

5365 Dundas Street West – Zoning By-law Amendment Application – Final Report

Date: June 29, 2018

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 5 - Etobicoke-Lakeshore

Planning Application Number: 17 260380 WET 05 OZ

SUMMARY

This application proposes to amend the former City of Etobicoke Zoning Code, as amended by Zoning By-law No. 1088-2002 (the Etobicoke Centre Secondary Plan) and Site Specific Zoning By-law No. 735-2014 (OMB) for the Phase 2 and 3 lands to permit a mixed-use development at 5365 Dundas Street West. The proposal would result in the redeployment of the permitted total gross floor area of 102,323 m² in a different built form than currently permitted, with no overall increase to the gross floor area. This gross floor area includes development on the Phase 1 lands as previously approved and currently under construction. Also, new provisions for the four buildings in Phases 2 and 3 would be introduced to replace those currently in Zoning By-law No. 735-2014. This development is marketed as "the Kip District".

The development in the proposed new built form would consist of four buildings. Phase 2 would comprise 24 and 21-storey (75.9 and 65 m high, plus 3.9 m for mechanical penthouses) mixed use Buildings D and E fronting on Dundas Street West with retail uses at-grade and residential uses above having a total of 34,000 m² of gross floor area, and 36 and 32-storey (114.4 and 102.4 m high, plus 5.5 m for mechanical penthouses) residential Buildings A and B located at the south end of the site having a total of 49,033 m² of gross floor area. A total of 1,487 residential dwelling units are proposed across the entire site which includes the 283 units in Building C on the Phase 1 lands having a total of 19,300 m² of gross floor area. The permitted density is 4.23 times the area of the lands for the entire development. Proposed for Phases 2 and 3 are three levels of below grade vehicular parking having a total of 1,298 parking spaces and 1,044 bicycle parking spaces. In addition, the project has qualified as part of the City's Open Door Affordable Housing Program providing for 50 purpose-built affordable rental dwelling units in Building E (Phase 2).

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with the Growth Plan for the Greater Golden Horseshoe (2017). The proposal is also in keeping with the intent of the Official Plan and complies with the Etobicoke Centre Secondary Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law. The recommended Zoning By-law includes a Holding provision ("h") on the Phase 3 lands which would be lifted upon the submission of a future Transportation Impact Study, to the satisfaction of the General Manager, Transportation Services.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Site Specific Zoning By-law No. 735-2014 (OMB), for the lands at 5365 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment, attached as Attachment No. 8 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 5365 Dundas Street West to submit a revised Functional Servicing and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
4. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 5365 Dundas Street West to enter into an Amending Section 37 Agreement which would amend the March 1, 2005 Section 37 Agreement registered on title for 5365 Dundas Street West. The following matters are recommended to be secured in the Amending Section 37 Agreement as a legal convenience to support development:
 - a. The owner shall provide at its sole expense a minimum total area of 995 m² of Privately Owned Publicly-Accessible Open Space (POPS) on the Phase 2 lands and grant public access easements to and over the POPS in favour of the City. The specific location, configuration, and design of the POPS is to be determined in the context of the Phase 2 Site Plan Control application process, pursuant to Section 114 of the *City of Toronto Act*, 2006, as amended, and as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, in

consultation with the City Solicitor. The owner may use the Phase 2 POPS for special events on a limited basis, with terms of its usage to be to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.

b. The owner will provide a subsurface TTC property interest, in strata fee or permanent easement, and related rights of support, for the future extension of the Bloor Danforth Subway line located in the Phase 3 lands, prior to the earlier of first residential occupancy for any building in Phase 2, condominium registration for any building in Phase 2 or the lifting of the 'h' for the Phase 3 lands, to the satisfaction of Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.

c. The owner shall submit an application for TTC Technical Review of proposed development on the Phase 3 lands and obtain TTC approval prior to Site Plan Approval for the Phase 3 lands.

d. Prior to Site Plan Approval for the Phase 2 lands, the owner agrees to a third party peer review of the Noise Feasibility and Vibration Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017. The review is to be funded by the owner, and the qualified professional shall be retained by the City. The owner will construct and maintain any noise mitigation measures for the Phase 2 lands as required by the third party peer review of the Noise Feasibility Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017, to the satisfaction of the Chief Planner and Executive Director, City Planning.

e. The owner shall submit a Noise Feasibility and Vibration Study for the Phase 3 lands as part of a Site Plan Control application for the Phase 3 lands and agrees to fund a qualified professional, retained by the City, to conduct a third party peer review of the submitted Noise Feasibility and Vibration Study . The owner shall construct and maintain any noise mitigation measures for the Phase 3 lands as required by the third party peer review of the Phase 3 Noise Feasibility and Vibration Study, secured through the Site Plan Control application process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

f. Prior to Site Plan Approval for the Phase 2 lands, the owner, at its sole expense, shall be responsible for the cost of addressing any servicing capacity issues and shall enter into development or servicing agreements as may be necessary to address the required municipal upgrades as described in "Phase 2 Redevelopment of 5365 Dundas Street West, City of Toronto, St. Albans Road Sanitary Sewer Replacement, Pre-Design Report, Site Plan Approval Application – Third Submission," dated March 29, 2018, and prepared by RV Anderson Associates Limited, to the

satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

g. Prior to Site Plan Approval for the Phase 2 lands, the owner shall post and maintain signs on the Phase 2 lands which are clearly visible from the public sidewalk and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

h. Prior to Site Plan Approval for the Phase 3 lands, the owner shall post and maintain signs on the Phase 3 lands which are clearly visible from the sidewalk of Thomas Riley Road and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

i. The owner shall include warning clauses regarding school accommodation in all agreements of purchase and sale or residential tenancy agreements for developments on the Phase 2 and 3 lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

j. The Amending Section 37 Agreement shall reflect the change to the proposed number of roads, revised from one road to three roads, to be constructed as part of the development on the 5365 Dundas Street West lands (Thomas Riley Road, Streets 'C' and 'D').

k. Prior to removing the Holding provision ("h") on the Phase 3 lands, the owner shall submit a Transportation Impact Study (TIS) for the Phase 3 development addressing site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services.

l. Prior to Site Plan Approval for the Phase 3 lands, the owner must provide Letters of Credit for the road improvements and any necessary design details, to the satisfaction of the General Manager, Transportation Services.

m. Prior to the earlier of condominium registration or first residential occupancy on the Phase 3 lands, the owner at its sole expense shall undertake and complete the road improvements, including off-site road

improvements, as per the requirements in the TIS, to the satisfaction of the General Manager, Transportation Services.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

The site was previously occupied by a Canadian Tire retail store and gas bar. The former owner (Canadian Tire Corporation Limited) submitted an application to amend the Official Plan and the former City of Etobicoke Zoning Code in March 2003 and filed an Ontario Municipal Board (OMB) appeal in July 2003, citing City Council's failure to make a decision on the application. The Preliminary Report is available at the following link: <https://www.toronto.ca/legdocs/2003/agendas/committees/et/et030709/it017.pdf>

The OMB Appeal Recommendation Report is available at the following link: <https://www.toronto.ca/legdocs/2003/agendas/committees/et/et030910/it029.pdf>.

The development permissions for Phase 1 were amended by way of a Minor Variance application (File No. A487/14EYK) that increased building height, reduced step-backs and reduced the number and sizes of parking spaces for Building C. A Site Plan Control application (File No. 14 131378 WET 05 SA) was submitted for Phase 1 and a Statement of Approval was issued on October 20, 2016.

A proposal similar to the current application was considered by the Design Review Panel on January 21, 2014.

Vehicular access to the site would be provided by private streets, the first of which has been approved by Etobicoke York Community Council and is known as 'Thomas Riley Road'. The report recommending approval of the street naming application is available at the following link: <https://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-96576.pdf>.

A pre-application meeting was held on March 24, 2017. The current application was submitted on November 9, 2017 and deemed complete on December 15, 2017. A Preliminary Report on the application was adopted by Etobicoke York Community Council on February 21, 2018 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report can be viewed at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EY28.4>

Approved Developments on Adjacent Lands (5415-5487 Dundas Street West)

Two large sites immediately adjacent to the west of 5365 Dundas Street West, now marketed together under the name "Pinnacle", were also the subject of Zoning By-law Amendments. One of the roads proposed on the 5365 Dundas Street West lands will connect to a new road on the lands to the west.

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 m² in total, including a combined minimum non-residential GFA of 8,355 m². The zoning permits 7 tall buildings with heights ranging from 20 storeys (63 m) to 30 storeys (93 m), a public park (approximately 3,680 m²) and publicly-accessible private roads.

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, including a minimum of 1,380 m² of non-residential GFA. The zoning permits a 27-storey building (81 m), with 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.

ISSUE BACKGROUND

Proposal

The proposal seeks to amend Site Specific Zoning By-law No. 735-2014 (OMB) to permit four tall buildings on the Phase 2 and 3 lands. Buildings D and E would be on the Phase 2 lands fronting Dundas Street West and Buildings A and B would be in Phase 3 located at the south end of the site.

Building D would be located on the northwest corner of the Phase 2 lands and would be a 24-storey (75.9 m high, excluding mechanical penthouse), mixed-use residential condominium building on a 4-storey base building having 286 units, 215 m² of commercial uses fronting Dundas Street West with three entrances, and 38 m² of retail uses on the P1 level below grade for a total of 253 m².

Building E would be a 21-storey mixed-use residential rental building (65 m high, excluding mechanical penthouse) on a 4-storey base building with 233 units, 316 m² of commercial uses fronting on Dundas Street West with three entrances and 121 m² for a property management office for rental units at-grade.

The Phase 3 lands, located at the south end of the site, would contain Building A, a 36-storey (114.4 m high, excluding mechanical penthouse) residential building on a 4-storey base building with 367 units on the west side and Building B, a 32-storey (102.4 metre high, excluding mechanical penthouse) residential building with a 4-storey base

building with 318 units on the east side. Furthermore, a 28-storey mixed-use residential building with 283 residential units is approved and currently under construction on the Phase 1 lands. Combined, the five buildings would contain 1,487 units and over 102,300 m² of gross floor area and result in an overall density of 4.23 times the area of the lot. (See Attachment 9: Site Plan).

The proposed unit mix for Phase 2 would be: Building D, 260 (91%) 1-bedroom and 26 (9%) 2-bedroom for a total of 286 units; Building E, 54 (23%) studio, 97 (42%) 1-bedroom, 70 (30%) 2-bedroom and 12 (5%) 3-bedroom for a total of 233 units. The proposed unit mix in Phase 3 would be: Building A, 272 (74%) 1-bedroom, 57 (16%) 2-bedroom, and 38 (10%) 3-bedroom for a total of 367 units; Building B, 240 (75%) 1-bedroom, 47 (15%) 2-bedroom and 31 (10%) 3-bedroom for a total of 318 units. Fifty affordable rental housing units are proposed in Building E and have been approved By City Council for funding through the Open Door Affordable Housing Program.

Two levels of underground vehicular parking are to be shared by Buildings D and E with a total of 479 parking spaces and Buildings A and B would share three levels of underground parking having 819 parking spaces combined. The four buildings would have an overall total of 1,298 parking spaces. The Phase 3 parking garage would extend to the south property line and an easement is proposed in favour of the Toronto Transit Commission having an area ranging from 30.6 m to 32.4 m in width and 155 m in length, and extending below to a depth that would allow for a future subway tunnel below the parking garage. At ground-level this area would serve as a linear open space for residents.

Adjacent and on the east side of Building E commencing at Dundas Street West would be a 6 m wide, 2-way vehicular private road known as Street 'D' leading to a below grade ramp south of the building. Street 'D' would also connect to the Street 'C' private road, oriented in an east-west direction and located south of Buildings D and E. A total of 16 surface parking spaces would be provided on both sides of Street 'C' for visitors, as well as a dedicated space for moving and deliveries, and car share parking spaces. Street 'C' would provide a future connection to Thomas Riley Road on the Phase 1 lands.

Buildings D and E are proposed to share external Type G/B and C loading spaces, and Buildings A and B would be served by Type G and C spaces to be located internal to Building A.

A total of 1,044 bicycle parking spaces are proposed to serve the four buildings comprised of 930 long-term occupant and 114 short-term visitor spaces.

The proposed indoor amenity space for Building D would consist of 229 m² on the ground level and 200 m² on the fifth floor for a total of 429 m². The proposed indoor amenity space for Building E would consist of 246 m² on the ground level and 112 m² on the fifth floor for a total of 358 m². The proposed outdoor amenity space for Buildings D

and E would be 152 and 312 m² respectively, both on the fifth level terraces for a total of 464 m².

The proposed indoor amenity space for Buildings A and B would be 738 m² and 505 m² to be located on the first and fifth floors for a total of 1,243m². The proposed outdoor amenity space for Buildings A and B would be 535 m² and 179 m² for a total of 714 m², both located on the fifth level terraces.

The proposed landscaped open space would be 10,105 m² throughout the Phase 2 and 3 lands. In addition, a Privately-Owned, Publicly-Open Space (POPS) is proposed as a central plaza space consisting of 995 m² that would be located in between the Phase 2 and 3 buildings. Refer to Attachment 11: Privately-Owned Publicly-Accessible Open Space Plan.

Green roof areas are proposed for Building D on top of the 4th storey (51 m²), above the 24th storey (246 m²) and on the roof of the mechanical penthouse (315 m²) for a total of 612 m². Green roofs are proposed for Building E on top of the 4th storey (84 m²), above the 21st storey (267 m²) and on the roof of the mechanical penthouse (205 m²) for a total of 556 m². The total green roof areas for Buildings A and B would be determined at a later stage in the process, and the Owner would be required to comply with the City's Green Roof By-law.

This portion of Dundas Street West is identified in the Official Plan's 'Right-of-Way Widths Associated with Existing Major Streets' Map 3 with a planned 36 m right-of-way. A road widening is not required. Site and proposal statistics are presented in Attachment 1: Application Data Sheet.

Site and Surrounding Area

The site is located on the south side of Dundas Street West between Shorncliffe Road and Subway Crescent and is shaped like a backwards 'L'. The entire development including Phase 1 is shaped like a trapezoid and is 24,190 m² in size. The area of the Phases 2 and 3 proposal is approximately 1.9 ha (19,100 m²) with approximately 133 m of frontage on Dundas Street West.

Surrounding land uses include:

North: Across Dundas Street West are mainly one to two-storey commercial establishments, including restaurants and other commercial uses. Further north is a low-density residential neighbourhood consisting mainly of one to two storey detached dwellings and Cloverdale Park.

South: Canadian Pacific (CP) rail corridor. Beyond the CP rail corridor, the area is comprised of industrial uses and hydro-electric facilities.

East: A one to three-storey retail/office building is located at the southwest corner of

Dundas Street West and Subway Crescent and a 24-storey residential apartment is located to the south of that. Further east of the site is a five to seven-storey office building fronting Dundas Street West and beyond that is the Kipling Subway Station and commuter parking lot/passenger pick-up/drop-off where the future Metrolinx Kipling Mobility Hub will be located.

West: To the west of the site are a number of one to three-storey buildings fronting Dundas Street West housing a broad range of commercial uses. All of the lands west of the subject site south of Dundas Street West, north of the CP rail corridor and east of Shorncliffe Road are currently owned by 'Pinnacle International' and are the subject of a previously approved large mixed use development.

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 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 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 inter-relationships 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.

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 Greater Golden Horseshoe 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.

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.

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 and for conformity with the Growth Plan. The outcome of 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's Official Plan, the Etobicoke Centre Secondary Plan, and the City-wide Tall Building Design Guidelines as follows:

The site is located within the *Etobicoke Centre* as identified by Urban Structure Map 2 of the Official Plan. The Official Plan designates the site as *Mixed Use Areas* (see Attachments 3-6).

Chapter 2 - Shaping the City

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation of 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.

The policies of Section 2.2.2 of the Official Plan provide that each *Centre* will have a Secondary Plan that sets out the local goals and a development framework consistent with the Plan, and among other things, the location, mix and intensity of land uses within the Centre. The site is located within Etobicoke Centre as identified by the Urban Structure Map 2 of the Official Plan.

Chapter 3 - Building a Successful City

The public realm policies of Section 3.1.1 of the Official Plan recognize the essential role of our streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in

landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

The Official Plan recognizes that most of the City's future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Policy 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things, this harmony is achieved by: massing new buildings to frame adjacent streets in a manner that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings; providing for adequate light and privacy; and adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional design direction to ensure that they fit into the existing and planned context and limit local impacts. The Plan states that although tall buildings are desirable in the appropriate locations, they do not belong everywhere and are only one form of intensification. Policy 3.1.3.2 requires new tall building developments to address key urban design considerations set out in the Plan.

In addition to the policies identified above, new development will also be massed to define the edge of streets, parks and open spaces to ensure adequate access to sky views. New development will provide public amenity, and enhance the public realm through improvements to adjacent boulevards and sidewalks through tree plantings.

Rental Housing

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing in terms of form, tenure and affordability, and the protection of rental units. The Official Plan encourages the creation of new affordable rental housing, stating in Policy 3.2.1.3 Housing, that investment in new rental housing, particularly affordable rental housing, will be encouraged by a co-ordinated effort from all levels of government through implementation of a range of strategies, including effective taxation, regulatory, administrative policies and incentives.

Chapter 4- Land Use Designations

The subject lands are designated *Mixed Use Areas* on Map 15 of the Official Plan.

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 are permitted within the *Mixed Use Areas* designation. The Official Plan recognizes that *Mixed Use Areas* achieve a number of planning objectives by combining a broad array of uses. The Plan

notes that not all *Mixed Use Areas* will experience the same scale or intensity of development.

Section 4.5.2 includes criteria for development in *Mixed Use Areas* to ensure, among other things, that the location and massing for new buildings achieves transitions between areas of different development intensity and scale, adequately limits shadow impacts on adjacent *Neighbourhoods*, and frames the edges of streets and parks with good proportion and maintains sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

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

Etobicoke Centre Secondary Plan

The Etobicoke Centre Secondary Plan states that there are seven areas in *Etobicoke Centre*. The subject site is within the Dundas West area (see Attachment 5: Etobicoke Centre Secondary Plan Boundary Map 12-1). The Secondary Plan designates the subject lands *Mixed Use Areas 'A'* which provides for a broad range of commercial, residential and institutional uses in single or mixed-use buildings (see Attachment 6: Etobicoke Centre Secondary Plan Land Use Map 12-5). The Site and Area Specific Policy 4.5 is in the Etobicoke Centre Secondary Plan. The Secondary Plan seeks to maximize the number of housing opportunities and to promote urban character, through the development of mid-rise and high-rise apartment buildings with the greatest heights and densities permitted around the Kipling and Islington Subway Stations.

The Secondary Plan maintains four key initiatives towards achieving success:

- Developing Community Identity;
- Creating a Liveable Community;
- Creating a Climate for Reinvestment; and
- Relocating Inter-Regional Transit Terminal Facilities.

The Secondary Plan contains a number of built form and urban design policies which promote a compact transit-oriented development pattern. In particular, buildings and parking structures are directed to be located to preserve existing mature vegetation around the edges of development sites. Above grade parking structures are to be developed only where it is not physically possible to construct underground parking. Tall building proposals are required to minimize the negative impact of shadows, sky view and wind on adjacent public areas and take into account the relationship of the site to other tall buildings. Parking areas, access and automobile drop-offs are to be designed in a manner that does not interrupt the relationship between the building and the street. The visual amenity of pedestrian routes is to be improved. These and other urban design policies of the Secondary Plan are supported by the *Etobicoke Centre Urban Design Guidelines*.

The Etobicoke Centre Secondary Plan Policy 3.13.2 states that new development in *Mixed Use Area 'A'* will contribute to the vision of an area where residents can live, work, shop and be entertained without relying on an automobile. Policy 3.13.2.1 directs that this area 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 a 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.

Furthermore, the Secondary Plan identifies a Site and Area Specific Policy (SASP) 4.5 for the subject lands, outlining a series of requirements to be fulfilled. Matters addressed in the SASP include private streets with public access easements, Section 37 benefits, cash-in-lieu of parkland, streetscape improvements, transportation improvements, school notices, environmental considerations (soil and groundwater), TTC easements and noise and vibrations related to the CP rail line.

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

Design Guidelines

Etobicoke Centre Urban Design Guidelines

The urban design policies of the Secondary Plan are supported by the Etobicoke Centre Urban Design Guidelines which provide direction for the redevelopment of lands within the *Centre*. The Urban Design Guidelines establish guidelines on built form, building typology, public realm and environmental impacts such as the sun and wind.

Key urban design goals for the *Etobicoke Centre* are:

- To define the character of *Etobicoke Centre* as a whole, including its streets and buildings;
- To provide open spaces and linkages to encourage movement in and around *Etobicoke Centre*;
- To establish the relationship of built form to adjacent streets and open spaces; and
- To clarify streetscape elements, view systems, and public art.

The Urban Design Guidelines state that *Etobicoke Centre* is envisioned to be a new mixed use neighbourhood where people can live, work and play. Redevelopment opportunities will help generate an intensified community. The existing road network consists of a set of streets that serve the transportation needs of the area and in the

future will provide structure and focus to the community's emerging character and identity. The subject site is on the 'Dundas Street', south of Bloor Street West where it is a wider arterial with increased traffic volumes and speed. It is characterized by primarily auto-related uses and building forms. However, many of the sites offer redevelopment opportunities. The lots on the south side of Dundas Street are deep, and back onto the rail corridor. A new public street will eventually create access and frontage for the rear portions of these sites. Buildings in this area will be massed and sited to create a street wall with enough space at grade to create a generous landscaped setback.

The public realm in this area needs to reinforce pedestrian access to the subway along the streets and walkways, and special consideration will be given to pedestrian movements across Dundas Street West to facilitate easier access to the Kipling Subway.

The link to the Etobicoke Centre Urban Design Guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2017/08/9527-Toronto-Urban-Design-Guidelines-Etobicoke-Centre.pdf>

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/bgrd/backgroundfile-57177.pdf>

Growing Up Draft Urban Design Guidelines

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103920.pdf>

Zoning

The site is subject to Site-Specific Zoning By-law No. 735-2014 (OMB). It was approved by the Ontario Municipal Board in 2005 but the City Clerk did not assign a By-law number until 2014.

The site is zoned Etobicoke Centre 2 (EC2) which permits the proposed mixed use and residential apartment buildings (see Attachment 7: Existing Zoning By-law Map). Zoning By-law No. 735-2014 (OMB) permits a maximum and minimum floor space index of 4.23 and 2.0 times the lot area, respectively, and requires that a minimum of 25% of the lot be reserved for landscaped open space. Indoor amenity space is required at a rate of 1.5 m² per dwelling unit and no outdoor amenity space is required. With respect to height, the zoning by-law permits four tall buildings with heights of 60, 60, 60, and 69 m, plus mechanical equipment, with a maximum base building height of 24 m adjacent to Dundas Street West a range of base building heights from 10 m to 24 m to 36 m elsewhere. The By-law also requires a number of step-backs and permits tower floorplates of 825 m² up to a height of 60 m and 750 m² floorplates above 60 m.

The subject site is not subject to City of Toronto Zoning By-law No. 569-2013, which excludes all lands within the Etobicoke Centre Secondary Plan area.

Site Plan Control

A Site Plan Control application (17 260380 WET 05 SA) has been submitted for the Phase 2 lands only and is currently under review by staff. The applicant has indicated that a Site Plan Control application will be submitted for Phase 3.

Reasons for the Application

An application to amend Site Specific Zoning By-law No. 735-2014 (OMB) is required to permit increased building heights beyond those permitted in Zoning By-law No. 735-2014 (OMB) and to shift the locations of the buildings. No change to the permitted total gross floor area of 102,323 m² is proposed. However, the Zoning By-law Amendment would provide for the redeployment of the built form on the site in a different manner than is currently set out in the building envelope map in Zoning By-law No. 735-2014 (OMB).

The proposed Zoning By-law Amendment includes the revised building envelopes, heights, minimum landscaped open space, vehicular and bicycle parking rates and loading requirements, among other performance standards.

Application Submission

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

- Planning Rationale
- Shadow Study
- Urban Design Guidelines
- Transportation Impact Study
- Hydrogeological Report
- Geotechnical Report

- Toronto Green Standard Checklist
- Servicing and Stormwater Management Report
- Pedestrian Level Wind Study
- Energy Efficiency Strategy
- Public Consultation Plan
- Draft Zoning By-law
- Arborist Report

The application and the supporting material are available at the Application Information Centre (AIC): <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation

The application, together with the applicable reports noted above, has 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.

Community Consultation

Staff held a community consultation meeting on March 7, 2018 at St. Elizabeth Catholic School. Planning staff gave a presentation highlighting the policy framework and details of the application. The applicant provided further details with respect to the proposed building design and its planning rationale. Approximately 11 members of the public attended along with the Ward Councillor, Planning staff, and the applicant and their consultants. The public expressed the following concerns with the proposal:

- Concern about additional height to Phase 3 buildings and shadow impacts on the neighbourhoods on the north side of Dundas Street West;
- Concern about potential wind issues from the towers along the Dundas Street West frontage;
- What are the requirements for the podium setbacks?
- When will occupancy occur?
- What type of units are proposed?
- Why are there predominantly 1-bedroom units and very few 2 and 3-bedroom units?
- Will there be an underground PATH constructed connecting to the subway?
- Concerns about increased traffic travelling north and south on Wilmar Road, Acorn Avenue and Shaver Avenue South travelling north to Bloor Street West because these streets do not have sidewalks and this would be unsafe for pedestrians;
- Will there be a two-way public road connecting to the adjacent Pinnacle site?
- Will there be public parking?
- A request to prohibit traffic driving north on Wilmar Road and have only a left-turn signal;

- A central square open space that is active and community oriented should be provided for residential amenity use;
- A grocery store is needed in the area, is there one planned?
- Will there be public access to open spaces?
- Tall buildings would be preferred at the south end of the site due to shadow concerns;
- What is happening with the traffic on Acorn Avenue?
- Where did the idea for the name of Thomas Riley Road originate?
- A path at the rear (south) end of the site should link east across the existing condominium site to connect to the Kipling subway station.

Written comments received by staff are also reflected in the issues noted above.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, 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 *Planning Act* and PPS and conforms with the Growth Plan as follows:

Planning Act

In particular, the proposed development has regard to relevant matters of provincial interest in Section 2 of the *Planning Act*. These include:

- (h) The orderly development of safe and healthy communities;
- (j) The adequate provision of a full range of housing, including affordable housing;
- (p) The appropriate location of growth and development; and
- (r) The promotion of built form that:
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development responds to the above matters in that it proposes an orderly mixed-used, phased development including the provision of affordable rental housing dwelling units, and is in close proximity to transit. In addition, a 995 m² Privately Owned, Publicly Accessible Open Space (POPS) in Phase 2 is proposed that would create a sense of place for the residents and the greater community.

PPS

The proposal is consistent with the PPS (2014).

- Policy 1.1.3.3 provides that planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
- Policy 1.6.7.4 of the PPS (2014) 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. The proposal is consistent with the PPS in this regard. The proposed land use and density provides a built form that supports an efficient use of land and existing transit infrastructure, and expands the employment base.
- Policy 1.7.1.d 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 City of Toronto Official Plan policies align with the Etobicoke Centre Secondary Plan policies directing growth on the subject site. The proposed development would be within walking distance to surface transit routes, the Kipling Subway Station, places of employment, retail stores, services and places of entertainment. These attributes establish this site as being well suited to redevelopment and for intensification consistent with Provincial and local policies.

Growth Plan

- Section 2.2.2.4 directs all municipalities to develop a strategy to achieve the minimum *intensification* target and *intensification* throughout delineated built-up areas, which will:
 - a) Encourage *intensification* generally to achieve the desired urban structure;
 - b) Identify the appropriate type and scale of development and transition of built form to adjacent areas;
 - c) Identify *strategic growth areas* to support achievement of the intensification target and recognize them as key focus for development;
 - d) Ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;

- e) Prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
 - f) be implemented through Official Plan policies and designations, updated zoning and other supporting documents.
- Section 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.

The proposal conforms to the Growth Plan given that it responds appropriately to the policies of the City of Toronto's Official Plan, Etobicoke Centre Secondary Plan and the Urban Design Guidelines with respect to the appropriate location for new development, the type, scale and transition of built form, and the achievement of complete communities. The proposal would provide for a mixed-use residential development including purpose-built rental housing in Building E, *including 50 affordable housing units, in addition to* condominium tenure dwelling units in Building D.

Land Use

This application has been reviewed against the applicable Official Plan and Secondary Plan policies and urban design guidelines as described in the Issue Background section of this report.

The proposal is for a development of residential buildings with retail units at-grade that is within walking distance to the Kipling Subway Station and surface transit routes, places of employment, retail stores and services and places of entertainment. These attributes establish this site as being well suited for redevelopment and intensification consistent with the Provincial policies, the Official Plan and the Etobicoke Centre Secondary Plan.

Building Location and Site Organization

The proposal is for 24 and 21-storey (Buildings D and E) mixed-use residential buildings on the Phase 2 lands fronting Dundas Street West and 36 and 32-storey (Buildings A and B) residential buildings on the Phase 3 lands. All four buildings would have a 4-storey base buildings. A private road network is also proposed (Streets 'C' and 'D') with public access easements, a centrally located Privately Owned, Publicly Accessible Open Space (POPS), and a linear open space at the rear of the site.

Official Plan Policy 4.5.2 states that new development in *Mixed Use Areas* will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;

- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the *Downtown*, the *Central Waterfront*, *Centres*, *Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- h) Take advantage of nearby transit services;
- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) Locate and screen service areas, ramp and garbage storage to minimize the impact on adjacent street and residences; and
- k) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The proposal includes one level of retail uses on the ground floor of both Buildings D and E. Residential access points to Buildings D and E would be on the south side. The proposal includes a courtyard between Buildings D and E with an approximate width of 11m.

Building A would be on the southwest portion of the site with access for an underground garage ramp and at-grade internalized loading and servicing and the main residential entrance and a mix of hard and soft landscaped spaces on the north side and at-grade residential units on the south side. Building B would provide a continuation of the mix of soft landscaping and paved amenity spaces and residential entrances on the north and west sides. The east and south sides would each have 5 at-grade residential units.

Streets and Circulation

Buildings D and E would have a 3 m building setback to the Dundas Street West property line. The proposed Dundas Street West public boulevard would be approximately 5 m wide from the property line to the curb. The applicant will be required to ensure that a sidewalk clearway minimum of 2.1 m would be provided to ensure accessibility, which will be addressed through the Site Plan Control review process. A total of 6 retail entrances are proposed on the Dundas Street West frontage thereby providing animation and an appropriate relationship to the street.

A pedestrian circulation network is proposed throughout the site connecting the buildings to open spaces, surface vehicular parking spaces, bicycle parking spaces, internal private driveways, and service areas.

There would be two access driveways to Dundas Street West, one of which would be situated within the Phase 2 lands, on the east and adjacent to Building E and known as Street 'D'. This driveway would have a right-in, right-out access to Dundas Street West oriented in a north-south direction and it would connect to Street 'C'. Street 'C' would then connect eastward to the existing Thomas Riley Road on the Phase 1 lands.

Open Spaces

The proposed development includes an extensive amount of at-grade open space on the site. Portions of the at-grade open space would be for resident use and others would be Privately Owned, Publicly Accessible Open Space. As noted above, a courtyard area is proposed between Buildings D and E, south of Dundas Street West. A Privately Owned Publicly Accessible Open Space (POPS) of approximately 995 m² that would be shared by residents in the three Phases and the local community is located south of Buildings D and E and south of Street 'C'. In addition, landscaped open spaces of 3,832 m² are proposed on the Phase 2 lands and 6,283 m² on the Phase 3 lands for a total of 10,115 m². At the south end of Buildings A and B an 11 m wide pedestrian walkway is proposed and would connect to a linear open space area approximately 155 m in length stretching along the south property line. Staff are of the opinion that the building locations, circulation connections and open spaces are appropriate for this proposal.

Built Form, Height and Density

Tall Building Design Guidelines

The Official Plan's Tall Building Section 3.1.3 states that tall buildings exist in many parts of the City, in the *Downtown*, in the *Centres*, along parts of the waterfront, at some subway stops and in clusters around the City. It further states that tall buildings are desirable in appropriate locations but they don't belong everywhere. The City-wide Tall Building Design Guidelines provide performance standards to ensure that tall buildings fit within their context and minimize their local impacts. The Guidelines illustrate how the public realm and built form policy objectives of the Official Plan can be achieved within a tall building development and within the area surrounding a tall building site.

Buildings D and E are proposed to be 24 and 21-storey buildings fronting Dundas Street West. Buildings A and B are proposed to be 32 and 36-storey buildings. As such, all four buildings are considered to be tall buildings.

The City's Tall Building Design Guidelines Performance Standard 2.1 Building Placement speaks to the importance of locating the base of tall buildings to frame the edges of streets, parks, and open spaces, to fit harmoniously with the existing context, and to provide opportunities for high quality landscaped open space on-site. Buildings

D and E would have frontage both on Dundas Street West and on the new publicly-accessible public roads. Buildings A and B would have frontage a publically-accessible private road. Given the SASP which allows private streets with public access to meet the Official Plan policies for public streets, this is acceptable on the site.

The Guidelines Performance Standard 3.1.1 Base Building Scale and Height stipulates the need for the base building to provide a minimum first floor height of 4.5 m. A generous first floor height gives prominence to the street level, establishes a clear presence for retail space, and increases the marketability and utility of ground floor uses. The proposed base building height for all four buildings would be 5.2 m. Staff are satisfied that the proposal exceeds the minimum requirement.

Site Specific Zoning By-law No. 735-2014 (OMB) requires that a maximum floor plate area restriction of 825 m² shall be applied to the portion of any building or structure located between 36 and 60 m in height. In the By-law, for any portion of a building or structure above 60 m in height, the maximum floor plate area is restricted to 750 m². Building D has a proposed tower floorplate of 757m² and Building E has a tower floorplate of 703 m². Buildings A and B have a proposed tower floorplate of 697 m². The top 4 storeys of Building D exceed the floorplate maximum in the Site Specific By-law, but are much smaller than the 825 m² floorplate limit for most of the buildings in the Site Specific By-law. While one of these four towers is a larger sized floorplates than the 750 m² maximum floorplate standard in the Tall Building Design Guidelines, given the Site-Specific permissions in Zoning By-law No. 735-2015 (OMB), this is acceptable.

Tall Buildings Guidelines Performance Standard 3.2.5a) speaks to avoiding balcony arrangements that significantly increase the physical and apparent visual building mass. The proposed balconies would be 1.5 m in depth and projecting balconies do not wrap the towers. Staff are satisfied with the design and placement of the proposed balconies.

Tall Buildings Guidelines Performance Standard 3.2.3 requires separation of towers on the same site of 25 m or greater, measured from the exterior wall of the buildings, excluding balconies. The proposal includes a 25m separation between Buildings D and E and between Buildings A and B. Building D would achieve a 28.9m separation distance to Building C on the Phase 1 lands. There is substantial separation of more than double the minimum requirement between Building D and Building B. Staff are satisfied with the proposed tower setbacks as they would achieve and/or exceed the minimum performance standard.

Building Stepbacks

The proposed building stepbacks for 24-storey Building D would range from 7.6m to 12.0m above the fourth storey on the north side, would range from 0m to 6.6 metres above the fourth storey on the east side facing the courtyard, would be 3 m above the ground floor on the west side and there would be no stepbacks on the south side.

The proposed building stepback for the 21-storey Building E would be 8 m above the 4th storey on the north side, would range from 0m to 9.8 m on the west side and from 0m to 12.8 m on the east side, and none on the south side. There would be no stepback on the south side. Stepbacks would be 9 m on the west and 12.8 m on the east from the 5th to 21st-storey tower. On the southwest side of the podium would be a roof terrace area above the ground floor, opposite the roof terrace on Building D with a stepback of 10 m to the 24th-storey tower.

Both Buildings D and E would have additional stepbacks on portions of the podiums to allow for roof terraces at the 2nd storey facing the courtyard.

The proposed building stepbacks for the 36 and 32-storey (Buildings A and B) base buildings would be at least 3 m from all sides above the 4th storey to the 32nd and 36th-storey towers, with deeper stepbacks facing interior lot lines. Given that the precise building locations and designs are at a conceptual stage, the Draft Zoning By-law has afforded flexibility for the building placement.

Staff are satisfied with the proposed stepbacks.

Building Setbacks

The proposed building setbacks for Building D would be: 3 m to the north property line; 4 m to the curb of Street 'C' to the south; 6.6 m to the curb of Thomas Riley Road to the west; and 11m to the closest point of Building E to the east.

The proposed building setbacks for Building E would be: 3 m to the north property line; 5 m from the curb of Street 'C' to the south 13 m from the closest point of the building to the east property line; 11m to the closest point of Building D to the west;

The proposed building setbacks for Building A would be: 8.8 m to the curb of Thomas Riley Road to the north; 28 m to the south property line, 5.5 m at the closest point to the west property line, and 11 m to the Building B to the east.

The proposed building setbacks for Building B would be: 53.5 m to Building D to the north; 28 m to the south property line; 11 m to Building A to the west, and 10.3 m from the closest point of the building to the east property line.

The Site Specific Zoning By-law requires a minimum 3 m front yard building setback related to buildings fronting on Dundas Street West to provide an adequate pedestrian area. Buildings D and E propose a 3 m setback to the north property line. Staff note that the proposed site plan drawings indicate minimum setbacks from the north property line of between 3.07 m and 3.70 m due to an irregular property line. At the time of Site Plan Approval, it is likely that these slightly deeper stepbacks will be required to achieve the Dundas Street West streetscape including double row of trees. Staff are satisfied

with proposed building setbacks given that they achieve the minimum Zoning By-law requirement.

Density

Zoning By-law No. 735-2014 (OMB) requires a minimum density of 2.0 times the area of the lot and a maximum density of 4.23 times the area of the lot. The current proposal would maintain the previously approved density of 4.23 times the area of the lot with a total area of 19,096 m². The proposal is therefore in compliance with the existing zoning permissions.

Sun, Shadow and Wind

Sun, Shadow

The *Mixed Use Areas* policy in the Official Plan, Section 4.5, Policy 2(e), provides development criteria which states that developments will contribute to the quality of life by locating and massing new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Etobicoke Centre Secondary Plan provides direction in Urban Design Policies 3.4.6 c), and e) that tall building proposals must, at minimum, address key urban design considerations such as minimizing the negative impact of shadows, sky views and wind on adjacent public areas including streets, parks and open space and on neighbouring private properties and residential neighbourhoods.

A Shadow Study was submitted by Turner Fleischer Architects, dated June 26, 2017 and an Addendum letter was prepared by Quadrangle Architects Limited, dated October 17, 2017. Given that the subject site and proposal on the adjacent property at 5415 Dundas Street West, marketed as 'Pinnacle International', were being reviewed in a similar timeframe, both developments were incorporated into one Study to provide a comprehensive review of potential shadow impacts. The application for 5415 Dundas Street West has since been withdrawn.

In evaluating this application to redeploy the permitted gross floor area into a different built form, planning staff requested the applicant compare the incremental shadows cast by the proposed development against the shadows cast by buildings that meet the current zoning bylaw requirements.

Shadows from the proposed development onto Neighbourhoods are worse at 9:18 a.m. on March 21 than shadows cast by the current as-of-right development. At 9:18 a.m. at the March 21 equinox, the proposed development casts longer shadows onto the rear yards of 11 properties fronting Ovid Road and the front and rear yards of 3 properties fronting Wilmar Road on lands designated Neighbourhoods. By 10:18 a.m. on March 21, there are shadows on small portions of the rear yards of 2 properties fronting Ovid

Road and shadows on most of the rear yard of 1 property fronting Wilmar Road, while the as-of-right development would not shadow the Neighbourhoods at all.

The extent of shadows from the proposed development on the Dundas Street West north sidewalk are about the same for the proposed development and the as-of-right development on March 21 at 9:18 a.m., 10:18 a.m. and 11:18 a.m.. At 12:18 p.m. on March 21, about 30% of the Dundas Street West north sidewalk is in shadow, while none would have been in shadow based on the as-of-right development.

Given that the shadows will largely recede from the Neighbourhoods by 10:18am on March 21 and the other positive attributes of the proposed changes in built form, including the creation of the large central open space, the shadows cast by the proposed development are acceptable to City Planning staff.

Wind

A Pedestrian Wind Study prepared by RWDI Incorporated, dated November 2, 2017, and an Addendum dated April 3, 2018 were submitted in support of the application. The consultant assessed wind conditions along the north and south sides of Dundas Street West, Wilmar Road, and Subway Crescent at pedestrian level; within the subject site at-grade and on amenity terraces; at grade on the Phase 1 lands; and within the lands adjacent to the subject site on the east.

The consultant concludes that wind conditions in the summer months from May to October from 6:00 a.m. to 11:00 p.m. would be generally comfortable and suitable for sitting, standing and strolling conditions. In addition, the consultant concludes that during the winter months from November to April from 6:00 a.m. to 11 p.m., the conditions would be suitable for the intended uses in most of the areas. However, uncomfortable wind conditions are expected on one location between Buildings D and E, at two locations to the west of the proposed POPS on the Phase 2 lands and at one location along the sidewalk of Subway Crescent. These areas are not designed for pedestrian gathering areas, but will have pedestrian traffic.

The Study findings also indicate one location where the wind levels exceed the safety standards on the northwest green roof area of Building D. Given that this area would only be accessed occasionally for maintenance purposes, and not for residential amenity space, the consultant does not predict any negative impacts.

The consultant recommends the following mitigation measures to improve the wind conditions in and around the site, as follows:

Wind Mitigation Recommendations for Phase 2 lands:

- Porous wind diffusers near the Phase 2 private building entrances;
- Larger and more pronounced canopies around Buildings D and E;
- Architectural articulation to the north façades of the Buildings D and E podiums;
- Additional 2 m tall planters with trees at the northeast corner of Building E;

- Proposed deciduous landscaping at the podium levels of Buildings D and E; and
- Two 2.5 m high 30% porous screens and one 6 m high 50% porous screen in the courtyard between Buildings D and E.

Wind Mitigation Recommendations for the POPS on the Phase 2 lands:

- A 3m high solid overhead canopy structure over the proposed seating areas and three individual porous screens.

Wind Mitigation Recommendations for Phase 3 lands:

- A wind gate structure to the north and between the podiums of Buildings A and B.

Staff are satisfied with the findings of the report and will ensure that the recommended mitigation measures are implemented through the Site Plan Control review process.

Traffic Impact, Access and Parking

Traffic Impact

The applicant submitted a 'Movement in Urban Environments' report prepared by BA Group Limited, dated November 9, 2017, that included an assessment of overall traffic impacts as well as vehicular and bicycle parking space requirements. This report has been reviewed by Transportation Services staff, who concur with the conclusions of the report that the new site-related traffic would be accommodated at the study intersections, as related to the Phase 2 lands.

In order to ensure that all site transportation issues resulting from the rezoning application are identified and resolved, staff are recommending that a Holding provision ("h") be included in the zoning by-law for the Phase 3 lands. In order to satisfy the Holding provision ("h"), the applicant would need to address the following condition.

k. Prior to removing the Holding provision ("h") on the Phase 3 lands, the owner shall submit a Transportation Impact Study (TIS) for the Phase 3 development addressing site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services.

l. Prior to Site Plan Approval for the Phase 3 lands, the owner must provide Letters of Credit for the road improvements and any necessary design details, to the satisfaction of the General Manager, Transportation Services.

m. Prior to the earlier of condominium registration or first residential occupancy on the Phase 3 lands, the owner at its sole expense shall undertake and complete the road improvements, including off-site road improvements, as per the requirements in the TIS, to the satisfaction of the General Manager, Transportation Services.

Staff are satisfied that imposing a Holding provision ("h") on the Phase 3 lands would ensure that all required transportation matters would be identified and secured at the appropriate stage of development of the Phase 3 lands.

Access

Two private driveways are proposed, one of which would be situated within the Phase 2 lands on the east side of Building E (known as Street 'D'), having a width of 6 m. This driveway would have a right-in, right-out access to Dundas Street West. It would also provide access to the shared loading area for Buildings D and E on the southeast end of Building E and to the underground parking garage. It would connect to a two-way Street 'C', 6 m in width, and it would connect to the existing Thomas Riley Road on the Phase 1 lands. Following the development of the Phase 2 lands, the intersection of Dundas Street West and Thomas Riley Road would be signalized. The proposal would be for Streets 'C' and 'D' to remain private driveways but with public easements, consistent with Thomas Riley Road. The Phase 3 buildings would have vehicular access from Thomas Riley Road. Some of the proposed private streets do not meet all of the Development Infrastructure Policy and Standards (DIPS) requirements. The proposed private street network with public access is acceptable to City staff.

Vehicular Parking

Vehicular parking is governed by Site Specific Zoning By-law No. 735-2014 (OMB). However, the applicant's Transportation Consultant proposes adopting the vehicular parking standards from City-wide Zoning By-law No. 569-2013.

This would require that a total of 435 vehicular parking spaces for Buildings D and E be provided consisting of 379 residential, 51 residential visitor and 5 retail spaces, of which, 12 would be accessible. The application proposes a total of 479 spaces, consisting of 379 residential, 56 residential visitor and 6 commercial spaces, of which 12 would be accessible. The parking spaces would be located on two levels in an underground garage.

The required parking spaces based on City-wide Zoning By-law No. 569-2013 for Buildings A and B would be: 520 residential and 68 residential visitor spaces for a total of 588 spaces, of which 18 would be accessible. This application proposes a total of 819 spaces consisting of 697 residential and 122 residential visitor spaces, of which 19 would be accessible. The parking spaces would be located on three levels in a garage which is partly above but mostly below grade.

Given that the proposal would include a 231 parking space surplus without exceeding the maximum parking permitted by Zoning By-law No. 1088-2002 for *Etobicoke Centre*, Transportation Services staff are satisfied with the provision of parking spaces.

In addition, a further 16 surface parking spaces are proposed to be located on Street 'C' to provide a dedicated space for moving and deliveries, visitor parking and car share spaces.

Bicycle Parking

Zoning By-law No. 1088-2002 for Etobicoke Centre would require 903 bicycle parking spaces for Phases 2 and 3. Staff have also used City-wide Zoning By-law No. 569-2013 for review purposes. According to Zoning By-law No. 569-2013, a total of 904 bicycle parking spaces would be required.

A total of 1,044 bicycle parking spaces are proposed to be provided for Phases 2 and 3. Phase 2 would provide 355 long-term occupant, 48 short-term visitor spaces and zero spaces for non-residential uses for a total of 403 spaces. Phase 3 would provide 575 long-term occupant, 48 short-term visitor spaces and zero spaces for non-residential uses for a total of 623 spaces. In addition, 24 bicycle spaces are proposed on the Dundas Street West public boulevard.

This provision of bicycle parking spaces is acceptable to Transportation Services staff.

Loading

The Site Specific Zoning By-law No. 735-2014 (OMB) requires the provision of loading spaces with dimensions of 12 m in length and 3 m in width and a vertical clearance of 4.5 m. However, the Transportation Consultant recommends the adoption of the space requirements, sizes, sharing provisions and loading exceptions as per the City-wide Zoning By-law No. 569-2013 requiring one Type G and Type C loading space. One Type G/B loading space and one Type C loading space would be located externally on the east side of Building D, shared by both buildings, with soft landscaped area to act as a visual and physical buffer to the south. Transportation Services staff are satisfied with the proposed loading spaces. In addition, Buildings A and B are proposed to be serviced by Type G and C loading spaces located internal to Building A. Given that the buildings are at the conceptual stage, further details would be required for review and acceptance by staff at the time of Site Plan Control.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report prepared by R.V. Anderson Associates Limited, dated March 29, 2018 and a Hydrogeological Investigation Report prepared by WSP Canada Incorporated, dated December 2017. Engineering and Construction Services staff recommend that a revised Functional Servicing and Stormwater Management Report be submitted to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services, prior to introducing the necessary Bills to City Council. The Functional Servicing and Stormwater Management Report must demonstrate that there is adequate capacity in the existing municipal infrastructure to accommodate the storm water runoff, sanitary flow and water supply demand resulting from this proposal.

Streetscape

The proposal would achieve an approximate front yard setback of 3 m along the Dundas Street West frontage for Buildings D and E. The public boulevard would be approximately 5 m from the property line to the curb. The applicant is proposing 6 tree trenches with a total of 10 trees, planting beds, and an additional 10 trees straddling the property line. The applicant is also proposing 24 bicycle parking rings in this area. The public sidewalk will need to be widened to provide a minimum 2.1 m wide pedestrian clearway for accessibility; the details will be further refined through the Site Plan Control review process. Staff are satisfied with the general design and layout of the streetscape plan.

Amenity Space

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents. Site Specific Zoning By-law No. 735-2014 (OMB) states that the required minimum indoor amenity area is 1.5 m² per dwelling unit.

Buildings D and E propose a combined total of 519 units that would require 778 m² of indoor amenity space. Building D proposes 229 m² on the ground level and 200 m² on the fifth floor for a total of 429 m². Building E proposes 246 m² on the ground level and 112 m² on the 5th floor for a total of 358 m². Buildings D and E would provide a total of 1.52 m² per unit on average. Staff are satisfied with the provision of amenity space in Phase 2 given that it exceeds the Zoning By-law requirement.

Buildings A and B propose a combined 685 units that would require 1,027 m² of indoor amenity space. Building A proposes 738 m² and Building B proposes 505 m² to be located on the first and fifth floors for a total of 1,243 m² (2 m² per unit). Given that the proposed space exceeds the minimum requirement, staff are satisfied with the overall provision of indoor amenity space.

Although Zoning By-law No. 735-2014(OMB) does not require the provision of outdoor amenity space, all four buildings would be provided with this space. The proposed outdoor amenity space for each building is: 152 m² for Building D; 312 m² for Building E; 535 m² for Building A; and 179 m² for Building B. Phase 2 would have a total of 464 m² of outdoor amenity space and Phase 3 would have a total of 714 m² of outdoor amenity space.

In addition, at the south end of Buildings A and B, the proposed development includes a linear open space area approximately 155 m in length and between 30.6 to 32.4 m in width. The intention would be to provide opportunities for additional active and passive recreational uses on-site. Staff are satisfied with the proposed outdoor amenity space.

Landscape Open Space

Zoning By-law No. 735-2014 (OMB) requires a minimum of 25% of outdoor landscaped space which would be 2,270 m² on the Phase 2 lands and 2,504 m² on the Phase 3 lands for a total of 4,774 m². The proposal includes 3,832 m² of landscaped open space on the Phase 2 lands and 6,283 m² on the Phase 3 lands for a total of 10,115 m². Staff are satisfied with the provision of the landscaped open space, given that it significantly exceeds the minimum zoning by-law requirement.

Privately Owned Publicly Accessible Open Space (POPS)

A centrally located Privately Owned Publicly-Accessible Open Space (POPS) of approximately 995 m² in size is proposed within the Phase 2 lands but to be shared by residents in all Phases. The POPS would be privately owned and maintained with an easement in favour of the City for access by the public and secured by the Amending Section 37 Agreement. Its final design will be secured through the Site Plan Control review process. Staff are satisfied with the proposed POPS space of 995 m² and its location.

The applicant has also proposed to program the POPS with activities and special events, some of which may be ticketed events. In order to maintain public access to the POPS on a general basis but allow the flexibility for activities and events which may at times exclude members of the public from accessing the POPS, the City and the applicant have agreed to limit the number and timing of activities and events that would exclude the general public. The proposal is to permit the owner to hold special events up to a maximum of 8 days per calendar month and a maximum of 52 days per calendar year and for a period of not more than 2 consecutive days. The proposal would also ensure that between the publicly accessible "parkette" on Phase 1 lands (Phase 1 POPS) and the POPS on the Phase 2 lands, a sizeable portion of the combined publicly accessible landscaped open space would remain available to the general public during any such activities or special events, on terms agreeable to the City. City Planning staff support the proposal to activate the POPS in Phase 2 with special events. The terms of usage of the POPS will be secured in the Amending Section 37 Agreement and will require modifications from the City's standard requirements for POPS.

The applicant has also requested permission to hold licensed events in the POPS on the Phase 2 lands. City Planning does not oppose the use of the POPS in this manner subject to the events being duly license if alcohol is served.

Open Space/Parkland

Site Specific Zoning By-law No. 735-2014 (OMB) requires a parkland contribution of 5 percent cash-in-lieu of a parkland dedication payment, as well as an additional parkland payment. Parks, Forestry and Recreation staff have confirmed that the applicant has fulfilled the full parkland dedication obligations through the Phase 1 rezoning application

process and staff are satisfied the applicant is in full compliance with the existing Section 37 Agreement requirements.

Unit Mix and Tenure

The proposed unit type breakdown for Phase 2 would be: Building D, 260 (91%) 1-bedroom and 26 (9%) 2-bedroom for a total of 286 units, all of which would be condominium in tenure. The unit breakdown for Building E would be: 54 (23%) studio, 97 (42%) 1-bedroom, 70 (30%) 2-bedroom and 12 (5%) 3-bedroom for a total of 233 units, all of which will be rental and of which 50 units have already been secured as affordable.

The proposed unit type breakdown in Phase 3 would be: Building A, 272 (74%) 1-bedroom, 57 (16%) 2-bedroom, and 38 (10%) 3-bedroom for a total of 367 units. Building B would contain 240 (75%) 1-bedroom, 47 (15%) 2-bedroom and 31 (10%) 3-bedroom for a total of 318 units. The tenure for Buildings A and B have yet to be determined.

The Growing Up Draft Urban Design Guidelines direct in Policy 2.1 that a minimum of 15 percent of 2-bedroom units and a minimum of 10 percent of 3-bedroom units be provided in new developments. Site Specific Zoning By-law No. 735-2014 (OMB) does not include any minimum requirements for 2 and 3-bedroom units. Staff are satisfied with the proposed minimums in this context given the rental and affordable rental units proposed in Phase 2, and that the minimum requirements for both the 2 and 3-bedroom units would be achieved and/or exceeded in Phase 3.

Rental Housing and Open Door Affordable Housing Program

The Official Plan contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. Policy 3.2.1.2 states that the existing housing stock will be maintained and replenished and new housing stock will be encouraged through intensification and infill that is consistent with the Plan.

The owner, Concert Properties, submitted a proposal under the City's Open Door Affordable Housing Program to create 50 units of affordable rental housing in Building E, Phase 2 of "The Kip District" development. Under the Open Door Affordable Housing Program, as adopted by City Council in 2016, the City secures affordable housing through a co-ordinated approach to financial incentives, funding, planning approvals and activation of public and private lands.

Concert Properties was approved under the Open Door Affordable Housing Program by City Council on October 2, 2017 through the adoption of EX.27.14 Creating 298 Affordable Rental Homes in Toronto- Results of the 2017 Open Door Call for Applications. The 50 affordable rental units proposed in "The Kip District" will remain

affordable for a period of 25 years with rents based on the Canada Mortgage and Housing Corporation Average Market Rents.

Through the execution of a Municipal Housing Facilities Agreement, Concert Properties will be granted relief from development charges, planning and building fees, in addition to capital funding of \$5.5 million dollars, and a property tax exemption for the affordability period. Staff are satisfied that 50 affordable rental housing dwelling units will be provided in Building E.

Links to Council Reports:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX27.14>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.EX16.26>

Tree Preservation

City of Toronto By-laws provide for the protection of trees situated on both private and City lands. An Arborist Report was prepared by The MBTW Group, dated August 20, 2017 and submitted in support of the application. A total of 1 City-owned street tree, 73 privately-owned and 6 trees within 6 m from the property line on adjacent property were assessed.

Urban Forestry staff have concluded that the proposal for the Phase 2 and 3 lands would require the removal of 11 protected private trees. The submitted plans show several new trees proposed on private property and a double row of street trees consisting of 10 trees on the City road allowance and 8 trees straddling the property line along Dundas Street West. Urban Forestry staff find the proposed plan to be acceptable. However, they require the Owner to enter into an agreement with the City to assume ownership and maintenance responsibilities for the row of 8 street trees that straddle the property line and the below grade planting structures that support these trees. Staff are satisfied with the proposed provision of trees on both private and public property and will secure the details of these trees through the Site Plan Control review process.

Green Roof

Green roof areas are proposed on top of the 4th-storey (51 m²), on top of the 24th-storey (246 m²) and on the roof of the mechanical penthouse (315 m²) for Building D and on top of the 4th-storey (84 m²), on top of the 21st-storey (267 m²) and on the roof of the mechanical penthouse (205 m²) for Building E for a total of 1,168 m². Green roofs for Buildings A and B would be determined at a later stage in the process and would be required to comply with the City's Green Roof By-law. Staff are satisfied with the proposed green roof areas.

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 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. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for Tier 1 development features secured through the Zoning By-law process will be for automobile and cycling infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Control review process. In addition, the applicant has indicated that they will pursue Tier 2 of the TGS.

Toronto District School Board

The Toronto District School Board has advised that there is insufficient space at the local elementary and middle schools to accommodate students anticipated from this proposed development and others in the area. They advise that children from the new development will not displace existing students at local schools. In addition, alternative arrangements will be identified consistent with optimizing enrolment levels at all schools across the Toronto District School Board. At this time, the schools anticipated to serve the development are unknown.

The School Board has requested that the applicant enter into an agreement to put up signs on-site advising that students may be accommodated in schools outside the area until space in local schools becomes available. The School Board has also requested that warning clauses be included in all offers of purchase and sale of residential units, to the effect that students may be accommodated in facilities outside of the area, and that students may later be transferred.

The Toronto Catholic District School Board has not provided any comments.

Noise Feasibility Study

A Noise Feasibility Study was prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017, with respect to the proposed development on the Phase 2 lands only. The study evaluated the proposed Buildings D and E and the surrounding commercial, light industrial and residential uses.

The consultant states that the primary noise sources impacting the subject site are road traffic on Dundas Street West and rail traffic on the Canadian Pacific (CP) Railway Line. The consultant concludes that with suitable noise control measures integrated into the design of the buildings it would be feasible to achieve the Ministry of Environment and Climate Change (MOECC) guidelines for indoor sound levels from the various

transportation sources. The recommended noise control measures for the Phase 2 lands include appropriate wall and window glazing assemblies, and air conditioning of suites so that windows can be kept closed. In addition, there is a recommendation to include warning clauses to inform residents of the building of the traffic noise impacts and the presence of nearby commercial, light industrial, retail, rail yard and transformer facilities.

The consultant states that MOECC guidelines do not require an assessment of ground-borne vibration if a development is located more than 75 metres from a rail line. As such, the consultant notes that no assessment of ground-borne vibration is required for Buildings D and E on the Phase 2 lands due to their distance from the rail line.

The Noise Feasibility Study for the Phase 2 lands (including the determination that no ground-borne vibration assessment is required) will be subject to a third party Peer Review process to ensure that the findings are accurate and appropriate, to the satisfaction of the Chief Planner and Executive Director, City Planning, prior to Site Plan Approval. This condition will be secured through the Section 37 Agreement as a legal convenience.

In addition, the applicant will be required to submit Noise Feasibility and Vibration Studies in relation to the proposed development for the Phase 3 lands (Buildings A and B) when that project advances to Site Plan Control. These studies will also require a third party Peer Review process, to the satisfaction of the Chief Planner and Executive Director, City Planning. This condition will be secured through the Section 37 Agreement as a legal convenience.

Toronto Transit Commission

Site and Areas Specific Policy (SASP) 4.5 in the Etobicoke Centre Secondary Plan and states:

"The applicant agrees to acknowledge that the acquisition of the future TTC easement will be dealt with at site plan; that the development of the site must not preclude the future construction of the subway extension and that the applicant will be required to submit for a TTC technical review at site plan."

Site Specific Zoning By-law No. 735-2014 (OMB) restates this requirement.

The existing Section 37 Agreement indicates that a permanent below grade easement for the future extension of the Bloor Danforth Subway line (Line 2), with a width of between 30.6m and 32.4 metres along the southern property limit of the site may be acquired by the City at such time as site plan approval is sought. It also indicates that the owner will submit for TTC Technical Review as a condition of Site Plan Control. It requires that warning clauses regarding the possible future construction of Line 2 under

the site and future transit operations be inserted in all offers to purchase and agreements of purchase and sale or agreements to lease for all dwelling units.

The proposed development includes the conveyance of a below grade easement of the appropriate dimensions along the southern property limit of the site. The proposed timing of the transfer of the easement to the TTC is prior to the earlier of residential occupancy or condominium registration of any of the buildings in Phase 2. City Planning staff, in consultation with TTC staff, are satisfied with the general location and timing of the transfer. TTC staff have requested that consideration be given to conveyance of the property interest in strata fee, rather than permanent easement. Both options have been incorporated into the draft Zoning By-law Amendment.

Section 37

A Section 37 Agreement dated March 1, 2005, was registered on title under the prior ownership of Canadian Tire Corporation Limited as a result of the Official Plan and Zoning By-law Amendment applications approved by the Ontario Municipal Board. Community benefits secured in the Agreement include cash contributions towards local street improvements, public art, the local Business Improvement Area and/or local parkland improvements. A number of matters were also secured in the agreement as a legal convenience, including the requirement for cash-in-lieu of parkland, environmental considerations, public surface access easements for a parkette and a private road, a below grade easement for the future extension of the Bloor Danforth Subway line, site servicing, and Canadian Pacific Railway noise and vibration requirements, among other matters.

Subsequently, an Amending Section 37 Agreement dated July 8, 2015, was registered on title under the current ownership of Concert Real Estate Corporation addressing the phasing of the provision of site servicing.

The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

- a. The owner shall provide at its sole expense a minimum total area of 995 m² of Privately Owned Publicly-Accessible Open Space (POPS) on the Phase 2 lands and grant public access easements to and over the POPS in favour of the City. The specific location, configuration, and design of the POPS is to be determined in the context of the Phase 2 Site Plan Control application process, pursuant to Section 114 of the *City of Toronto Act*, 2006, as amended, and as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor. The owner may use the Phase 2 POPS for special events on a limited basis, with terms of its usage to be to the

satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.

b. The owner will provide a subsurface TTC property interest, in strata fee or permanent easement, and related rights of support, for the future extension of the Bloor Danforth Subway line located in the Phase 3 lands, prior to the earlier of first residential occupancy for any building in Phase 2, condominium registration for any building in Phase 2 or the lifting of the 'h' for the Phase 3 lands, to the satisfaction of Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.

c. The owner shall submit an application for TTC Technical Review of proposed development on the Phase 3 lands and obtain TTC approval prior to Site Plan Approval for the Phase 3 lands.

d. Prior to Site Plan Approval for the Phase 2 lands, the owner agrees to a third party peer review of the Noise Feasibility and Vibration Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017. The review is to be funded by the owner, and the qualified professional shall be retained by the City. The owner will construct and maintain any noise mitigation measures for the Phase 2 lands as required by the third party peer review of the Noise Feasibility Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017, to the satisfaction of the Chief Planner and Executive Director, City Planning.

e. The owner shall submit a Noise Feasibility and Vibration Study for the Phase 3 lands as part of a Site Plan Control application for the Phase 3 lands and agrees to fund a qualified professional, retained by the City, to conduct a third party peer review of the submitted Noise Feasibility and Vibration Study. The owner shall construct and maintain any noise mitigation measures for the Phase 3 lands as required by the third party peer review of the Phase 3 Noise Feasibility and Vibration Study, secured through the Site Plan Control application process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

f. Prior to Site Plan Approval for the Phase 2 lands, the owner, at its sole expense, shall be responsible for the cost of addressing any servicing capacity issues and shall enter into development or servicing agreements as may be necessary to address the required municipal upgrades as described in "Phase 2 Redevelopment of 5365 Dundas Street West, City of Toronto, St. Albans Road Sanitary Sewer Replacement, Pre-Design Report, Site Plan Approval Application – Third Submission," dated March 29, 2018, and prepared by RV Anderson Associates Limited, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

g. Prior to Site Plan Approval for the Phase 2 lands, the owner shall post and maintain signs on the Phase 2 lands which are clearly visible from the public sidewalk and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

h. Prior to Site Plan Approval for the Phase 3 lands, the owner shall post and maintain signs on the Phase 3 lands which are clearly visible from the sidewalk of Thomas Riley Road and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

i. The owner shall include warning clauses regarding school accommodation in all agreements of purchase and sale or residential tenancy agreements for developments on the Phase 2 and 3 lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

j. The Amending Section 37 Agreement shall reflect the change to the proposed number of roads, revised from one road to three roads, to be constructed as part of the development on the 5365 Dundas Street West lands (Thomas Riley Road, Streets 'C' and 'D').

k. Prior to removing the Holding provision ("h") on the Phase 3 lands, the owner shall submit a Transportation Impact Study (TIS) for the Phase 3 development addressing site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services.

l. Prior to Site Plan Approval for the Phase 3 lands, the owner must provide Letters of Credit for the road improvements and any necessary design details, to the satisfaction of the General Manager, Transportation Services.

m. Prior to the earlier of condominium registration or first residential occupancy on the Phase 3 lands, the owner at its sole expense shall undertake and complete the road improvements, including off-site road improvements, as per the requirements in the TIS, to the satisfaction of the General Manager, Transportation Services.

Through the review of the current Zoning By-law Amendment application, it has been determined that further amendments to the Section 37 Agreement would be required to address a number of housekeeping matters, including:

- Revised phasing of the development for Buildings A, B, D and E;
- Replacing the previous building envelope map;
- Additional public access easements for the additional private roads (Streets 'C' and 'D'); and
- Updates to conditions to reflect current divisional and agency standards (i.e. updated wording for warning clauses, etc.).

Conclusion

The proposal has been reviewed against the policies of the *Planning Act*, PPS (2014), the Growth Plan (2017), the Official Plan and the Etobicoke Centre Secondary 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 Official Plan and the Etobicoke Centre Secondary Plan. Staff recommend that City Council approve the Zoning By-law Amendment application, subject to the conditions outlined in this report.

CONTACT

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E-mail: Elise.Hug@toronto.ca

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 Urban Structure Map 2
- Attachment 4: Official Plan Land Use Map
- Attachment 5: Etobicoke Centre Secondary Plan Boundary Map 12-1
- Attachment 6: Etobicoke Centre Secondary Plan Land Use Map 12-5
- Attachment 7: Existing Zoning By-law Map
- Attachment 8: Draft Zoning By-law Amendment - Former City of Etobicoke Zoning Code

Applicant Submitted Drawings

- Attachment 9: Site Plan
- Attachment 10a: Building A - Northwest and Northeast Elevations
- Attachment 10b: Building A - Southeast and Southwest Elevations
- Attachment 10c: Building B - Northwest and Northeast Elevations
- Attachment 10d: Building B - Southeast and Southwest Elevations
- Attachment 10e: Buildings D and E - Northeast Elevations
- Attachment 10f: Buildings D and E - Southwest Elevations
- Attachment 10g: Buildings D and E - Northwest Elevations
- Attachment 10h: Buildings D and E - Southeast Elevations
- Attachment 11: Privately Owned Publicly-Accessible Open Space (POPS) Plan

Attachment 1: Application Data Sheet

Municipal Address: 5365 Dundas Street West Date Received: November 9, 2017

Application Number: 17 260380 WET 05 OZ

Application Type: Rezoning

Project Description: Rezoning application for a mixed-use development for Phases 2 and 3 (Buildings A, B, C & D), building heights of 114.4, 102.4, 75.9, & 65 m (excluding mechanicals), a total of 1,203 dwelling units, a density of 4.23 times the area of the lot, 1,298 vehicular parking space on 3 levels underground, and 1,044 bicycle parking spaces.

| | | | |
|---|-------------------|--|---------------------------------|
| Applicant | Agent | Architect | Owner |
| Concert Properties Ltd. 200-20 Wellington St. East Toronto, ON M5E 1C5 | Same as Applicant | Quadrangle Architects Ltd. 901 King Street West Toronto, ON M5V 3H5 | Concert Real Estate Corporation |

EXISTING PLANNING CONTROLS

| | | | |
|----------------------------|---------------------------------------|--------------------------|---|
| Official Plan Designation: | <i>Mixed Use Areas</i> | Site Specific Provision: | Y |
| Zoning: | EC2, Zoning By-law No. 769-2014 (OMB) | Heritage Designation: | N |
| Height Limit (m): | 24 m, 36 m, 60 m and 69 m | Site Plan Control Area: | Y |

PROJECT INFORMATION

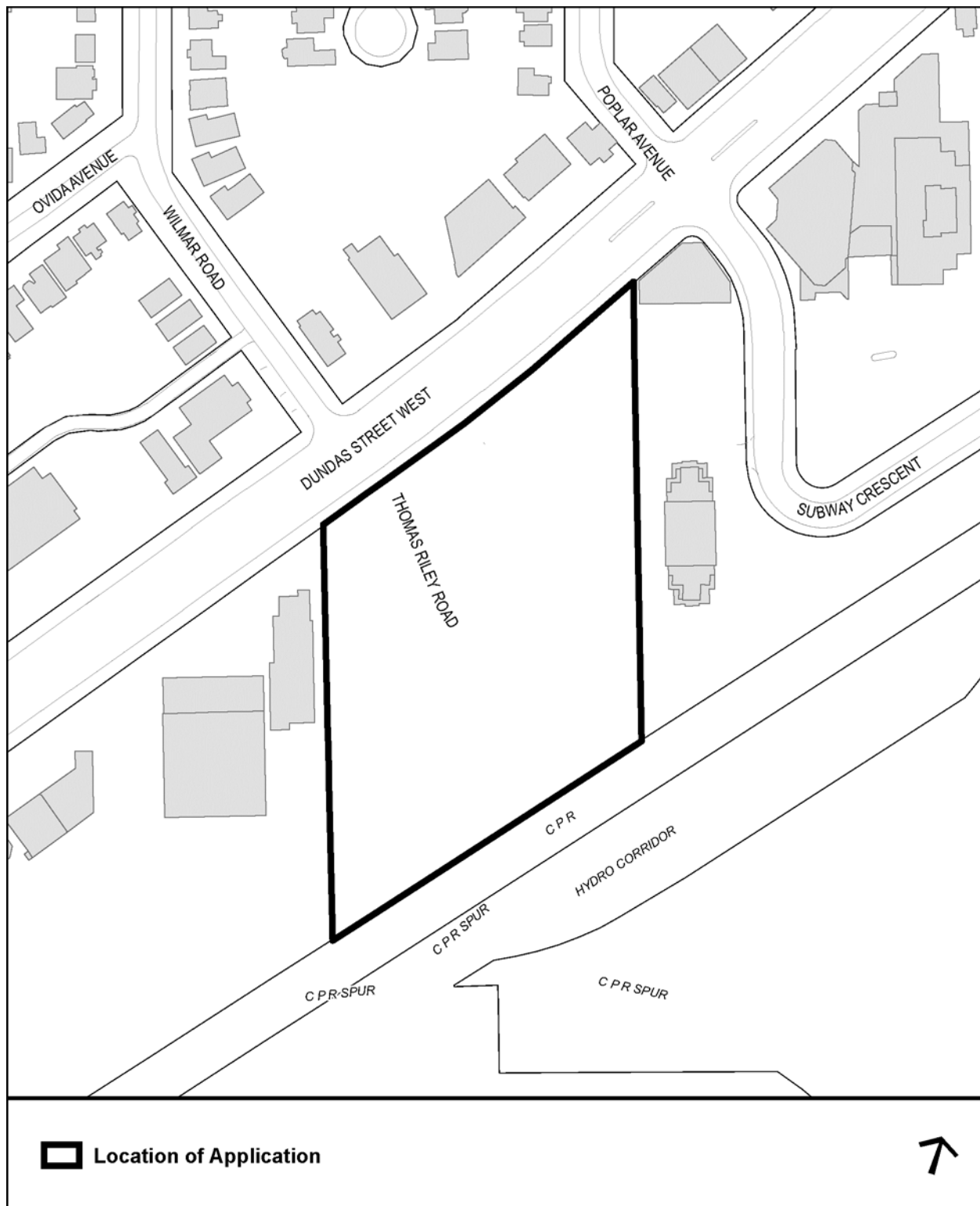
| | | | | | |
|-------------------|--------|---------------|-----|------------|--------------------|
| Site Area (sq m): | 19,096 | Frontage (m): | 133 | Depth (m): | approx. 49 to 52.4 |
|-------------------|--------|---------------|-----|------------|--------------------|

| Building Data | Existing | Retained | Proposed | Total |
|-----------------------------|----------|----------|----------|--------|
| Ground Floor Area (sq m): | 0 | 0 | 4,839 | 4,839 |
| Residential GFA (sq m): | 0 | 0 | 82,445 | 82,445 |
| Non-Residential GFA (sq m): | 0 | 0 | 599 | 599 |
| Total GFA (sq m): | 0 | 0 | 83,044 | 83,044 |
| Height - Storeys: | 0 | 0 | 36 | 36 |

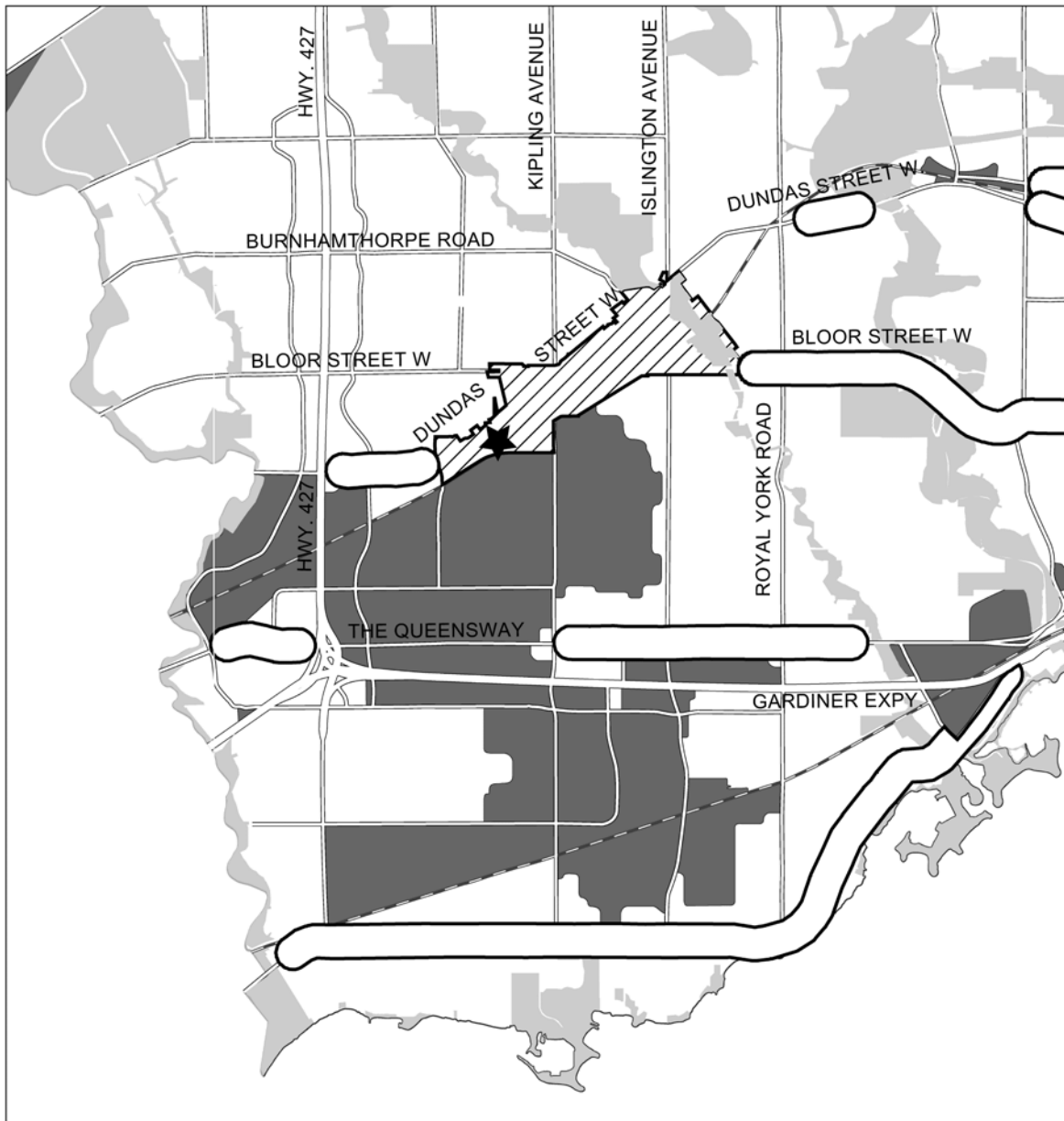
| | | | | | |
|---------------------------------|--------------------|-------------------------------|--------------------|----------------|------------|
| Height - M: | 0 | 0 | 114 | 114 | |
| Lot Coverage Ratio (%) | 25.34 | Floor Space Index: 4.23 | | | |
| Floor Area Breakdown | Above Grade (sq m) | | Below Grade (sq m) | | |
| Residential GFA: | 82,445 | | | | |
| Retail GFA: | 569 | | | | |
| Office GFA: | 0 | | | | |
| Industrial GFA: | 0 | | | | |
| Institutional/Other GFA: | 0 | | | | |
| Residential Units by Tenure | Existing | Retained | Proposed | Total | |
| Rental: | 0 | 0 | 233 | 233 | |
| Condominium: | 0 | 0 | 1,203 | 1,203 | |
| Total Units: | 0 | 0 | 1,436 | 1,436 | |
| Total Residential Units by Size | | | | | |
| | Rooms | Bachelor | 1 Bedroom | 2 Bedroom | 3+ Bedroom |
| Proposed: | 54 | 869 | 200 | 81 | |
| Total Units: | 54 | 869 | 200 | 81 | |
| Parking and Loading | | | | | |
| Parking Spaces: | 1,298 | Bicycle Parking Spaces: 1,044 | | Loading Docks: | 4 |

CONTACT: Elise Hug, Manager (416) 338-2560 Elise.Hug@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Urban Structure Map 2



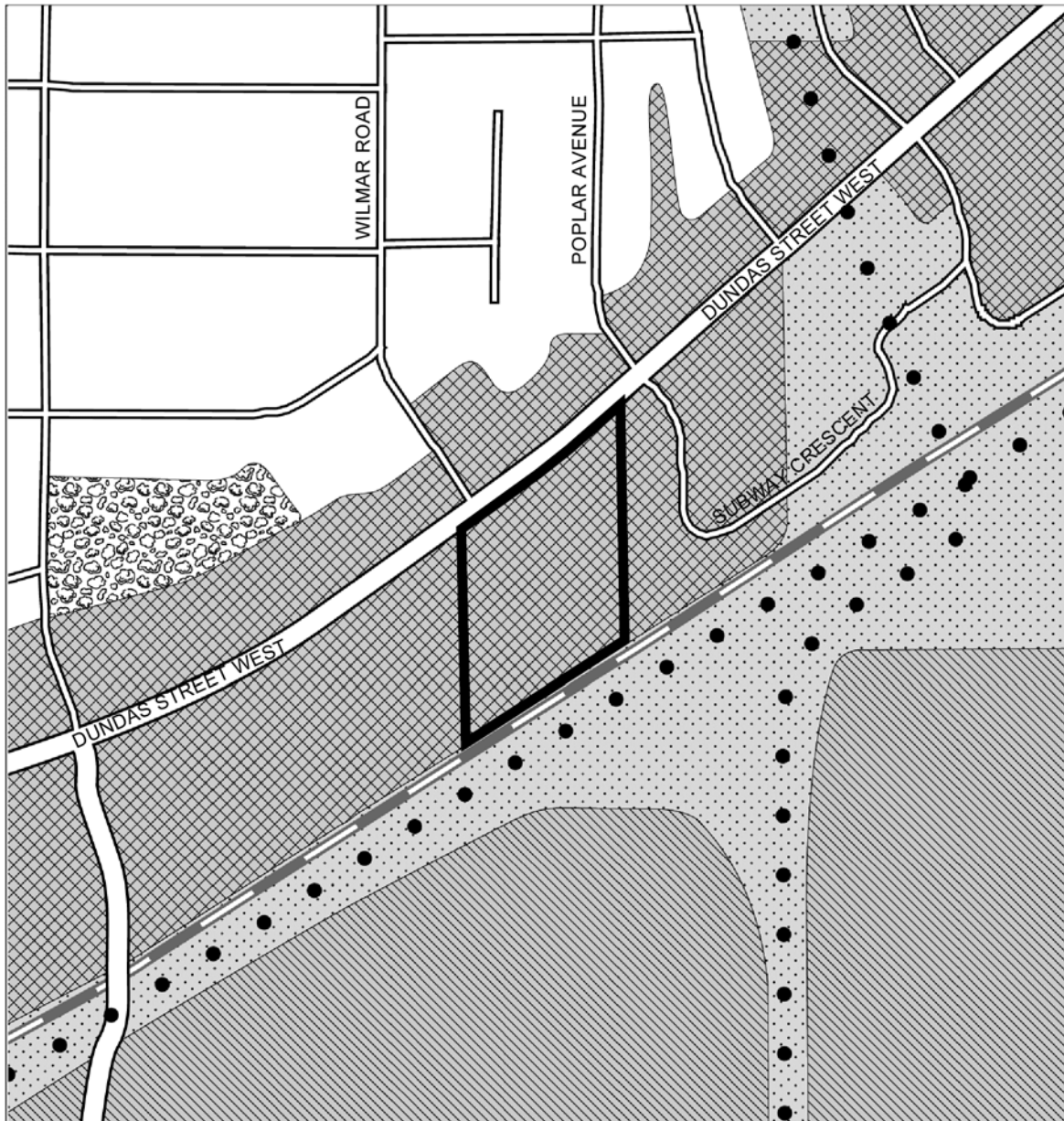
Urban Structure - Map 2

5365 Dundas Street West

File # 17 260380 WET 05 0Z



Attachment 4: Official Plan Land Use Map



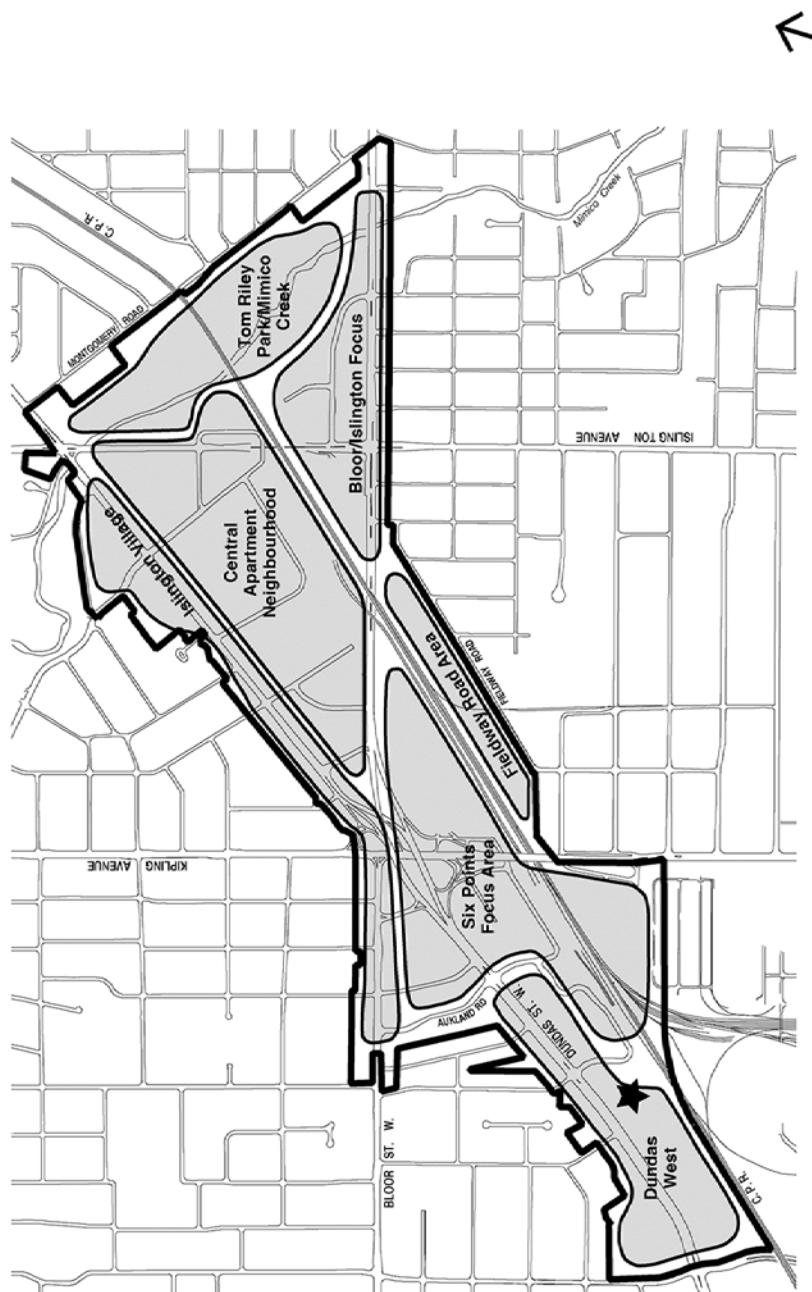
Extract from Official Plan

5365 Dundas Street West

File # 17 260380 WET 05 0Z



↑
Not to Scale
01/12/2018

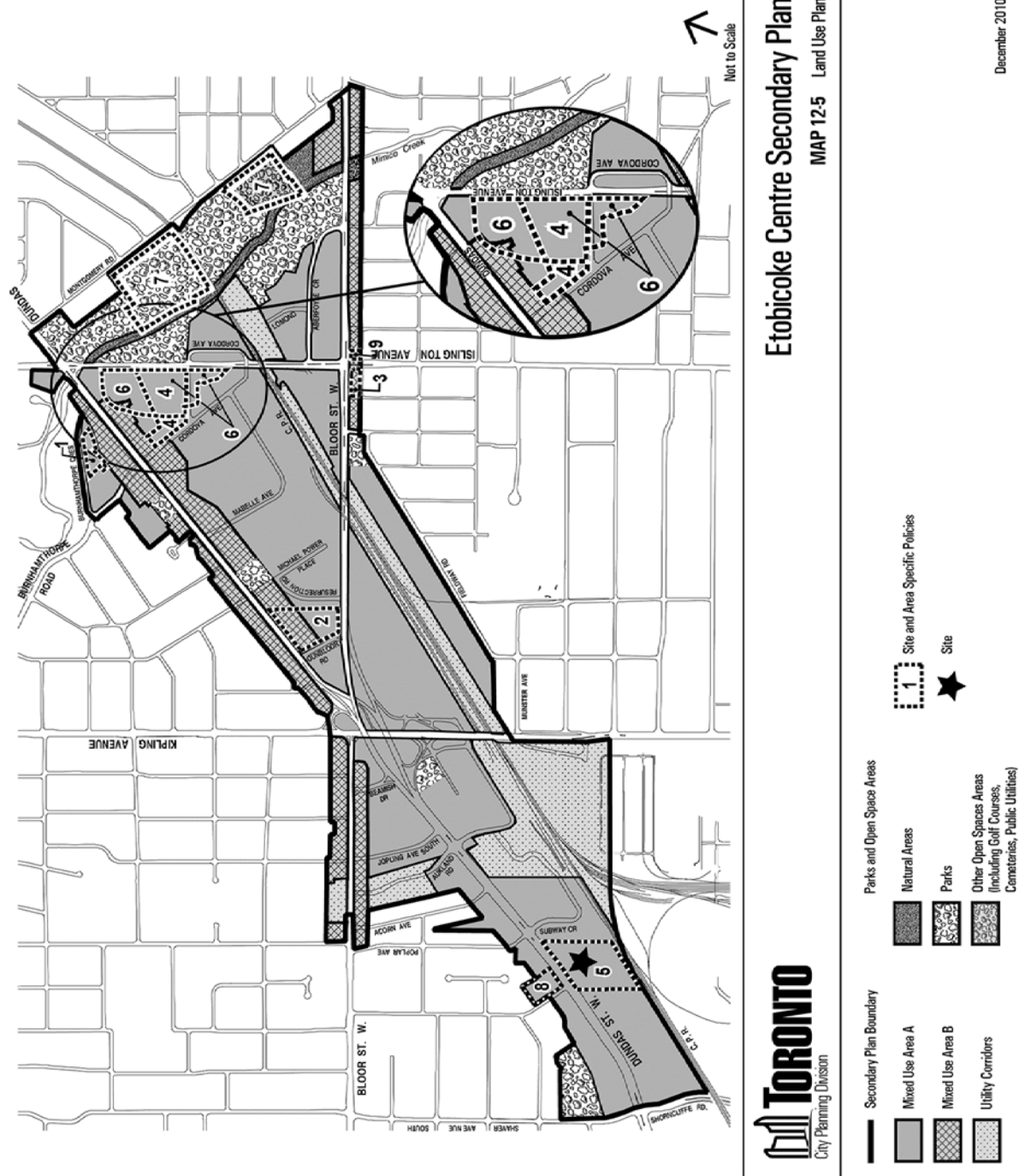


Etobicoke Centre Secondary Plan

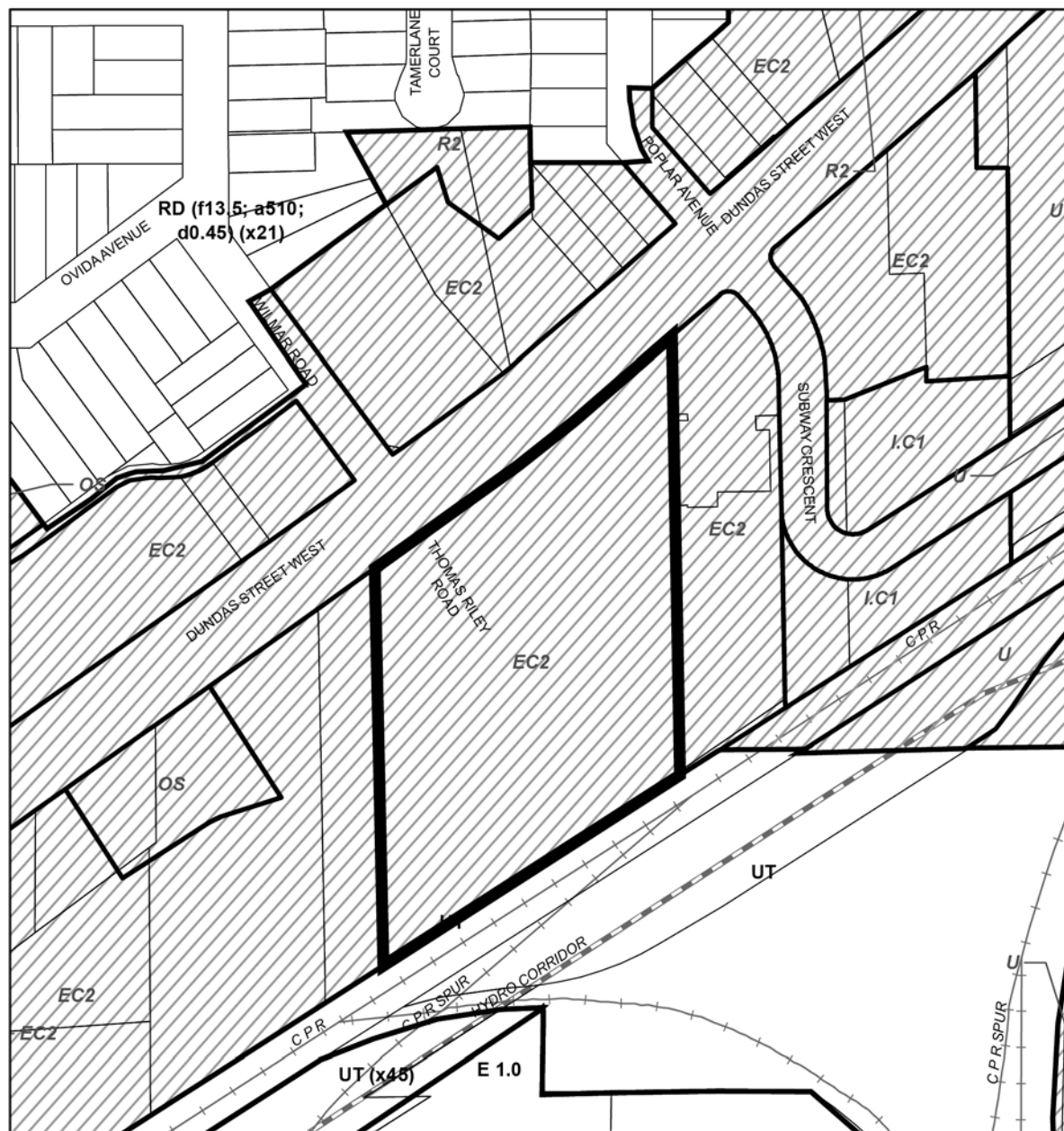
MAP 12-1 Etobicoke Centre Areas



October 2009



Attachment 7: Existing Zoning By-law Map



Zoning By-Law No. 569-2013

5365 Dundas Street West

File # 17 260380 WET 05 02



Location of Application

RD Residential Detached

E Employment Industrial
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
EC2 Etobicoke Centre 2
U Utilities Zone



Not to Scale
Extracted: 01/12/2018

AUTHORITY:_____

CITY OF TORONTO
BY-LAW No. XXX-2017

To amend Chapters 320 and 324 of the Etobicoke Zoning Code and By-law No. 1088-2002, as amended by By-law No. 735-2014 (OMB), with respect to certain lands located on the south side of Dundas Street West, known municipally as 5365 Dundas Street West.

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

Whereas 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 Council may, in a by-law passed under Section 34 of the *Planning Act*, by the use of the holding provision (“h”) in conjunction with any use designation, specify the use to which lands, buildings or structures may be put at such time in the future as the holding symbol is removed by amendment to the By-law. The Council of the City of Toronto enacts:

1. All of the provisions of By-law No. 735-2014 (OMB), including any minor variances finally approved under Section 45 of the Planning Act, shall continue to apply to the lands shown as “Phase 1” on Schedule “A” attached hereto;
2. Except as provided herein, none of the provisions of the Etobicoke Zoning Code, By-law No. 1088-2002, and/or By-law No. 735-2014 (OMB) shall apply to the lands shown as “Phase 2” and “Phase 3” on Schedule “A” attached hereto to prevent the erection and use of buildings or structures permitted by this By-law, provided that the following shall apply to the development of the lands shown as “Phase 2” and “Phase 3” on Schedule “A” attached hereto:

3. Definitions

For the purposes of this By-law, the following definitions shall be applicable:

- (a) "Bachelor unit" means either a unit less than 45 square metres or greater and one bedroom unit.
- (a) "Bicycle Parking Space" means an area used for parking or storing a bicycle and must comply with the following:
 - i. The minimum dimension of a Bicycle Parking Space is:

- a. Minimum length of 1.8 metres;
 - b. Minimum width of 0.6 metres;
 - c. Minimum vertical clearance from the ground of 1.9 metres;
 - ii. The minimum 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;
 - c. Minimum horizontal clearance from the wall of 1.2 metres; and
 - iii. If a Stacked Bicycle Parking Space is provided, the minimum vertical clearance for each Bicycle Parking Space is 1.2 metres;
 - iv. “Long-term” Bicycle Parking Spaces are Bicycle Parking Spaces for use by occupants or tenants of a building;
 - v. “Short-term” Bicycle Parking Spaces are Bicycle Parking Spaces for use by visitors to a building;
- (b) “Building Envelope” means the building area permitted within the setbacks established in this By-law, as shown on Schedule "B", as attached hereto;
 - (c) “Drive-Through Facility” means a structure or a building or part thereof which is designated to provide or dispense products or services, either wholly or in part, to persons remaining in automotive vehicles that are queued in a designated service lane;
 - (d) “Floor Plate Area” means the gross horizontal floor area of a single floor measured from the exterior walls of a building or structure;
 - (e) “Grade” means 129.07 metres Canadian Geodetic Datum for Phase 2 and 129.62 metres Canadian Geodetic Datum for Phase 3;
 - (f) “Gross Floor Area” 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 parking areas for motor vehicles and mechanical rooms. 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. In addition, the following areas shall also be excluded:
 - i. Mechanical Floor Area, which is further defined as a room or enclosed area,

including its enclosing walls within the building or structure above, at grade, or below grade that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), or telecommunications equipment that serves the building;

- ii. Indoor Amenity Areas, as defined by the Etobicoke Zoning Code, to a maximum of 1.5 square metres per dwelling unit; and
- (g) "Height" means the vertical distance between grade and the highest point of the roof surface of the building, but shall exclude mechanical equipment, mechanical penthouses, telecommunications equipment, green roof elements, equipment for the production of energy, decorative features, parapets, stairs and stair enclosures, located on the roof of such building provided the maximum height of the top of such elements is no higher than 4.5 metres above the roof line of the Phase 2 buildings and 5.5 metres of the Phase 3 buildings;
- (h) "Minor Projections" means minor building elements which may project from the main wall of the building outside of required Building Envelopes and into required yards, including roof eaves, window sills, railings, cornices, guard rails, balustrades, porches, balconies and bay windows, vestibules, doors, canopies, exterior stairs and their associated covering, wheelchair and covered ramps, parapets and vents, awnings, skylights, ornamental elements, trellises, lighting fixtures, fences, landscape features and seating areas, retaining walls, ramps to an underground garage, all to a maximum projection of 1.5 metres;
- (i) "Lands" means the area shown as "Phase 2" and "Phase 3" on Schedule "A" attached hereto;
- (j) "Landscaped Open Space" means a yard or court on a lot located at grade, above an underground parking area, above an underground parking structure, or a roof top, which is suitable for landscaping. It shall include any part of the Lands occupied by accessory recreational buildings, surfaced walks, patios or similar areas, sports or recreational areas and ornamental or swimming pools, but shall exclude streets, driveways, ramps, or motor vehicle parking areas;
- (k) "Phase 1" means the lands shown as "Phase 1" on Schedule "A" attached hereto; and
- (l) "Privately Owned, Publicly Accessible Space (POPS)" means a Landscaped Open Space area as shown on Schedule "B" attached hereto, which is open and accessible to the public.
- (m) "Public Parking" means premises or facilities containing one or more parking spaces as a principal use and the parking spaces are available for public use without a fee.
- (n) "Temporary Sales Office" means a building, structure, facility or trailer on the Lands used for the purpose of the sale of dwelling units to be erected on the

Lands.

4. Permitted Uses

For the purposes of this By-law, the following uses shall be permitted on the Lands:

- (a) Townhouses, a senior citizens apartment building and a seniors community house; a lodging house; and a nursing home;
- (b) eating establishments; take-out eating establishments; temporary sales office; office; studio; shoe repair shops; tailor; operated automatic laundries; nursery schools and day nurseries; health centres; public parking; commercial schools; fitness clubs; one (1) food vending cart, except on a corner lot where a second food vending cart will be permitted; retail services; personal service shops; community centres; retail stores; art galleries; temporary construction facilities/operations/fencing and hoarding; and
- (c) Drive-Through facilities shall not be permitted;

5. Maximum Density

For the purposes of this By-law and notwithstanding Section 4 of By-law 735-2014 (OMB), the maximum Gross Floor Area permitted on the Lands shall be 83,015 square metres, provided that:

- (a) The maximum Gross Floor Area permitted on Phase 2 shall be 34,200 square metres, of which, a minimum of 570 square metres shall be for non-residential uses; and
- (b) The maximum Gross Floor Area permitted on Phase 3 shall be 49,640 square metres

6. Number of Residential Units

- (a) A maximum of 519 residential units shall be permitted on Phase 2.
- (b) A maximum of 685 residential units shall be permitted on Phase 3.

7. Minimum/Maximum Height

The maximum building height to be permitted on the Lands shall be shown following the letter H as shown on Schedule "B", attached hereto.

The minimum building height shall be two storeys.

8. Building Envelopes and Floor Plate Area

For the purposes of this By-law, and subject to permitted Minor Projections:

- (a) No building or structure above finished grade shall be located other than within the Building Envelopes shown on Schedule “B” attached hereto;
- (b) The minimum building setbacks above finished grade for any building or structure within a Building Envelope shall be as specified on Schedule “B” attached hereto;
- (c) The minimum separation distance between Building Envelope shall be in accordance with the following:
 - i. Phase 2: the minimum separation distance between Building Envelopes for Phase 2 shall be as specified on Schedule “B” attached hereto.
 - ii. Phase 3 shall be constructed of 2 distinct podiums (above grade only) and these podiums shall be separated by a minimum of 11 metres. Towers on Phase 3, above a height of 17 metres or 4-storeys shall be separated by a minimum of 25 metres.
- (d) The minimum building setbacks shall be as follows:
 - i. Each tower permitted on Phase 3 shall be set back from the edge of the podium on which it is located by a minimum of 3.0 metres on all sides.
- (e) Notwithstanding the provisions of this By-law, a maximum floor plate area restriction of 750 m² for Buildings A, B and E and 760 m² for Building D, shall be applied to the portion of any building or structure above 17 metres in height, as shown on Schedule 'B', attached hereto; and
- (f) Notwithstanding any of the required building setbacks and floor plate area restrictions, Minor Projections shall be permitted to encroach into the required building setbacks.

9. Area Requirements

For the purposes of this By-law, the following area requirements shall apply to the Lands:

- (a) A minimum of 25% percent of the area of Phase 2 shall be reserved for Landscaped Open Space;
- (b) A minimum of 25% percent of the area of Phase 3 shall be reserved for Landscaped Open Space;
- (c) A minimum 1.5 square metres per dwelling unit of Indoor Amenity Space shall be provided on Phase 2;
- (d) A minimum of 464 square metres of Outdoor Amenity Space shall be provided on Phase 2;

- (e) A minimum of 2.0 square metres per dwelling unit of Indoor Amenity Space shall be provided on Phase 3;
- (f) A minimum of 714 square metres of Outdoor Amenity Space shall be provided on Phase 3; and
- (g) A minimum of 995 square metres will be provided as Privately Owned, Publicly Accessible Space as shown on Schedule "B" attached hereto.

10. Parking and Loading Requirements for Phase 2

- (a) Parking spaces shall be provided in accordance with the following minimum requirements for Phase 2:
 - i. Residential:
 - a. Bachelor unit less than 45 square metres: 0.6 parking spaces per unit;
 - b. Bachelor unit 45 square metres or greater and one bedroom unit: 0.7 parking spaces per unit;
 - c. Two bedroom unit: 0.9 parking spaces per unit;
 - d. Three bedroom unit or greater: 1.0 parking spaces per unit; and
 - e. Visitor: 0.1 parking spaces per unit.
 - ii. Non-residential
 - a. 1.0 parking spaces per 100 square metres of non-residential Gross Floor Area;
- (b) For the purposes of Section 9(a)(i)(e) of this By-law, excess residential visitor parking on Phase 1 or Phase 3 can be used to meet the visitor parking requirements for Phase 2;
- (c) For the purposes of Section 9(a)(ii) of this By-law, residential visitor parking spaces for Phase 2 can be shared with, and used to meet the parking requirements for non-residential uses on Phase 2;
- (d) Bicycle parking spaces shall be provided for residential uses on Phase 2, in accordance with the following minimum requirements:
 - i. Long-term Bicycle Parking Spaces: 0.68 spaces per dwelling unit;
 - ii. Short-term Bicycle Parking Spaces: 0.07 spaces per dwelling unit.
- (e) Two (2) Loading spaces shall be provided on Phase 2 in accordance with the following minimum requirements:
 - i. One (1) loading space with a minimum length of 13.0 metres, a

minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres;
and

- ii. One (1) loading space with a minimum length of 6.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 3.0 metres.

11. Parking and Loading Requirements for Phase 3

- (a) Parking spaces shall be provided in accordance with the following minimum requirements for Phase 3:
 - i. Residential:
 - a. Bachelor unit less than 45 square metres: 0.6 parking spaces per unit;
 - b. Bachelor unit 45 square metres or greater and one bedroom unit: 0.7 parking spaces per unit;
 - c. Two bedroom unit: 0.9 parking spaces per unit;
 - d. Three bedroom unit or greater: 1.0 parking spaces per unit;
 - e. Visitor: 0.1 parking spaces per unit;
 - ii. Non-residential:
 - a. 1.0 parking spaces per 100 square metres of non-residential Gross Floor Area;
- (b) For the purposes of Section 10(a)(ii) of this By-law, residential visitor parking spaces for Phase 3 can be shared with, and used to meet the parking requirements for non-residential uses on Phase 3;
- (c) Bicycle parking spaces shall be provided for residential uses on Phase 3, with the exception of senior citizens apartment buildings and seniors community houses, in accordance with the following minimum requirements:
 - i. Long-term Bicycle Parking Spaces: 0.68 spaces per dwelling unit;
 - ii. Short-term Bicycle Parking Spaces: 0.07 spaces per dwelling unit.
- (d) A minimum of one (1) loading space shall be provided on Phase 3 with a minimum length of 13.0 metres, a minimum width of 4.0 metres, and a minimum vertical clearance of 6.1 metres.
- (e) Should the residential unit count achieve 400 units or greater, one (1) loading space would be required.

12. Parking Space Dimensions for Phase 2 and Phase 3

- (a) The minimum dimensions of a parking space accessed by a one-way or two-way drive aisle having a width of 6.0 metres or more measured at the entrance of the parking space, shall be:

- i. Length: 5.6 metres;
- ii. Height: 2.0 metres;
- iii. Width: 2.6 metres;

except that the minimum required width of a parking space shall be increased for each side of the parking space that is obstructed in accordance with Section 11(c) below.

- (b) The minimum dimensions of a parking space accessed by a one-way or two-way driveway having a width of less than 6.0 metres measured at the entrance to the parking space, shall be:

- i. Length: 5.6 metres;
- ii. Height: 2.0 metres;
- iii. Width: 3.0 metres;

except that the minimum required width of a parking space shall be increased by 0.3 metres when one or both sides of the parking space are obstructed in accordance with Section 11(c) below.

- (c) For the purposes of this by-law, the side of a parking space is obstructed when any part of a fixed object such as, but not limited to, a wall, column, bollard, fence or pipe is situated:

- i. Within 0.3 metre of the side of the parking space, measured at right angles; and
- ii. More than 1.0 metre from the front or rear of the parking space.

- (d) A minimum access driveway width of 6.0 metres shall be provided in front of all parking spaces, with the exception of parking spaces in tandem which shall provide a minimum three-metre access driveway to the side of each space. Despite Sections 11(a) and 11(b) above, parking spaces in tandem shall be a minimum of 6.7 metres in length by a minimum of 2.6 metres in perpendicular width throughout by a clear minimum height of 2.0 metres, except that the minimum required width of a parking space shall be increased by 0.3 metre when one side of the parking space is obstructed in accordance with Section 11(c) above.

- (e) Every parking space shall have a minimum unobstructed vertical clearance of 2.0 metres for the entire length and width of the parking space.

13. Holding Provision (h)

Phase 3, as illustrated on Schedule B attached hereto, shall be subject to a Holding provision ("h"), whereby no person shall erect any building until such time as the ("h") is lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands. Prior to the lifting of the "h", the only permitted uses shall be the uses existing on the date of the passing of this by-law, construction staging and construction site office for the balance of the Site. The holding symbol shall be lifted once the below criteria has been satisfied:

- i. The Owner is required to submit the Transportation Impact Study (TIS) for the Phase 3 development addressing the site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services. The Owner is required to undertake any road improvements, at no cost to the City, that may be needed as per the findings of the required TIS, including off-site road improvements, as required, and to the satisfaction of the General Manager, Transportation Services, prior to Site Plan Approval for the Phase 3 lands.

Miscellaneous

- (a) If the calculation of the minimum number of parking spaces required by Sections 9 and 10 of this By-law results in a number with a fraction, the number is rounded down to the nearest whole number, but there may not be less than one parking space;
- (b) If the calculation of the minimum number of Bicycle Parking Spaces required by Sections 9 and 10 of this By-law results in a fraction, the number of required Bicycle Parking Spaces must be rounded up to the nearest whole number;
- (c) The provisions of Section 13 of By-law No. 735-2014 (OMB) with respect to facilities, services, and matters secured pursuant to Section 37 of the Planning Act shall continue to apply to the Lands, subject to the revisions set out in Appendix 1 for Phases 2 and 3;
- (d) Nothing in this By-law shall apply to prevent the phased construction of the development permitted by the By-law on the Lands, provided that the requirements of the By-law are complied with for each phase, or earlier if otherwise specified in this By-law;
- (e) Notwithstanding any severance, partition, or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition, or division occurred;
- (f) Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code, By-law No. 1088-2002, and/or By-law No. 735-2014 (OMB) in respect of the Lands, the provisions of this By-law shall apply;
- (g) Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include

reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws:

| BY-LAW NUMBER AND ADOPTION DATE | DESCRIPTION OF PROPERTY | PURPOSE OF BY-LAW |
|--|--------------------------------|---|
| XXX-2017 XXX | 5365 Dundas Street West | To amend the provisions of By-law No. 735-2014 (OMB) and provide site-specific development standards to permit a mixed use development on the lands |

Appendix 1

Amendments to Section 37 Agreement for Phase 2 and Phase 3

1. The Section 37 Agreement (Instrument No. AT794763), as previously amended by the Amending Section 37 Agreement (Instrument No. AT4334597), shall be further amended for Phase 2 and Phase 3 as follows:
 - a. The owner shall provide at its sole expense a minimum total area of 995 m² of Privately Owned Publicly-Accessible Open Space (POPS) on the Phase 2 lands and grant public access easements to and over the POPS in favour of the City. The specific location, configuration, and design of the POPS is to be determined in the context of the Phase 2 Site Plan Control application process, pursuant to Section 114 of the *City of Toronto Act*, 2006, as amended, and as applicable, Section 41 of the *Planning Act*, as amended, and secured in a Site Plan Agreement, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor. The owner may use the Phase 2 POPS for special events on a limited basis, with terms of its usage to be to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.
 - b. The owner will provide a subsurface TTC property interest, in strata fee or permanent easement, and related rights of support, for the future extension of the Bloor Danforth Subway line located in the Phase 3 lands, prior to the earlier of first residential occupancy for any building in Phase 2, condominium registration for any building in Phase 2 or the lifting of the 'h' for the Phase 3 lands, to the satisfaction of Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.
 - c. The owner shall submit an application for TTC Technical Review of proposed development on the Phase 3 lands and obtain TTC approval prior to Site Plan Approval for the Phase 3 lands.
 - d. Prior to Site Plan Approval for the Phase 2 lands, the owner agrees to a third party peer review of the Noise Feasibility and Vibration Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017. The review is to be funded by the owner, and the qualified professional shall be retained by the City. The owner will construct and maintain any noise mitigation measures for the Phase 2 lands as required by the third party peer review of the Noise Feasibility Study, prepared by Howe Gastmeier Chapnik Limited, dated November 7, 2017, to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - e. The owner shall submit a Noise Feasibility and Vibration Study for the Phase 3 lands as part of a Site Plan Control application for the Phase 3 lands and agrees to fund a qualified professional, retained by the City, to

conduct a third party peer review of the submitted Noise Feasibility and Vibration Study . The owner shall construct and maintain any noise mitigation measures for the Phase 3 lands as required by the third party peer review of the Phase 3 Noise Feasibility and Vibration Study, secured through the Site Plan Control application process, to the satisfaction of the Chief Planner and Executive Director, City Planning.

f. Prior to Site Plan Approval for the Phase 2 lands, the owner, at its sole expense, shall be responsible for the cost of addressing any servicing capacity issues and shall enter into development or servicing agreements as may be necessary to address the required municipal upgrades as described in "Phase 2 Redevelopment of 5365 Dundas Street West, City of Toronto, St. Albans Road Sanitary Sewer Replacement, Pre-Design Report, Site Plan Approval Application – Third Submission," dated March 29, 2018, and prepared by RV Anderson Associates Limited, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

g. Prior to Site Plan Approval for the Phase 2 lands, the owner shall post and maintain signs on the Phase 2 lands which are clearly visible from the public sidewalk and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

h. Prior to Site Plan Approval for the Phase 3 lands, the owner shall post and maintain signs on the Phase 3 lands which are clearly visible from the sidewalk of Thomas Riley Road and which contain wording regarding the insufficient space in local schools to accommodate students from this and other nearby developments, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

i. The owner shall include warning clauses regarding school accommodation in all agreements of purchase and sale or residential tenancy agreements for developments on the Phase 2 and 3 lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Toronto District School Board.

j. The Amending Section 37 Agreement shall reflect the change to the proposed number of roads, revised from one road to three roads, to be constructed as part of the development on the 5365 Dundas Street West lands (Thomas Riley Road, Streets 'C' and 'D').

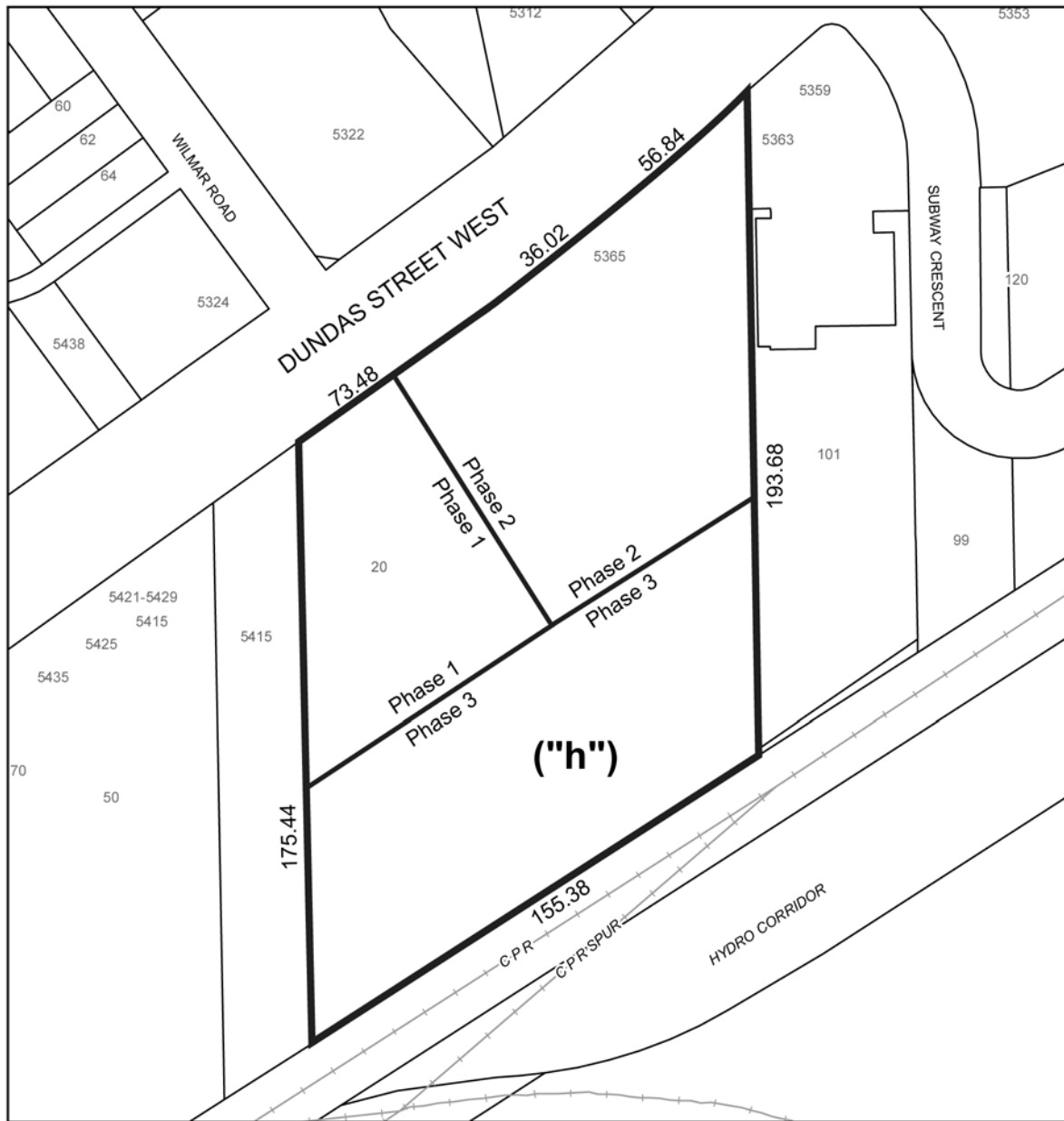
k. Prior to removing the Holding provision ("h") on the Phase 3 lands, the owner shall submit a Transportation Impact Study (TIS) for the Phase 3 development addressing site accesses as well as the larger external road

network to the satisfaction of the General Manager, Transportation Services.

l. Prior to Site Plan Approval for the Phase 3 lands, the owner must provide Letters of Credit for the road improvements and any necessary design details, to the satisfaction of the General Manager, Transportation Services.

m. Prior to the earlier of condominium registration or first residential occupancy on the Phase 3 lands, the owner at its sole expense shall undertake and complete the road improvements, including off-site road improvements, as per the requirements in the TIS, to the satisfaction of the General Manager, Transportation Services.

2. Except as amended in accordance with Item 1, the Section 37 Agreement shall remain in force and effect for the lands.

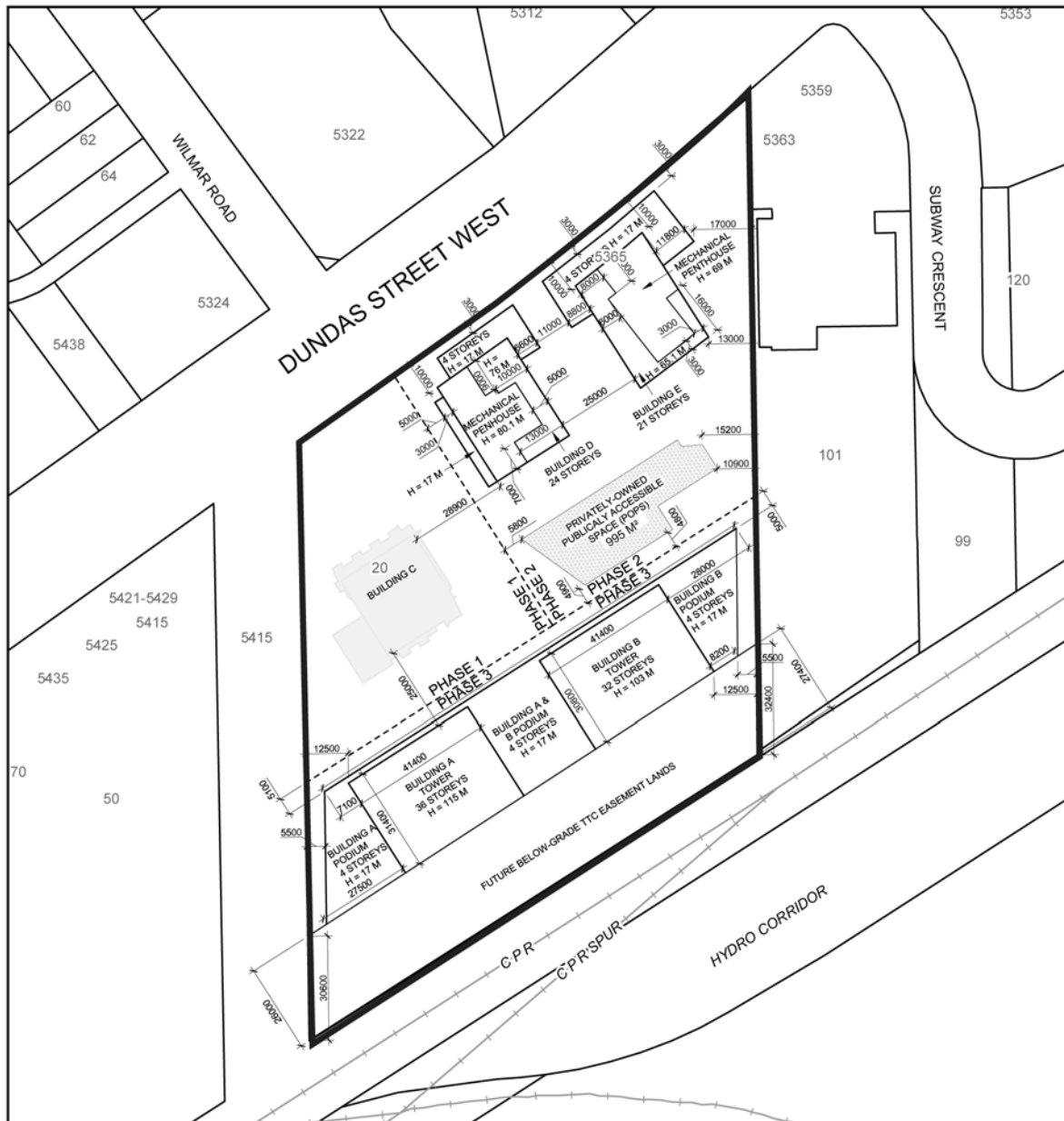


Toronto
Schedule A

5365 Dundas Street West

File # 17 260380 WET 05 0Z

↑
Former City of Etobicoke By-Law 11,737
Not to Scale
6/26/2018



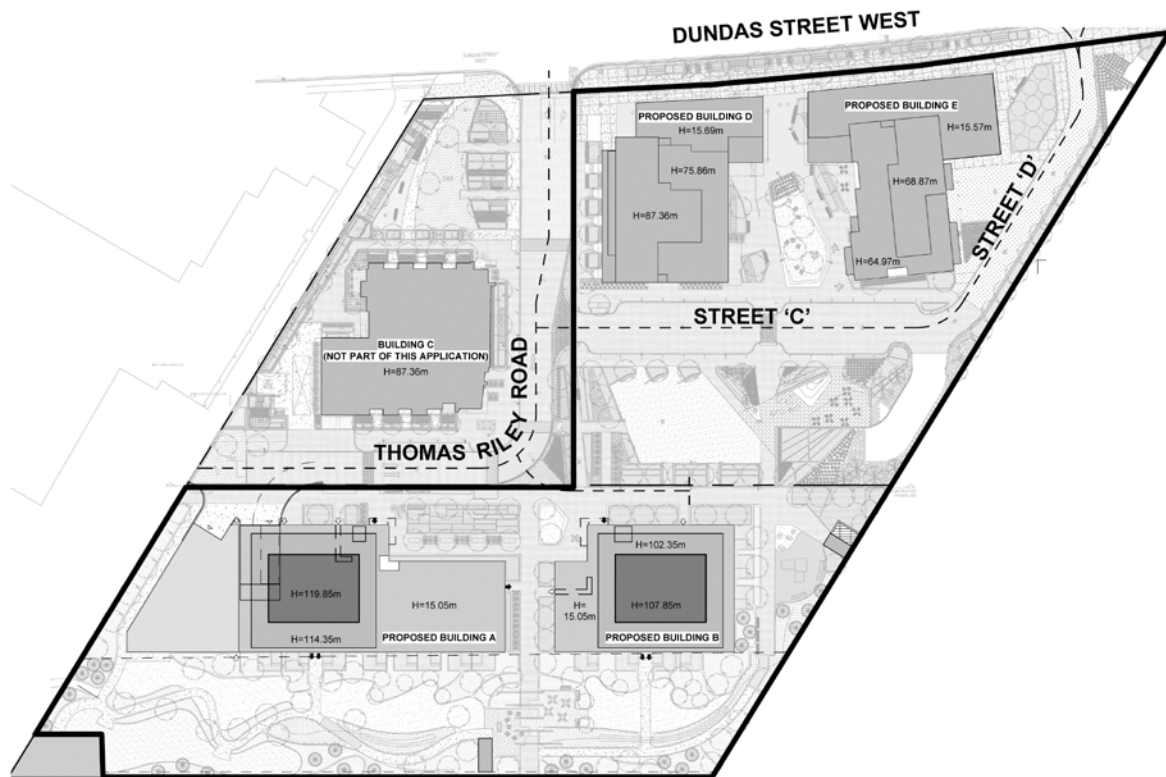
Toronto
Schedule B

5365 Dundas Street West

File # 17 260380 WET 05 0Z

Former City of Etobicoke By-Law 11,737
Not to Scale
6/26/2018

Attachment 9: Site Plan



Site Plan

Applicant's Submitted Drawing

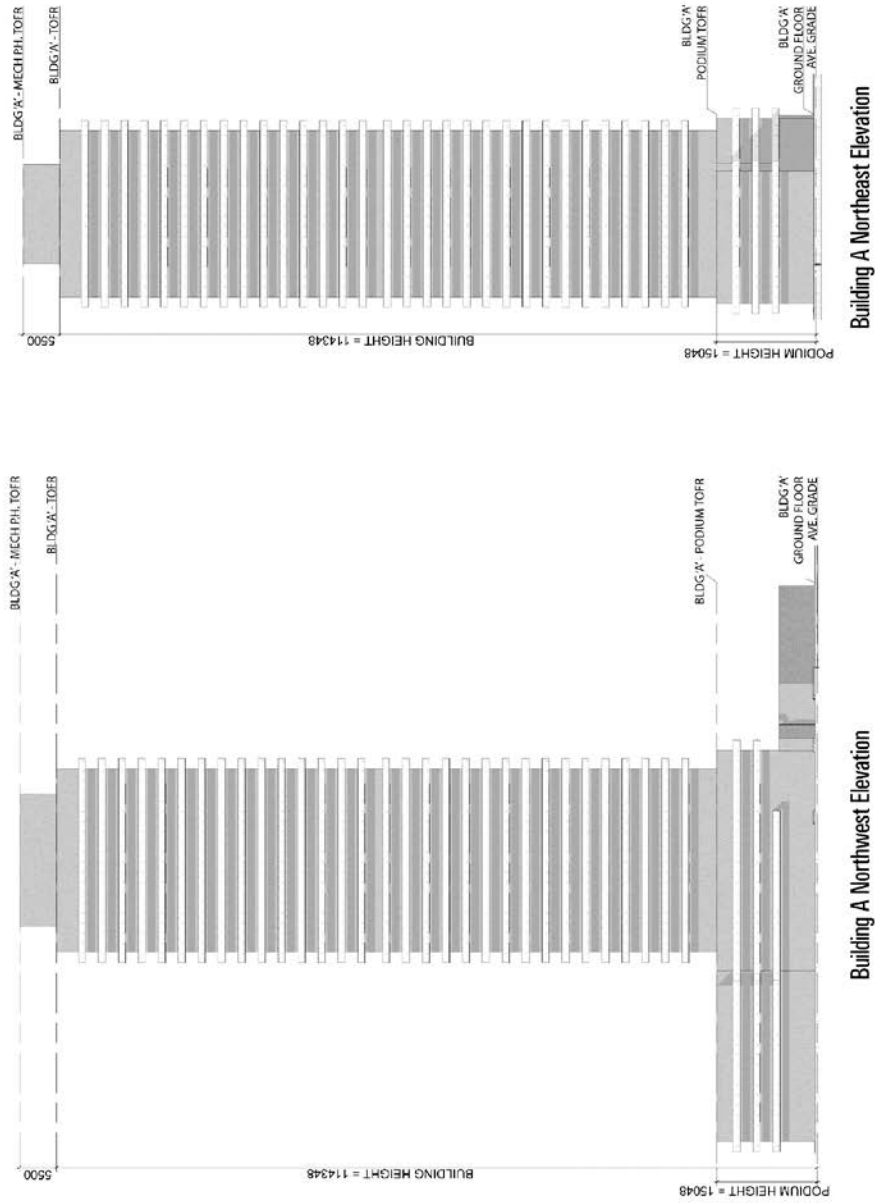
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06/06/2018



5365 Dundas Street West

File # 17 260380 WET 05 02

Attachment 10a: Building A - Northwest and Northeast Elevations



5365 Dundas Street West

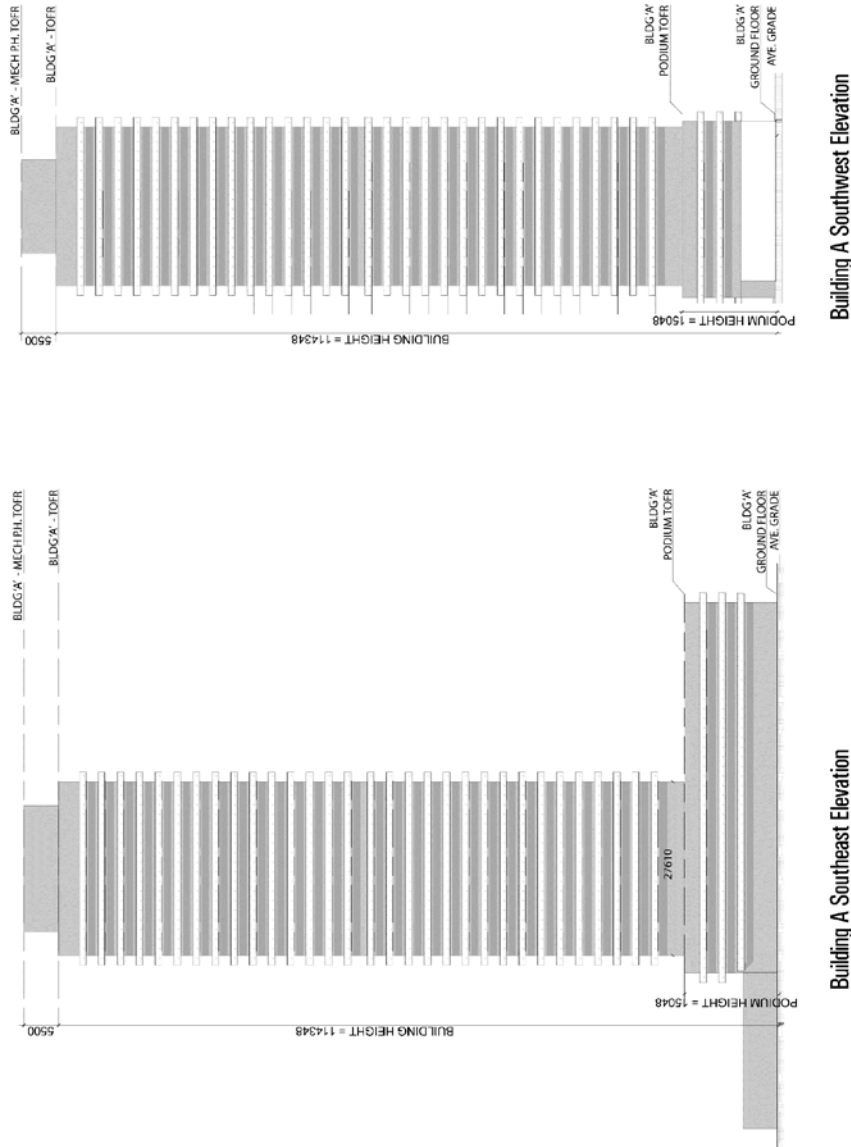
Building A Northwest & Northeast Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

File # 17 260380 WET 05 02

Attachment 10b: Building A - Southeast and Southwest Elevations



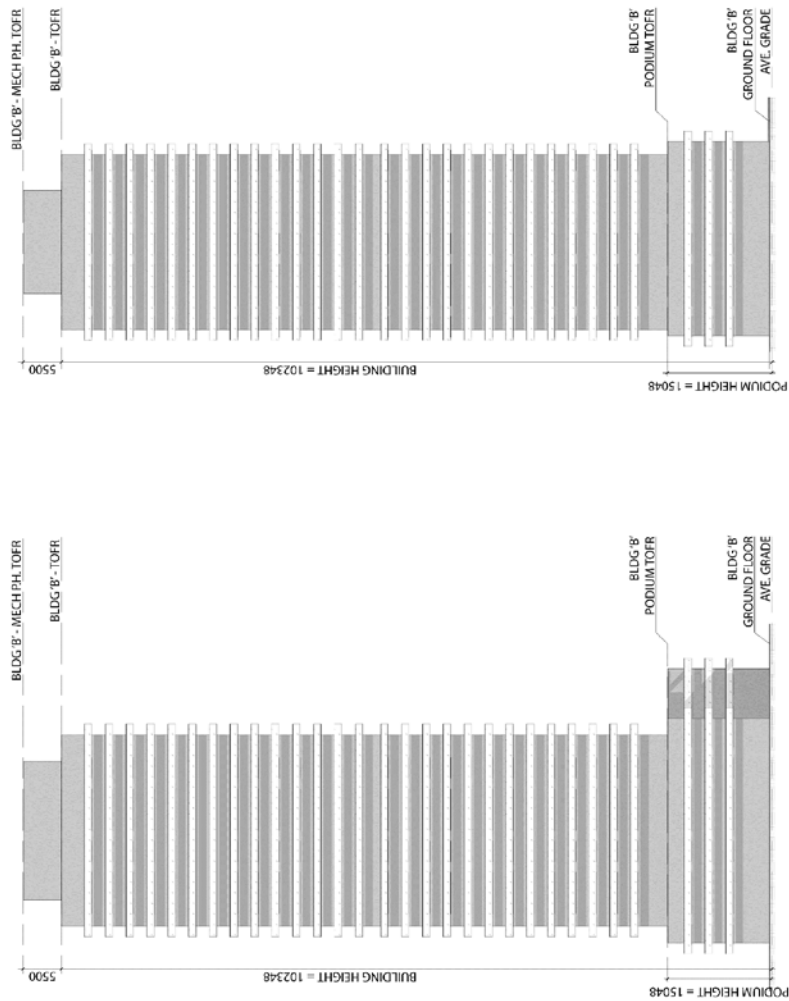
5365 Dundas Street West

Building A Southeast & Southwest Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

File # 17 260380 WET 05 02



Building B Northeast Elevation

Building B Northwest Elevation

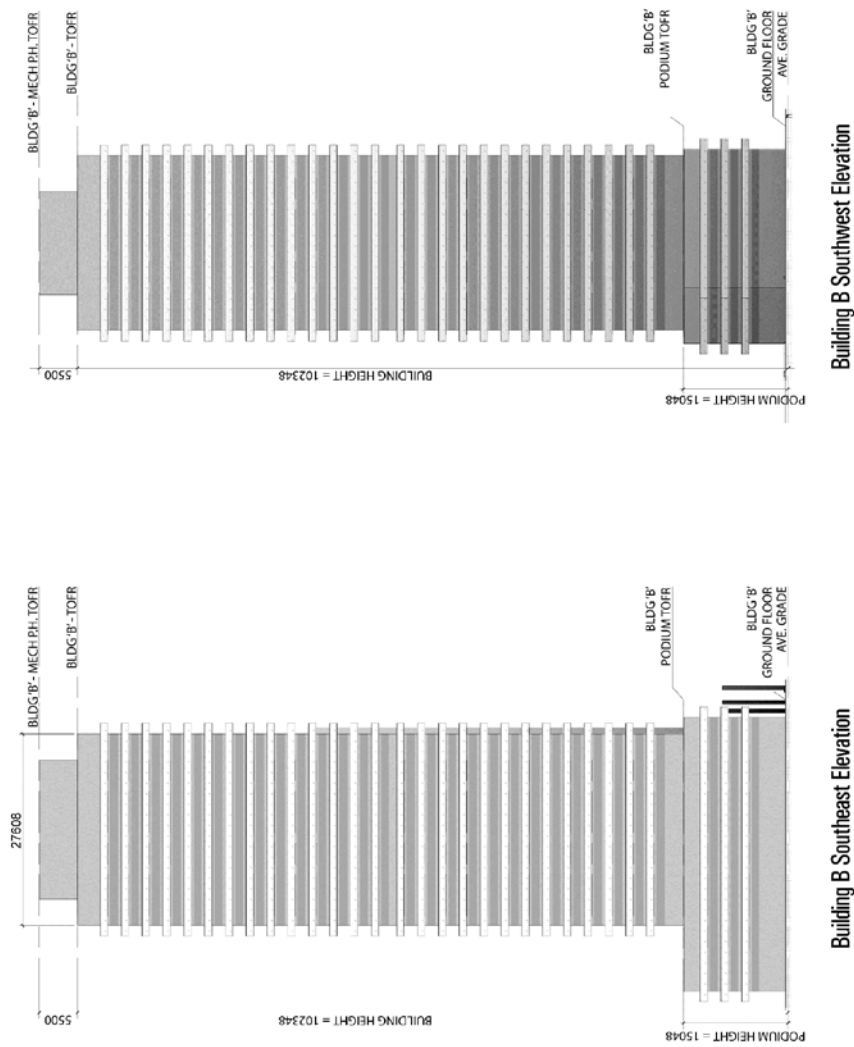
5365 Dundas Street West

Building B Northwest & Northeast Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

File # 17 260380 WET 05 02



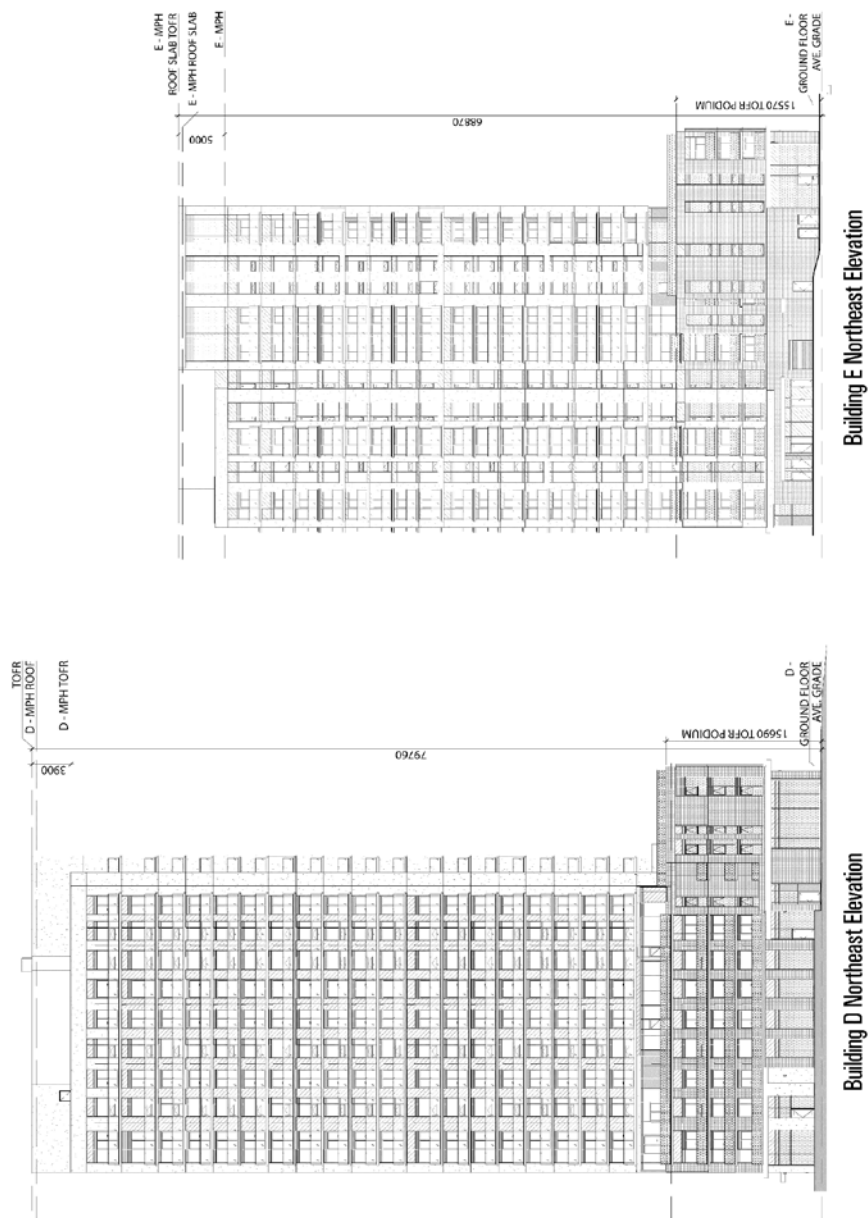
5365 Dundas Street West

Building B Southeast & Southwest Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

File # 17 260380 WET 05 02



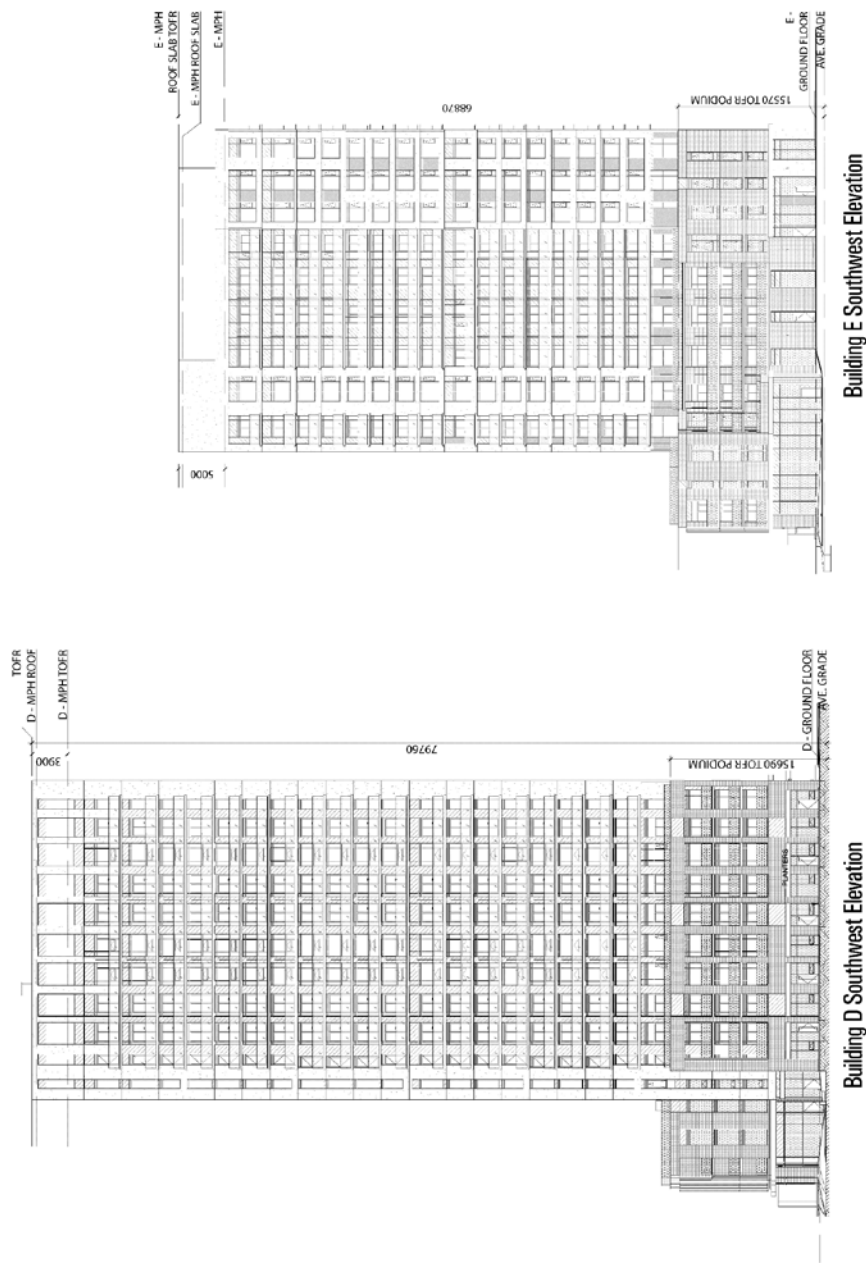
Building D&E Northeast Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

5365 Dundas Street West

File # 17 260380 WET 05 02



Building D Southwest Elevations

Applicant's Submitted Drawing

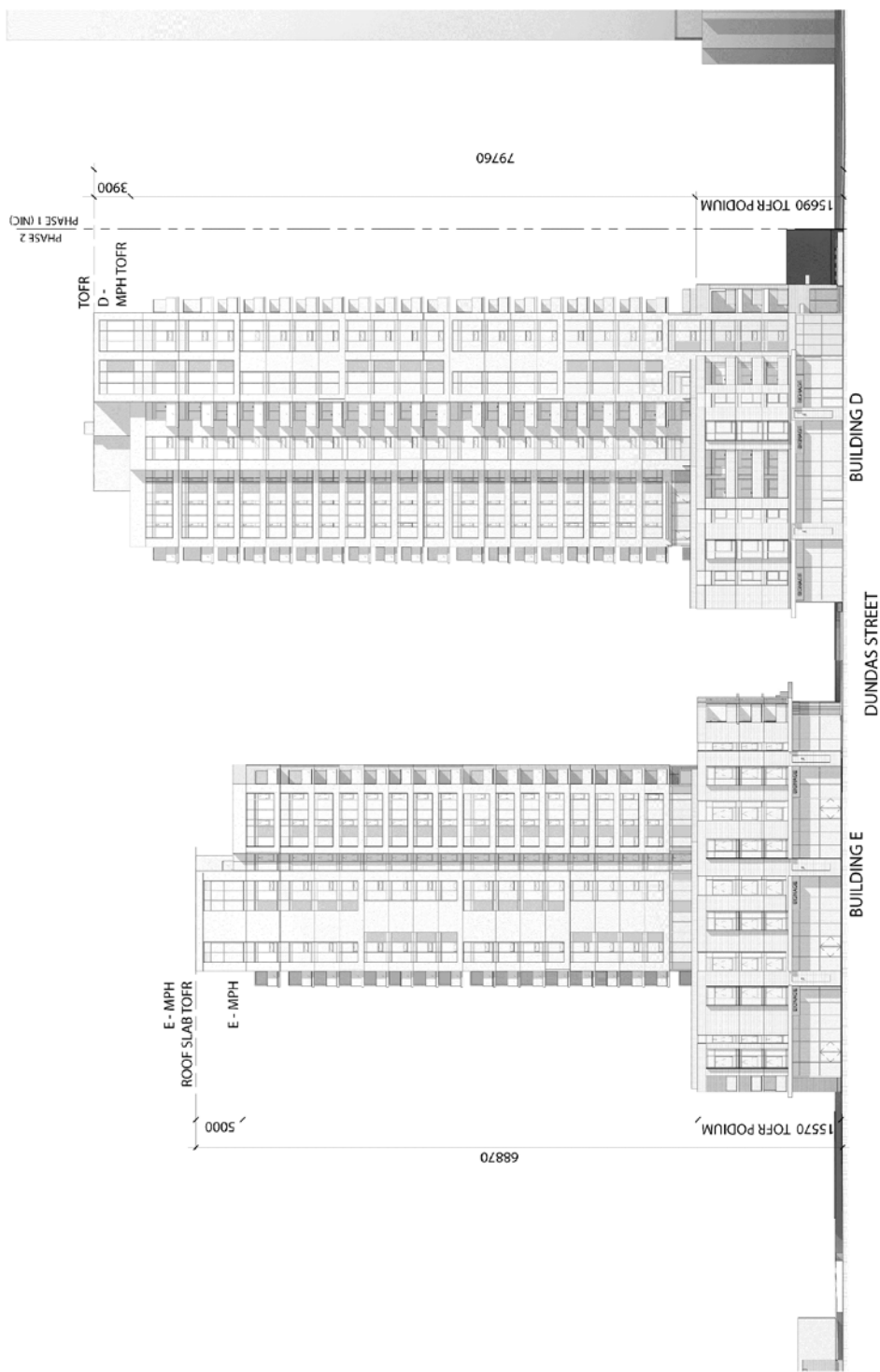
Not to Scale
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5365 Dundas Street West

Building E Southwest Elevation

File # 17 260380 WET 05 02

Attachment 10g: Buildings D and E - Northwest Elevations



5365 Dundas Street West

Building D&E Northwest Elevations

Applicant's Submitted Drawing

Not to Scale
06/27/2018

File # 17 260380 WET 05 02



Building D&E Southeast Elevations

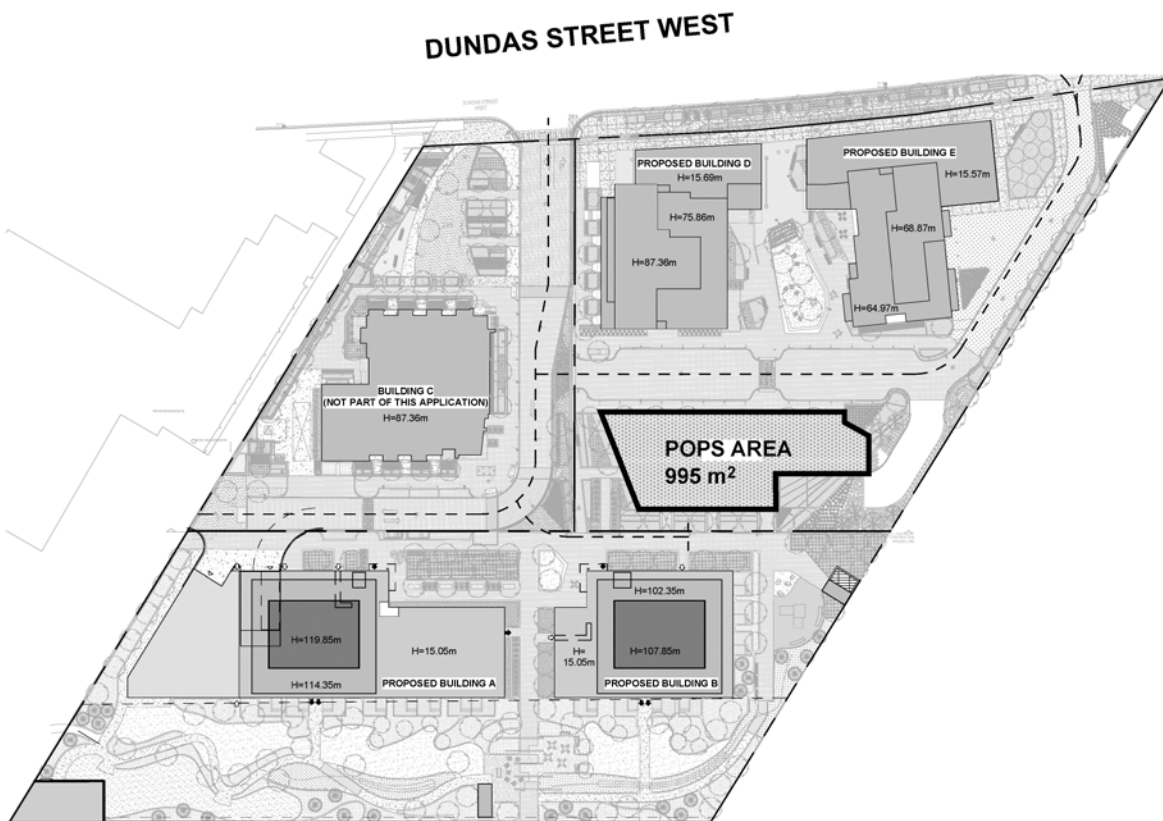
Applicant's Submitted Drawing

Not to Scale
06/27/2018

5365 Dundas Street West

File # 17 260380 WET 05 02

Attachment 11: Privately Owned, Publicly-Accessible Open Space (POPS) Plan



Privately Owned, Publicly Accessible Open Space
(POPS) Area: 995m²

Applicant's Submitted Drawing

Not to Scale
06/26/2018



5365 Dundas Street West

File # 17 260380 WET 05 02