

Reply to the Attention of Mary Flynn-Guglietti
Direct Line 416.865.7256
Email Address mary.flynn@mcmillan.ca
Our File No. 203002
Date February 21, 2013

City Clerk
Toronto City Hall
100 Queen Street West
10th Floor, West Tower
Toronto, ON
M5H 2N2

Attention: Ms. Merle MacDonald
Administrator, Planning and Growth Management Committee

Dear Ms. MacDonald:

Re: Submission on behalf of Dunpar Developments Inc. and for 2326388 Ontario Limited re 4187 Dundas Street West and in relation to the PGMC's consideration of the November 2012 version of the New City-Wide Zoning By-law for the City of Toronto (the 'Draft By-law') to be considered at a statutory public meeting on March 6, 2013

We are the solicitors retained to act on behalf of joint venture partners, Dunpar Developments Inc. and 2326388 Ontario Limited in connection with the proposal to construct an 8-storey condominium building with a total of 128 dwelling units on the property municipally known as 4187 Dundas Street West in the former City of Etobicoke.



We have had an opportunity to review the Draft By-law in relation to the Property and have the following concern.

On August 25, 2011 and on November 22, 2012, the Committee of Adjustment for the City of Toronto (Etobicoke York Panel) granted height, floor area and 45-degree angular plan variances to the regulatory standards under By-laws 717-2006 and 1315-2011(OMB) for this Property. Copies of the applicable decisions under File Nos. A437/11EYK and A554/12EYK are attached.

Our clients intend to proceed with the project as approved by the City. However, due to various factors beyond their control, timing for proceeding to implement the proposal has yet to be determined with any certainty. Accordingly, on behalf of our clients we are concerned that the variances granted in 2011 and 2012 may expire if a building permit is not issued within the 3-year limit prescribed by the New Draft By-law's transition Clauses.

Accordingly, and in order to protect the variances granted, we hereby request that the Property be removed from the New Draft By-law to remain subject to the Etobicoke Zoning Code as amended by By-laws 717-2006 and 1315-2011 (OMB), at least until the variances granted by Committee of Adjustment Decisions respecting File Nos. A437/11EYK and A554/12EYK can be ensured.

Yours truly,


for  Mary L. Flynn-Guglietti

/IM
Encl.
Anthony DeCarli

Thursday, November 22, 2012

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number:	A554/12EYK	Zoning:	CG - AV
Owner(s):	2326388 ONTARIO LIMITED	Ward:	Etobicoke-Lakeshore (05)
Agent:	MARY FLYNN-GUGLIETTI		
Property Address:	4187 DUNDAS ST W	Community:	
Legal Description:	CON C FTH PT LOT 10		

Notice was given and a Public Hearing was held on Thursday, November 22, 2012, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct an 8-storey residential condominium building with a total of 128 dwelling units.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

1. Section 4."Q"(1), By-law 1315-2011 (OMB)

The maximum building height shall not exceed 7 storeys and 24.5 m, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings and architectural features). The new residential development will have a maximum building height of 8 storeys and 26.27 m, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings, parapet walls and architectural features.

A previous Committee of Adjustment decision, Application A437/11EYK, approved a maximum building height of 8 storeys and 24.5 m, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings and architectural features.

2. Section 4."Q"(2), By-law 1315-2011 (OMB)

Rooftop structures, including mechanical penthouses, shall be permitted having a maximum of 225 m². The proposed rooftop structures, including the mechanical penthouse, will occupy a maximum area of 345 m².

A previous Committee of Adjustment decision, Application A437/11EYK, approved a maximum area of 400 m² to be occupied by rooftop structures, including the mechanical penthouse.

3. Section C.(1), By-law 717-2006

All buildings and structures shall maintain a 45-degree angular plane, as defined, beyond which no building or structure shall be permitted from any lot line of abutting properties that are zoned Second Density Residential (R2).

The new residential development will project into the 45-degree angular plane above the 5th floor at 14.5 m.

A previous Committee of Adjustment decision, Application A437/11EYK, approved projecting into the 45-degree angular plane above the 6th floor or 15.11 m.

4. Section E.(4), By-law 717-2006

A total of 193 parking spaces must be provided.

A total of 146 parking spaces will be provided.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):

The following conditions shall be fulfilled to the satisfaction of Community Planning Etobicoke York District:

1. The new development shall be constructed substantially in accordance with the plans dated October 17, 2012, submitted and held on file by the Committee of Adjustment Office;
2. Pursuant to Section 45(9) of the *Planning Act*, the applicant shall enter into an Agreement to secure a \$166,000.00 contribution towards local streetscape and parks improvements, to the satisfaction of the City Solicitor and the Acting Director, Community Planning, Etobicoke York District; and
3. The contribution shall be provided prior to the issuance of the first above-grade Building Permit for the development.

The following condition shall be fulfilled to the satisfaction of Traffic Planning/R-O-W Management, Transportation Services:

4. The applicant shall provide vehicle parking at the following ratios:
 - a. Bachelor dwelling units – 0.80 stalls per unit;
 - b. One-bedroom dwelling units – 0.90 stalls per dwelling unit;
 - c. Two-bedroom dwelling units – 1.0 stalls per dwelling unit;
 - d. Three or more dwelling units – 1.20 stalls per dwelling unit; and,
 - e. Visitor parking – an additional 0.20 stalls per dwelling unit.

SIGNATURE PAGE

File Number:	A554/12EYK	Zoning	CG - AV
Owner:	2326388 ONTARIO LIMITED	Ward:	Etobicoke-Lakeshore (05)
Agent:	MARY FLYNN-GUGLIETTI	Community:	
Property Address:	4187 DUNDAS ST W		
Legal Description:	CON C FTH PT LOT 10		

Dominic Gulli (signed)

Paul Valenti (signed)

Fred Dominelli (signed)

Mary-Anne Popescu (signed)

DATE DECISION MAILED ON: Friday, November 30, 2012

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, December 12, 2012

CERTIFIED TRUE COPY

Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

To appeal this decision to the Ontario Municipal Board, send a completed OMB Appellant Form (A1) to the Manager & Deputy Secretary-Treasurer, Committee of Adjustment. You must pay a filing fee of \$125.00, by certified cheque or money order, in Canadian funds, payable to the Minister of Finance. An additional reduced fee of \$25.00 is required for each connected appeal filed by the same appellant. To obtain a copy of Appellant Form (A1) and other information about the appeal process please visit the Ontario Municipal Board web site at www.omb.gov.on.ca.

Thursday, August 25, 2011

**NOTICE OF DECISION
MINOR VARIANCE/PERMISSION
(Section 45 of the Planning Act)**

File Number:	A437/11EYK	Zoning	CG - AV
Owner(s):	DUNPAR DEVELOPMENTS INC	Ward:	Etobicoke-Lakeshore (05)
Agent:	MCMILLAN BINCH LLP BROOKFIELD PLACE		
Property Address:	4187 DUNDAS ST W	Community:	
Legal Description:	CON C FTH PT LOT 10		

Notice was given and a Public Hearing was held on Thursday, August 25, 2011, as required by the Planning Act.

PURPOSE OF THE APPLICATION:

To construct an 8-storey residential condominium building with a total of 112 dwelling units.

REQUESTED VARIANCE(S) TO THE ZONING BY-LAW:

- Section 4."Q"(1), Attachment 1 - Ontario Municipal Board Order PL070056**
The maximum building height shall not exceed 7-storeys and 24.5 m, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings and architectural features). The new residential development will have a maximum building height of 8-storeys and 24.5 m, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings and architectural features.
- Section 4."Q"(2), Attachment 1 - Ontario Municipal Board Order PL070056**
Rooftop structures, including mechanical penthouses, shall be permitted having a maximum of 225 m². The proposed rooftop structures, including the mechanical penthouse, will occupy a maximum area of 400 m².
- Section C.(1), By-law 717-2006**
All buildings and structures shall maintain a 45-degree angular plane, as defined, beyond which no building or structure shall be permitted from any lot line of abutting properties that are zoned Second Density Residential (R2).
The new residential development will project into the 45-degree angular plane above the 6th floor or 15.11m.

IT WAS THE DECISION OF THE COMMITTEE OF ADJUSTMENT THAT:

The Minor Variance Application is Approved on Condition

It is the decision of the Committee of Adjustment to authorize this variance application for the following reasons:

- The general intent and purpose of the Official Plan is maintained.
- The general intent and purpose of the Zoning By-law is maintained.
- The variance(s) is considered desirable for the appropriate development of the land.
- In the opinion of the Committee, the variance(s) is minor.

This decision is subject to the following condition(s):


1. The new development shall be constructed substantially in accordance with the revised plans (dated August 24, 2011) submitted and held on file by the Committee of Adjustment office.

The following conditions shall be fulfilled to the satisfaction of City Planning:


2. 8 storeys but no increase in height, i.e. the building maintains the OMB approved height of 24.5 metres, not including rooftop mechanical rooms, rooftop amenity space (indoor and outdoor), screen walls, railings and architectural features, and
3. The proposed rooftop structures, including the mechanical penthouse, occupy a maximum area of 400 m², and
4. The cornice lines of the building project into the 45-degree angular plane above the 5th floor or 15.11 metres on the south elevation of the building closest to the detached houses on Prince Edward Drive, and
5. The balconies on the upper floors of the same face of the building are as follows:
 - i. 6th floor – no balconies
 - ii. 7th floor – maximum depth of balconies: 1 metre
 - iii. 8th floor – maximum depth of balconies: 1.5 metres
6. Pursuant to Section 45 (9) of the *Planning Act* the applicant shall make a contribution in the amount of \$150,000.00, by certified cheque, for local streetscape and parks improvements, to the satisfaction of the Director, Community Planning, Etobicoke York District; and
7. This contribution must be received by the City of Toronto before the issuance of the first above-ground Building Permit for this building.

SIGNATURE PAGE


File Number:	A437/11EYK	Zoning	CG - AV
Owner:	DUNPAR DEVELOPMENTS INC	Ward:	Etobicoke-Lakeshore (05)
Agent:	MCMILLAN BINCH LLP BROOKFIELD PLACE		
Property Address:	4187 DUNDAS ST W	Community:	
Legal Description:	CON C FTH PT LOT 10		



Carlene Whittingham
(signed)



Paul Valenti (signed)

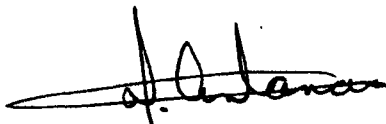


Rick Florio (signed)

DATE DECISION MAILED ON: Friday, September 2, 2011

LAST DATE OF APPEAL TO THE ONTARIO MUNICIPAL BOARD: Wednesday, September 14, 2011

CERTIFIED TRUE COPY



Susanne Pringle
Manager & Deputy Secretary Treasurer
Etobicoke York Panel

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