TORONTO

REPORT FOR ACTION

5415, 5421-5429 and 5435 Dundas Street West – Application to Remove the Holding Symbol (H) - Final Report

Date: June 25, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York

Ward: Ward 6 - Etobicoke Lakeshore

Planning Application Number: 17 129928 WET 05 OZ

SUMMARY

This application proposes to remove the Holding Symbol (H) from the Zoning By-Law for a portion of the site at 5415, 5421-5429 and 5435 Dundas Street West to permit the first phase of development to proceed. This phase would include a 25-storey mixed use building, a private road, 5,087 m² of non-residential gross floor area and 288 residential units.

The holding provision was utilized to ensure the necessary municipal infrastructure required for the first phase of development is in place and operational. As this is now the case, this report reviews and recommends approval of the application to amend the Zoning By-law to remove the Holding Symbol (H) for a portion of the site.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017).

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council amend Zoning By-law No. 1088-2002, as amended by Zoning By-law No. 769-2016, for the lands at 5415, 5421-5429 and 5435 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 3 to this report.
- 2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting on November 29 to December 1, 2011, City Council adopted a report from City Planning recommending approval of planning applications on two adjacent sites: Dunshorn Holdings Inc. at 5415, 5421-5429, 5435, 5475 and 5481 Dundas Street West and 15 and 25 Shorncliffe Road; and Alder Place at 5485 and 5487 Dundas Street West. The proposals were to permit a development of 8 tall buildings, ranging in height from 20 to 30 storeys, a 0.4 hectare public park and a new publicly-accessible private road network. The three buildings (with five towers) on the south portion of the site would be residential only. The three buildings fronting Dundas Street West would have an 8-storey podium, with non-residential uses (commercial and office space) on the first 3 storeys, and residential uses above. Section 37 benefits were secured, including a total of \$1,500,000 for above base park improvements at a new on-site park or improvements at Cloverdale Park.

City Council's decision can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2011.EY11.5

At its meeting on February 6-7, 2012, City Council adopted a recommendation to delete the previous provisions regarding air quality and replace them with a new requirement, as follows, such that before introducing the necessary Bills to City Council for enactment, City Council require:

"c) written confirmation has been received from the Dunshorn property owner's solicitor and Dunshorn's consulting engineer that, if off-site mitigation measures are recommended by the Third Party Peer Review, a written agreement(s), including financial and implementation details, has been executed between the odour-emitting industry(s) affecting the development and Dunshorn to ensure that the measures will be completed and will be operational to mitigate air quality and odour impact, all to the satisfaction of the Director, Community Planning, Etobicoke York District".

City Council also required the owners of Dunshorn Holdings Inc. and Alder Place to enter into an agreement with each other, registered on title, regarding access to, construction and maintenance of the private road, before enacting the Bills.

City Council's decision can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2012.EY12.8

At its meeting on July 12-15, 2016, site specific Zoning Bylaw No. 769-2016 was enacted to permit a mixed use development at 5415-5481 Dundas Street West and 15 and 25 Shorncliffe Road having a gross floor area of 182,500 sq.m. in total, including a

combined minimum non-residential GFA within Buildings 1 and 4 of 2,355 m². on the ground floor and 6,000 m². on the second and third floors. The zoning permits 7 tall buildings with heights ranging from 20 storeys (63 metres) to 30 storeys (93 m), a public park (approximately 3,680 m²), and publically-accessible private roads. The previous holding provisions were removed and new holding provisions were applied, to prevent any development prior to ensuring that all water mains and sanitary sewers, including off-site improvements, were installed and operational, the private road was constructed to minimum standards, as necessary for phased development, and a public access easement was registered on title.

At its meeting on July 12-15, 2016, site specific Zoning Bylaw No. 1100-2016 was enacted to permit a mixed use development at 5485 and 5487 Dundas Street West having a gross floor area of 33,488 m² in total, including a minimum of 1,380 m² of non-residential GFA on the ground floor of the building. The zoning permits a 27-storey building (81 m), with two-level podium having maximum heights of 8 storeys (27 m) along the Dundas Street West frontage and 4 storeys (15 m) along the new private road.

City Council on July 12-15, 2016 also adopted a motion to amend the Section 37 agreement applying to these lands as follows: 1) re-allocation of \$1,500,000 of Section 37 benefits away from improvements to the new on-site park (above base) and Cloverdale Park towards the capital needs of a future YMCA proposed to be located on the Westwood Theatre Lands and/or local park improvements; 2) modifications to parkland dedication cash-in-lieu requirements to direct the cash-in-lieu portion of the parkland dedication from the Dunshorn site in part towards the full cost of completion of the above-base improvements for the new public park on-site; and 3) requirement for a publically-accessible privately-owned road network, built in phases with the physical characteristics of a public road.

City Council's decision can be found at the following link: http://app.toronto.ca/tmmis/viewAgendaltemHistory.do?item=2016.MSQ.M.0.23

The current application was submitted on March 16, 2017 and deemed complete on April 15, 2017.

ISSUE BACKGROUND

Proposal

The application proposes to remove the Holding Symbol (H) in Zoning By-law No. 769-2016 relating to servicing and the private road network, in order to construct the first phase of development. This first phase, outlined in the concurrent Site Plan Control application, is to consist of a mixed use building having a height of 25 storeys (79 metres) with non-residential uses (5,087 m²) on the lower floors and 288 residential units above. This building is identified as Building 4 in Zoning By-law No. 769-2016.

Site and Surrounding Area

The lands for which the holding provision would be removed (Phase 1) comprise part of the Dunshorn lands, including portions of the properties at 5415, 5421-5429 and 5435 Dundas Street West. The Phase 1 lands are approximately 4,739 m² in size and are irregularly shaped, with a frontage of 89 metres along Dundas Street West, a depth of 79 metres, and being narrower at the south end of the site. It excludes the southern and some of the western portions of the properties, which will be developed in future phases.

A 4-storey and a 2 storey commercial building and surface parking lots are currently on the site.

Surrounding land uses are as follows:

North: Across Dundas Street West there is a 2 storey commercial building, a 1-storey dry cleaner and a 1-storey auto dealership. Behind these are low-rise, low density residential neighbourhoods.

South: The remainder of the 5415, 5421-5429 and 5435 Dundas Street West properties which are not subject to the application to remove the holding provisions, with the Canadian Pacific and GO Transit rail corridor beyond. South of the tracks are a hydro corridor and industrial lands.

East: Abutting the site on the east is a mixed use development site (The Kip). The former Canadian Tire retail building has been demolished and construction of a 28-storey mixed use building and publicly-accessible open space is underway. This is the first phase of a multi-building development, including open space and a private road, having varying podium heights (10m, 24m and 36m) and four towers of varying heights (60m to 69m).

Further east along Dundas Street West are an office building and a high-rise apartment building (25 storeys in height). The pedestrian entrance to the Kipling Subway Station is an approximately 700 metre walk from the east end of the subject site.

West: Along the Dundas Street West frontage, one and two storey commercial buildings, containing primarily restaurants and retail uses, and auto-related uses. Closer to the rail corridor, there is a large industrial building and an office building.

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 (2014) (the "PPS") provides policy direction provincewide 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 and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

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

The PPS 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.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS 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 Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related
 policies directing municipalities to make more efficient use of land, resources and
 infrastructure to reduce sprawl, cultivate a culture of conservation and promote
 compact built form and better-designed communities with high quality built form and
 an attractive and vibrant public realm established through site design and urban
 design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;

- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS 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. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

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 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 and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of the staff analysis and review 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 and the Etobicoke Centre Secondary Plan as follows:

Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation: The Official Plan states that future growth within Toronto will be focussed in areas which are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 of the Official Plan. Map 2 designates the site as a Centre. A priority for managing growth across the City is the establishment of vibrant transit supportive mixed-use Centres, with a Secondary Plan for each.

Chapter 4- Land Use Designations

The subject lands are designated *Mixed Use Areas* on Map 15 of the Official Plan. *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. The Official Plan contains criteria for development in *Mixed Use Areas* relating to, among other things, a range of uses including homes and jobs, transit accessibility, public realm and impacts on *Neighbourhoods*.

Chapter 5 - Implementation: Making Things Happen

The Official Plan includes policies to permit holding by-laws. A holding provision may be placed on lands where the ultimate desired use of the lands is specific but development cannot take place until conditions set out in the Plan or by-law are satisfied. Conditions to be met prior to the removal of the holding provision may include servicing improvements, environmental remediation measures, and phasing of development, among other matters.

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

Secondary Plan

The Phase 1 lands are also part of the Etobicoke Centre Secondary Plan (ECSP) area and are designated *Mixed Use Area A*. High-rise, high-density residential and mixed use development is permitted under the *Mixed Use Area A* designation. The ECSP notes that *Mixed Use Area A* will:

- a) Create a balance of uses to reduce automobile dependency and meet the diverse needs of the local community;
- b) Consist of a broad range of commercial, residential and institutional uses in single use or mixed-use buildings, as well as parks and open space;
- c) Have access to schools, parks, community centres, libraries and childcare; and
- d) Be designed and situated to take advantage of nearby transit services.

Policy 5.3.1.4 of the Official Plan states that "in considering development proposals under this Plan, the City will ensure that the intensity and scale of proposed development can be accommodated by the various components of the City's infrastructure, as improved from time to time".

Policy 5.3.3 further states that "Where appropriate, staging or phasing of new development will be provided for where infrastructure improvements are required to service anticipated growth".

The Etobicoke Centre Secondary Plan can be found here: https://www.toronto.ca/city-government/planning-development/official-plan-quidelines/official-plan/.

The outcome of the staff analysis and review of relevant Official Plan policies and designations and the Secondary Plan noted above are summarized in the Comments section of this report.

Zoning

Zoning By-law No. 769-2016 applies to this site, amending Zoning By-law No.1088-2002 (Etobicoke Centre Zoning By-law), which amended the Etobicoke Zoning Code. Zoning By-law No. 769-2016 permits up to 182,500 m² of gross floor area, including a minimum of 8,355 m² of non-residential gross floor area. The by-law permits a multi-building development, including open space, a private road and buildings with varying podium heights (10m, 24m and 36m), one tower of 30 storeys (93 m), two towers of 28 storeys (87 m), two towers of 25 storeys (79 m), one tower of 22 storeys (69 m) and one tower of 20 storeys (63 m), subject to Holding provisions pursuant to Section 36 of the *Planning Act*.

The zoning for the Phase 1 lands is EC2 (H), with the Holding Symbol preventing development prior to satisfying certain requirements for the proposed development, including conditions related to servicing and roads.

The conditions of the Holding provision (Section 12) state that:

"In accordance with the provisions of Section 36 of the *Planning Act*, the holding symbol "H" will be removed from the lands shown on Schedule 'A' to this By-law upon fulfillment, all to the satisfaction fo the City Solicitor, the Director, Community Planning, Etobicoke York District and the Executive Director, Engineering and Construction Services, of Subsections (a) and (b) below:

- (a) The execution and registration of a development agreement between the Owner of the Lands and the City, securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development, and
- (b) The receipt of all necessary approvals for the infrastructure required in Section 12(a) of this By-law".

The Holding provision (Section 18) further states that no development will occur on the lands until:

- "(a) all water mains and sanitary sewers, including off-site improvements, and appropriate appurtenances, have been installed and are operational; and
- (b) the Private Road has been constructed to a minimum of base curb and base asphalt and is connected to Shorncliffe Road and Dundas Street West, or in the case of a phased development, the portion of the Private Road as required in accordance with Section 13(c) (v) is completed, and the easement required in Section 13(c)(vi) of this By-law has been registered".

The zoning includes Section 13 (c) iii which reads, in the context of the Section 37 Agreement, that:

"The Owner shall enter into and register an agreement with the City securing financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development, including providing letters of credit to secure such work, prior to the earlier of the issuance of Site Plan Approval and the issuance of any Building Permit, for all or any part of the Lands, all to the satisfaction of the City Solicitor and the Executive Director, Engineering and Construction Services".

The zoning further requires the owner to, prior to the issuance of any Building Permit for all or any portion of the lands, enter into and register on title to the lands one or more agreements with the City pursuant to Section 37 of the *Planning Act*, as a method to secure the facilities, services, and matters relating to the road construction and timing, including items in Section 13(c)(v) and (vii).

Section 13 (c)(v) states:

"The Owner of the Lands shall provide and construct to municipal standards a private road, having the characteristics of a public road, with the exception of ownership, connecting Shorncliffe Road to an approved privately owned, publicly accessible road on the abutting lands to the east and to Dundas Street West (the "Private Road"), all to the satisfaction of the Director, Community Planning, Etobicoke York District and the Executive Director, Construction and Engineering Services. The Private Road will be completed in phases, in tandem with the phased development of the Lands, with each segment of the Private Road abutting any development parcel for which any Building Permit has been issued, to be completed prior to the first above-grade Building Permit being issued or prior to Condominium Registration for that development parcel, with the determination as to timing to be at the sole discretion of the Executive Director, Engineering and Construction Services".

Section 13(c)(vi) states:

"The Owner of the Lands will convey (an) easement(s) to the City for public access to the Private Road at all times. Easements for segments of the Private Road may be provided separately and in a phased manner as the Private Road is developed over time, at the discretion of the Executive Director, Engineering and Construction Services. The easement related to the segment of the Private Road abutting a development

parcel, shall be provided prior to the issuance of any above-grade Building Permit or prior to Condominium Registration for that development parcel, with the determination as to timing to be at the sole discretion of the Executive Director, Engineering and Construction Services. The Section 37 Agreement will contain requirements for the Owner to insure and indemnify the City with respect to the Private Road, all to the satisfaction of the City Solicitor".

Section 16 states:

"Subject to Section 11 of this By-law, nothing in this By-law shall apply to prevent the phased construction of the development permitted by this By-law, provided that the requirements of this By-law are complied with upon full development or earlier if specified otherwise in this By-law".

This site is not subject to City-wide Zoning By-law No. 569-2013 as the lands were the subject of a site specific zoning within the Etobicoke Centre.

Site Plan Control

An application for Site Plan Control for the subject lands was submitted on July 22, 2016. This application to permit the construction of the first phase (a 25-storey mixed use building and portion of a road) is currently under review.

Reasons for the Application

The application to remove the Holding Symbol (H) from a portion of the lands covered by Zoning By-law No. 769-2016 is required to permit the first phase of development. City Council is required to confirm that the requirements for lifting the hold have been satisfied related to servicing and roads.

Application Submission

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

Functional Servicing and Stormwater Management Report, dated December 2016.

The report can be found at the Application Information Centre at the following link: https://www.toronto.ca/city-government/planning-development/application-information-centre

Agency Circulation

The application, together with the report noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to determine if the conditions required to remove the Holding Symbol (H) have been met.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

PPS (2014) Policy 1.6.6.1 d) states that planning for sewage and water services shall integrate servicing and land use considerations at all stages of the planning process.

Growth Plan Policy 3.2.1.1 states that infrastructure planning, land use planning, and infrastructure investment will be co-ordinated to implement this Plan.

Growth Plan Policy 3.2.1.3 states that infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas.

Servicing

The current EC2 (H) zoning prevents development prior to satisfying certain development requirements, including conditions related to servicing and roads.

Prior to removing the Holding Symbol (H), a development agreement between the owner of the lands and the City is required, to the satisfaction of the City Solicitor, Director, Community Planning, Etobicoke York District and the Chief Engineer and Executive Director, Engineering and Construction Services:

- (a) Securing the financing and construction of any improvements that may be required to the City's sanitary sewer, storm sewer and water supply systems to accommodate the proposed development at Phase 1; and
- (b) The receipt of all necessary approvals for the infrastructure required in Section 12(a) of this By-law.

A municipal infrastructure agreement has been signed to secure the financing and construction of the necessary servicing upgrades, including an extension of an existing sewer pipe.

Environmental Compliance Approval was granted by the Ministry of Environment and Climate Change for the servicing infrastructure.

The two requirements to remove the Holding Symbol (H) have now been met.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to implementation of holding by-laws to secure appropriate infrastructure to support growth. Staff recommend that City Council approve the application to remove the Holding Symbol (H) from the Zoning By-law for a portion of the site.

CONTACT

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SIGNATURE

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

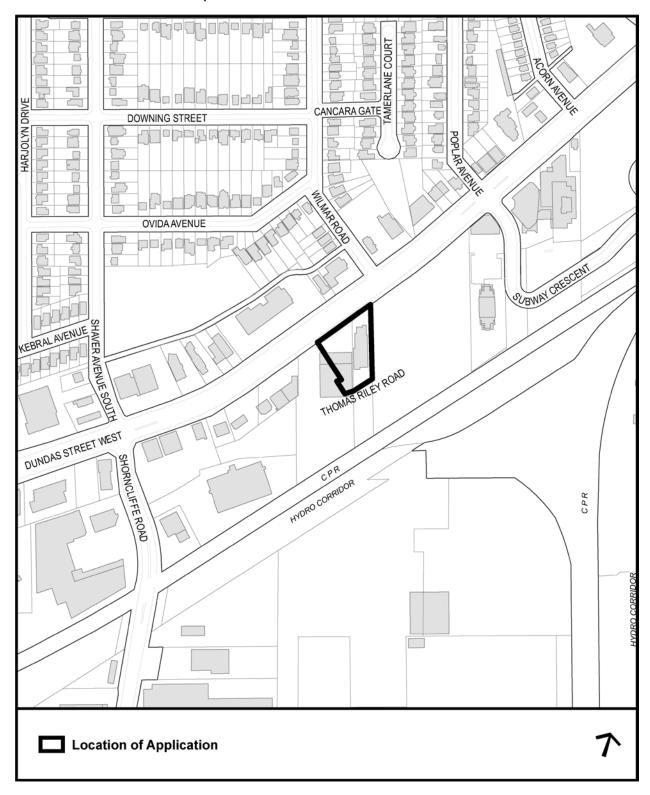
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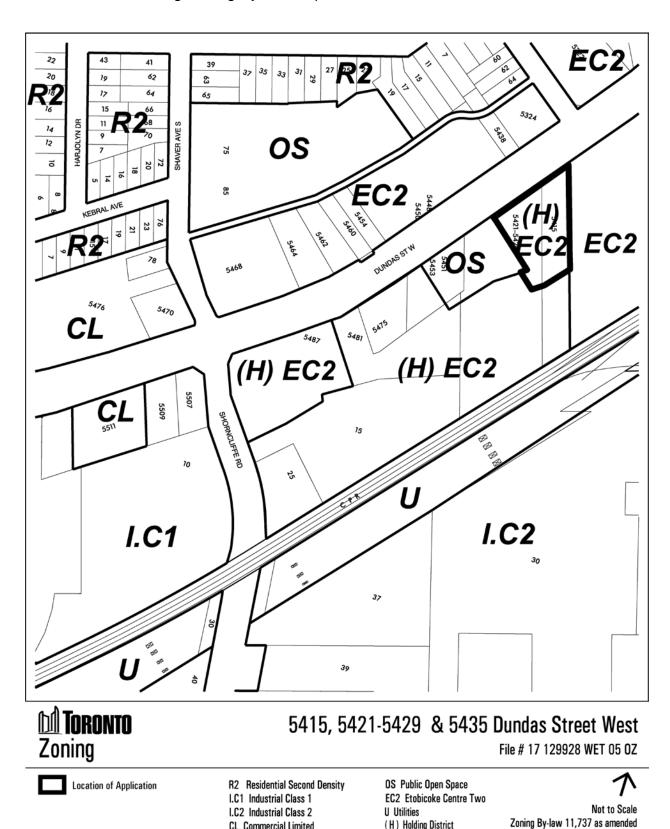
City of Toronto Data/Drawings

Attachment 1: Location Map

Attachment 2: Existing Zoning By-law Map
Attachment 3: Draft Zoning By-law Amendment

Attachment 1: Location Map





(H) Holding District

CL Commercial Limited

Extracted: 06/21/2018

Attachment 3: Draft Zoning By-law Amendment

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

CITY OF TORONTO

BY-LAW No. ~-20~

To amend the Etobicoke Zoning Code and By-law No. 1088-2002, as amended, and By-law 769-2016 to lift the Holding symbol (H) on portions of the lands municipally known as 5415, 5421-5429 and 5435 Dundas Street West.

Whereas authority is given to Council by Section 34 and Section 36 of the *Planning Act*, 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 (H) have been satisfied; and

Whereas Council has provided notice of the intent to pass this By-law and to remove the Holding symbol (H);

The Council of the City of Toronto enacts:

1. Site Specific Zoning By-law No. 769-2016, which amended the Etobicoke Zoning Code, as amended, and By-law 1088-2002, as amended, is amended by removing the Holding symbol (H) from the lands outlined by heavy lines such that the designation is revised from "(H)EC2" to "EC2" as shown on Schedule A attached.

Enacted and passed on ~, 20~.

Frances Nunziata, Speaker Ulli S. Watkiss, City Clerk

(Seal of the City)

Schedule A

