a redevelopment application ("Pinnacle Etobicoke") for several tall buildings and a new public park.

South: Directly south of the site is meat packing operation and a small office building, and a large production and distribution facility, both with access off Shorncliffe Road. Further to the south is a CPR rail corridor and employment uses.

See Attachment 2 for the Location Map.

Reasons for the Application

Amendments to the former City of Etobicoke Zoning Code are required to rezone the lands from the Class 1 Industrial Zone (I.C1) to a Commercial Residential (CL) Zone to permit the residential use, height, density, parking and setbacks, among other performance standards.

Amendments to City-wide Zoning By-law No. 569-2013 are required to bring the lands into the by-law with a Commercial Residential (CR) Zone to permit the residential use, height, density, parking and setbacks, among other performance standards.

APPLICATION BACKGROUND

Application Submission Requirements

A complete application was submitted on March 27, 2018. A Notification of Complete Application was issued on April 26, 2018.

The following reports/studies were submitted in support of the application:

- Air Quality and Odour Assessment;
- Tree Declaration Report;
- Community Services and Facilities Study;
- Energy Strategy/Energy Modeling Report;
- Geotechnical Investigation Report;
- Hydrogeological Study;
- Noise and Vibration Impact Assessment;
- Pedestrian Wind Study;
- Planning Justification Report;
- Functional Servicing Report;
- Stormwater Management Report
- Transportation Impact Study;
- Public Consultation Plan;
- Shadow Impact Study; and
- Toronto Green Standard Checklist.

The above reports/studies can all be found in the Application Information Centre at <http://aic.to/5509DundasStW>.

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been 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.

Statutory Public Meeting Comments

In making their decision with regard to the Zoning By-law Amendment application, City Council members have an opportunity to consider the submissions received prior to and at the statutory public meeting held by the Etobicoke York Community Council for the application. Oral submissions made at the meeting will be broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities. The outcome of staff analysis and review of relevant matters of provincial interest are summarized in the Comments Section of this report.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (the "PPS (2020)") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS (2020) supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS (2020) is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS (2020).

The PPS (2020) recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS (2020). Policy 4.6 of the PPS (2020) states that: "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans".

The outcome of staff analysis and review of the PPS (2020) are summarized in the Comments Section of this report.

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS (2020) and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS (2020) and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan replaces the previous version, Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which the City forms an integral part. The Growth Plan (2020) establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2020), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of employment areas, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020) builds upon the policy foundation provided by the PPS (2020) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2020) take precedence over the policies of the PPS (2020) to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan (2020).

The outcome of staff analysis and review of the Growth Plan (2020) are summarized in the Comments Section of this report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan, including Site and Area Specific Policy No. 367 for the Dundas Street West/Highway 427 area.

Key policies include:

Priority Transit Segment

The site is located on a stretch of Dundas Street West that is identified as a Transit Priority Segment on Map 5 - Surface Transit Priority Network in the Toronto Official Plan. Policy 2.2.3l) indicates that on select bus routes, including those identified on Map 5, the City will give buses priority at signalized intersections and introduce measures such as reserved or dedicated lands for buses and limit or remove on-street parking during part or all of the day in order to increase transit priority through the City.

Avenues

The site is located on an *Avenue* on Map 2 - Urban Structure in the Toronto Official Plan. Section 2.2.3, Avenues: Reurbanizing Arterial Roads, states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. A framework for change is to be tailored to the situation of

each *Avenue* through a local *Avenue* Study that includes community consultation to establish a vision and implementation plan for: how the streetscape and pedestrian environment can be improved; where public open space can be created and existing parks improved; where trees should be planted; and how use of the road allowance can be optimized and transit service enhanced. Policies 2.2.3.1 and 2.2.3.2 require reurbanization of Avenues to be achieved through the preparation of Avenue Studies, and that these studies must engage the local community.

Compatibility/Mitigation with Transportation Facilities and Employment Areas

The site is north of an established employment area and a CP rail facility. The Official Plan policies require development adjacent to existing or planned transportation corridors and facilities and adjacent to or near employment areas to be appropriately designed, buffered and/or separated from industries as necessary to mitigate adverse effects from noise, vibration, traffic, odour and other contaminants, and to promote safety and security.

The Public Realm

Section 3.1.1, The Public Realm, states that the public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life.

Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into. Policy 3.1.1.10 states that lanes provide an important function as off-street access for vehicles, parking and servicing. As part of the public realm, lanes will be public and opportunities for lane enhancements should be identified as part of the development approval process. Where appropriate, lanes should be designed with consideration for safe, accessible and comfortable pedestrian and cyclist movement. Policy 3.1.1.11 provides that private shared driveways, where deemed to be appropriate by the City, will be publicly accessible, designed as part of the broader public street and lane network, and meet the design objectives for public lanes.

Policy 3.1.1.13 requires sidewalks to be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities. Further, Policy 3.1.1.14 requires that design measures which promote pedestrian safety and security will be applied to streetscapes, lanes, parks, other public and private open spaces, and all new and renovated buildings.

Built Form

Section 3.1.2, Built Form, is based on principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan. Policies require development be located and organized to fit with its existing and planned context. Development will support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development.

Policy 3.1.2.4 requires that development locate and organize vehicle parking and vehicular access, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policies 3.1.2.11, 3.1.2.12 and 3.1.2.13 encourage new indoor and outdoor amenity spaces be provided in multi-unit residential development, and that it be high quality, well designed and consider the needs of all ages and abilities over time and throughout the year. Outdoor amenity spaces should be located above grade, have access to daylight, direct access to sunlight, provide comfortable wind, shadow and noise conditions, be located away from and physically separated from loading and servicing areas, have generous well designed landscaped areas to offer privacy and an interface with the public realm, accommodate mature trees and promote use in all seasons.

Section 3.1.3, Built Form - Building Types, states that there are three scales of building types. The built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the appropriate form and fit with the existing and planned context. Tall buildings are the most intensive form of growth that come with both opportunities and challenges. Tall buildings should only be considered where they can fit into the existing or planned context, and where the site's size, configuration and context allows for the appropriate design criteria to be met.

Policy 3.1.3.7 states that tall buildings are generally greater in height than the width of the adjacent right-of-way and Policy 3.1.3.8 states that tall buildings should typically be designed to consist of three parts – a base, a tower and a top – carefully integrated into a single whole. Policies 3.1.3.9 to 3.1.3.12 state that: the base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale and be lined with active, grade-related uses; the tower portion of a tall building should be designed to reduce the physical and visual impacts of the tower, limit shadow impacts, maximize access to sunlight and open views of the sky from the public realm, limit and mitigate pedestrian level wind impacts, and provide access to daylight and protect privacy in interior spaces within the tower; the top portion of a tall building should be designed to integrate roof top mechanical systems into the building design, contribute to the surrounding skyline identity and character, and avoid up-lighting and excessive lighting.

Section 3.2.1, Housing, states that current and future residents must be able to access and maintain adequate, affordable and appropriate housing. The City's quality of life, economic competitiveness, social cohesion, as well as its balance and diversity depend on it. Policy 3.2.1.1 requires that a full range of housing, in terms of form, tenure and affordability be provided. Policy 3.2.1.3 encourages investment in new rental housing, particularly affordable rental housing.

Former Lake Iroquois Escarpment

Map 9 - Natural Heritage System, illustrates a line of Natural Heritage System that runs along the back part of the subject site indicating the approximate location of the former Lake Iroquois Escarpment (also referred to as Lake Iroquois Shorecliff).

Policy 3.1.1.17 directs that natural features of the City, such as the Lake Iroquois Escarpment be connected to the surrounding city and Policy 3.1.1.22 directs that scenic routes with public views of important natural features should be preserved and where possible improved by: maintaining views and vistas as new development occurs; creating or extending scenic routes or views when an opportunity arises; and increasing pedestrian and cycling facilities and amenities along the route.

Section 3.4, The Natural Environment, describes Toronto's natural heritage system as an evolving mosaic that integrates significant landforms and physical features, including the Lake Iroquois Escarpment.

Section 3.1.5, Heritage Conservation states that Toronto's cultural heritage can be seen in significant buildings, properties, districts, landscapes and archaeological sites found throughout the city. Policy 3.1.5.17 encourages commemoration of lost historical sites whenever a private or public work is undertaken in the vicinity of historic sites such as those important landscape features that have disappeared.

Mixed Use Areas

The site is designated *Mixed Use Areas* on Map 15 - Land Use Plan (see Attachment 3: Official Plan Land Use Map).

Section 4.5, *Mixed Use Areas*, states that the *Mixed Use Areas* designation is made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. Development in *Mixed Use Areas* is subject to development criteria as outlined by Policy 4.5.2 such as: create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meets the needs of the community; locate and mass new buildings to provide a transition between areas of different development intensity and scale; locate and mass new buildings 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 pedestrian environment; 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.

Implementation

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies of the Plan. The community benefit to be secured must bear a reasonable relationship to the increased height and/or density of the proposed development and have an appropriate geographic relationship with the proposed development.

Section 5.1.2, Holding By-laws, provides policies to enable the application of a holding provision on lands where the ultimate desired use of the lands is specified but development cannot take place until conditions set out in the Plan or by-law are satisfied.

Policy 5.6.7 provides that the policies of the Official Plan apply to areas subject to site/area specific policies except where in the case of a conflict, the site/area specific policy will prevail.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Site and Area Specific Policy No. 367

The site is located within Site and Area Specific Policy No. 367 ("SASP 367"). On July 12, 2011, City Council adopted Official Plan Amendment No. 156 implementing the recommendations of the Dundas Street West/Highway 427 Planning Framework Study for the lands bound by Dundas Street West to the north, the Canadian Pacific rail corridor to the south, Highway 427 to the west and Shorncliffe Road to the east.

SASP 367 includes *Mixed Use Areas* and *Employment Areas*. The subject site is in the *Mixed Use Areas*, with the vision being for lands to be redeveloped primarily with residential mid-rise and taller buildings supported by a public street network organized around a centrally located public park. Key objectives are: the lands are to be developed consistent with the policies of the *Mixed Use Areas* and *Employment Areas* designations of the Official Plan; new public streets, water and sanitary sewer infrastructure, public parkland and community facilities are required; a range of housing opportunities in terms of size, affordability and tenure is required; and development along Dundas Street West will contribute to the achievement of a vibrant and attractive public realm that encourages and supports pedestrian activity and reinforces the role of Dundas Street for commercial activity.

The transformation of the area is based on providing an increased scale of development south of Dundas Street West and the following public realm and built form policies inform the preparation of zoning by-laws and the review of development applications such that:

- Redevelopment shall establish a network of streets and blocks generally consistent with Map 1;
- The centrally located public park shall have direct frontage on a minimum of two public streets (preferably four streets);
- A high quality public realm will be established throughout the area;
- Streets will be designed to provide safe, comfortable and amendable environments for pedestrians, cyclists and vehicles by minimizing curb cuts and encouraging shared driveways and the use of lanes, including street tree planting, street furniture and lighting;
- Development should achieve a connected continuous built form that defines the public realm and buildings will generally be located parallel to public streets;

- The predominant scale of built form along Dundas Street West will be mid-rise buildings with taller buildings permitted in the southern portions;
- No stand alone townhouse units will be permitted in *Mixed Use Areas* except for townhouse uses that form an integral part of podium elements of a building; and
- Development will be set back from the property line on Dundas Street West to achieve a generous pedestrian area, with ground floor uses supporting the commercial role and activity of the street.

SASP 367 includes Map 1 (see Attachment 4: Evolving Transportation Network in SASP 367) which provides a vision for the public street network which is to be achieved incrementally with redevelopment. The subject site backs onto Street 'E' which was to become an extension of either Street B or Street C connecting to Shorncliffe Road. The location of Street E is to be determined through the development application process, and would not require an amendment to Map 1.

Community Services and Facilities will be required to support future development and SASP 367 identifies child-care centres and multi-purpose community space as priorities for the area. Municipal infrastructure to service the new development would be provided on municipal lands typically within the public street rights-of-way. Required improvements to servicing are to be identified through Functional Service Reports including identifying mitigation measures to minimize impacts to the servicing network. SASP 367 also provides that 'Holding' provisions in accordance with the *Planning Act* may be required to ensure the provision of public streets, municipal infrastructure and public parkland commensurate with the needs of proposed development contained within the lands outlined in Map 1 of SASP 367.

Site and Area Specific Policy No. 367 can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The outcome of staff analysis and review of relevant Official Plan and Site and Area Specific policies are summarized in the Comments Section of this report.

Zoning

The lands are subject to the former City of Etobicoke Zoning Code. The entirety of the lands are zoned Class 1 Industrial Zone (I.C1) (see Attachment 5: Existing Zoning By-law Map). The I.C1 zone permits a range of light industrial uses, commercial and institutional uses, but does not permit residential uses. The existing development standards for the lands include front, rear and side yard requirements, landscaping requirements, separation distances for specific industrial uses, and parking and loading requirements. There is also a maximum building height of five storeys for business, professional and administrative office development and a maximum permitted Floor Space Index of 0.6 times the area of the lot.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law No. 569-2013. The subject lands were not brought into By-law 569-2013 as their zoning under the former City of Etobicoke Zoning Code did not comply with their land use designation.

City-Wide Tall Building Design Guidelines

City Council has adopted City-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bqrd/backgroundfile-57177.pdf>.

Growing Up: Planning for Children in New Vertical Communities

On July 28, 2020, City Council adopted the Growing Up Urban Design Guidelines ("Growing Up Guidelines") and directed City Planning staff to apply the Guidelines in the evaluation of new multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children living in vertical communities, at the neighbourhood, building and unit scale. The Guidelines indicate that a building should provide a minimum of 25% large units of which 10% should be 3-bedroom units, and 15% should be 2-bedroom units. The Guidelines are available at: <https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

Retail Design Manual

City Council adopted the Retail Design Manual on October 27, 2020. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces. The intent is to provide aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The best practices apply City-wide to all new development that includes retail uses, with a focus on retail uses that interface with the public realm. The link to the Manual is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/retail-design/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The purpose of the Pet Friendly Design Guidelines is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities. The Guidelines are available at: <https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-FriendlyGuidelines.pdf>

The Tall Building Design Guidelines, Growing Up Guidelines, Retail Design Manual and Pet Friendly Design Guidelines and Best Practices for new Multi-Unit Buildings have been used to inform the review of this application.

Site Plan Control

The subject site is under Site Plan Control. A Site Plan application was submitted (File No. 18 149707 WET 05 SA), and is being reviewed concurrently with this Zoning By-law Amendment application.

COMMENTS

City Planning staff are recommending approval of an amendment to the Zoning By-laws to permit the proposed development which represents good planning.

Planning Act

It is staff's opinion the current application has regard to relevant matters of Provincial Interest, and key matters include:

2 (f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

2(j) The adequate provision of a full range of housing, including affordable housing;

2(h) The orderly development of safe and healthy communities;

2(j) The adequate provision of a full range of housing, including affordable housing;

2(p) The appropriate location of growth and development; and

2(r) The promotion of a built form that:

(i) Is well designed;

(ii) Encourages a sense of place; and

(iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposal is in an appropriate location for development; is supportive of current and future transit along Dundas Street West; represents an appropriate built form that provides a range and mix of housing including family sized and affordable rental units; provides for commercial space on the main street and residential units on the flanking street; includes a POPS with public art; secures a public easement on a rear laneway; encourages a sense of place; and promotes a vibrant public realm/streetscape.

These Provincial Interests are further articulated through the PPS (2020) and the Growth Plan (2020).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2020). Staff have determined that the proposal is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

PPS (2020)

The PPS (2020) provides policy direction on matters of Provincial Interest related to land use planning and development. City Council's decisions are required to be consistent with the PPS. This application has been reviewed against the policies of the PPS (2020) and key policies include:

Policy 1.1.1 states that healthy, livable and safe communities are sustained by: promoting efficient development and land use patterns; accommodating an appropriate

affordable and market-based range and mix of residential uses; promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and ensuring that necessary infrastructure are or will be available to meet the needs of current and projected needs.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available; support active transportation; and are transit-supportive.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development accommodating intensification and redevelopment.

Policy 1.1.3.4 states that development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.2.6.1 states that sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

Policy 1.4.3 directs planning authorities to provide a range of housing types and densities to meet projected requirements of current and future residents. This policy directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and well-being requirements of current and future residents, and all forms of residential intensification and redevelopment where existing or planned infrastructure can accommodate projected needs. This policy further directs planning authorities to promote densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. Planning authorities are also directed to establish development standards for residential intensification which minimize the cost of housing and facilitate compact form.

Policy 1.6.6.1 states that planning for sewage and water services shall: accommodate forecast growth in a manner that promotes efficient use and optimization of existing municipal sewage services; ensure that these systems are provided in a manner that can be sustained, prepares for the impacts of a changing climate, is feasible and

financially viable over their lifecycle; and protects human health and safety, and the natural environment.

Policy 1.6.6.7 provides that planning for stormwater management shall: be integrated with planning for sewage and water services; minimize or prevent contaminants; minimize erosion and changes in water balance; mitigate risks to human health, safety and the environment; maximize the extent and function of vegetative and pervious surfaces; and promote stormwater management best practices.

Policy 1.6.7.1 states that transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods and are appropriate to address projected needs.

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policies 1.6.8.1 and 1.6.8.3 state that planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation to meet current and projected needs; and planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

Policy 1.7.1e) states that long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The proposal is located on the Dundas Street West bus line. The proposed mixed use building would promote intensification through a compact urban form, would result in both a variety of residential unit types (ranging from one to three bedroom units) and commercial uses that utilize existing services within an existing built-up area, and represents an efficient land use pattern that would minimize land consumption.

Based on the analysis of the policies, it is Planning staff's opinion that the application and the amending Zoning By-laws are consistent with the PPS (2020) and address all the above noted policies.

The Growth Plan (2020)

The Growth Plan (2020) provides a framework for managing growth in the Greater Golden Horseshoe. City Council's planning decisions are required to conform with the Growth Plan. This application has been reviewed against the policies of the Growth Plan (2020) and key policies include:

Policies 2.2.1.3 b) and c) direct municipalities to undertake integrated planning to manage forecasted growth which will be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term, as well as to provide for an urban form that will optimize infrastructure, particularly along transit and transportation

corridors, to support the achievement of complete communities through a more compact built form.

Policies 2.2.1.4 a), c), d) and e) state that applying the policies of the Growth Plan (2020) will support the achievement of complete communities that: feature a diverse mix of land uses, including residential and employment uses; provide a diverse range and mix of housing options to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; expand convenient access to transportation options and open space; and provide for a more compact built form and a vibrant public realm.

Policy 2.2.4.10 directs that lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.

Policy 2.2.6.3 states that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Policy 3.2.1.2 requires that the planning for new or expanded infrastructure will occur in an integrated manner.

Policy 3.2.2.1 requires that transportation system planning, land use planning and transportation investment will be coordinated.

Policy 3.2.5.1b) ensures that existing and planned corridors are protected to meet current and projected needs.

Policy 3.2.6.1 states that municipalities will generate sufficient revenue to recover the full costs of providing and maintaining municipal water and wastewater systems.

Policy 4.2.7.1 states that Cultural Heritage Resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.

The proposed development conforms with the above noted policies by: promoting intensification within a built-up area; contributing to a range of housing options; providing a compact built form in close proximity to public transit; providing public realm improvements; and contributing to the overall achievement of a complete community.

Based on the analysis of the Growth Plan (2020) policies, it is Planning staff's opinion that the application and amending Zoning By-laws conform to the Growth Plan (2020).

Land Use

This application has been reviewed against the Official Plan policies and in particular SASP 367 policies described in the Policy Considerations Section of this Report as well as the policies of the Toronto Official Plan as a whole. The *Mixed Use Areas* Official Plan designation permits and supports the proposed mixed use building having

commercial uses at grade and residential uses above. The proposal fits within the planned context for the area and is in keeping with the policy direction of SASP 367. Planning staff are therefore of the opinion the proposed land use is appropriate for the subject site and can be supported.

Holding Provision

The proposed Zoning By-laws for the site include a holding provision. Under Section 36 of the *Planning Act*, City Council can pass a “holding” zoning by-law that places an “H” symbol over the zoning. The by-law must state what uses are permitted while the holding symbol is in place and set out the conditions that must be met before the “H” symbol is removed and the lands can be developed. Once the conditions for removal of the “H” are met, the property owner may apply to City Council to lift the “H” symbol. Under the *Planning Act*, there is no requirement for public meetings prior to lifting of the “H” and no right of appeal to the Local Planning Appeal Tribunal (LPAT), except by the owner.

As noted above, the Official Plan, Section 5.1.2 includes policies with respect to Holding By-laws. The use of the holding symbol is an important strategy to ensure that necessary infrastructure is constructed and coordinated in advance of construction of this development. The “H” may be lifted once certain conditions are fulfilled. These conditions, discussed further in this report relate to servicing, and the peer review of the Air Quality and Odour Assessment and the Noise and Vibration Impact Assessment.

Height and Massing

The proposal is for a tall mixed use building having a predominantly mid-rise form along the Dundas Street West frontage and a tower element set back 10.5 metres from the Dundas Street West front lot line in keeping with the SASP 367 policy direction and recent approvals along the south side of Dundas Street to the east of the site. The proposed mid-rise element has an overall height of 28.2 metres. The tower element has a podium height of 21.6 metres and an overall height of 73.3 metres (including mechanical penthouse and a raised corner on the Shorncliffe Road side).

The Official Plan requires tall buildings to be comprised of three parts (a base, a tower and a top) carefully integrated into a single whole. The base of this proposed building is predominantly a mid-rise component that extends along the full Dundas Street West frontage in a continuous built form that defines the public realm parallel to the street as required by SASP 367. The first and second floors along Dundas Street West are set back 5 metres from the property line at grade to achieve a generous sidewalk zone for pedestrian activity, with ground floor uses supporting the commercial role, animation and activity and helping to reinforce the envisioned mid-rise mixed-use character for the Dundas Street West frontage, also in keeping with the built form policies of SASP 367 and the built form policies of the Official Plan. The third floor is set back 3.5 metres away from the property line providing for a canopy above the retail storefronts to provide continuous pedestrian weather protection. Above, the building terraces back away from Dundas Street West reducing the building footprint above the third floor to achieve a pedestrian scale streetwall conforming to the built form policy direction of the Official Plan.

The tower has a 750 m² floorplate and is shaped in an elongated form with the slender side facing Dundas Street West and the elongated side facing Shorncliffe Road. This built form also reduces the physical and visual impact to Dundas Street West and areas to the north, and maximize access to sunlight and open views of the sky from the public realm. The top provides visual interest to the skyline identity and character by comprising a tapering floorplate (less than 750 m²) and containing a double height corner at Dundas Street West and Shorncliffe Road for corner emphasis. The mechanical penthouse is centrally located on the tower to minimize impact from its additional height. The tower element has been positioned 12.5 metres away from the south property line to ensure that an adequate separation distance (25 metres or greater) can be achieved from any future tall buildings to the south without requiring a larger setback from the neighbouring property.

The main entrance into the residential component of the building would be set back from the Dundas Street West property line by 12 meters with a plaza feature further enhancing the public realm at the corner of Dundas Street West and Shorncliffe Road. This building forecourt is proposed to include a POPS to expand and enhance the public realm at this gateway intersection of the Etobicoke Centre. The street wall along Shorncliffe Road would provide for a residential character with individual entrances into the podium portion of the building designed to activate and animate the secondary street frontage.

Outdoor and indoor shared amenity spaces on the ground floor, mezzanine level and 9th floor level are connected and appropriately sized. Outdoor amenity spaces are in keeping with Policy 3.1.2.13 of the Official Plan and are located above grade, have access to daylight and direct sunlight, are physically separate from loading and servicing areas, and have generous well designed landscaped areas that offer privacy.

The ground floor is organized to provide appropriately sized and positioned retail, amenity and residential lobby space that does not interfere with the functionality of each other.

The proposal conforms with the City's Official Plan policies for *Mixed Use Areas*, SASP 367 and is consistent with the City's Tall Building Design Guidelines.

Shadow and Wind

The Shadow Impact Study submitted in support of the application indicates there would be no net new shadow on lands designated *Neighbourhoods* and *Parks* to the north of Dundas Street West during the entire day and limited shadow of the tower onto amenity rooftop areas at 9:16 a.m. and at 5:18 p.m. during the spring (March 21) and fall (September 21) equinoxes. Further, the Shadow Impact Study shows: a quickly moving net new shadow (moving west to east) on the south side and north side Dundas Street West sidewalks (including properties facing Dundas Street West to the north); net new shadow would be cast on the site's northeast corner sidewalks and spill over into the roadway intersection at 12:18 p.m.; and a slower moving net new shadow (moving north to south) on the east side Shorncliffe Road sidewalks from 1:18 p.m. to 5:18 p.m. By 6:18 p.m. net new shadows are not differentiated as they blend into shadows cast by existing buildings within the area.

Pedestrian Wind Studies (PWS), were submitted in support of the application. The PWS concludes that the existing wind conditions on and around the project site are expected to be comfortable for the intended pedestrian use. With the addition of the proposed building, wind conditions on the grade-level pedestrian sidewalks are expected to be suitable for the intended use in the summer, but during the winter months, due to stronger seasonal winds, wind speeds are expected to increase, with isolated uncomfortable wind conditions around the tower at grade level and across Shorncliffe Road. Wind conditions at most entrance locations are expected to be comfortable for the intended use, except three entrance locations where wind speeds are higher than desired, primarily during the winter. With the addition of the future development, the overall wind conditions around the proposed building are expected to be improved and three of the wind safety exceedances in the proposed configuration are expected to be eliminated. Interim mitigation may be required in advance of future development, which will be determined and secured through site plan review.

Landscaping and positive design features which are anticipated to further improve the conditions on and around the site will be developed through the Site Plan application review process.

Planning staff are of the opinion the proposed shadows would be moderate and would be acceptable. Planning staff further are of the opinion that the wind impacts may be further mitigated through the Site Plan application review process.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study prepared by WSP, dated March 2018 and subsequently revised January 2020 with a subsequent addendum letter dated September 2020, was submitted assessing the traffic impacts of the proposal. The study estimates the proposed development would generate approximately 74 and 105 new two-way trips during the weekday morning and afternoon peak hour periods, respectively.

Vehicular access to the parking garage and loading would be from a rear lane off Shorncliffe Road immediately south of the building. The lane would allow for right-in and left-in turns into the lane, however, left-out movements from the rear lane onto Shorncliffe Road would be prohibited due to the length of northbound queues on Shorncliffe Road. The rear lane would also accommodate a layby parking space to pick-up or drop-off residents.

A reduction in parking for this site was requested by the applicant that would allow for the laneway to be conveyed to the City unencumbered by the underground parking garage. The applicant provided a Parking Reduction Review dated September 2020 with an analysis of various similar purpose built rental developments approved with reduced parking rates. Based on the Parking Reduction Review, Transportation Services staff advised that a parking rate of 0.1 parking spaces per unit for visitors and a residential rate of 0.57 parking spaces per unit would be acceptable for this site. On this basis, the proposal was revised to move the parking structure away from the laneway.

The parking scheme also includes the potential for the use of car-share parking. This proposal would require documentation to be submitted to the satisfaction of Transportation Services staff confirming that a car-share provider would be secured for the development. This requirement will be secured in the Section 37 Agreement as a legal convenience to be a condition in the Site Plan Agreement to the satisfaction of the General Manager, Transportation Services.

A total of 203 bicycle spaces would be provided in accordance with the required standards for bicycle parking. The layout and design of the bicycle parking would be further reviewed and secured through the Site Plan application review process.

The proposal is required to provide one Type 'G' loading space. The loading space is proposed along the rear lane and this is acceptable to Transportation Services staff.

Laneway

SASP 367's original approval contained a public road (shown as Road E in Attachment 4: Evolving Transportation Network in SASP 367) backing onto the properties fronting Dundas Street West. Through the course of an Ontario Municipal Board (OMB) settlement with landowners to the south and west, the OMB conditionally approved the alteration of the road network. This conditional approval reconfigures the network with a modified east west connecting road in the middle of the property to the south, such that consideration continues to be required for redevelopment of the properties fronting Dundas Street West to provide east west connection and vehicle access through the rear of their properties.

One of the primary policy directions from SASP 367 is to improve the public realm and roadway traffic and safety along Dundas Street West. Both the Official Plan and SASP 367 also provide direction that through redevelopment curb cuts are to be minimized, and shared driveways and the use of lanes are to be encouraged. The proposal would be accessed by a 7.5 m lane from Shorncliffe Road in conformity with the Official Plan direction. This lane is in the general area of the original Road E. It is the City's intention to secure a continuous east west connection by way of a lane to service and provide vehicular access to properties fronting onto Dundas Street West, so that curb cuts along Dundas Street West can be eliminated in fulfillment of Official Plan and SASP policy direction. The lane may also provide service benefits for the lands to the south.

The City has requested that the owner provide a pedestrian and vehicular public easement over the rear lane to facilitate opportunity for a continuous east west lane between Shorncliffe Road and a future new street to the west as the other properties fronting Dundas Street West to the west of the subject site submit proposals for redevelopment. The easement provisions require that access be provided to the public at large, including adjoining property owners and that the lane be designed to provide safe, comfortable and amenable environments for pedestrians and cyclists in conformity with complete streets design principles. A right for the City to require conveyance of the rear lane to the City for the purpose of establishing a public lane in the future, is also proposed to be secured.

Staff recommend the owner be required to enter into a Section 37 Agreement as a legal convenience to secure the public easement over the rear private lane together with the right of the City to require the conveyance at a future date for public lane purposes and to secure the construction of the rear private lane, to the satisfaction of the General Manager, Transportation Services.

Natural Heritage - Former Lake Iroquois Escarpment

Although no longer visible, the former Lake Iroquois Escarpment ran parallel to Dundas Street West along approximately the southern part of the property lines in this segment of the street. This proposal includes a proposed laneway along the back 7.5 metres within this approximate location of the historic former Lake Iroquois Escarpment. In addition to providing a new east west connection within this area of the city, this proposed laneway easement provides an opportunity for a possible future commemoration of this lost historical landscape feature as it creates a route and increases opportunities for pedestrian and cycling through it, in keeping with direction in policies 3.1.1.17, 3.1.1.22 and 3.1.5 of the Official Plan.

Streetscape

SASP 367 requires that new development should achieve a connected continuous built form that defines the public realm and buildings will generally be located parallel to public streets. Further SASP 367 also requires development be set back from the property line on Dundas Street West to achieve a generous pedestrian area, with ground floor uses supporting the commercial role and activity of the street.

The ground floor and mezzanine of the proposal would be set back from the Dundas Street West property line by 5 m in front of the commercial uses, and 3 m from the Shorncliffe Road property line. Further, the entryway into the residential component is to be set back 10 m with a proposed POPS within a designed plaza which would result in an attractive, pedestrian-oriented streetscape. These generous setbacks would allow for sufficient space for both landscaping and new tree plantings.

Existing sidewalks are to be replaced with an unobstructed 2.1 m wide sidewalk along both the Dundas Street West and Shorncliffe Road frontages fully constructed as part of the development.

A new TTC bus stop is to be constructed on the Shorncliffe Road frontage to TTC's specifications. TTC staff also request that space for a bus shelter at this stop to be allocated. In order to accommodate a bus shelter, the bus platform and a pedestrian sidewalk, the City requires a pedestrian clearway easement on a portion of the site at this location to ensure a continuous 2.1 m clearway. TTC staff also require that the owner apply noise attenuation measures to units immediately adjacent to the bus stop and that future purchasers and/or lessees be advised of the presence of the bus stop and potential for noise from bus operations.

As a legal convenience, staff recommend the Section 37 Agreement be used to secure an obligation to provide a Pedestrian Clearway Easement with details, location and configuration of the pedestrian clearway be determined and construction secured in the

context of site plan approval. The Section 37 Agreement would also secure the obligation to construct sidewalks along Dundas Street West and Shorncliffe Road, and to construct the TTC bus stop, platform and shelter, to be paid for by the owner. Further, the Section 37 Agreement will also secure the obligation for noise attenuation for the units immediately adjacent to the bus stop location, and the use of warning clauses to advise future purchasers and/or lessees of the bus stop and potential for noise from bus operations.

Servicing

The sanitary sewer for this development runs along Shorncliffe Road and does not presently have enough capacity to service the development proposals at 5415 Dundas Street West, this site at 5509 Dundas Street West, and the Honeydale Mall at 5555 Dundas Street West and an upgrade will be required. The various landowners that would benefit from an upgrade to this sewer have been in discussions about how to implement and pay for this upgrade. The obligation to construct the sewer would be secured through agreement with the City and will ensure coordination for approvals as they come forward.

As such, staff are including an "H" Holding Symbol in the zoning for the subject lands. This holding symbol will remain until such time that:

- A revised Functional Servicing Report has been submitted to and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West to accommodate the proposed development; and
- All necessary approvals to proceed with the infrastructure required, as described above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Service.

Air Quality and Odour Assessment

The subject site is adjacent to and near lands currently being used for employment uses. As such, an Air Quality and Odour Assessment is required to evaluate the proposal and identify needed mitigation measures.

An Air Quality and Odour Assessment was prepared by RWDI, dated January 22, 2020 and submitted in support of the proposal. The Air Quality and Odour Assessment examined the impacts of air emissions from local industries on the proposal and concludes that based on currently available information, air emissions should not be a concern for the proposed development and a further detailed impact assessment would not be required. City staff are in the process of retaining a third party consultant to peer review the Air Quality and Odour Assessment to confirm these conclusions.

Staff are including an "H" Holding Symbol in the zoning for the subject lands. The holding symbol will remain until such time that a peer review of the Air Quality and Odour Assessment submitted for the development is completed with verification of recommendations for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning. Further, it is recommended that the Section 37 Agreement as a legal convenience include an obligation that all mitigation measures identified through the peer review process be incorporated in the design of the development be and secured through the Site Plan application review process to the satisfaction of the Chief Planner and Executive Director, City Planning.

Noise and Vibration Impact Assessment

The subject site is adjacent to and near lands currently being used for employment uses and the CP Galt subdivision rail corridor which is also used by Metrolinx for commuter trains. Noise and Vibration Impact Assessments are required to evaluate the proposal including identifying required mitigation in its design. A Noise and Vibration Impact Assessment was prepared by RWDI, dated March 22, 2019 and updated on April 22, 2020 and submitted in support of the proposal. The Noise and Vibration Impact Assessment examines environmental noise and vibration from vehicle traffic along Dundas Street West to the north, Shorncliffe Road and Shaver Avenue to east, Metrolinx/GO and CP freight trains to the south and several industrial facilities to the south and southeast.

A screening level vibration impact assessment was conducted that concluded the rail vibration impact is expected to comply with the requirements of CP and Metrolinx.

The noise assessment identified that nearby transportation corridors and applicable stationary sources would be the sources of sound that can affect the proposed development.

Transportation noise was predicted to exceed the guideline limits at the north façade and the outdoor living areas. The proposed development would require the implementation of appropriate building noise insulation construction, minimum height noise barriers and inclusion of warning clauses to meet the requirements of the applicable NPC-300 Guidelines.

The noise assessment also concluded that sound from nearby off-site stationary sources was expected to exceed the applicable guideline limits under the Class 1 Area classification. However, if the proposed development were to receive a Class 4 Area classification, and noise control measures are implemented on the south outdoor living area, sound from nearby stationary sources would be expected to comply with the requirements of the NPC-300 Guidelines. The noise assessment notes that given that the area is planned for mixed use and employment areas as per SASP 367, a Class 4 Area classification may not be required and that the planning authority should confirm the future intended use of nearby industrial properties and timelines for anticipated changes.

A Class 4 Area classification allows for somewhat higher noise levels at residential receptors than would be permitted within a Class 1 Area classification. Class 4 Area classification alleviates some of the burden from the proximate noise-generating industries making it is easier for industry to remain in compliance with Ministry requirements while also allowing municipalities to achieve sensitive land use redevelopment goals in accordance with its land use policies. A site can only be assigned as a Class 4 Area classification through a City Council decision.

Through the review process, Metrolinx identified that the GO data used in the evaluation was outdated and needed to be revised to include new data, however the new data would only be available in December 2020. At the time of preparing this report, the City had initiated the process of retaining a third party consultant to peer review the Noise and Vibration Impact Assessment submitted to confirm RWDI conclusions.

Staff are including an "H" Holding Symbol in the zoning until the peer review of the Noise and Vibration Impact Assessment submitted for the development is completed with verification of recommendations for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning; and a decision of City Council has been made regarding classification of the site as a Class 4 site should the peer reviewer conclude that a reclassification of the site to a Class 4 is required. Further, it is recommended that the Section 37 Agreement as a legal convenience include an obligation that all mitigation measures confirmed and identified through the peer review process be incorporated in the design of the development through the Site Plan application process to the satisfaction of the Chief Planner and Executive Director, City Planning.

Housing Issues

A total of 27 (10%) of the proposed units would have three bedrooms with a minimum size of 100 m² and averaging 111 m² and 38 (15%) of the proposed units would have two bedrooms with a minimum size of 87 m² and averaging 90 m². This supports the objectives of the Growing Up Guidelines.

The applicant has offered to provide six affordable rental dwelling units (three 1-bedroom units; two 2-bedroom units; and 1 3-bedroom unit) to be secured by the City through a Section 37 Agreement as a community benefit. An affordable rental dwelling unit is defined as a rental dwelling unit that is provided and maintained at affordable rent. Affordable rent is defined as rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas and water, but excluding vehicle parking, storage lockers, internet, telephone and cable television charges) is at or below the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto.

The City's Official Plan housing policies and the Growth Plan's growth management and housing policies direct that new development should accommodate a broad range of households, including families with children. Staff are of the opinion that the proposed development would achieve this direction. This report recommends that City Council require the owner enter into a Section 37 Agreement to secure as a community benefit

the six affordable rental dwelling units, subject to the conditions outlined in Recommendation 4.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the middle quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential nature of this proposal is subject to a 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised by Real Estate Services staff. Payment will be required prior to the issuance of the first above grade building permit.

Further, given the current rise in dog-owning populations, Parks staff strongly encourage the proposal to provide dog amenities on-site with appropriate disposal facilities such as dog relief stations to accommodate their future residents' needs and alleviate pressure on neighbourhood parks. A dog wash station is shown on the plans and is being included in the calculation of indoor amenity space.

Staff recommend that the obligation to provide a dog relief area be secured in the Section 37 Agreement and its location and design be secured through the Site Plan application review process.

Privately-Owned Publicly Accessible Open Space (POPS)

Privately-owned publicly accessible open space (POPS) of approximately 177 m² is being proposed in the plaza at the corner of Dundas Street West and Shorncliffe Road. Staff consider the proposed POPS to be a positive element of the development and a significant public realm enhancement. The POPS also provides a location for the public art component being secured through the Section 37 community benefit for this site.

Staff recommend that the obligation to provide a POPS be secured in the Section 37 Agreement with details, location, configuration and final design and construction of the POPS be secured through the Site Plan application review process.

Public Art

The proposed development is of a scale and prominence to warrant the inclusion of Public Art. As part of the Section 37 community benefits, the applicant is proposing a contribution of \$500,000 towards the City's public art program to be located within the on site POPS. An opportunity exists to consider an indigenous public art component that commemorates the historic trail that ran along Dundas Street West as well as

acknowledging the Lake Iroquois Escarpment both of which are within close proximity to the POPS location.

Toronto Green Standard

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. The applicant is required to meet Tier 1 of the TGS. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement. Staff recommend that the TGS obligation be secured in the Section 37 Agreement for implementation during the Site Plan application process.

School Boards

Both the Toronto District School Board (TDSB) staff and Toronto Catholic District School Board (TCDSB) staff advised there currently is significant enrollment pressures in the area. Local TDSB schools include Wedgewood Junior School, Bloorlea Middle School and Etobicoke Collegiate Institute. Local TCDSB schools include St. Ambrose Catholic School, Bishop Allen Academy and Michael Power/St. Joseph High School.

Both the TDSB and TCDSB request that the owner be required to erect a signs on-site to communicate the accommodation situation and both school boards request that warning clauses be included in purchase-of-sale/lease/rental/tenancy agreements. The TCDSB further noted that under the Education Development Charges, the TCDSB is eligible to levy Education Development Charges towards elementary and secondary schools.

It is recommended that the TCDSB and TDSB obligations to erect signs and include warning clauses also be secured in the Section 37 Agreement.

Community Consultation

Two community information meetings were held for this application. The first was held on February 27, 2019 when the proposal only included 5509 Dundas Street West. The second meeting was held on September 23, 2020 as a virtual meeting to present the changes to the proposal as it was significantly altered by the inclusion of 5507 Dundas Street West. Community members also wrote in with comments before and after these meetings.

Approximately 30 members of the public attended the virtual meeting along with the Councillor's office, the applicant, their consulting team and City staff. Planning staff presented the planning policy framework and an overview of the current application. The applicant provided further details on the proposal.

Questions and concerns raised at this meeting included:

- Questions and concerns expressed about the level of development with all the development proposals in the vicinity;
- Concerns regarding traffic impacts on Shorncliffe Road, Dundas Street West, Shaver Avenue North and the surrounding residential streets;
- Pedestrian safety concerns associated with traffic increases;
- Concerns about the cumulative impact from multiple construction projects taking place at the same time;
- Questions about the planned transportation improvements and bike lanes;
- Questions about components of the proposal such as the retail component; architectural aspects, extent of shadowing on Dundas Street West, prices of the rental units; where utilities would be placed;
- School board accommodation for the additional children from the proposal;
- Questions about servicing capacity and concerns over flooding in the area; and
- Questions about where the children and dogs from the development would go and impacts on local parks.

Development proposals in the area are a response to the long term planning that has been undertaken in the area that involved extensive community consultation. Proposals are then reviewed against the planning policy direction found in the Etobicoke Centre Secondary Plan and SASP 367.

Traffic impacts studies are required as part of development applications and they provide the analysis on impacts, examine safety and existing and planned transportation and transit improvements. Access to the site will be limited to the rear of the project, with a further prohibition on left out turns.

Additional public parks are proposed in the area, and a pet relief area will be provided in the proposed building, both of which should reduce pressure on existing local parks.

Construction management plans are required for site plan approval and these plans should address some of the impacts from construction.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The subject site is located in the Etobicoke Centre CSF Study area which is bounded by Rathburn Road to the north, Islington Avenue to the east, Gardiner Expressway to the south and Highway 427 to the west. Based on the findings of the Etobicoke Centre CSF Study, should community benefits be considered as part of the evaluation of the proposed development, the following contributions could be considered:

- Additional non-profit child care as vacancy rates are very low and the application is located in an area experiencing higher growth than the City;
- Contribution towards the Etobicoke Civic Centre for library and community recreation benefits; and
- Contribution towards the Wedgewood Outdoor Pool.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. The application exceeds the 10,000 m² threshold of the Official Plan by 10,734 m². 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 community benefits recommended to be secured in the Section 37 Agreement are as follows:

- A financial contribution to the City in the amount of \$1,000,000 to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements for one or more of the following within the Ward:
 - Islington BIA;
 - Etobicoke Centre Six Points Park;
 - Etobicoke Civic Centre Library and Community Centre;
 - Local non-profit child care facilities;
 - Wedgewood Pool; and
 - Local park and streetscape improvements.
- A Public Art contribution in the amount of \$500,000 on public art program terms set out in the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- Six affordable rental dwelling units within the proposed mixed-use building on the lot to the satisfaction of the Chief Planner and Executive Director, City Planning.

The Section 37 Agreement is also be used as a legal convenience to secure obligations noted in this report and are listed in Recommendation 4 of this report.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the policy direction of SASP 367. Staff worked with the applicant and the community to address and resolve concerns. Staff recommend that City Council approve the application, subject to the conditions outlined in Recommendation 4 of this report.

CONTACT

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SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Evolving Transportation Network in SASP 367
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Zoning By-law Amendment to the Former City of Etobicoke Zoning Code
- Attachment 7: Draft Zoning By-law Amendment to City-Wide Zoning By-law No. 569-2013

Applicant Submitted Drawings

- Attachment 8: Site Plan
- Attachment 9: North Elevation
- Attachment 10: East Elevation
- Attachment 11: South Elevation
- Attachment 12: West Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 5507- 5509 Dundas Street West Date Received: March 23, 2018

Application Number: 18 133602 WET 05 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: The Zoning By-law Amendment application seeks to permit the redevelopment of the Subject Lands for a 22-storey (21 storey plus mezzanine) mixed use building. The proposed development would provide for a total of 21,934 m² of gross floor area comprised of 20,725 m² of residential uses (95% of the total GFA) and 1,209 m² of at-grade retail uses.

Applicant	Agent	Architect	Owner
David McKay			

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: SASP No. 367

Zoning: Class 1 Industrial (I.C1) Heritage Designation:

Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m): 3,341 Frontage (m): 31 Depth (m): 59

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			2,118	2,118
Residential GFA (sq m):			20,725	20,725
Non-Residential GFA (sq m):			1,209	1,209
Total GFA (sq m):			21,934	21,934
Height - Storeys:			22	22
Height - Metres:			71	71

Lot Coverage Ratio (%): 63.39 Floor Space Index: 6.565

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	20,725	
Retail GFA:	1,209	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			259	259
Freehold:				
Condominium:				
Other:				
Total Units:			259	259

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			156	74	29
Total Units:			156	74	29

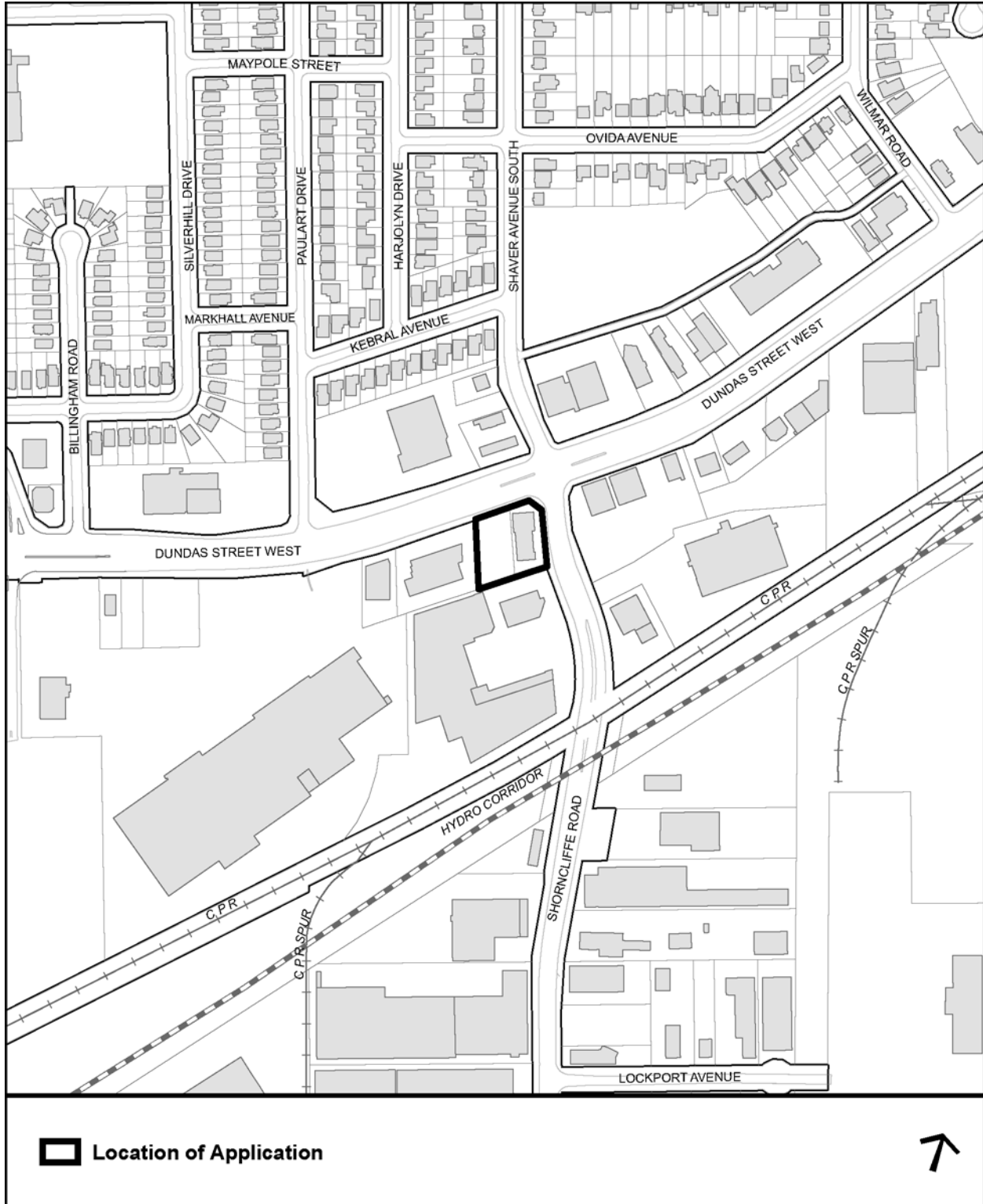
Parking and Loading

Parking Spaces:	183	Bicycle Parking Spaces:	203	Loading Docks:	2
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CONTACT:

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(416) 394-6006
Elisabeth.SilvaStewart@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



5507-5509 Dundas Street West

Official Plan Land Use Map #15

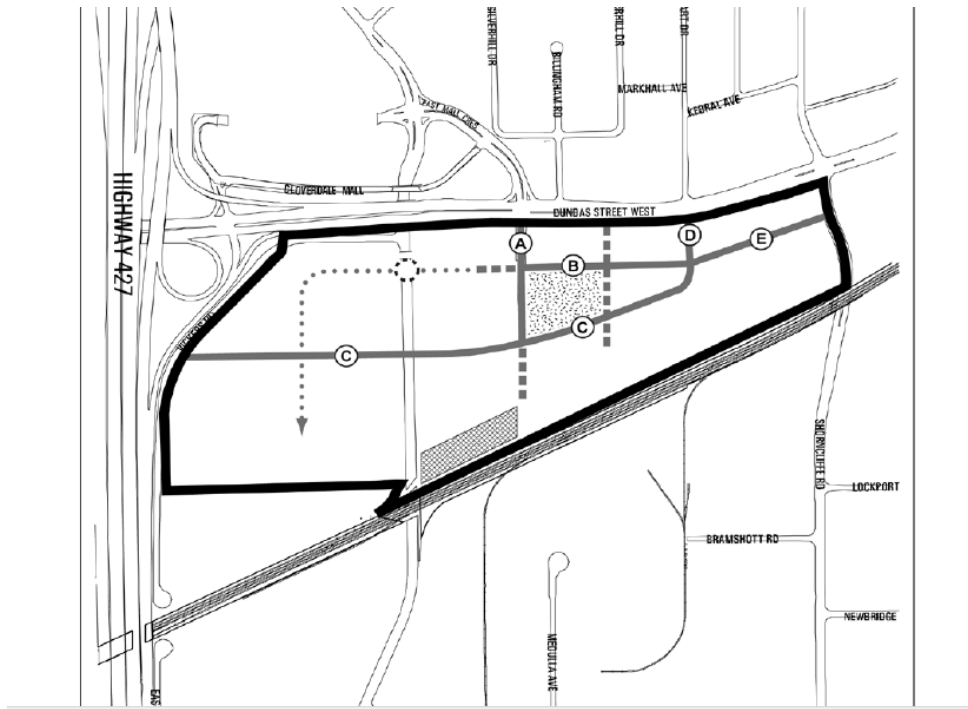
File # 18 133602 WET 05 0Z

- | | | |
|---|--|---|
|  Location of Application |  Parks & Open Space Areas |  Utility Corridors |
|  Neighbourhoods |  Natural Areas |  Core Employment Areas |
|  Mixed Use Areas |  Parks | |

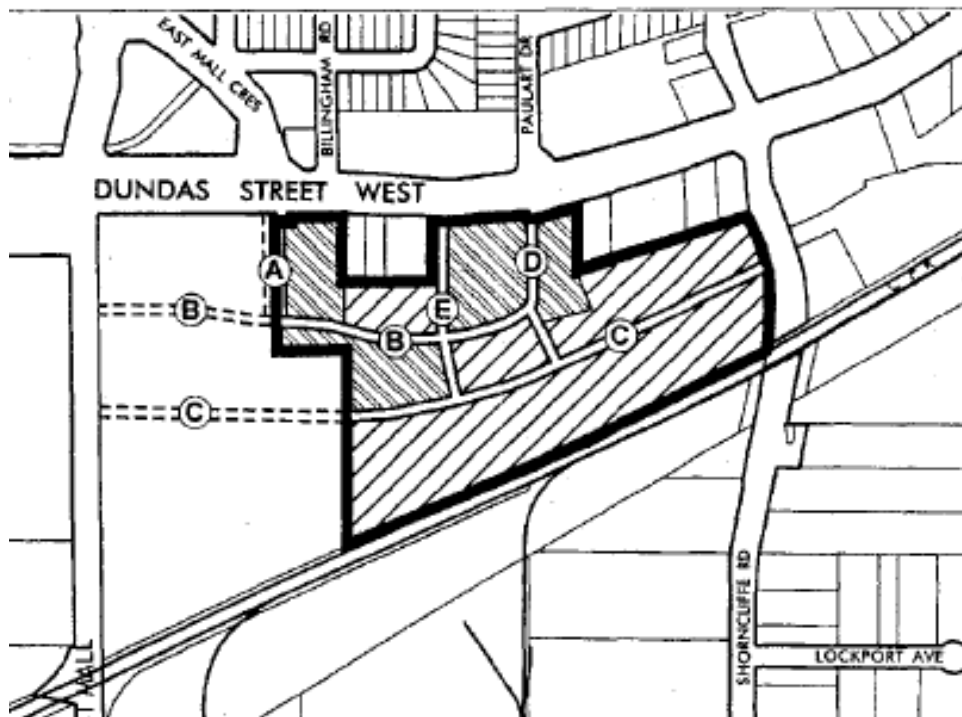
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Not to Scale
11/23/2020

Attachment 4: Evolving Transportation Network in SASP 367

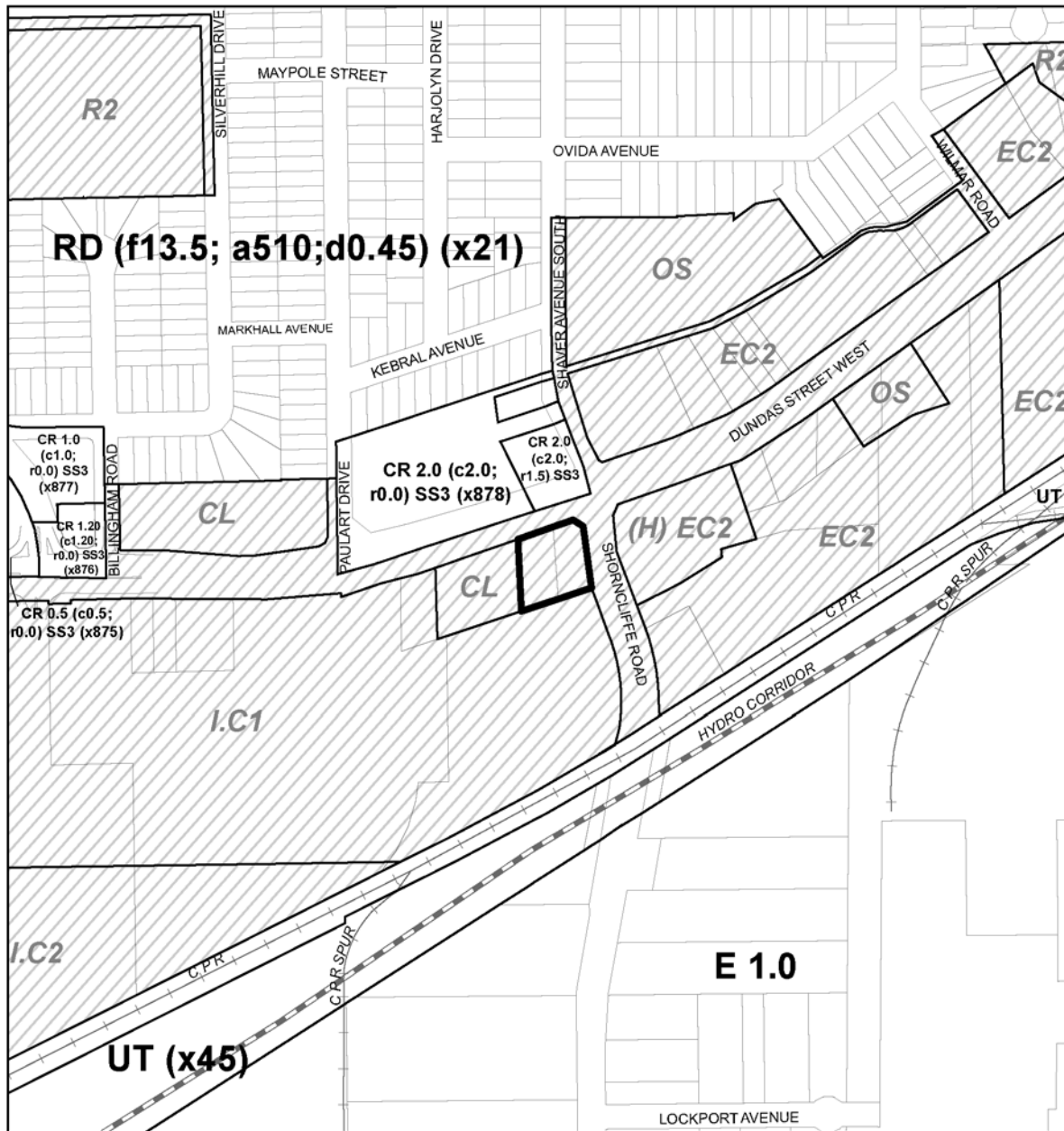
Map 1 in SASP 367 – Highway 427 / Dundas Street West Study



Schedule F to Exhibit 6 in OMB Decision PL060668, dated March 26, 2012



Attachment 5: Existing Zoning By-law Map



Zoning By-law No.569-2013

5507 - 5509 Dundas Street West

File # 18 133602 WET 05 02



Location of Application

- RD Residential Detached E Employment Industrial
- CR Commercial Residential UT Utility and Transportation



See Former City of Etobicoke By-Law No. 11,737

- R2 Second Density Residential Zone
- OS Public Open Space Zone
- I.C1 Class 1 Industrial Zone
- I.C2 Class 2 Industrial Zone
- CL Limited Commercial Zone
- EC2 Etobicoke Centre 2



Not to Scale
Extracted: 11/20/2020

Attachment 6: Draft Zoning By-law Amendment to the Former City of Etobicoke Zoning Code

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

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. XXX-20~

To amend Chapters 304, 320, 323 and 324 of the former City of Etobicoke Zoning Code with respect to the lands municipally known in the year 2020 as 5507 and 5509 Dundas Street West

Whereas Council of the City of Toronto has the authority pursuant to 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 has held at least one public meeting in accordance with the Planning Act; 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 impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan of City of Toronto contains provisions relating to the use of Holding H symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in the density or height of and density of development permitted hereunder, beyond that otherwise permitted on the aforesaid lands by the Etobicoke Zoning Code, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law, which are to be secured by one or more agreements between the owner of the lands and the City of Toronto;

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

1. The lands subject to this by-law are outlined by a heavy black line on Schedule '1' attached to this By-law.
2. Zoning Map C14 North of the former City of Etobicoke Zoning Code is hereby amended by changing the zoning category for the lands described in Schedule '2' of this By-law from Class 1 Industrial (IC.1) to Limited Commercial (CL)(H) (xxxx-x).
3. Despite Section 304-3 of the Etobicoke Zoning Code:
 - A. "Amenity space" shall mean indoor or outdoor space on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.
 - B. "grade" means 127.14 metres Canadian Geodetic Datum.
 - C. "gross floor area"(incorporating the previous "commercial floor space" definition) means the total area of all floors in a building between the outside faces of the exterior walls, except for storage rooms where the floor level is at least 0.6 metres below grade, or loading and parking areas for motor vehicles and bicycles below ground and loading and bicycle parking areas at or above ground. Storage rooms washrooms, electrical, utility and mechanical rooms, elevator and garbage shafts, exit stairwells, and amenity areas are also excluded. In the case of commercial buildings, common pedestrian circulation areas in shopping centres and below-grade public washrooms and staff facilities shall be excluded. In the case of dwellings, laundry and recreation rooms located in cellars shall be excluded.
 - D. "height" means the vertical distance between the Canadian Geodetic elevation of 127.14 metres and the highest point of a building or structure.
 - E. "car share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

F. “car share parking space” shall mean a parking space that is reserved and actively used for car-sharing, and must be for the exclusive use of residents of the building .

G. “long-term bicycle parking” shall mean an area used for parking or storing of a bicycle for residential use. These areas can be located at grade or internally within a stacked position above or below another bicycle parking space or in a vertical position mounted on a wall. Long term bicycle parking for residential uses may not be located in a dwelling unit, on a balcony, in a storage locker, or area used for commercial space.

H. "lot" shall mean a parcel of land with frontage onto an abutting public street comprising lands municipally known as 5507 and 5509 Dundas Street West in the year of 2020 as shown as shown on Schedule 1.

I. “short term bicycle parking” shall mean an area used for parking or storing of a bicycle for residential or commercial use located at grade no more than 30 metres from a pedestrian entrance to the building.

J. “interior floor area” means the floor area of any part of a building, measured to:

- (i) the interior side of a main wall;
- (ii) the centreline of an interior wall; or
- (iii) a line delineating the part being measured.

4. Despite Sections 320-82, 320-91, 320-92, and 320-93 the following development standards shall now be applicable to the lot described in Schedule 1:

A. Building Heights:

- (i) Permitted building height is the numerical value in metres following the letter 'H' and the permitted maximum number of storeys is the numerical value followed by the letters 'St' shown on Schedule 3;
- (ii) The maximum building heights shall apply as shown on Schedule 3 attached hereto:
 - a) mechanical penthouse shall be limited in accordance with the area identified as mechanical penthouse on Schedule 3 of this By-law;
 - b) mechanical equipment and stair enclosures may project to a maximum of 6.0 metres above the applicable height limit and storey limit shown on Schedule 3 of this By-law;
 - c) terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, may project to a maximum of 3.0

metres above the applicable height limit shown on Schedule 3 of this By-law;

d) window washing equipment may project to a maximum of 8.0 metres above the applicable height limit shown on Schedule 3 of this By-law; and

e) a ladder for maintenance purposes may project to a maximum of 1.2 metres above the applicable height limit shown on Schedule 3 of this By-law;

B. Setbacks and Tower Floor Plate:

(i) Minimum setbacks shall apply as shown on Schedule 4 of this By-law except the following which may extend beyond said setbacks:

a) eaves, cornices, columns, landscape features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, arcades, canopies, raised planters, patios, retaining walls, fences, vents, screens, , underground parking ramp and associated structures, damper equipment, window washing equipment to a maximum of 2.5 metres;

b) balconies and bay windows to a maximum of 2.2 metres ;

c) structures used for outside or open air recreation, safety, wind, or noise protection, to a maximum of 1.6 metres;

d) ornamental, decorative or architectural elements to a maximum of 3.1 metres;

e) public art.

(ii) Any portion of a building above a height of 28.7 metres must not exceed a floor plate area of 750 square metres measured from exterior wall to exterior wall, excluding balconies.

C. Dwelling Units and Non-Residential Uses

(i) The maximum permitted gross floor area of all buildings and structures on the lot is 22,500 square metres, of which:

a) the residential gross floor area shall not exceed 21,200 square metres; and

b) the non-residential gross floor area shall not exceed 1,300 square metres.

- (ii) A minimum of ten percent (10%) of all dwelling units on the lot shall be three bedroom units of which:
 - a) all required three bedroom units must have a minimum of 100 square metres of interior floor area excluding mechanical space; and
 - b) a minimum of 50% of the required three bedroom units must have a minimum of 106 square metres of interior floor area excluding mechanical space.
- (iii) A minimum of fifteen percent (15%) of all dwelling units in the building must be two bedroom units, of which all required two bedroom units must have a minimum of 87 square metres of interior floor area excluding mechanical space.
- (iv) A maximum of 265 dwelling units are permitted on the lot.
- (v) Dwelling units in an apartment building are not permitted to front on the portion of the first storey facing the lot line abutting Dundas Street West.
- (vi) Non-residential gross floor area is not permitted above the first storey excluding mezzanine space.
- (vii) Area devoted to a non-residential floor area must:
 - a) have a main pedestrian entrance:
 - located parallel to the lot line abutting Dundas Street West; and
 - within 0.2 metres of the ground measured at the lot line abutting the street directly opposite the entrance;
 - b) have a minimum 6 metre finished floor to underside of slab interior finished ceiling height for the Dundas Street West frontage for a depth of 6 metres; and 3.6 metre for the remaining depth from Dundas Street West frontage.

D. Amenity Space

- (i) Amenity space must be provided in accordance with the following:
 - a) a minimum of 2 square metres of indoor amenity space per dwelling unit must be provided;
 - b) a minimum of 2 square metres of outdoor amenity space per dwelling unit must be provided.

E. Despite Section 320-18 the required parking standards are:

- (i) Residential parking spaces shall be provided and maintained on the lot in accordance with the following:
 - a) 0.57 for each dwelling unit
 - b) visitor spaces in the amount of 0.1 spaces shall be provided for apartment dwelling unit;
- (ii) Non-residential uses – a minimum of 0.75 for each 100 square metres of gross floor area.
- (iii) Accessible Parking space - A minimum of 5 parking spaces plus 1 parking space for every 50 parking spaces or part thereof in excess of 100 parking spaces.
- (iv) A parking space must have the following minimum dimensions:
 - a) length of 5.6 metres
 - b) width of 2.6 metres
 - c) vertical clearance of 2.0 metres; and
 - d) the minimum width must be increased by 0.3 metres for each side of the parking space that is obstructed.
- (v) Despite the total number of resident parking spaces required pursuant to this By-law, the number of parking spaces for residents provided on the lot may be reduced by four parking spaces for each car-share space provided the maximum reduction does not exceed 12.

F. Bicycle Parking

- (i) Residential Uses:
 - a) Short-term bicycle parking: minimum of 0.07 bicycle parking spaces per dwelling unit.
 - b) Long-term bicycle parking: minimum of 0.68 bicycle parking spaces per dwelling unit.
- (ii) Non-residential Uses:
 - a) Short-term bicycle parking: minimum of 3 plus 0.25 bicycle parking spaces for each 100 square metres of interior floor area.
 - b) Long-term bicycle parking: minimum of 0.13 for each 100 square metres of interior floor area.

- (iii) The dimensions of a bicycle parking space are:
 - a) minimum length of 1.8 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum vertical clearance from the ground of 1.9 metres;
- (iv) The dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - a) minimum length or vertical clearance of 1.9 metres;
 - b) minimum width of 0.6 metres; and
 - c) minimum horizontal clearance from the wall of 1.2 metres; and
- (v) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.
- (vi) An area used to provide bicycle parking spaces must have a minimum vertical clearance of:
 - a) 2.4 metres if it is a stacked bicycle parking space; and
 - b) 1.9 metres in all other cases.

G. Loading

- a) A minimum of one loading space shall be provided at 13 m x 4 m with 6 m clearance
- b) Use of the loading spaces may be shared amongst all non-residential and residential uses on the lot.

H. Miscellaneous – Sales/Rental Centre

- (i) None of the provisions of the Etobicoke Zoning Code or this By-law shall prevent the erection and use of a temporary sales/rental office on the lot, meaning a building or structure or part thereof used of for the purpose of the sale or rental of dwelling units to be erected on the lot.

5. Holding Symbol

The uses permitted in this Bylaw are not permitted in respect of the lot shown on Schedule 2 of this Bylaw with a zone symbol that possesses an "H" Holding Symbol prefix until such time as the holding symbol is removed by amendment to this Bylaw. Prior to removal of the "H" the uses permitted on the lot shall only be those uses existing as of the date of the passing of this By-law..

6. Removal of the "H" Holding Symbol

A. The Holding Symbol "H" will be removed from the lots shown on Schedule 2 of this By-law upon satisfaction of the following conditions:

(i) Shorncliffe Road Sanitary Sewer:

a) A Functional Servicing Report has been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;

b) A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West.; and

c) All necessary approvals to proceed with the infrastructure required, as described in 6.A.i, b) above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Service.

(ii) Air Quality and Odour Assessment

a) A peer review of the Air Quality and Odour Assessment submitted for the development is completed with verification of recommendation for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning.

(iii) Noise and Vibration Impact Assessment

a) A peer review of the Noise and Vibration Impact Assessment submitted for the development is completed with verification of recommendation for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning; and

b) A decision of City Council has been made regarding classification of the site as a Class 4 site should the peer reviewer conclude that a reclassification of the site to a Class 4 is required.

7. 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 1 in return for the provision by the owner, at the owner's expense of the facilities, services and

matters set out in Appendix A of this By-law 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 A 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.

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 A are satisfied.

8. Where the provisions of this By-law conflict with the provisions of the former Etobicoke Zoning Code, the provisions of this By-law shall apply.
9. Despite any severance, partition or division of the lands, the provision of this By-law apply to the whole of the lands as if no severance, partition or division occurred.
10. Within the lands shown on Schedule 1 attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
 - A. all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway, and
 - B. all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
11. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to the By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

By-law Number & Adoption Date	Description of Property	PURPOSE OF BY-LAW
XXX-2020	5507 and 5509 Dundas Street West	To re-zone the lands to permit a mixed use building.

APPENDIX A

Section 37 Provisions

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 Schedule 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:

Financial Contribution

1. Prior to the issuance of the first above-grade building permit, the owner shall make a financial contribution to the City in the amount of one million two hundred thousand dollars (\$1,000,000) by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements related to one or more of the following within the Ward:
 - a) Islington BIA;
 - b) Etobicoke Centre Six Points Park;
 - c) Etobicoke Civic Centre Library and Community Centre;
 - d) Local non-profit child care facilities;
 - e) Wedgewood Pool; and
 - f) Local park and streetscape improvements.
2. The financial contribution pursuant to Clause 1 of Appendix A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building 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 financial contribution in Clause 1 of Appendix A above has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s)

is identified in the Official Plan and will benefit the community in the vicinity of the lands;

Public Art Contribution

4. The owner shall make a Public Art contribution in the amount of three hundred thousand dollars (\$500,000) on public art program terms set out in the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of issuance of the first above-grade building permit;

Affordable Housing

5. The owner shall provide and maintain at least six affordable rental dwelling units within the proposed mixed-use building on the lot to the satisfaction of the Chief Planner and Executive Director, City Planning;
6. The owner shall provide and maintain the six affordable rental dwelling units as rental dwelling units for at least twenty years, beginning with the date that each such unit is first occupied on terms set out in the Section 37 Agreement;
7. The owner shall provide and maintain the six affordable rental dwelling units with a minimum of: one of the affordable rental dwelling units shall be three-bedroom or larger and shall have a minimum floor area of 111.7 square metres; two of the affordable rental dwelling units shall be two-bedroom units or larger and shall each have a minimum floor area of at least 87 square metres; and three of the affordable rental dwelling units shall be one-bedroom units or larger and shall each have a minimum floor area of at least 62.7 square metres;
8. The owner shall provide and maintain the six affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline until the tenancy ends;
9. At least six months in advance of any affordable rental units within the development being made available for rent to the general public, the owner shall develop and implement a Co-ordinated Access Plan in consultation with, and to the satisfaction, of the Chief Planner and Executive Director, City Planning; and
10. The Co-ordinated Access Plan will provide that:
 - a) Any affordable rental units are provided only to tenant households that have demonstrated, to the satisfaction of the Chief Planner and Executive

Director, City Planning, they are in financial need of affordable rental accommodation, as the case may be;

b) The owner shall consult with the Chief Planner and Executive Director, City Planning, and offer any affordable rental units to tenant households who have demonstrated need as in A. above and who are on such waiting lists as may be specified, prior to making any affordable rental units available for rent to the general public; and,

c) The owner shall make reasonable efforts, to the satisfaction of the Chief Planner and Executive Director, City Planning, to ensure, wherever possible, that any accessible rental units are made available for rent to tenant households having one or more household members with special needs, including physical and/or mental limitation.

Other Matters in Support of the Development

Privately-Owned Publicly Accessible Open Space

11. The owner shall construct and maintain, at its own expense, an area of not less than 177 square metres in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road, for use by the general public as privately-owned publicly accessible open space (POPS) with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
12. Prior to any residential or non-residential use or occupancy of the building and following completion of the POPS, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

Rear Access Easement and Potential Future Public Lane

13. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 7.5 metres measured from the south property boundary the full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor. Such access easement shall include use associated with properties adjacent to an westerly extension of the rear access to a new

proposed public street and fronting onto Dundas Street as well as properties south of such westerly extension, as applicable;

14. The owner shall, at its own expense, construct and maintain the rear access lands, referred to in Clause 13 of Appendix A above, to the standard required of a public lane to the satisfaction of the General Manager, Transportation Services, with the design, details and configuration to be determined and secured in the context of site plan approval;
15. The owner shall provide the City with a right, upon delivery of written notice in the future, to require the fee simple conveyance of the rear access lands referred to in Clause 13 of Appendix A. above to the City, all to the satisfaction of the General Manager, of Transportation Services and the City Solicitor on terms set out in the Section 37 Agreement. The right shall be exercisable at the discretion of the General Manager, Transportation Services, to facilitate a public lane at the rear of properties fronting onto Dundas Street West and extending westerly between Shorncliffe Road and a new proposed street to the west. Upon receipt of such notice, the then owner of the of property shall prepare all documents and convey the rear access lands to the City on a date that is 120 days following the delivery of notice, or a date otherwise determined appropriate by the General Manager, Transportation Services, to the satisfaction of the City Solicitor. Prior to conveyance, as as may be required, the then owner shall assess and remediate the lands, being conveyed, in accordance with the most current environmental policies of City Council and reconstruct the rear access as a public lane;

Pedestrian Clearway

16. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a pedestrian clearway easement in favour of the City in perpetuity, including support rights as applicable, to achieve a minimum of 2.1 metre public sidewalk for use by the public along the frontages of Dundas Street West and Shorncliffe Road, all to the satisfaction of the General Manager, Transportation Services and the City Solicitor. The details, location and configuration of the pedestrian clearway will be determined and secured in the context of site plan approval and the owner shall construct and maintain the pedestrian clearway easement lands at its own cost and expense;

Toronto Green Standards

17. 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 from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning;

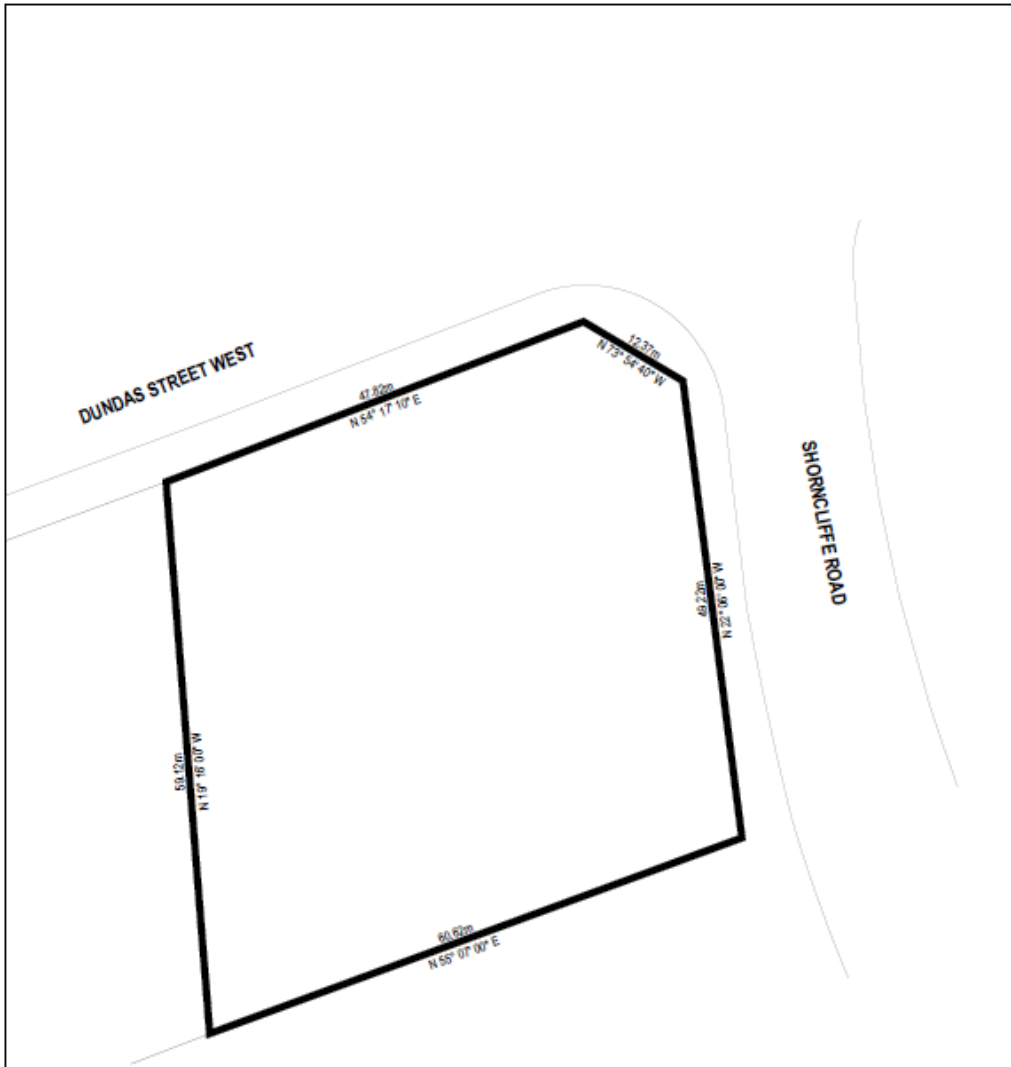
Toronto School Boards

18. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation;

Site Plan Matters

19. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a) In the event that car-share spaces, as defined in the Zoning By-law Amendment, are to be provided, a car-share provider shall be secured to the satisfaction of the General Manager, of Transportation Services;
 - b) Implementation of any required air quality and odour mitigation or other recommendations, as detailed in the Air Quality and Odour Assessment (revised January 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c) Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise and Vibration Impact Assessment (revised April 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d) Construction of a bus platform, stop and shelter on the Shorncliffe Road frontage to the satisfaction of the Toronto Transit Commission;
 - e) Implementation of noise attenuation for the units in proximity to the proposed bus stop as may be recommended by the Toronto Transit Commission, including warning clauses in the associated purchase and sale/tenancy agreements;
 - f) Reconstruction of the City sidewalks to City standards along the frontages of Dundas Street West and Shorncliffe Road, to the satisfaction of the General Manager, of Transportation Services;
 - g) Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning; and

- h) Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS) to be located in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road.
20. The conveyance of any easement or fee simple interest of lands to the City as contemplated, shall be at no cost to the City, for nominal consideration and free and clear of encumbrances to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning as well as the General Manager, Transportation Services, as the case may be, and the cost of preparation and deposit of accepted reference plans shall also be at the owner's expense.



 **TORONTO**
Schedule 1

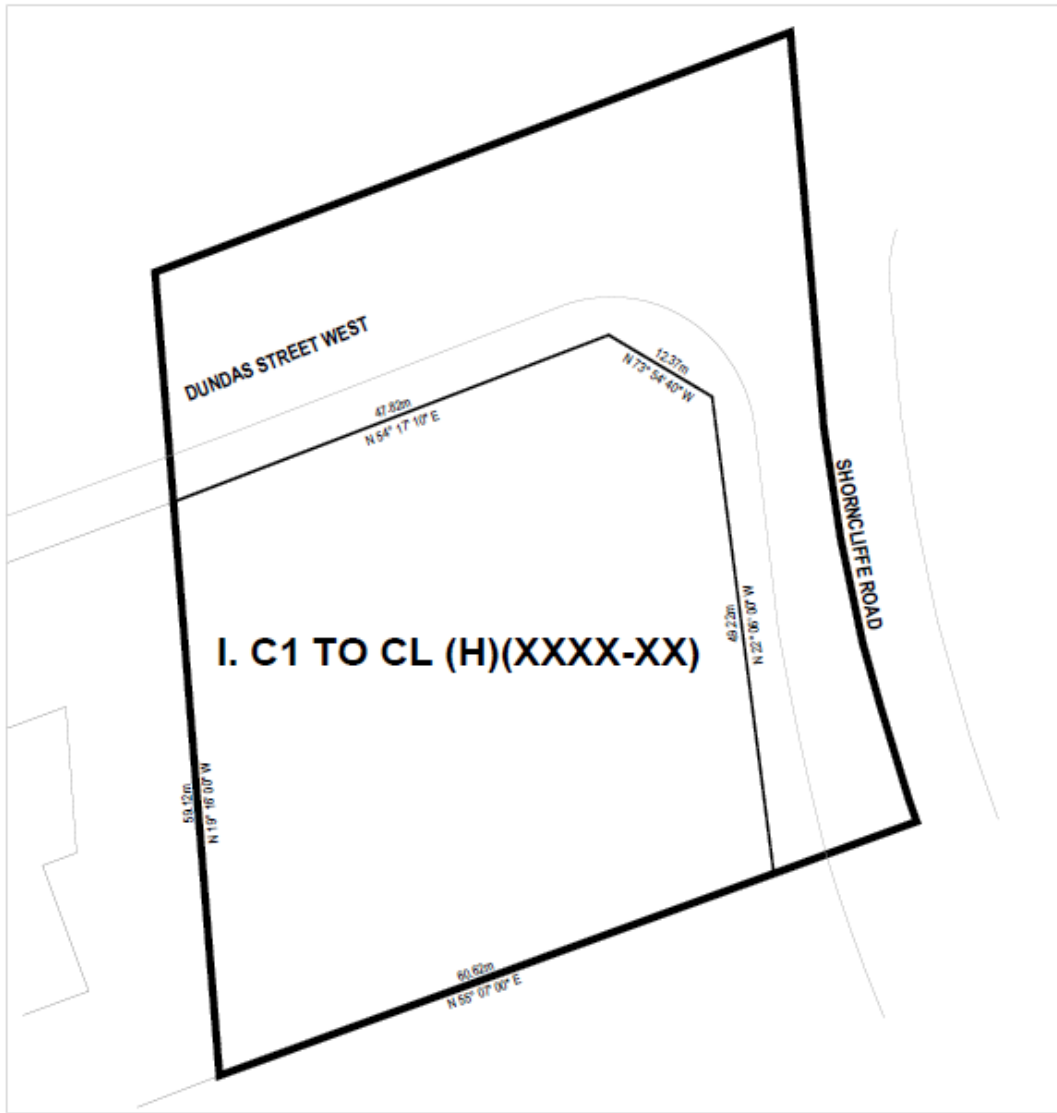
5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



Former City of Etobicoke Zoning Code
Not to Scale
12/11/2020

City of Toronto By-law 2020-XXXX



 **TORONTO**
Schedule 2

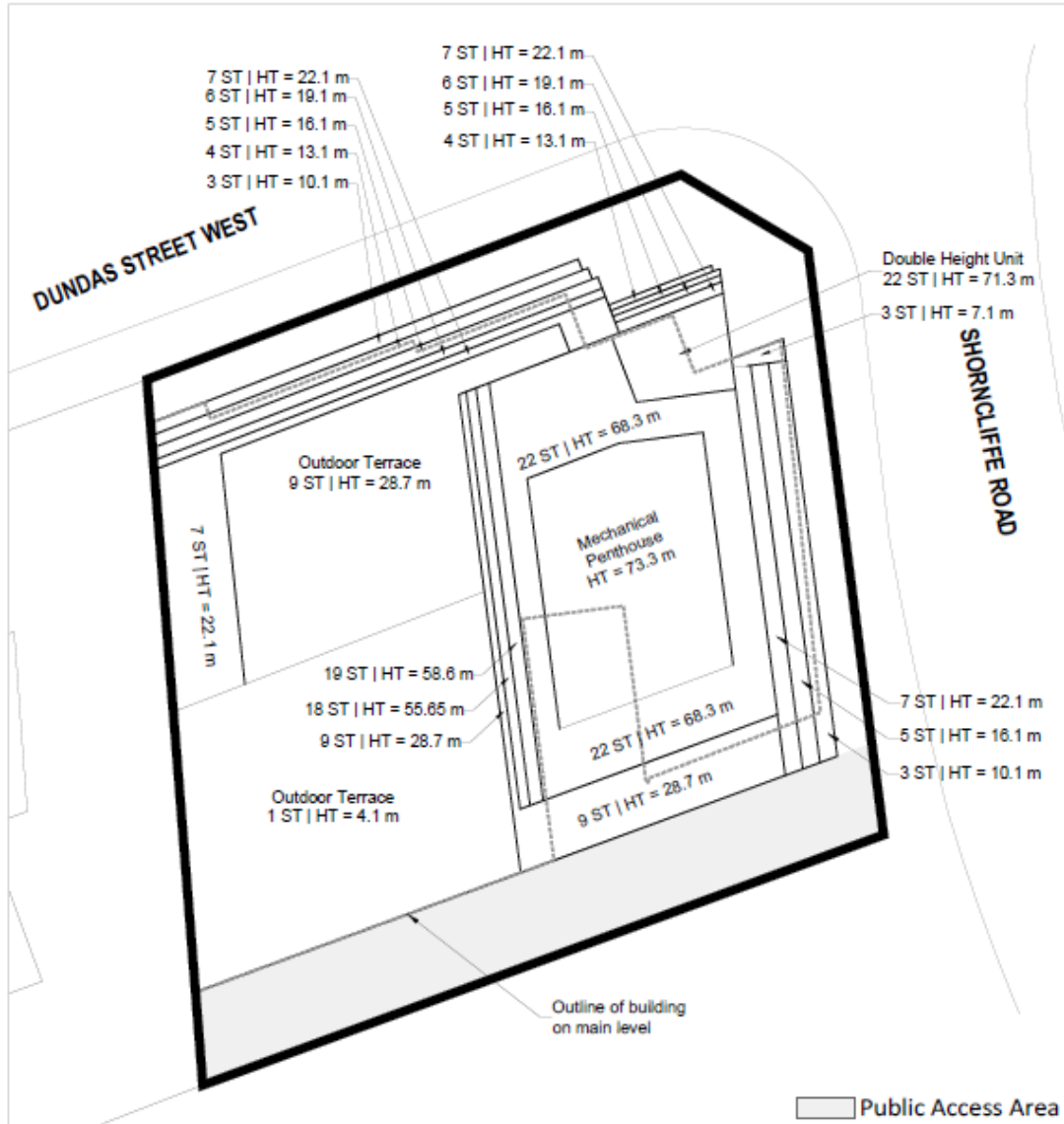
5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



Former City of Etobicoke Zoning Code
Not to Scale
12/11/2020

City of Toronto By-law 2020-XXXX



TORONTO
Schedule 3

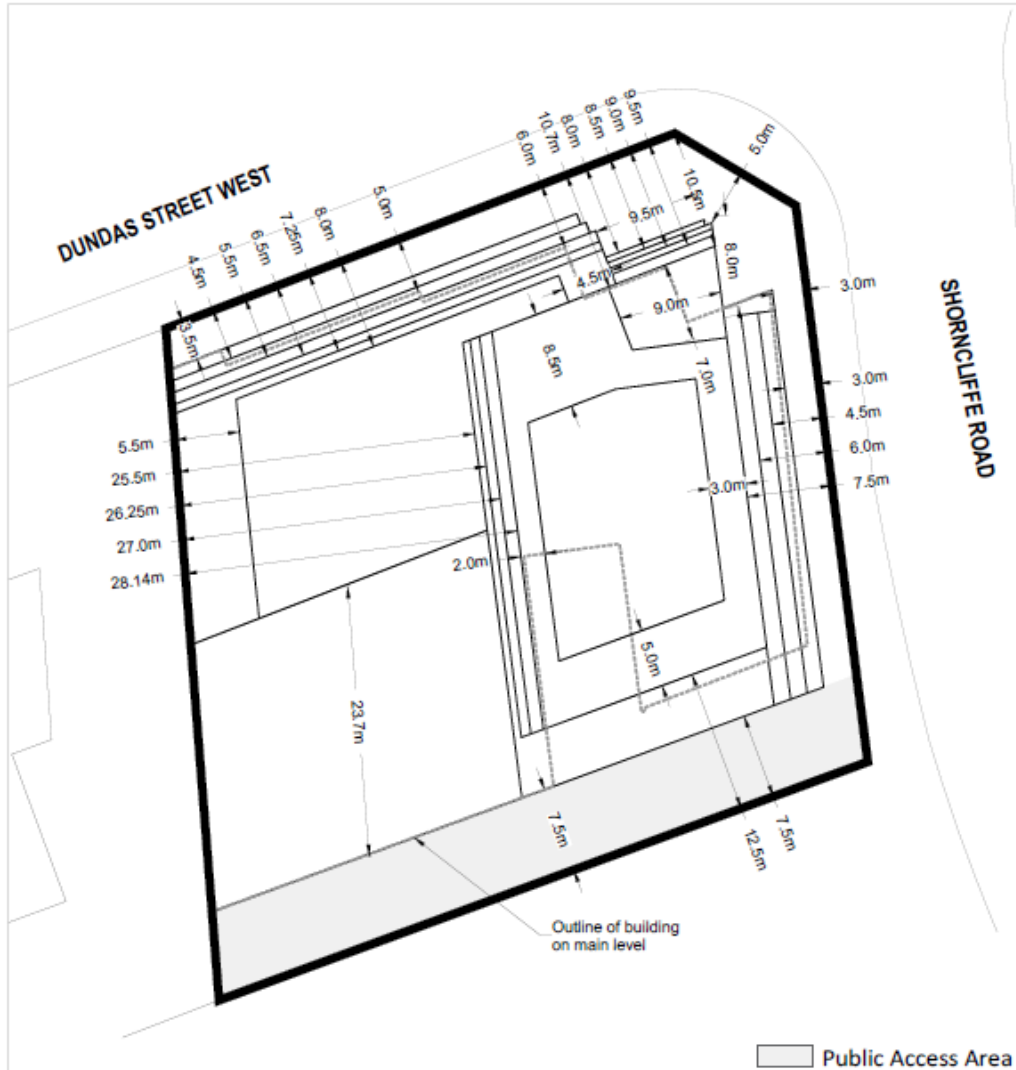
5507-5509 Dundas Street West


File#18 133602 WET 05 OZ



Former City of Etobicoke Zoning Code
Not to Scale
12/11/2020

City of Toronto By-law 2020-XXXX



 **TORONTO**
Schedule 4

5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



Former City of Etobicoke Zoning Code
Not to Scale
12/11/2020

Attachment 7: Draft Zoning By-law Amendment to City-Wide Zoning By-law No. 569-2013

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

CITY OF TORONTO

Bill No. ~

BY-LAW No. _____-2021

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2020 as, 5507-5509 Dundas Street West

Whereas Council of the City of Toronto has the authority to pursuant 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 has held at least one public meeting in accordance with the *Planning Act*; 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 impose the holding symbol (H) and to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of Holding (H) symbol with conditions in the zoning by-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the *Planning Act*, a By-law under Section 34 of the *Planning Act* may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provisions of such facilities, services or matters as set out in the by-law; and

Whereas subsection 37(3) of the *Planning Act* provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013, as amended, is to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold in this By-law have the meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
3. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 2 attached to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: CR 0.6 (H) (c.0.6; r 0.0) SS3 (x302) as shown on Diagram 2 attached to this By-law.
4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height labels to these lands : HT 15 as shown on Diagram 3 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines on Diagram 4 attached to this by-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands : PA2, as shown on Diagram 4 attached to this By-law.
6. Zoning By-law Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and applying the label of "50" % to these lands, as shown in Diagram 5 attached to this By-law.
7. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Rooming House Overlay Map in Section 995.40.1 with no label.
8. Zoning By-law No. 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 302 so that it reads:

Exception CR 302

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections:

Site Specific Provisions:

(A) On 5507 to 5509 Dundas Street West, if the requirements Section 9 and Schedule A of By-law [Clerks to supply by-law ##] are complied with, a **mixed use building** may be constructed, used or enlarged in compliance with (B) to (M) below;

(B) Despite Regulations 40.5.40.10 (1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 127.14 metres and the highest point of the **building** or **structure**;

(C) Despite Regulation 40.5.40.60 (1) and (B) above a canopy or, awning with or without structural support may encroach into a required minimum **building** setback that abuts a street;

(D) Regulation 40.10.40.1(1), requiring residential uses to be located above commercial uses, does not apply.

(E) Despite Regulation 40.10.40.10(3), the permitted maximum height of any portion of the **mixed use building**, is the numerical value, in metres, following the letters "HT" as shown on Diagram 6.

(F) Despite Regulation 40.10.40.10(7), the permitted maximum number of **storeys** in any portion of the **mixed use building** is the numerical value followed by the letters "ST" as shown on Diagram 6.

(G) Despite Regulation 40.10.40.40(1), the permitted maximum gross floor area of the **mixed use building** is 22,500square metres, of which :

- i. the residential **gross floor area** must not exceed 21,200 square metres; and
- ii. the non-residential **gross floor area** must not exceed 1,300 square metres.

(H) Non-residential **gross floor area** is not permitted above the first **storey** excluding mezzanine space.

(I) Area devoted to non-residential floor area must:

- i. have a main pedestrian entrance:
 - a. located parallel to the **lot line** abutting Dundas Street West; and
 - b. within 0.2 metres of the ground measured at the **lot line** abutting the street directly opposite the entrance;

- ii. have a minimum 6 metre finished floor to underside of interior finished ceiling height for the Dundas Street West frontage for a depth of 6 metres; and 3.6 metre for the remaining depth from the Dundas Street frontage.,

(J) Dwelling units in a **mixed use building** are not permitted to front on the portion of the first **storey** facing the **lot line** abutting Dundas Street West.

(K) A minimum of ten percent (10%) of all dwelling units in the **mixed use building** must be three bedroom units, of which :

- i. all required three bedroom units must have be a minimum of 100 square metres of interior floor area excluding mechanical space; and
- ii. a minimum of 50% of the required three bedroom units must have a minimum of 106 square metres of interior floor area excluding mechanical space;

(L) A minimum of fifteen percent (15%) of all dwelling units in the **mixed use building** must be two bedroom units, of which all required two bedroom units must have a minimum of 87 square metres of interior floor area excluding mechanical space.

(M) A maximum of 265 dwelling units are permitted in the **mixed use building**.

(N) Any portion of the **building** above a height of 28.7 metres must not exceed 750 square metres, measured from exterior wall to exterior wall, excluding balconies.

(O) Despite Clause 40.10.40.70, the required minimum **building setbacks** are shown on Diagram 7 of By-law [Clerks to insert by-law #];

(P) Despite Regulation 40.5.40.10(4) and (E) above:

- i. a mechanical penthouse is limited in accordance with the area identified as mechanical penthouse in Diagram 6 of By-law [Clerks to insert by-law #];
- ii. mechanical equipment and stair enclosures may project to a maximum of 6.0 metres above the applicable height limit and **storey** limit shown on Diagram 6 of By-law [Clerks to insert by-law #];
- iii. terraces and balcony guards, elements of a green roof and insulation and roof surface materials, planters, railings, parapets, and ornamental architectural features, may project to a maximum of 3.0 metres above

the applicable height limit shown on Diagram 6 of By-law [Clerks to insert by-law #];

- iv. window washing equipment may project to a maximum of 8.0 metres above the applicable height limit shown on Diagram 6 of By-law [Clerks to insert by-law #];
- v. a ladder for maintenance purposes may project to a maximum of 1.2 metres above the applicable height limit shown on Diagram 6 of By-law [Clerks to insert by-law #]; and
- vi. public art.

(Q) Despite Clause 40.10.40.70, Regulation 40.10.40.70(3) and (O) above, the following elements are permitted to encroach from the **building** or **structure** into the required **building setbacks** shown on Diagram 7;

- i. eaves, cornices, columns, landscape features, wheelchair ramps, light fixtures, stairs and stair enclosures, balustrades, guardrails, bollards, awnings, arcades, canopies, raised planters, patios, retaining walls, fences, vents, screens, underground parking ramp and associated **structures**, damper equipment, window washing equipment to a maximum of 2.5 metres;
- ii. balconies and bay windows to a maximum of 2.2 metres;
- iii. **structures** used for outside or open air recreation, safety, noise mitigation, and wind mitigation, to a maximum of 1.6 metres;
- iv. ornamental, decorative or architectural elements to a maximum of 3.1 metres; and
- v. public art.

(R) Despite Regulation 200.5.10.1(1), **parking spaces** must be provided and maintained in accordance with the following:

- i. a minimum of 0.57 **parking spaces** per dwelling unit must be provided for the use of the residents;;
- ii. a minimum of 0.1 **parking spaces** per dwelling unit must be provided for visitors to the residential use portion of the **building**;
- iii. a minimum of 0.75 **parking spaces** must be provided per 100 square metres of non-residential gross floor area;
- iv. Despite (R)(i) above, the minimum number of **parking spaces** required to be provided for the use of residents of the **building** may be reduced

in accordance with a reduction of 4 resident parking spaces for each "car-share" **parking space** provided, and the maximum reduction is 12.

- v. For the purposes of exception (R)(iv) above, "car-share" **parking space** means a **parking space** that is reserved and actively used for car-sharing and must be for the exclusive use of the residents of the **building**. "Car-share" means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

(S) The lands identified with the symbol "(H)" in the zone label on Diagram 2 are restricted in use as specified by section 9 of By-law [Clerks to insert by-law #].

9. Holding Provisions

(A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law, must not be used for any purpose other than those uses and **buildings** existing on the site as of the date of the passing of this By-law until the "(H)" symbol has been removed. The "(H)" symbol shall be removed upon the satisfaction of the following conditions:

1. Shorncliffe Road Sanitary Sewer

- a. A Functional Servicing Report has been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- b. A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West; and
- c. All necessary approvals to proceed with the infrastructure required, as described in 9.A.i, b) above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Service.

2. Air Quality and Odour Assessment

a. A peer review of the Air Quality and Odour Assessment submitted for the development is completed with verification of recommendation for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. Noise and Vibration Impact Assessment:

a. A peer review of the Noise and Vibration Impact Assessment submitted for the development is completed with verification of recommendation for appropriate mitigation on this site to inform site plan review to the satisfaction of the Chief Planner and Executive Director, City Planning; and

b. A decision of City Council has been made regarding classification of the site as a Class 4 site should the peer reviewer conclude that a reclassification of the site to a Class 4 is required.

10. 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 Diagrams 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A 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 Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to 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 Schedule A are satisfied.

Prevailing By-laws and Prevailing Sections:
None Apply

Enacted and passed on ~

Speaker
City Clerk

Ulli S. Watkiss,

(Seal of the City)

SCHEDULE A

Section 37 Provisions

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:

Financial Contribution

1. Prior to the issuance of the first above-grade building permit, the owner shall make a financial contribution to the City in the amount of one million two hundred thousand dollars (\$1,000,000) by certified cheque payable to the Treasurer, City of Toronto, to be allocated at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, toward capital improvements related to one or more of the following within the Ward:
 - a) Islington BIA;
 - b) Etobicoke Centre Six Points Park;
 - c) Etobicoke Civic Centre Library and Community Centre;
 - d) Local non-profit child care facilities;
 - e) Wedgewood Pool; and
 - f) Local park and streetscape improvements.
2. The financial contribution pursuant to Clause 1 of Schedule A above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building 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 financial contribution in Clause 1 of Schedule A above has not been used for the intended purposes within three (3) years of the by-law coming into full force and effect, the contribution may be redirected for another purpose(s), at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Official Plan and will benefit the community in the vicinity of the lands;

Public Art Contribution

4. The owner shall make a Public Art contribution in the amount of three hundred thousand dollars (\$500,000) on public art program terms set out in the Section 37 Agreement and to the satisfaction of the Chief Planner and Executive Director, City Planning, which amount shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Building Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of issuance of the first above-grade building permit;

Affordable Housing

5. The owner shall provide and maintain at least six affordable rental dwelling units within the proposed mixed-use building on the lot to the satisfaction of the Chief Planner and Executive Director, City Planning;
6. The owner shall provide and maintain the six affordable rental dwelling units as rental dwelling units for at least twenty years, beginning with the date that each such unit is first occupied on terms set out in the Section 37 Agreement;
7. The owner shall provide and maintain the six affordable rental dwelling units with a minimum of: one of the affordable rental dwelling units shall be three-bedroom or larger and shall have a minimum floor area of 111.7 square metres; two of the affordable rental dwelling units shall be two-bedroom units or larger and shall each have a minimum floor area of at least 87 square metres; and three of the affordable rental dwelling units shall be one-bedroom units or larger and shall each have a minimum floor area of at least 62.7 square metres;
8. The owner shall provide and maintain the six affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the Residential Tenancies Act and shall not exceed the Provincial rent guideline until the tenancy ends;
9. At least six months in advance of any affordable rental units within the development being made available for rent to the general public, the owner shall develop and implement a Co-ordinated Access Plan in consultation with, and to the satisfaction, of the Chief Planner and Executive Director, City Planning; and
10. The Co-ordinated Access Plan will provide that:
 - a) Any affordable rental units are provided only to tenant households that have demonstrated, to the satisfaction of the Chief Planner and Executive Director, City Planning, they are in financial need of affordable rental accommodation, as the case may be;

- b) The owner shall consult with the Chief Planner and Executive Director, City Planning, and offer any affordable rental units to tenant households who have demonstrated need as in A. above and who are on such waiting lists as may be specified, prior to making any affordable rental units available for rent to the general public; and,
- c) The owner shall make reasonable efforts, to the satisfaction of the Chief Planner and Executive Director, City Planning, to ensure, wherever possible, that any accessible rental units are made available for rent to tenant households having one or more household members with special needs, including physical and/or mental limitation.

Other Matters in Support of the Development

Privately-Owned Publicly Accessible Open Space

- 11. The owner shall construct and maintain, at its own expense, an area of not less than 177 square metres in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road, for use by the general public as privately-owned publicly accessible open space (POPS) with the specific location, configuration and design to be determined and secured in the context of site plan approval to the satisfaction of the Chief Planner and Executive Director, City Planning.
- 12. Prior to any residential or non-residential use or occupancy of the building and following completion of the POPS, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an access easement in favour of the City in perpetuity, including support rights as applicable, for public use of the POPS, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

Rear Access Easement and Potential Future Public Lane

- 13. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, an easement in favour of the City in perpetuity, including support rights as applicable, for public pedestrian and vehicular use of the rear access having a width of not less than 7.5 metres measured from the south property boundary the full width of the site, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor. Such access easement shall include use associated with properties adjacent to an westerly extension of the rear access to a new proposed public street and fronting onto Dundas Street as well as properties south of such westerly extension, as applicable;

14. The owner shall, at its own expense, construct and maintain the rear access lands, referred to in Clause 13 of Appendix A above, to the standard required of a public lane to the satisfaction of the General Manager, Transportation Services, with the design, details and configuration to be determined and secured in the context of site plan approval;
15. The owner shall provide the City with a right, upon delivery of written notice in the future, to require the fee simple conveyance of the rear access lands referred to in Clause 13 of Appendix A. above to the City, all to the satisfaction of the General Manager, of Transportation Services and the City Solicitor on terms set out in the Section 37 Agreement. The right shall be exercisable at the discretion of the General Manager, Transportation Services, to facilitate a public lane at the rear of properties fronting onto Dundas Street West and extending westerly between Shorncliffe Road and a new proposed street to the west. Upon receipt of such notice, the then owner of the of property shall prepare all documents and convey the rear access lands to the City on a date that is 120 days following the delivery of notice, or a date otherwise determined appropriate by the General Manager, Transportation Services, to the satisfaction of the City Solicitor. Prior to conveyance, as as may be required, the then owner shall assess and remediate the lands being conveyed,, in accordance with the most current environmental policies of City Council and reconstruct the rear access as a public lane;

Pedestrian Clearway

16. Prior to issuance of the first above-grade building permit, the owner shall prepare all documents and convey, on terms set out in the Section 37 Agreement, a pedestrian clearway easement in favour of the City in perpetuity, including support rights as applicable, to achieve a minimum of 2.1 metre public sidewalk for use by the public along the frontages of Dundas Street West and Shorncliffe Road, all to the satisfaction of the General Manager, Transportation Services and the City Solicitor. The details, location and configuration of the pedestrian clearway will be determined and secured in the context of site plan approval and the owner shall construct and maintain the pedestrian clearway easement lands at its own cost and expense;

Toronto Green Standards

17. 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 from time to time, to the satisfaction of the Chief Planner and Executive Director, City Planning;

Toronto School Boards

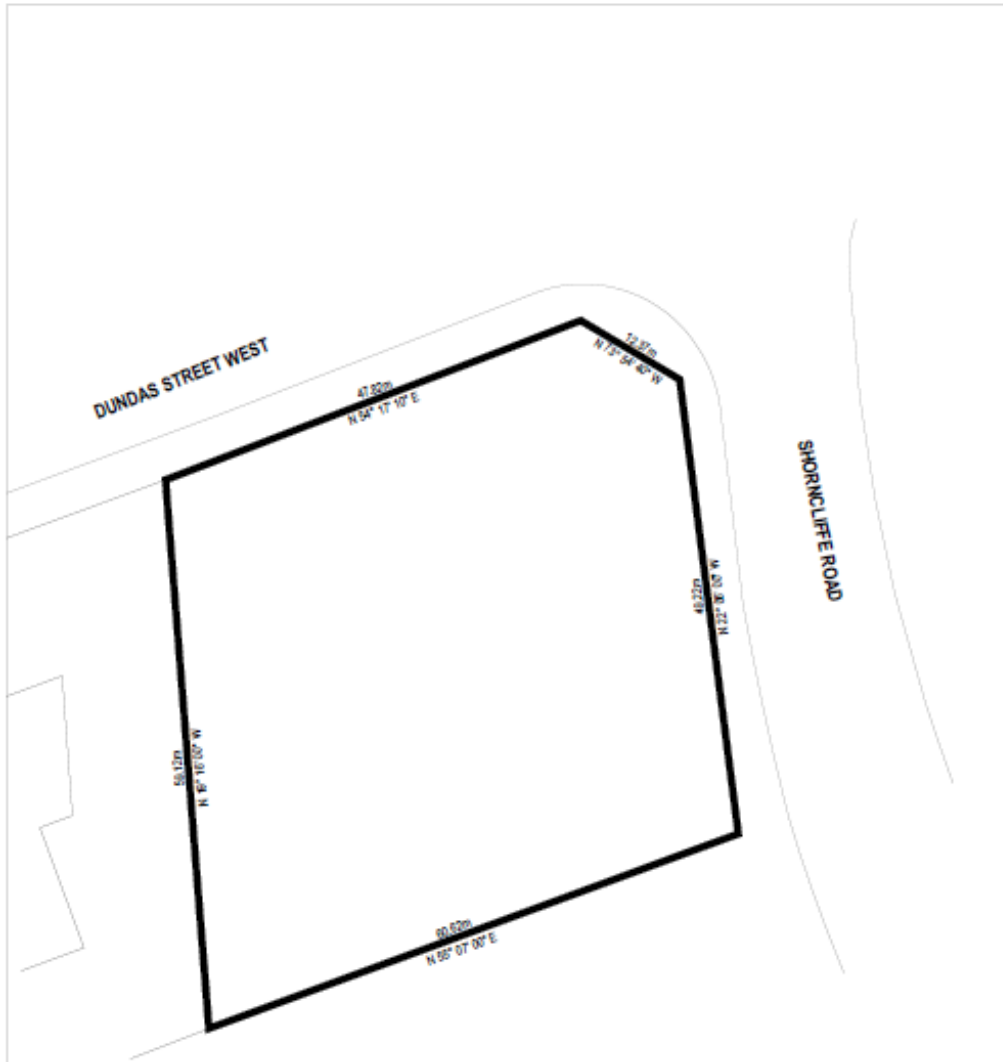
18. The owner shall satisfy applicable signage requirements of the Toronto District School Board and the Toronto Catholic District School Board and shall insert warning clauses in purchase and sale/tenancy agreements as required in connection with student accommodation;

Site Plan Matters

19. The owner shall, at its own expense, address the following matters in any application for site plan approval for the development, which shall be determined and secured in a site plan agreement with the City, as applicable, all to the satisfaction of the Chief Planner and Executive Director, City Planning:
 - a) In the event that car-share spaces, as defined in the Zoning By-law Amendment, are to be provided, a car-share provider shall be secured to the satisfaction of the General Manager, of Transportation Services;
 - b) Implementation of any required air quality and odour mitigation or other recommendations, as detailed in the Air Quality and Odour Assessment (revised January 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner, to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - c) Implementation of any required noise and vibration abatement measures or other recommendations, as detailed in the Noise and Vibration Impact Assessment (revised April 2020), prepared by RWDI, as may be amended through a peer review process undertaken at the expense of the owner to the satisfaction of the Chief Planner and Executive Director, City Planning;
 - d) Construction of a bus platform, stop and shelter on the Shorncliffe Road frontage to the satisfaction of the Toronto Transit Commission;
 - e) Implementation of noise attenuation for the units in proximity to the proposed bus stop as may be recommended by the Toronto Transit Commission, including warning clauses in the associated purchase and sale/tenancy agreements;
 - f) Reconstruction of the City sidewalks to City standards along the frontages of Dundas Street West and Shorncliffe Road, to the satisfaction of the General Manager of Transportation Services;
 - g) Provision of on-site dog-relief facilities, with the location, nature and size of the facilities to be determined through the site plan approval process to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - h) Incorporation of signage to identify the proposed privately-owned publicly accessible open space (POPS) to be located in a plaza on the south and west corner of Dundas Street West and Shorncliffe Road.

20. The conveyance of any easement or fee simple interest of lands to the City as contemplated, shall be at no cost to the City, for nominal consideration and free and clear of encumbrances to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning as well as the General Manager, Transportation Services, as the case may be, and the cost of preparation and deposit of accepted reference plans shall also be at the owner's expense.

City of Toronto By-law 2020-XXXX



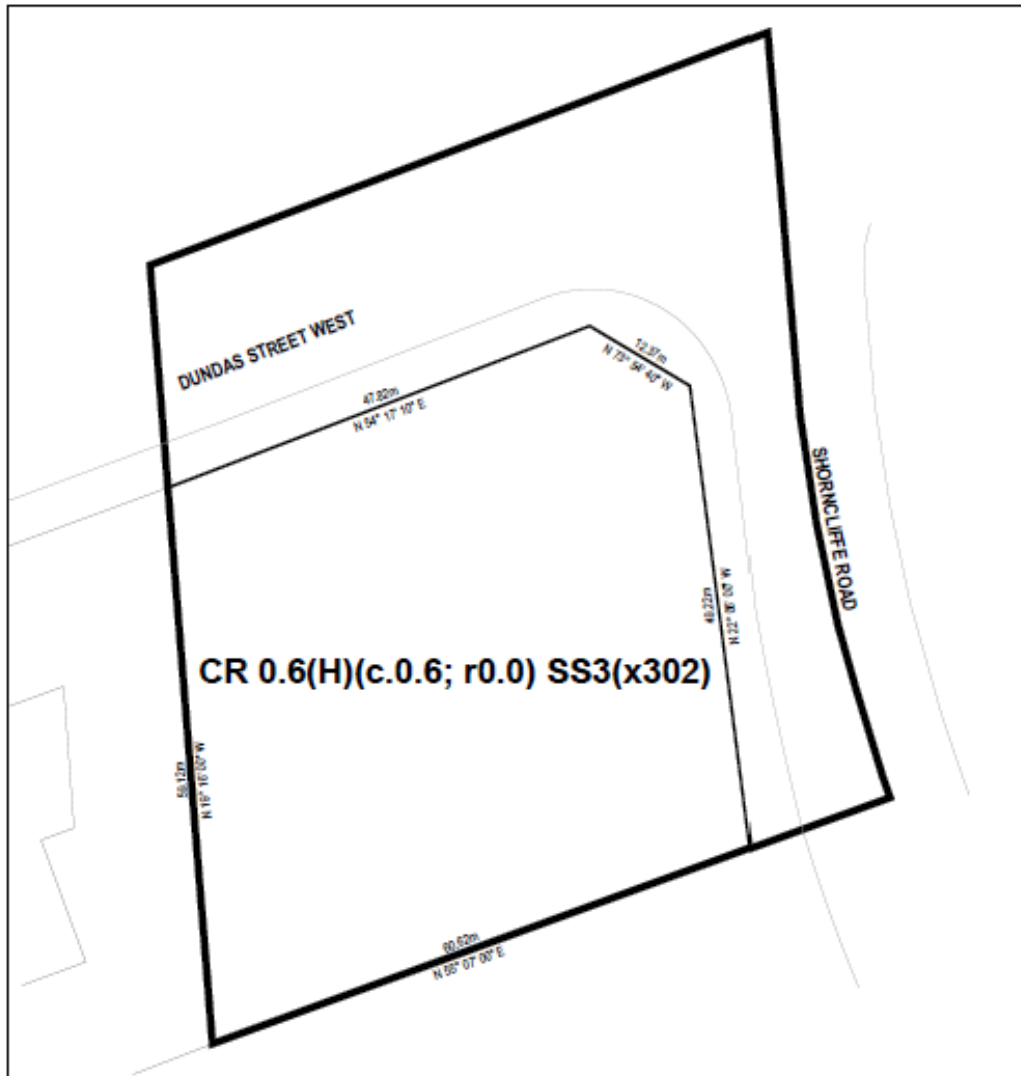
 **TORONTO**
Diagram 1

5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020



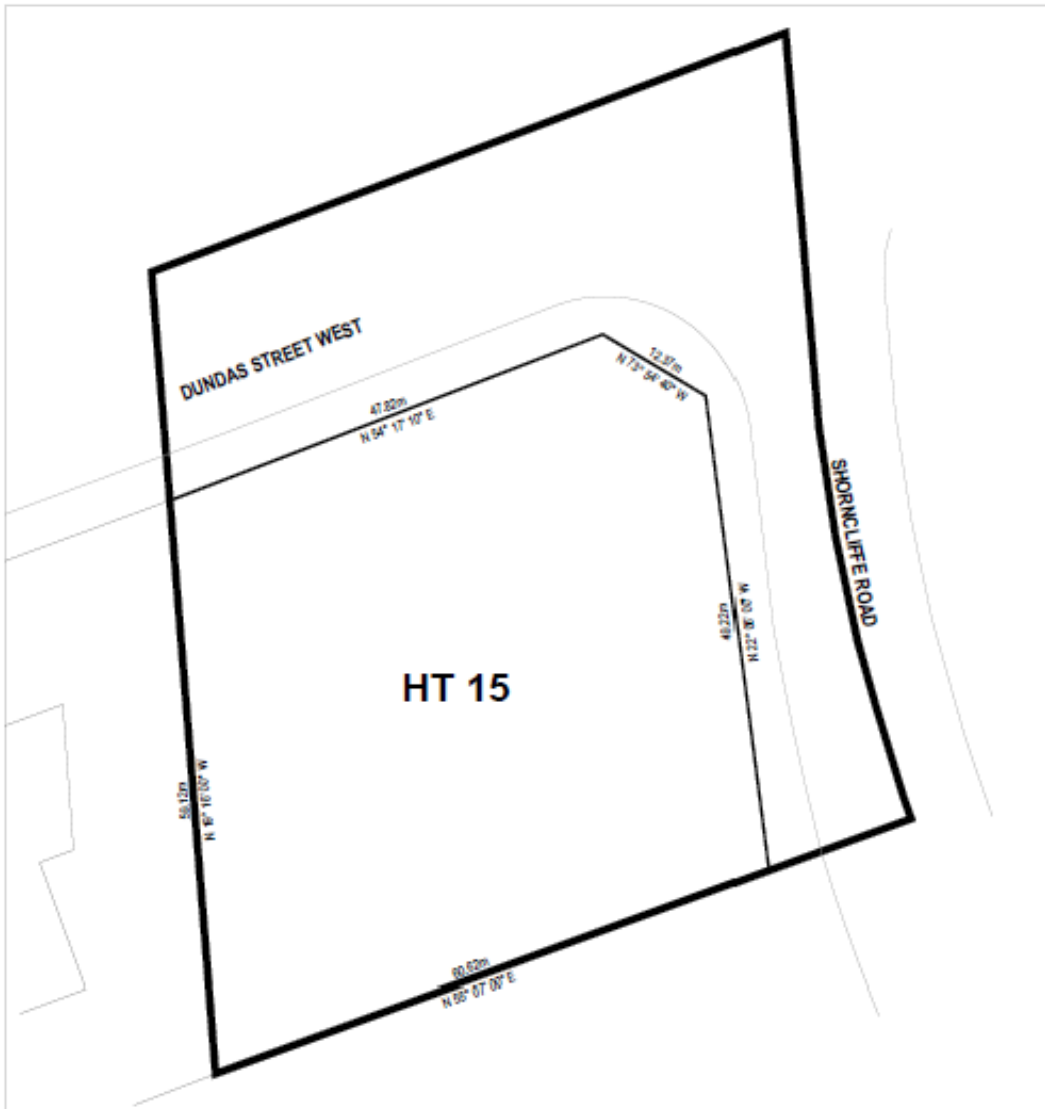
 **TORONTO**
Diagram 2

5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020



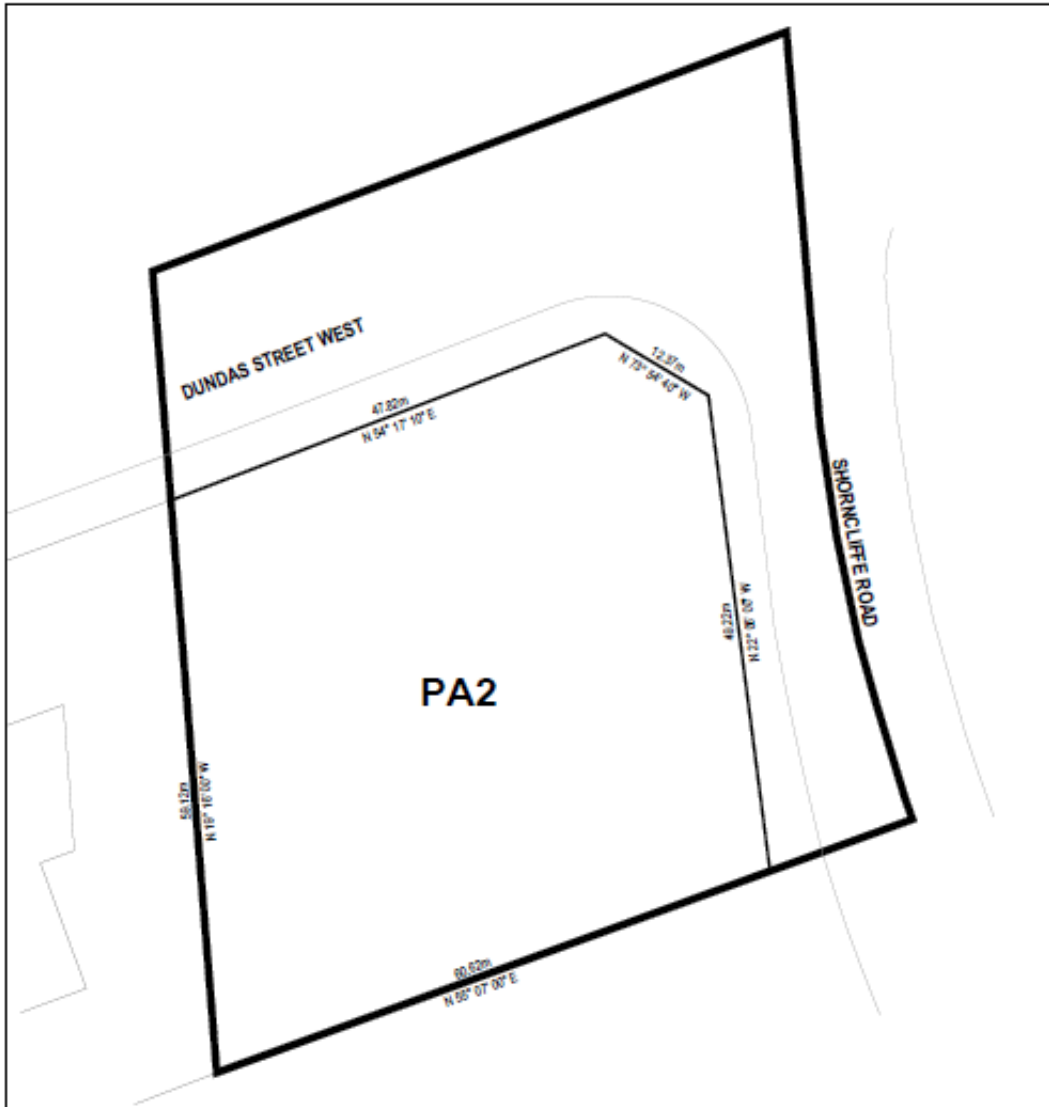
 **TORONTO**
Diagram 3

5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020



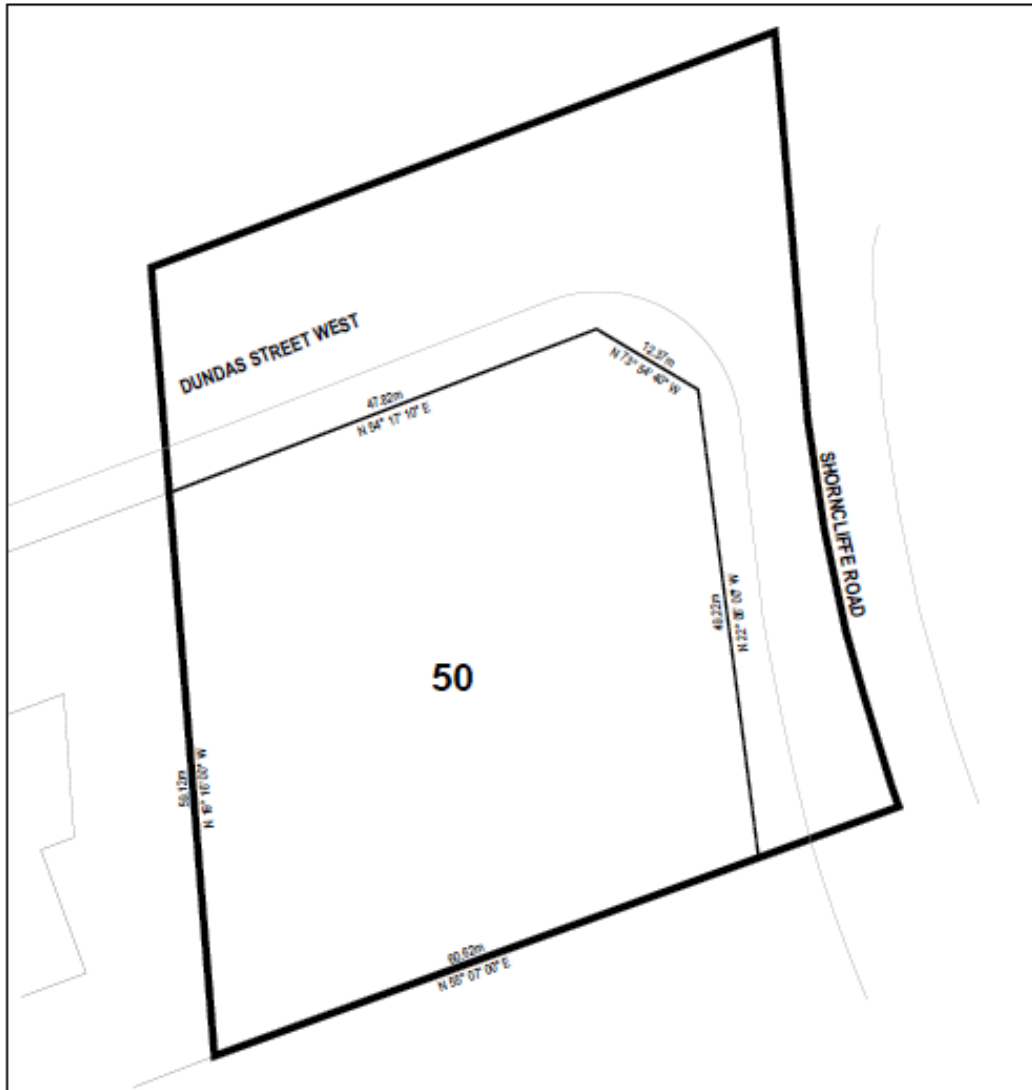
 **TORONTO**
Diagram 4

5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020



 **TORONTO**
Diagram 5

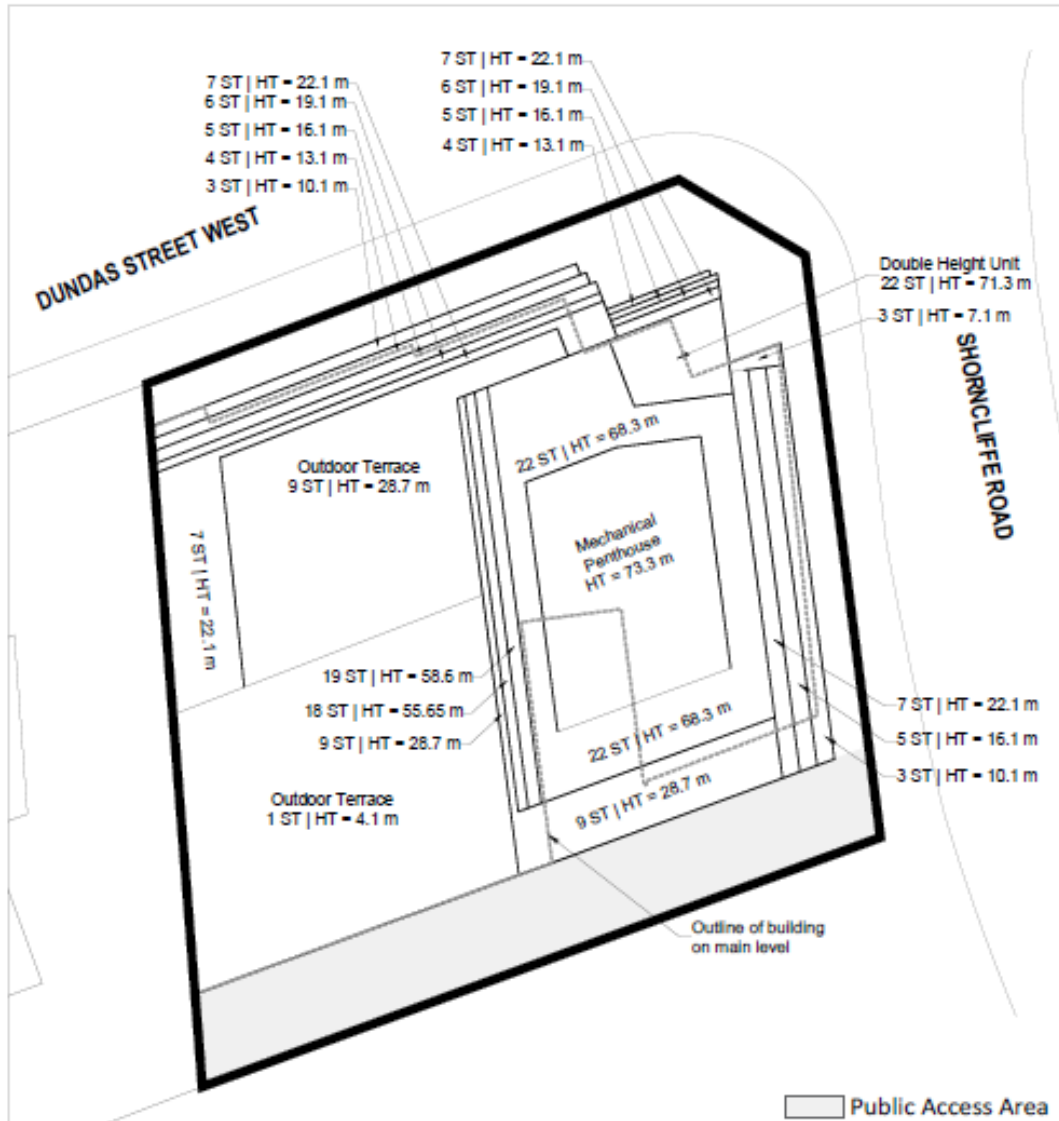
5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020

City of Toronto By-law 2020-XXXX



Toronto
Diagram 6

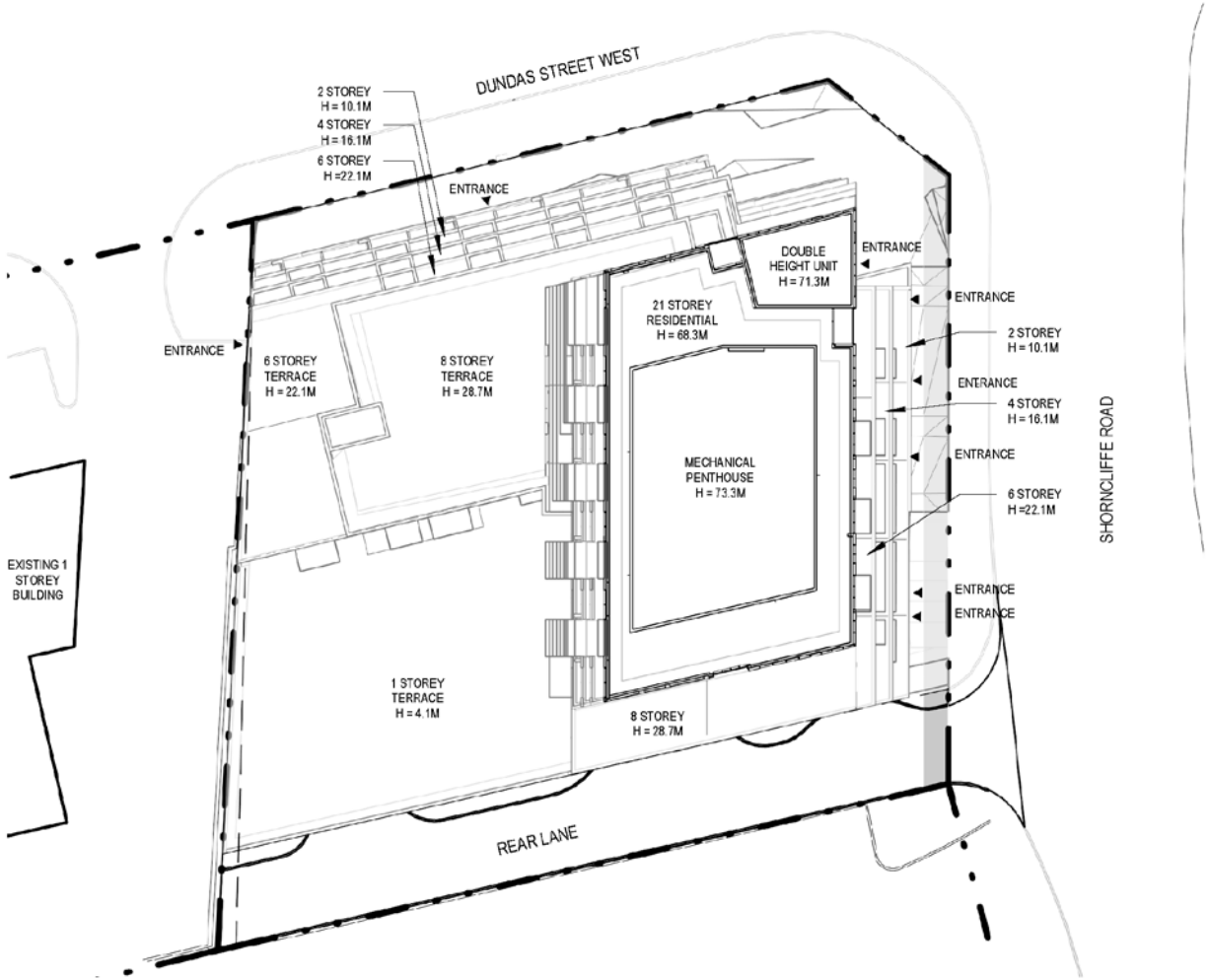
5507-5509 Dundas Street West

File#18 133602 WET 05 OZ



City of Toronto Zoning By-Law 569-2013
Not to Scale
12/11/2020

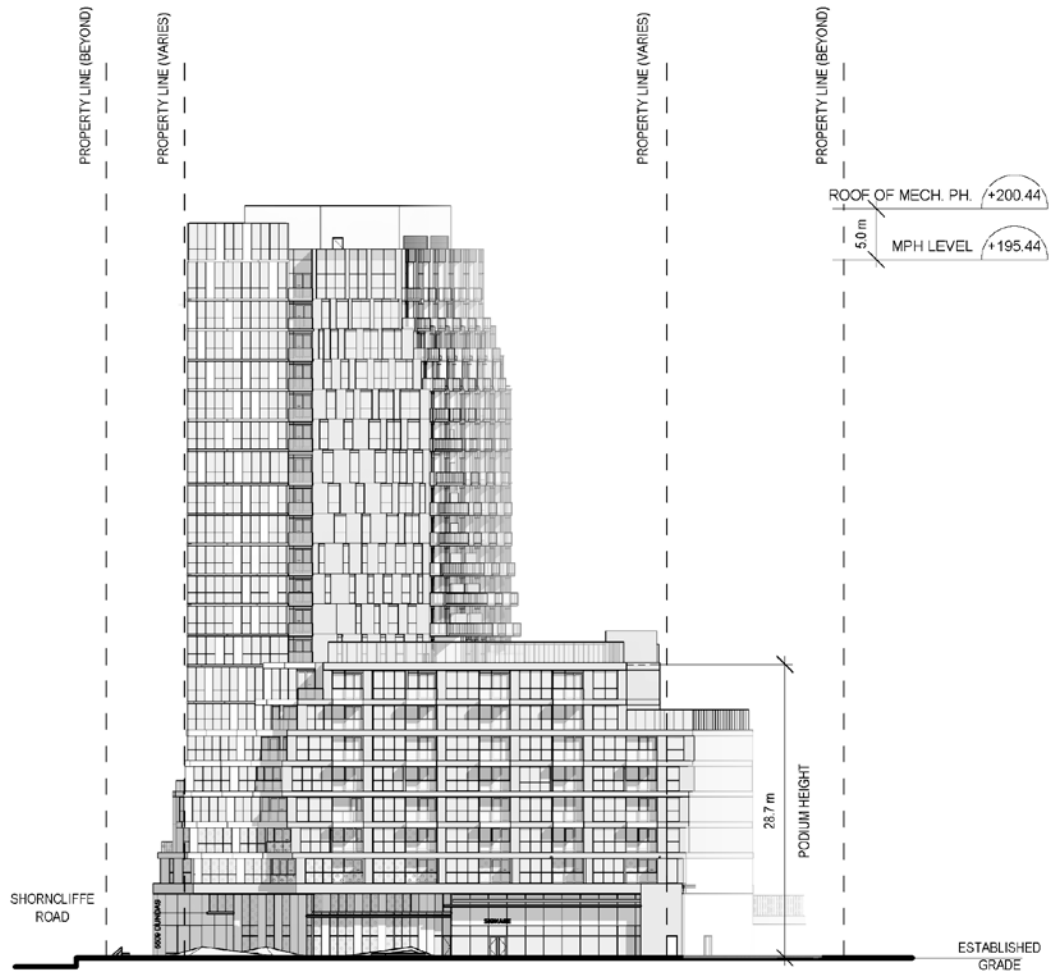
Attachment 8: Site Plan



Site Plan

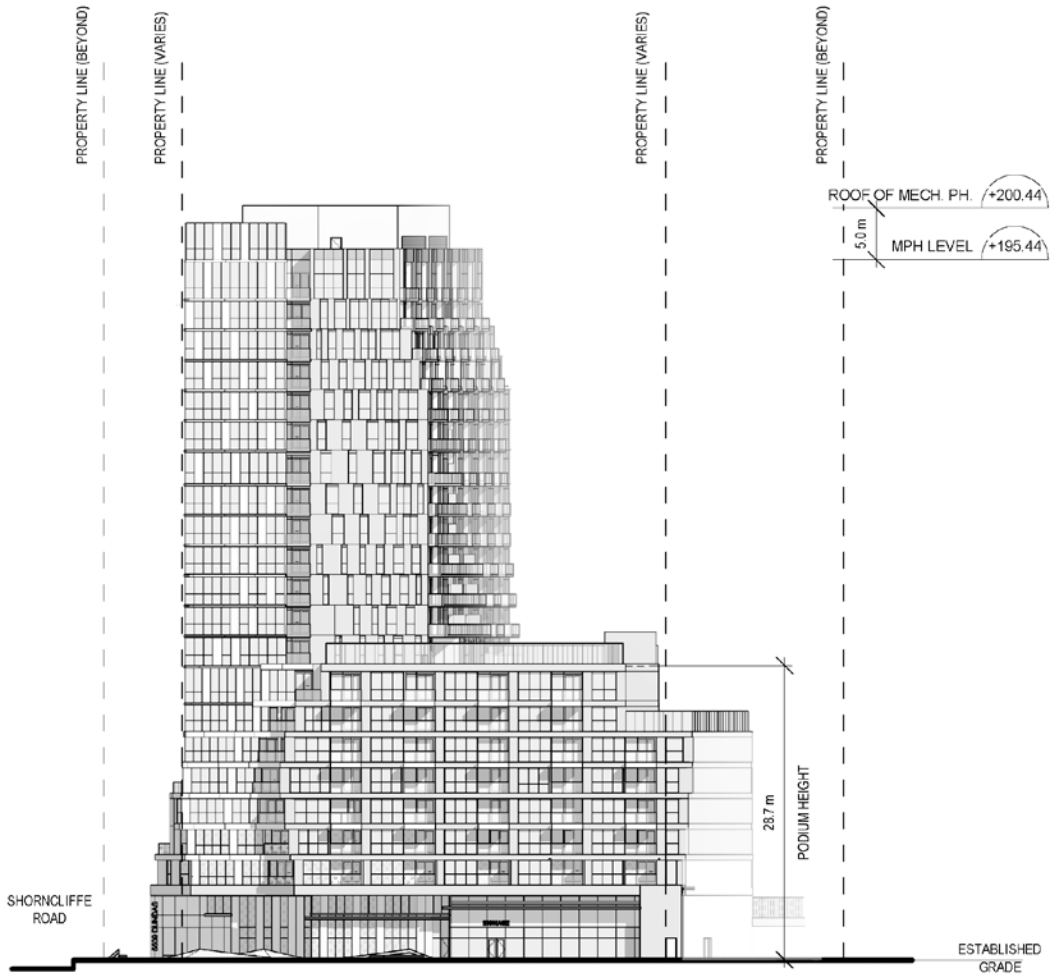


Attachment 9: North Elevation



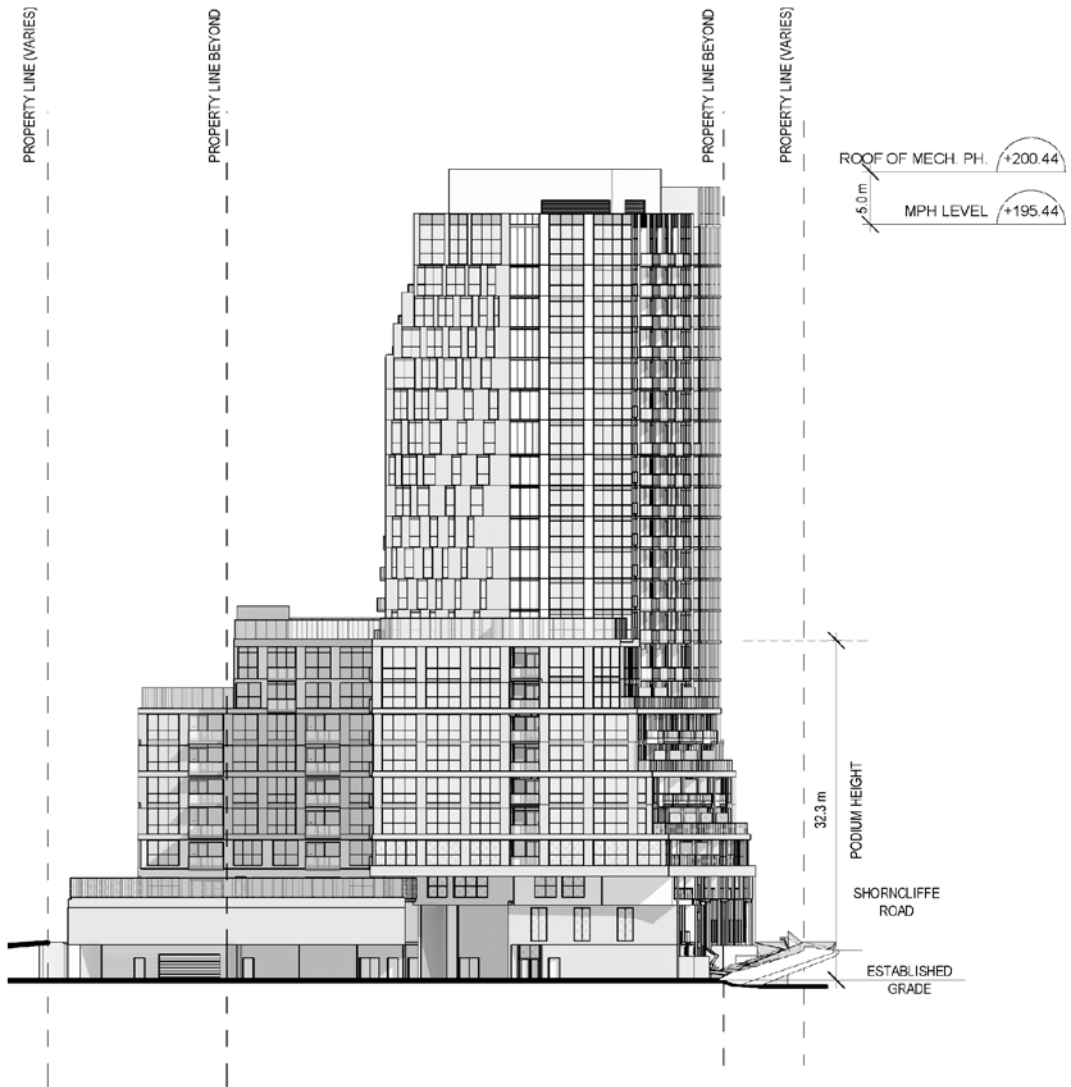
North Elevation

Attachment 10: East Elevation



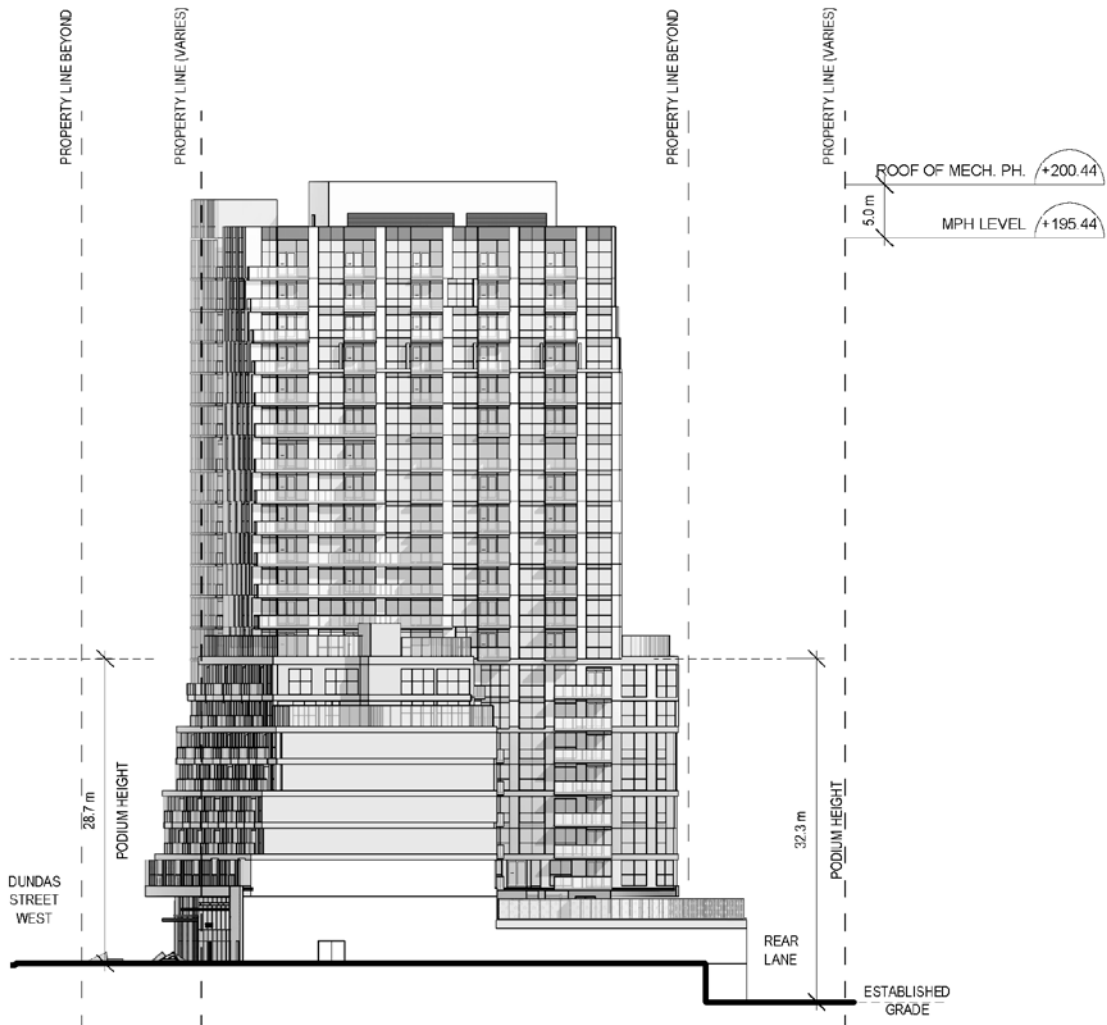
East Elevation

Attachment 11: South Elevation



South Elevation

Attachment 12: West Elevation



West Elevation