

## **2433 Dufferin Street – Zoning By-law Amendment – Request for Directions Report**

Date: July 25, 2018  
To: City Council  
From: Chief Planner and Executive Director, City Planning  
Ward: 15 Eglinton-Lawrence

### **SUMMARY**

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The applicant has appealed their applications for Zoning By-law Amendments and Site Plan Control to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision for the Zoning By-law Amendment and Site Plan Control Applications within the prescribed time periods under the *Planning Act*. The purpose of this report is to seek Council's direction for staff representation at the LPAT hearing. A LPAT prehearing is scheduled for August 3, 2018.

This application proposes to amend the former City of York Zoning By-law No. 1-83 and the City of Toronto Zoning By-law No. 569-2013 for the land at 2433 Dufferin Street to permit the construction of a 9-storey (27 metre high plus mechanicals) mixed use building with retail/commercial uses at grade. The site is currently vacant. The proposed building would have a total Gross Floor Area (GFA) of 11,601 square metres including 164 square metres of retail use on the ground floor and would contain 113 residential dwelling units. Also proposed are 245 square metres of indoor amenity area, 282 square metres of outdoor amenity area and three levels of underground parking comprised of 127 vehicular parking spaces and 142 bicycle spaces. The proposed building would have a Floor Space Index (FSI) of 5.75 times the area of the lot.

The purpose of this report is to recommend that the City Solicitor, together with City Planning staff, attend the LPAT hearing in opposition to the current proposal.

The City's Official Plan meets the requirements of the Provincial Policy Statement (2014) and the Greater Golden Horseshoe (2017), however the proposal is not consistent with Official Plan Built Form policies because the building massing and transition to the north, east and south are not satisfactory. Therefore, the proposal is not consistent with the PPS and does not conform with the Growth Plan. Furthermore, the proposed density of 5.75 times the area of the lot would set a negative precedent for other development parcels along Dufferin Street, within the Dufferin Street Focus Area and along the Avenue.

## RECOMMENDATIONS

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The Chief Planner and Executive Director, City Planning recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other staff as appropriate, to attend the LPAT hearing to oppose the Zoning By-law Amendment application and associated Site Plan Control application in their current form for the property at 2433 Dufferin Street.
2. City Council direct City staff to continue discussions with the applicant, and authorize the City Solicitor, in consultation with the Chief Planner, Executive Director, City Planning and the Ward Councillor, to accept a revised proposal, subject to resolution of the outstanding issues identified in this report.
3. Should the Local Planning Appeal Tribunal approve the applications, City Council direct the City Solicitor to advise the Tribunal that the Zoning By-laws should not be approved without the provisions of such services, facilities or matters pursuant to Section 37 of the *Planning Act*, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.
4. Should the LPAT allow the appeal of the Zoning By-law Amendments in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold its Order approving the application until such time as:
  - The Tribunal has been advised by the City Solicitor that the proposed Zoning By-law Amendments are in a form satisfactory to the Chief Planner and the City Solicitor;
  - The owner has submitted revised technical reports and plans, to the satisfaction of the Executive Director, Engineering and Construction Services, and satisfied all other comments and issues of other City Divisions and agencies; and
  - A Section 37 Agreement has been executed to the satisfaction of the City Solicitor.
5. Should the LPAT allow the Site Plan appeal, in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold its Order on the Site Plan Control application pending the following matters being addressed:
  - The conditions of Site Plan approval being finalized to the satisfaction of the Chief Planner and Executive Director, City Planning; and
  - The applicant satisfying all pre-approval conditions, including entering into and registering a Site Plan Agreement pursuant to Section 41 of the Planning Act and Section 114 of the City of Toronto Act, 2006 with such Agreement to include Conditions of Site Plan approval.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A pre-application meeting was held on May 21, 2014. Planning staff identified complete application submission requirements at this meeting. A Preliminary Report on the application was adopted by North York Community Council on August 12, 2014 authorizing staff to conduct a community consultation meeting with an expanded notification area.

The Preliminary Report and the Community Council Decision can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.66>

The Local Planning Appeal Tribunal (the "LPAT") has replaced the OMB – however, the old regime for adjudicating appeals (OMB) will continue alongside the new (LPAT) until such time as appeals subject to the old regime have been disposed of. Provincial transition regulations determine when an appeal remains subject to the old legislative regime versus the new. All complete applications made prior to December 12, 2017 and appealed before April 3, 2018 will continue to move forward under the old system. Any complete application, whenever made and deemed complete, that was not appealed by April 3, 2018 will proceed under the new system. The current application was submitted on June 11, 2014 and deemed complete on June 23, 2015. The application was appealed on November 28, 2017. A prehearing conference is scheduled for August 3, 2018.

## **ISSUE BACKGROUND**

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### **Proposal**

The applicant filed an application on June 11, 2014 to amend the Zoning By-laws to allow for the construction of a five-storey (18.5 metre high), mixed use building located on the northeast corner of Dufferin Street and Hopewell Avenue.

The applicant submitted a revised proposal on May 16, 2018. The current proposal is for a nine-storey (27 metre high plus mechanicals) building with an overall gross floor area (GFA) of 11,601 square metres, including 164 square metres of ground floor commercial space located adjacent to Dufferin Street. A canopy would be provided along the Dufferin Street frontage, ranging from 1.5 metres to 3 metres in depth to provide weather protection for pedestrians. The overall Floor Space Index (FSI) of the development would be 5.75 times the area of the lot.

The proposed building would contain 113 condominium dwelling units comprised of 6 studio units, 16 one-bedroom units, 57 one-bedroom plus den units, 23 two-bedroom units and 11 two-bedroom plus den units. Of the total 113 units, 10 would be located at grade. Amenity space for residents would be provided on the ground floor, rooftop and on private terraces, with a total of 282 square metres of common outdoor amenity space, and 245 square metres of common indoor amenity space on the ninth floor of the building.

Conveyances of 0.4 metre to 3.5 metres for the future road widening of Dufferin Street and a 6.0 metre corner rounding at Hopewell Avenue are provided in the proposal. The applicant proposes to narrow Hopewell Avenue abutting the property in order to widen the sidewalk.

Vehicular access to the site is proposed off Hopewell Avenue at the east edge of the site. Pedestrian access to the main entrance, which is located at the front (west) of the building, would be from the Dufferin Street sidewalk. The ground floor residential lobby and commercial area would be accessed by the main entrance at the corner and from Dufferin Street. The front yard setback at the ground floor along Dufferin Street would vary between 0.5 metre and 1.5 metres after the road widening. The setback along Hopewell Avenue would be 1.5 metres. The side yard setback from the north lot line would vary from 0 metre to 2.5 metres from east to west. The building would have a setback of between 7.2 metres and 8.4 metres from the east abutting property containing an apartment building.

The building would have an overall height of 27 metres plus a 2.3 metre mechanical. The at grade retail level would have a height of 6 metres. Stepbacks along the Dufferin Street building face of 1 metre, 2.9 metres and 2.6 metres are proposed at the seventh, eighth and ninth floors respectively. A stepback of 3.5 metres along Hopewell Avenue is proposed at the ninth floor. A landscape buffer is proposed along the entire east property line ranging in width between: 0.8 to 3.5 metres.

Three levels of below grade parking are proposed with a total of 127 parking spaces comprised of 110 resident spaces, 17 residential visitor spaces, and no commercial parking is proposed. The application proposes a total of 142 bicycle spaces which would include 123 long-term residential spaces, 14 residential visitor spaces and 5 retail spaces. One 'Type G' loading space is proposed within the building and at-grade. Access to the underground parking garage is proposed by way of a vehicular ramp integrated into the building, located on the east side of the building, accessed by the private driveway from Hopewell Avenue.

Also proposed are changes to the connection to the York Beltline Park. The applicant is proposing to remove the existing concrete stair located at the centre of the northern lot line which connects the site and Dufferin Street to the York Beltline Park, and replace it with accessible landscaped terraces to access the park along the north lot line.

The following table provides a comparison of the original and revised submission.

	<b>Initial Submission</b> (June 11, 2014)	<b>Latest Submission</b> (May 16, 2018)
Site Area	Before road widening: 2019.32 m <sup>2</sup> Post road widening: 1,925.65 m <sup>2</sup>	
Gross Floor Area	Residential – 4, 538.55 m <sup>2</sup> Commercial – 197.29 m <sup>2</sup>	Residential – 11, 437.09 m <sup>2</sup> Commercial – 164.07 m <sup>2</sup>
Floor Space Index (pre-widening)	2.35	5.75
Height	5 storeys 18.5 metres overall	9 storeys 27 metres plus 2.3 metres of mechanical
Setbacks	North – 0.44 m East – 6.71 m South – 0.03 m West – 0.90 m	North – 0 m to 2.5 m East – 7.2 m to 8.4 m South – 1.5 m West – 0 m to 1.5 m
Units	One Bedroom – 26 Two Bedroom – 24 Total - 50	Studio – 6 One Bedroom – 16 One Bedroom plus den - 57 Two Bedroom – 23 Two Bedroom plus den - 11 Total - 113
Parking	At Grade – 17 Below Grade – 35 Total - 52	Basement underground B3 - 48 resident Basement underground B2 - 47 resident Basement underground B1 - 15 resident and 17 visitor Total - 127
Bicycle Parking	Visitor – 4 Long term – 34 Total - 38	Residential Long-term - 123 Residential Visitor - 14 Commercial Long-term - 1 Commercial Visitor - 4 Total - 142

For additional site statistics, refer to Attachment 1 – Application Data Sheet.

### Site and Surrounding Area

The site is located on the north-east corner of Dufferin Street and Hopewell Avenue, north of Eglinton Avenue West. Dufferin Street has a right-of-way of 27 metres along this segment of the street. The site directly abuts the York Beltline Park to the north. The site has an area of 1,849.25 square metres with a frontage of 36.78 metres on

Dufferin Street and 36.39 metres on Hopewell Avenue. The auto repair facility that was previously situated on the site has been demolished. The site is currently vacant.

The site is in close proximity to the future Dufferin LRT station on the Eglinton Crosstown LRT. It is located in the Dufferin Focus Area, within the Eglinton Connects Study Area.

Land uses surrounding the subject site include:

- North: The York Beltline Park is directly north of the site. The park varies between approximately 21.5 metres and 24.5 metres in width along the north lot line and is generally located between Bowie Avenue and Marlee Avenue. Farther north are two-storey detached dwellings on Prado Court. North of Roselawn Avenue along Dufferin Street are one and two-storey commercial buildings.
- East: A four-storey residential building and the York Beltline Park.
- South: Three-storey townhouses that front on Dufferin Street and one and two-storey detached dwellings on the south side of Hopewell Avenue.
- West: A two-storey car dealership and a two-storey retail plaza on the west side of Dufferin Street. Farther to the west are one and two-storey detached dwellings.

### **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 Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

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

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

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. 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 Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

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

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of this Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan as outlined below.

### **Mixed Use Areas**

The subject lands are designated *Mixed Use Areas* on Map 16 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. Development within *Mixed Use Areas* should provide for new jobs and homes on underutilized lands, while locating and massing new buildings to provide a transition between areas of different development intensity and scale. Policy 4.5.2 sets out a number of criteria for development within the *Mixed Use Areas* designation, including:



- Creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Providing new jobs and homes for Toronto's growing population on underutilized lands in the *Avenues*;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale, through means such as providing setbacks and/ or a stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- Locating and massing new buildings to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locating and massing new buildings to frame the edges of streets and parks with good proportion and to maintain sunlight and comfortable wind conditions for pedestrians;
- Providing an attractive, comfortable and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries and childcare;
- Taking advantage of nearby transit services;
- Providing good site access and circulation and an adequate supply of parking for residents and visitors;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

## Avenues Policies

Map 2 of the Official Plan identifies this segment of Dufferin Street as an Avenue. The growth management strategy for the City steers growth and change to some parts of the City, while protecting neighbourhoods and green spaces from development pressures. Avenues are considered important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The Plan recognizes that the Avenues will be transformed incrementally, that each is different and that there is no one size fits all approach to reurbanizing them. Reurbanization of the Avenues is subject to the policies of the Official Plan, including in particular the neighbourhood protection policies.

Section 2.2.3.1 of the Official Plan provides that reurbanizing the Avenues will be achieved through the preparation of Avenue Studies for strategic mixed use segments. Section 2.2.3.3 of the Official Plan provides for development on an Avenue prior to an Avenue Study subject to certain requirements. As development prior to an Avenue Study has the potential to set a precedent for the intensity, form and scale of reurbanization, in addition to addressing the policies of the Plan for Mixed Use Areas, Section 2.2.3.3 requires that proponents of proposals also address the larger context

and examine the implications for the segment of the Avenue in which the proposed development is located.

Further, the Plan provides that development requiring a rezoning will not be allowed to proceed prior to completion of an Avenue Study unless the review demonstrates to Council's satisfaction that subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review. For development within a Mixed Use Area that precedes an Avenue Study, Section 2.2.3.3c) outlines requirements that must be satisfied in addition to all other policies of the Plan including in particular the neighbourhood protection policies.

The Official Plan recognizes that established neighbourhoods can benefit from directing growth to areas such as the Avenue with improved services, amenities and other enhancements while preserving the shape and feel of the neighbourhood. At the boundary points between the neighbourhoods and the growth areas, development in the Mixed Use Areas will have to demonstrate a transition in height, scale and intensity to ensure that the stability and general amenity of the adjacent residential area are not adversely affected. To protect neighbourhoods and limit development impacts, Section 2.3.1.2 of the Official Plan provides that development in Mixed Use Areas that are adjacent or close to Neighbourhoods will:

- be compatible with the Neighbourhood;
- provide a gradual transition of scale and density;
- maintain adequate light and privacy for residents; and
- attenuate resulting traffic and parking impacts.

Section 2.3.1.6a) and b) of the Official Plan directs that community and neighbourhood amenities will be enhanced where needed by: improving and expanding existing parks, recreation facilities, libraries, local institutions, local bus and streetcar services and other community services; and creating new community facilities and local institutions, and adapting existing services to changes in the social, health and recreational needs of the neighbourhood.

Chapter 2 of the Official Plan includes policies to develop the City's transportation network. Dufferin Street is identified as a major street in Map 3 of the Official Plan with a planned right-of-way width of 27 metres. Dufferin Street is also identified as a Transit Priority Segment in Map 5 of the Official Plan.

## Built Form

The Built Form policies in section 3.1.2 of the Official Plan relate to ensuring that new development in the City can fit harmoniously within the existing and/or planned context of the neighbourhood. This includes locating and organizing new development to frame and support adjacent streets, parks and open spaces; locating and organizing vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and surrounding properties; massing new development and its exterior façade to fit into the existing and/or planned context; massing new development to define the edges of streets, parks and open spaces at good proportion; and providing for amenity for adjacent streets and open spaces.

## Section 37

Section 37 of the Planning Act allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing; parkland and/or park improvements above and beyond the required S. 42 Planning Act parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland).

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

The outcome of staff analysis and review of relevant *Official Plan policies and designations* are summarized in the Comments section of the Report.

## Eglinton Connects Study

The site is situated within the study area of the Eglinton Connects Planning Study. This comprehensive planning study examined the land use planning framework, built form, public realm and road configuration on Eglinton Avenue between Weston Road and Kennedy Subway Station, corresponding to the extent of the Eglinton Crosstown LRT.

A vision for the intensification of Eglinton Avenue was developed through extensive public consultation with residents and stakeholders. The vision states that Eglinton Avenue will become Toronto's central east-west avenue – a green, beautiful linear space that supports residential living, employment, retail and public uses in a setting of community vibrancy. Its design will balance all forms of mobility and connect neighbourhoods and natural valley systems to the larger City and the region.

The Study findings and implementing zoning by-laws and Official Plan Amendment 253 (currently under appeal) were adopted by City Council in 2014.

The 'Building' Recommendations from the Study anticipate a mid-rise built form (recommendation #15) on the subject site. Preliminary analysis based on the Mid-Rise Buildings Performance Standards and the property depth indicated that a building height of approximately 26 metre or 8-storeys could be achieved. Although this site was not included in the zoning by-law implementing the Study (as all sites with active applications were excluded), City Council amended the Eglinton Connects final report recommendations on May 6, 7 and 8, 2014, to reinforce the Study finding that mid-rise development is the appropriate built form here.

The study identified six Focus Areas, which were designated due in part because they have a significant capacity to accommodate future residential, mixed-use or employment growth. One of these areas is the Dufferin Street Focus Area which encompasses the subject site. The subject site is located at the top of the Focus Area, just south of the York Beltline Park.

The site is subject to Site and Area Specific Policy 477 which provides that new development should:

- be a midrise built form;
- provide at grade retail along the Dufferin Street frontage;
- provide greater setbacks along the east side of Dufferin Street from Eglinton Avenue West to the Beltline trail to provide wider sidewalks and improve the public realm; and
- provide appropriate transition in scale between new development and existing nearby Neighbourhoods.

For Eglinton Connects Study Final report and Council Decision see:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.PG34.1>

## **Zoning**

The subject site is governed by two Zoning By-laws. It is zoned Local Commercial Residential (LCR) under former City of York Zoning By-law No. I-83 on the easterly portion of the site. The LCR zone permits a variety of residential forms including townhouses and apartments; commercial uses and institutional uses. The LCR zone permits a maximum building height of 15 metres or five-storeys and a maximum density of 2.0 FSI.

The westerly portion of the site is zoned as Commercial Residential (CR) in the new City of Toronto Zoning By-law No. 569-2013. The CR zone permits the same height and density as the LCR zone.

## **Avenue and Mid-Rise Buildings Study**

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <https://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.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 Growing Up Draft Urban Design Guidelines can be found here:

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

## **Site Plan Control**

An application for Site Plan Control under Section 41 of the Planning Act is required. A Site Plan Control application was submitted on June 11, 2014 (File No. 14 172668 NNY 15 SA). The Site Plan Control application was referred to the Local Planning Appeals Tribunal on November 28, 2017.

## **Reasons for Application**

The current proposal does not meet certain requirements as outlined in the LCR and CR zones related to building massing, the proposal exceeds the allowable density of 2.0 with a proposed density of 5.75 times the lot area, and the proposed height of 29.3 metres also exceeds the allowable 15 metres. Other performance standards that are proposed to be amended include setbacks, landscaping and amenity space.

## **Application Submission**

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

- Transportation Impact Study;
- Functional Servicing Report and Stormwater Management Report;
- Arborist Report;
- Sun/Shadow Study;
- Natural Heritage Impact Study;
- Toronto Green Standard Checklist; and
- Planning Rationale.

The Rezoning application was deemed to be Complete as of June 23, 2015.

The above-noted plans, reports and studies are available on the City's Application Information Centre website at:

<http://app.toronto.ca/DevelopmentApplications/associatedApplicationsList.do?action=init&folderRsn=3569207&isCofASearch=false&isTlabSearch=false>

## **Agency Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

## **Community Consultation**

Staff held a community consultation meeting on March 25, 2015 at the Saint Cosmas and Damian Catholic School to discuss the original application when it proposed a different five-storey building envelope, 50 dwelling units and a gross floor area of 4,736 square metres. 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. The public raised a number of concerns as follows:

Building:

- Tenure type;
- Height; and
- Density.

Traffic:

- Perceived increase in traffic onto Hopewell Avenue;
- Difficulty turning onto Dufferin Street from Hopewell Avenue;
- Overflow parking onto nearby residential streets;
- Safety issues with turning from the site onto Hopewell Avenue; and

- Validity of the traffic study (whether recently approved developments had been considered).

Construction/maintenance:

- Construction time period; and
- Maintenance of the proposed Beltline improvements.

## **COMMENTS**

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### **Provincial Policy Statement and Provincial Plans**

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

Staff have determined that the proposed development is not consistent with a number of policies within the Provincial Policy Statement (2014) and does not conform with a number of policies within the Growth Plan for the Greater Golden Horseshoe (2017) as follows:

### **Provincial Policy Statement**

The proposed development does not have regard to relevant matters of provincial interest in section 2 of the Planning Act as the proposal does not adequately assess the overall provision and efficient use of transportation, sewage and water services and waste management systems; and does not provide for a built form that is well-designed given the constraints of the site.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. Key objectives include building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS states that the planning authorities shall identify appropriate locations for intensification and that an appropriate range and mix of housing types and densities be provided.

Section 1.1.1 (g) of the PPS (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) states that "healthy, livable and safe communities are sustained by ensuring that necessary infrastructure, and public service facilities are or will be available to meet current and projected needs." The proposed building is an overdevelopment of the site and a precedent for the Dufferin Street Focus Area and Avenue. The applicant has not demonstrated that the necessary infrastructure is available to support the proposed development and the cumulative impacts on the transportation and servicing infrastructure as a result of applying approximately 5.75 times density to all the similar developable sites along this segment of Dufferin Street.

Policy 1.1.1.c) and d) require the avoidance of development and land use patterns which may cause environmental or public health and safety concerns and that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas respectively. The proposed development will cause environmental concerns from significant shadowing on the York Beltline Park.

Policy 1.1.1.e) requires the promotion of cost effective development patterns and standards to minimize land consumption and servicing costs. Although the proposed developed will intensify an underutilized site, the proposed 5.75 times density is considered an overdevelopment of the site.

Policy 1.1.3.2.b) requires that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3. Policy 1.1.3.3 provides that planning authorities shall identify and promote opportunities for intensification and redevelopment, where this can be accommodated taking into account existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities. The property falls within an Avenue overlay of the City of Toronto Official Plan which is one of the areas identified for growth and intensification by the City. However, overdevelopment of this site will set a negative precedent for this Avenue segment and the Dufferin Focus Area and it has not been demonstrated that there is sufficient infrastructure and public service facilities to accommodate the increase in density for this segment in advance of an Avenue Study.

Policy 1.4.1 of Section 1.4 Housing requires that a planning authority maintain the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and where new development is to occur, sufficient servicing capacity to accommodate that growth. The proposed development contributes to the City of Toronto's ability to accommodate residential growth through the residential intensification. However, the cumulative impact on servicing has not been addressed.

Policy 1.4.3 requires provision to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents by, among other matters, facilitating all forms of residential intensification and redevelopment and promoting densities for new housing which efficiently uses land, resources, infrastructure and public service facilities and support the use of active transportation and transit. The proposal development does not comply with this provision due to its unit mix which has no three bedroom units.

Policy 1.5.1 of Section 1.5 Public Spaces, Recreation, Parks, Trails and Open Space requires that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity and emphasize the promotion of healthy and active communities by providing an equitable range of publicly-accessible spaces for recreation. The proposed development does not



comply with this policy because of its negative impact on the York Beltline Park from the lack of setback to the park.

Policy 1.6.7.2) states that efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management (TDM) strategies, where feasible. The proposed development will make use of the existing road network and planned Eglinton Crosstown LRT, avoiding the need for an expansion of the existing transportation networks. The applicant proposes to address TDM principles related to minimizing dependency on the private automobile as a travel mode through the design and location of the subject site. The proposed development is expected to provide sufficient bicycle parking on site to satisfy the Toronto Green Standard Tier 2 enhanced bicycle parking rates, to encourage residents to engage in more sustainable modes of transportation. The boulevard onto Hopewell Avenue will also be upgraded through widening and landscaping features which would provide a more comfortable environment for pedestrians.

Policy 4.7 of the PPS states that a municipality's "official plan is the most important vehicle for implementation of the Provincial Policy Statement" and that "comprehensive, integrated and long-term planning is best achieved through the official plans." Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. While intensification on this transit corridor is encouraged, the development proposal in its current form does not implement the City's Official Plan policies and design guidelines related to matters such as: transition, scale, compatibility and fit. The development proposal does not achieve an appropriate built form transition to the adjacent residential area and public park and the scale of development is not compatible with the existing and planned context of the surrounding area.

### **Growth Plan for the Greater Golden Horseshoe (GGH)**

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. The plan is about accommodating forecasted growth in "complete communities", designed to "meet people's needs for daily living through an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities and a full range of housing to accommodate a range of incomes and household sizes".

Policy 2.2.1.1 of the Growth Plan provides that population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the Greater Golden Horseshoe (GGH) to the horizon of the Plan. The Zoning By-law Amendments will permit the proposed mid-rise, mixed-use development in a compact form.

Policy 2.2.1.2 provides that forecasted growth be directed to settlement areas, where it will be focused in the delineated built-up areas, strategic growth areas, locations with existing or planned transit, with a priority on higher order transit where it exists or is planned, and areas with existing or planned public service facilities. The proposed

development supports the Growth Plan's growth allocation directive by focusing new growth through intensification on an underutilized site to meet the forecasted residential demand for the City of Toronto, adding new residential units in an intensification area within Toronto's urban boundary that is serviced by existing municipal water and wastewater systems, and adjacent to existing frequent bus transit and other public service facilities such as parks. However the level of intensification is not appropriate, and the proposal would have a negative impact on the adjacent neighbourhood and York Beltline Park. Also, it has not been demonstrated that there is sufficient servicing infrastructure and public services to accommodate the proposed increase in density along this segment of Dufferin Street in advance of an Avenue Study.

Policy 2.2.1 4.a) states that applying the policies of the GGH will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. The proposed development is a mixed-use building and will be located on Dufferin Street along which are located a variety of shops and services to serve the local community.

Policy 2.2.1.4.c) states that applying the policies of the Growth Plan will support the achievement of complete communities that provide a diverse range and mix of housing options, and to accommodate the needs of all household sizes and incomes. The proposed development does not provide an adequate range of unit types as there are no three bedroom units proposed.

Policy 2.2.1.4 goes on to say that complete communities will expand convenient access to a range of transportation options, including options for the safe, comfortable and convenient use of active transportation. The achievement of complete communities will ensure the development of high quality compact built form and an attractive vibrant public realm among other things. The proposed development will negatively impact the York Beltline Park to the north.

Policy 2.2.4.10 states that lands adjacent to or near existing and planned frequent transit should be planned to be transit-supportive of active transportation and a range and mix of uses and activities. The proposed mid-rise mixed-use development will house additional residents that will become potential transit riders for the existing transit service. The primary residential entrance facing Dufferin Street will be connected to the neighbourhood sidewalk network to ensure pedestrian connectivity, and with adequate landscaping it will provide an attractive and comfortable pedestrian environment to encourage walkability for existing and future residents.

Section 2.2.2.4 contains policies related to setting minimum intensification targets throughout delineated built-up areas. The proposed development however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area and does not appropriately transition to adjacent properties. Further, the proposed development does not conform

with Section 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate.

Although the proposed development conforms to a number of policies within the Growth Plan for the Greater Golden Horseshoe, 2017, the proposal does not conform to the policies of the Official Plan as discussed below. Since the City's Official Plan meets the requirements of the Provincial Policy Statement and the Growth Plan, and the proposal in its current form does not conform to the Mixed Use Areas and Built form policies in the Official Plan, therefore, the proposal is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan.

## **Land Use**

This application has been reviewed against the Official Plan policies described in the Issue background section of the Report as well as the policies of the Toronto Official Plan as a whole. The property is designated *Mixed Use Areas* in the Official Plan, which allows 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. Planning staff are satisfied that the proposed residential and non-residential uses are acceptable. These uses are permitted within the *Mixed Use Areas* of the Official Plan as well as the LCR and CR zones in the Zoning By-laws. The development will create a balance of commercial and residential uses.

## **Dufferin Street Focus Area**

The site is shown as an Avenue within the Official Plan, Map 2 – Urban Structure. The Dufferin Street Avenue overlay extends from Wilson Avenue south to Eglinton Avenue West.

The Avenues are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents.

As per section 2.2.3 of the Plan, reurbanizing the Avenues will be achieved through the preparation of Avenue studies for strategic mixed use segments of the corridors shown on Map 2 in the Plan. The site is part of the Eglinton Connects Avenue Study, specifically the Dufferin Street Focus Area. The initial proposal of 5-storeys fell within the planning framework of the Eglinton Connects Avenue Study, therefore, the applicant was not required to submit a separate segment review.

The second Implementation Report for the Eglinton Connects Study dealt with the necessary implementation measures regarding mid-rise buildings within the Eglinton Connects Study area. Changes in the zoning by-law were implemented to permit mid-rise buildings as-of-right. The result was an increase in the height limit which ranged from four to eight storeys. In addition to increases in height, building setback provisions

were refined to accommodate wider 4.8 metre sidewalks along Eglinton Avenue. Ground-floor retail was also required in certain areas to activate the space, predominantly within mid-rise buildings where commercial uses would be in demand.

The study identified six Focus Areas with lot characteristics that could have a greater capacity to accommodate future population and employment growth. Policies were proposed that would guide the development of these Focus Areas by providing direction on appropriate building heights and massing, transportation connections, arrangement of open spaces, and the community services and facilities required to support development. Amendments to the Zoning By-law were not proposed for the Focus Areas. Developers are expected to apply for zoning changes on a site-specific basis, or the Focus Areas may be included in a comprehensive Study or zoning review.

The site is located at the top of the Dufferin Street Focus Area, just south of the York Beltline Park. The site is subject to Site and Area Specific Policy 477 which applies to specific lands in the vicinity of Eglinton Avenue West and Dufferin Street. Part a) of the policy provides that development on the lands will be supported by transportation infrastructure. The proposal will provide connectivity to the sidewalk system and by extension to public transit that surrounds the site. Greater setbacks are proposed along the east side of Dufferin Street for wider sidewalks and to improve the public realm.

Part c) of Site and Area Specific Policy 477 supports a balanced mix of uses. The policy specifies that new development should maintain the amount of existing non-residential gross floor area and include a range of retail establishment sizes. The proposal establishes small at grade retail units along Dufferin Street.

Part e) of Site and Area Specific Policy 477 provides that development on the lands will maintain the main street character of Dufferin Street and Eglinton Avenue West including retail uses on the ground floor, provide appropriate transition in scale between new development and existing nearby Neighbourhoods, and be pre-dominantly mid-rise. The proposal provides retail at grade along the Dufferin Street frontage and is consistent with the height requirements of the mid-rise guidelines. However, the massing of the proposal does not provide appropriate transition in scale between the new development and existing nearby Neighbourhoods to the north and south. The proposal in its current form should be reduced in density and improved to provide a more appropriate transition in scale to existing nearby Neighbourhoods and the York Beltline Park to the north.

The original application fell within the development framework established by the Eglinton Connects Study in the Dufferin Street Focus Area. Further study on the Dufferin Street Focus Area has not been undertaken at this time to review the impacts of incremental development of the entire Avenue segment at a similar form, scale and intensity to the proposed development. The currently proposed density would have a negative impact on the Dufferin Street Focus Area and Dufferin Street Avenue. The application does not address the cumulative impacts on the transportation and servicing infrastructure as well as the cumulative impacts of shadows, and transition in scale to

the adjacent Neighbourhoods as a result of applying approximately 5.75 times density to all the similar developable sites along this segment of Dufferin Street.

### **Height, Massing and Density**

This application has been reviewed against the Official Plan policies described in the Issue Background section of the report.

The Built Form policies in section 3.1.2 of the Official Plan encourage new development to frame and support adjacent streets, parks and open spaces. The policies seek to locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions to provide an attractive comfortable and safe pedestrian environment.

The Built Form policies also require the new development to be massed so its exterior facade will fit harmoniously into its existing and/or planned context and frame streets and open spaces in a way that respects the existing and/or planned context.

The policies within Section 4.5, Mixed Use Areas, of the Official Plan state that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*, such as this development proposal, will be compatible, provide gradual transition of scale and density, and maintain adequate light and privacy for residents in the *Neighbourhoods*. The proposal does not provide an acceptable relationship between the proposed mid-rise building and the adjacent Neighbourhoods area to the north and south, York Beltline Park to the north, or the low-rise apartment to the east.

### **Setbacks and Building Location**

The proposed building would be 0 metre to 2.5 metres setback from the York Beltline Park and does not provide an appropriate setback from the park. The proposed building requires a minimum 5 metre setback from the northern property line to support the adjacent park by achieving appropriate space for landscaping and amenity area to complement the park. The setback will provide room for balconies without encroaching into the park and it will allow for windows providing overlook and enhancement of park safety. The setback will also reduce the shadowing impact on the park and better frame the public open space.

The front yard setback at the ground floor along Dufferin Street would vary between 0.5 metre and 1.5 metres after the road widening. The distance from the Dufferin Street curb to the ground floor wall is proposed to vary between 7 and 9 metres. There will be a 21 metre building separation distance between the proposed building and the adjacent apartment building to the east.

## Height and Massing

New development along Avenues, designated *Mixed Use Areas*, are generally envisioned to be mid-rise where the building is no taller than the width of the right-of-way as recommended in the Mid-Rise Performance Standards. Dufferin Street has a right-of-way width of 27 metres and as such, these guidelines recommend a maximum building height of 27 metres. A height of 27 metres is proposed at the roof of the ninth floor of the building, which is consistent with the guidelines. The ability to realize the maximum height is tempered by angular planes applied to the front of the site to achieve good streetscapes and maintain sunlight, and the rear of the site to prevent shadows and overlook, as well as the existing and planned context. Not all sites on Avenues will be able to achieve the maximum height, as some properties, such as this one are physically constrained by the size, shape and location of the lot.

The majority of the Dufferin Street frontage of the building at grade will be dedicated to commercial uses, where a large portion of the at-grade Dufferin Street façade will contain windows, and a 6 metre height will be provided at-grade for the commercial uses and residential lobby, which will contribute to an animated streetscape. A 1.5 metre to 3 metre wide canopy along the Dufferin Street frontage is proposed to provide weather protection for pedestrians. A canopy with a continuous minimum width of 3 metres is required.

The front façade of the current proposal along Dufferin Street would be stepped back at the 7th, 8th and 9th levels by 1 metres, 2.9 metres and 2.6 metres, ensuring a street wall height that is in proportion with the right-of-way. The proposed building meets the 45 degree angular plane measured 21 metres up from the Dufferin Street widened property line. The proposed building envelope minimizes the shadow impacts to ensure that there would be a minimum of 5 hours of continuous sunlight onto the Avenue sidewalks during the March 21st and September 21st equinoxes. The proposal also meets a 45 degree angular plan from the neighbourhood dwellings on the south side of Hopewell Avenue. There would be shadow impacts on the York Beltline Park to the north as well as the east adjacent apartment building. Also the proposed massing does not reflect the existing context of low rise houses located south of Hopewell Avenue facing the proposed building. A 45 degree angular plane from the grade of south property line of the houses on Prado Court to the north of the York Beltline Park is required to be met and there is an encroachment into the 45 degree angular plane at the north end of the proposed building.

To reduce the shadow impact on the adjacent York Beltline Park and Neighbourhood to the north and adjacent apartment building to the east, staff recommend increasing the setback to 5 metres to the north lot line. Additional step backs of 3 metres per floor should occur at the 6th, 7th, 8th, and 9th floor at the north side of the building. Staff recommend providing a 3 metre setback above the 2nd or 3rd floor along Hopewell Avenue to achieve the contextual fit with the homes on the south side of Hopewell Avenue and to reduce the massing impacts on the character of the street. The setback will also play an important role in creating a pedestrian perception along Hopewell

Avenue. Additionally, further building articulation at the 2nd or 3rd level is required along Dufferin Street. The increased setbacks and stepbacks will result in a reduction in density for the proposal.

## Density

The proposed development density of 5.75 FSI is not acceptable given the transitioning massing that is required to the north, east and south. Although the site is located in the Dufferin Focus Area and near the future Dufferin LRT station for the Eglinton Crosstown, staff expect the density to be decreased as a result of the midrise built form guidelines being met and to better fit the building into its context.

Staff recommend that a reduction in density be achieved through the above mentioned massing changes that will also improve the contextual fit of the new building and decrease negative shadow impacts on the adjacent York Beltline Park.

The proposal needs to create a more appropriate transition in scale to neighbouring properties to the north, east and south and it does not fully meet the built form criteria in the Official Plan and does not implement the Official Plan objectives of ensuring that buildings fit within their context and minimize their impacts.

Furthermore, the proposed density would set a negative precedent for this Avenue and the Dufferin Street Focus Area, in advance of an Avenue Study. The cumulative impact on the transportation and servicing impacts have not been analyzed by the applicant to justify this proposed density.

## Shadow Impacts

Section 4.2.2(b) & (c) of the Official Plan requires that new developments in Mixed Use Areas be located and massed so as to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods particularly during the spring and fall equinoxes; and that new buildings be located and massed to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces. The Official Plan states that City streets are significant public open spaces that provide amenities such as sky view, sunlight, and gathering places. The Mid-rise Building Guidelines recommend that a minimum of 5 hours of sunlight be maintained on the Avenue sidewalks.

The applicant submitted a Shadow Study which concludes that there will be shadow impacts on the linear park to the north during the hours of 9:18 a.m. until 3:18 p.m., during the months/date of March/September 21st and all hours of December 21st. There is also shadowing on the adjacent apartment building to the east for all daylight hours of March, September and June 21st, although the impacts are limited generally to the parking lot area. The Study indicates that 5 hours of continuous sunlight will be maintained on the Dufferin Street sidewalks between 11:18 a.m. and 4:18 p.m. on March, September and June 21st. The proposed shadowing impacts are unacceptable

and do not conform to the Official Plan. Staff are recommending massing changes that would improve sunlight conditions on the York Beltline Park and the apartment building to the east.

### **Amenity Space**

Outdoor amenity space would be provided by way of private balconies as well as shared rooftop space. A total of 282 square metres of outdoor amenity space would be provided abutting the 9th floor and 245 square metres of indoor amenity space would be provided on the 9th floor. Based on 113 units, 226 square metres of both indoor and outdoor amenity space is required. The amount of amenity space is satisfactory.

### **Open Space/Parkland**

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

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential nature of this proposal is subject to a 10% cap of parkland dedication and the non-residential nature of this proposal is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first building permit.

The applicant proposes landscape improvements to the Beltline trail entrance, which abuts the north side of the proposed development site. The intent of these improvements is to provide full accessibility to the Beltline Trail from Dufferin Street. The Owner is required to submit a design and cost estimate to be approved by the General Manager, PFR, and a letter of credit equal to 120% of the value of the Beltline Trail improvement work. The design and construction of the Beltline Trail improvement work will be completed by the Owner, subject to the approval of the General Manager of Parks, Forestry & Recreation.

The applicant must design the building to achieve Ontario Building Code (OBC) setbacks related to fire separation on their own site on the portions of the building that abut a park. A 5 metre setback will apply to any building located next to a park, or the required setbacks which meet the Ontario Building Code for fire separation, whichever is the greater. Prior to the issuance of any above grade permit, the applicant will be required to demonstrate that the OBC requirements have been achieved to the satisfaction of the General Manager of Parks, Forestry & Recreation. As noted earlier in



this report, the building setback is unacceptable and a minimum setback of 5 metres is required from the York Beltline Park.

### **Family Friendly Housing**

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan for the Greater Golden Horseshoe contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

The proposed overall unit breakdown consists of 5.3% studio units, 14.2% one-bedroom units, 50.4% one-bedroom plus den units, 20.1% two-bedroom units and 9.7% two-bedroom plus den units. To meet the intent of the relevant housing policies and guidelines, the number of larger residential units suitable for a broader range of households, including families with children should be increased. This should include increasing the percentage mix of three-bedroom units to a minimum of 10%.

### **Site Plan Control**

The Site Plan Control Application was also appealed to the LPAT. The proposed massing and transition of the building as noted earlier in this report remains an issue to be resolved. This will impact the Site plan drawings proposed which are currently not acceptable. The building placement must also be revised to provide a minimum 5 metre setback to the park to the north. Once the building massing and setbacks have been resolved, further site plan details can be refined and conditions of site plan approval formulated prior to the LPAT issuance of an order for the Site Plan Control Application.

As part of the Site Plan Control process, the owner will be required to provide the City with a Construction Management Plan for work within the public right-of-way, outlining the following for:

- a) Dust/mud control on and offsite;
- b) Location of truck loading points, trailer parking;
- c) Location of temporary fencing & covered walkways;
- f) Location and extent of aerial crane operations; and
- g) Parking for construction trades.

Fencing and landscaping will also be addressed through the Site Plan Control process.

### **Road Widening**

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Dufferin Street, a 0.4 metre to 3.5 metre road widening dedication along the

Dufferin Street frontage of the subject site is required and is proposed to be conveyed to the City with this application. A 6.0 metre corner rounding will also be provided at the southwest corner of the site.

### **Traffic Impact, Access, Parking**

The owners' traffic engineering consultant MMM Group Limited submitted a Traffic Impact, Parking and Loading Study dated June 2014, a Traffic Impact and Parking Study Update dated December 2016, a Transportation Impact, Parking and Loading Study Addendum dated July 2017, and a Parking Study Addendum #2 dated December 2017. The consultant estimates that the proposed site will generate approximately 22 and 26 two-way trips during the a.m. and p.m. peak hours, respectively. The consultant concludes that the traffic generated by the development proposal can be satisfactorily accommodated by the boundary road network and site driveway with little impact to roadway or intersection operations. The Traffic Impact, Parking and Loading Study and Parking Study Addendum have been accepted by Transportation Services staff.

The proposed development will be served by one full-movement driveway on Hopewell Avenue. The owner is advised that a driveway access must not align with an existing speed bump on Hopewell Avenue. The speed bump will need to be relocated.

With respect to parking, a total of 127 residential parking spaces are proposed which satisfies the by-law requirement of 110 parking spaces. Of the 127 parking spaces, 17 will be for residential visitors and 5 are small car parking spaces. No commercial parking is required to be provided under Zoning By-law No. 569-2013. In order to satisfy the TGS, 17 additional resident spaces must be provided with roughed-in conduits for charging electric vehicles. Zoning By-law 569-2013 requires a minimum of five accessible parking spaces. Therefore, the site plan satisfies the relevant requirements.

Regarding bicycle parking spaces, a total of 142 bicycle parking spaces are proposed to be provided. This includes 123 spaces for residents, 14 for residential visitors, 1 for long-term commercial and 4 for commercial visitors. The number meets the by-law requirements of Zoning By-law No. 569-2013.

The proposal also includes a type "G" loading space which meets the requirements of Zoning By-law 569-2013 and is acceptable.

The cumulative transportation impacts of the proposed density increase have not been analyzed by the applicant upon the Dufferin Street Focus Area and the Dufferin Street Avenue, should similar density increases be proposed on other development sites.

### **Servicing**

Engineering and Construction Services staff have reviewed the reports and require revisions to the Hydrogeology Report and Functional Servicing Report. Revisions are

required to confirm whether or not sufficient sanitary sewer capacity exists to service the development, or whether upgrades to the municipal services will be required.

City staff recommend that the zoning by-law amendments order be withheld by the LPAT, until the required revisions and reports have been submitted and addressed to the satisfaction of the Executive Director, Engineering and Construction Services. Any identified upgrades to servicing infrastructure will be the sole responsibility of the owner. The cumulative servicing impacts of the proposed density increase have not been analyzed by the applicant upon the Dufferin Street Focus Area and the Dufferin Street Avenue, should similar density increases be proposed on other development sites.

### **Solid Waste Management**

The project has been designed to provide bulk lift compacted garbage, recycling and organic collection services within the building. Collection of waste materials will be in accordance with the City requirements for new developments, Chapter 844, Solid Waste of the Municipal Code. It should be noted however that the commercial component of the development is ineligible for City of Toronto collection and the owner must store, transport and make arrangements for collection of all waste materials separately from the residential component, in accordance with Chapter 841, Solid Waste of the Municipal Code.

### **School Capacity**

The Toronto District School Board (TDSB) advised in 2014 that there was sufficient space at local schools, to accommodate students anticipated from the initially proposed development. The schools anticipated to serve the development are Fairbank Public School and Vaughan Road Academy. However, the TDSB's opinion may differ at this time due to the increased density of the proposed development and the lapse in time of 4 years since the TDSB's comments were originally received.

The Toronto Catholic District School Board (TCDSB) was also circulated the application but did not provide any comments with regards to school capacity issues.

### **Tree Preservation**

Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment.

The City's Official Plan has policies that have been adopted by City Council that call for an increase in the amount of tree canopy coverage. City Council has adopted the objective of increasing the existing 17 percent tree canopy coverage to between 30 to 40 percent. As such the planting of large growing shade trees on both public and private lands should be an important objective for all development projects.

One city-owned tree is located at the southeast corner of the property and will be preserved. Urban Forestry advises that a Tree Security Deposit in the amount of \$745.00 is required for Tree No.1156. A Tree Protection Plan is required showing the proposed hoarding for Tree No. 1156. Prior to construction, hoarding as per City standard is required to be erected by the applicant for Tree No.1156.

The applicant proposes to plant 3 trees within the Dufferin Street boulevard and 4 trees within the Hopewell Avenue boulevard. Urban Forestry requires the submission of a Tree Planting Deposit in the amount of \$4,081.00 (\$583 per tree) to ensure the planting of the seven (7) trees. The Tree Planting Deposit must be submitted to the attention of Tara Bobie, Supervisor of Urban Forestry, Tree Protection & Plan Review. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The General Manager of Parks, Forestry & Recreation shall hold the tree planting security deposit for the duration of the renewable guarantee period. Urban Forestry finds the proposed tree species for the right of way acceptable.

There are no private trees involved with this application that qualify for protection under the Private Tree By-law. The applicant is proposing to plant 10 additional trees onsite along the eastern and southern lot lines. The increase in building setback along the north side of the building will provide an opportunity for further on-site tree planting.

The proposed enhancements to the connection to the York Beltline Park also include the planting of 17 new trees.

### **Toronto Green Standard**

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

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features that will be secured through the zoning by-law process include: Automobile Infrastructure and Cycling Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Control process, such as the use of high-albedo surface materials to reduce the urban heat island effect; the provision of safe, accessible pedestrian routes that connect with off-site pedestrian networks; incorporating landscaped areas with water efficient plants; the provision of user-friendly and accessible handling and storage facilities for recyclable materials and organic waste; and storm water management/retention.

Transportation Services requires the applicant to provide 17 resident spaces with roughed-in conduits for electric vehicles to meet the Toronto Green Standard. The proposal should be modified accordingly.

### **Section 37**

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are worked out, in consultation with the Ward Councillor, if a project is ultimately considered to be good planning and recommended for approval.

There has been no discussion with the applicant regarding community benefits as the proposal is not considered good planning. Should the LPAT approve the application and grant additional density and/or height beyond that permitted in Zoning By-law 1-83, and Zoning By-law 569-2013, the City Solicitor should request that the LPAT without its final order until the City has secured the appropriate community benefits in consultation with the local Councillor and applicant.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Furthermore, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to policies for development in *Mixed Use Areas and the Built Form policies*.

There are built form and transition issues to be resolved, and the density needs to be reduced. Furthermore, an appropriate setback from the York Beltline Park to the north must be provided. Staff recommend that the City Solicitor, City Planning staff and other appropriate City staff attend the LPAT hearing to oppose the current proposal for 2433 Dufferin Street. Planning staff also recommend the City Solicitor continue discussions with the applicant, in consultation with the Chief Planner, Executive Director, City

Planning and the Ward Councillor, and be authorized to accept a revised proposal, subject to resolution of the outstanding issues identified in this report.

## **CONTACT**

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Al Rezoski, Manager, Tel. No. (416) 395-7121, Fax No. (416) 395-7155  
E-mail: [Al.Rezoski@toronto.ca](mailto:Al.Rezoski@toronto.ca)

## **SIGNATURE**

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Gregg Lintern, MCIP, RPP  
Chief Planner and Executive Director  
City Planning

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law 569-2013 Map
- Attachment 5: Existing Zoning By-law 7625 Map

### **Applicant Submitted Drawings**

- Attachment 6: Site Plan
- Attachment 7: East Elevation
- Attachment 8: West Elevation
- Attachment 9: North Elevation
- Attachment 10: South Elevation

Attachment 1: Application Data Sheet

Municipal Address: 2433 Dufferin Street  
 Date Received: June 11, 2014  
 Application Number: 14 172663  
 NNY 15 OZ  
 Application Type: Rezoning

Project Description: Application to permit 9-storey mixed use building consisting of 113 residential units with a residential gross floor area of 11,487.98m<sup>2</sup> and a commercial gross floor area of 164.07m<sup>2</sup> commercial at-grade, which also includes 127 parking spaces.

Applicant	Agent	Architect	Owner
Walker, Nott, Dragicevic Associates Limited 90 Eglinton Avenue East, Suite 970 Toronto, Ontario M4P 2Y3	Laura Kalbun Walker, Nott, Dragicevic Associates Limited 90 Eglinton Avenue East, Suite 970 Toronto, Ontario M4P 2Y3	Romanov Architects Incorporated 375 Parkside Drive, Toronto, Ontario M6R 2Z6	Rainberry Estates Incorporated 65 Royalpark Way Woodbridge, Ontario L4H 1J5

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas    Site Specific Provision: Y  
 Zoning: CR 2.0 (c2.0; r2.0) ss2    Heritage Designation: N  
 Height Limit (m): 15    Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2019.32    Frontage (m): 42.18    Depth (m): 48.51

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	0		1321.27	1321.27
Residential GFA (sq m):	0		11437.09	11437.09
Non-Residential GFA (sq m):	0		164.07	164.07
Total GFA (sq m):	0		11601.16	11601.16
Height - Storeys:	0		9	9

Height - Metres: 27

Lot Coverage Ratio (%) : 72                      Floor Space Index: 5.75

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	11487.98	0
Retail GFA:	164.07	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	0	0	0	0
Freehold:	0	0	0	0
Condominium:	0	0	113	113
Other:				
Total Units:	0	0	113	113

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	1 Bedroom Plus Den	2 Bedroom	2 Bedroom Plus Den
Retained:						
Proposed:						
Total Units:	0	6	16	57	23	11

Parking and Loading

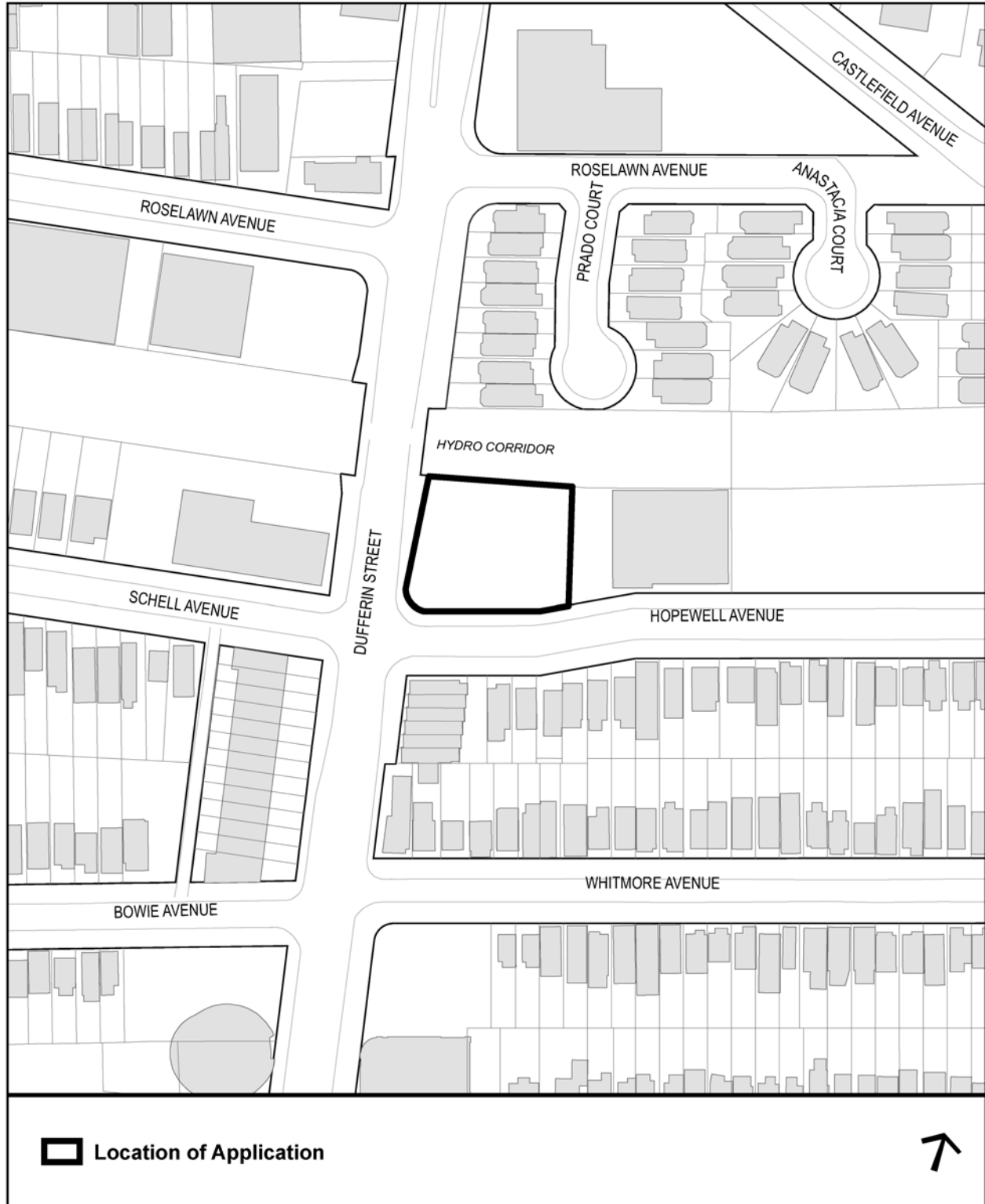
Parking Spaces: 127                      Bicycle Parking Spaces: 142                      Loading Docks: 1

CONTACT:

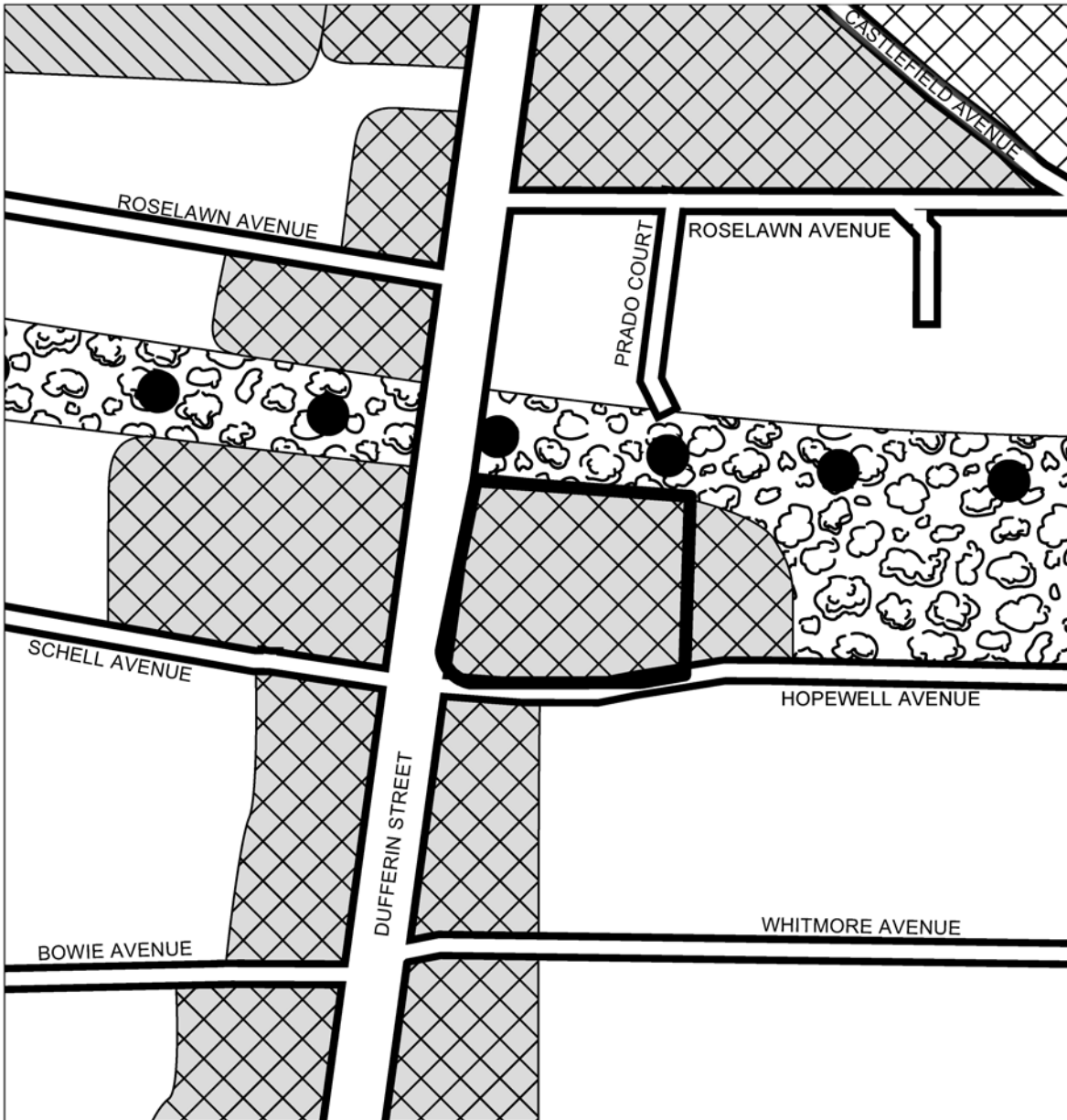
Al Rezoski, Manager  
(416) 395-7121  
Al.Rezoski@toronto.ca



Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



**TORONTO**  
 Official Plan Land Use Map #17

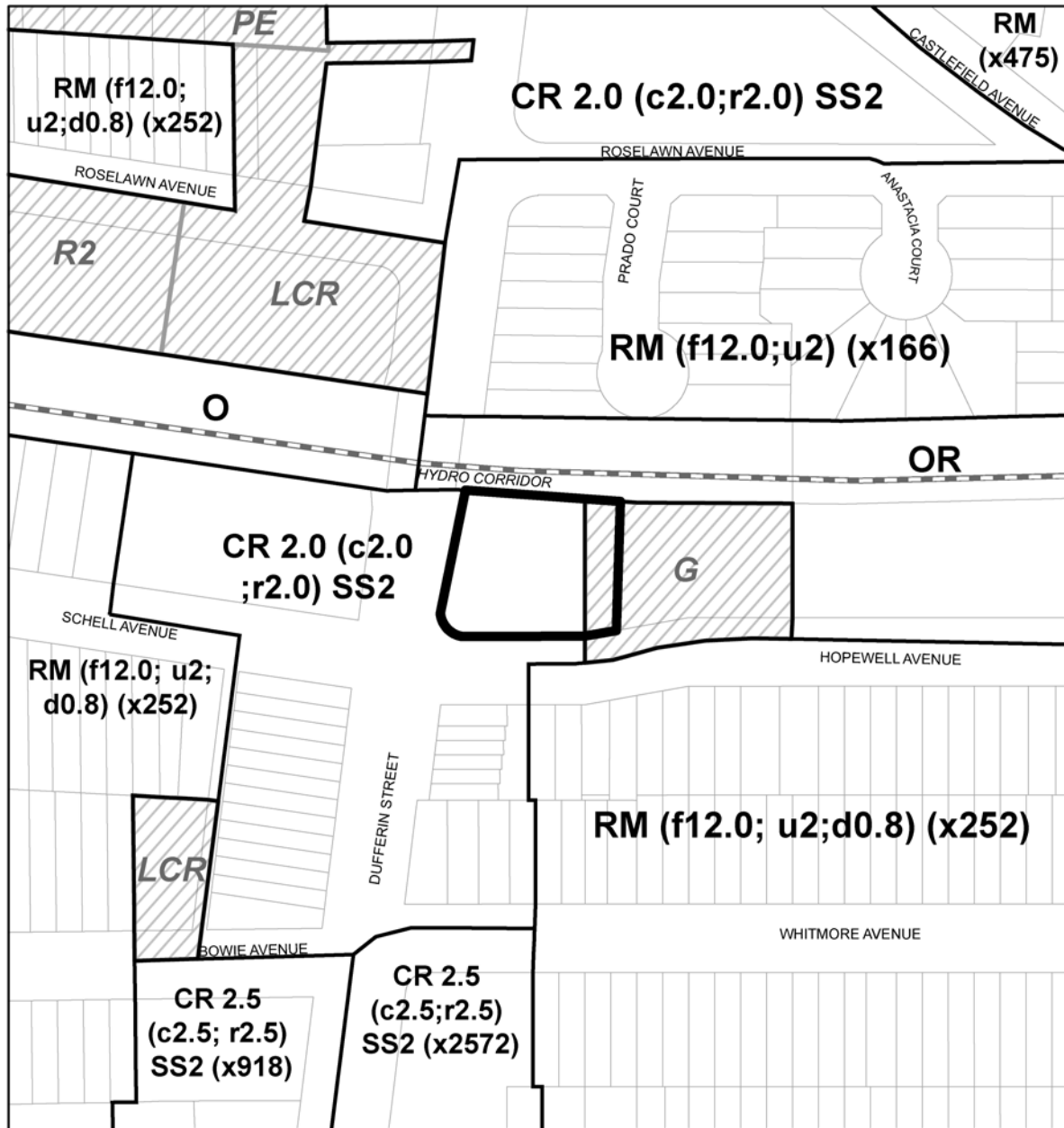
2433 Dufferin Street

File # 14 172663 NNY 15 0Z

 Location of Application	 Parks & Open Space Areas	 Employment Areas	 Utility Corridors
 Neighbourhoods	 Parks		
 Mixed Use Areas			

  
 Not to Scale  
 05/29/2018

Attachment 4: Existing Zoning By-law No. 569-2013 Map



Zoning By-law 569-2013

2433 Dufferin Street

File # 14 172663 NNY 15 0Z

Location of Application

RM Residential Multiple  
CR Commercial Residential

O Open Space  
OR Open Space Recreation

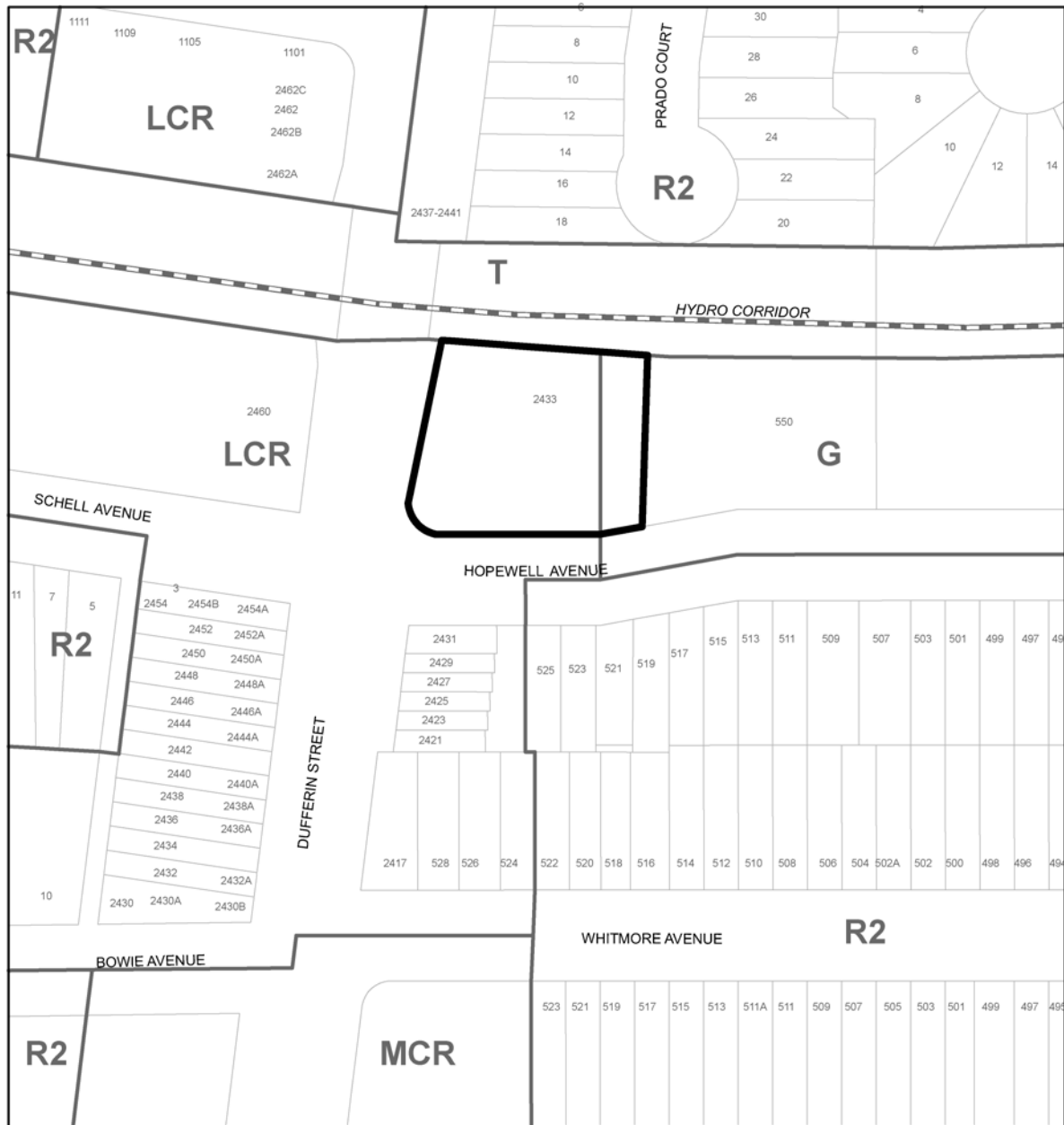
See Former City of York By-Law No. 1-83

R2 Residential Zone  
LCR Local Commercial Residential Zone  
PE Prestige Employment Zone  
G Green Open Space Zone



Not to Scale  
Extracted: 05/29/2018

Attachment 5: Existing Zoning By-law No. 7625 Map



Zoning By-law 1-83

2433 Dufferin Street

File # 14 172663 NNY 15 0Z

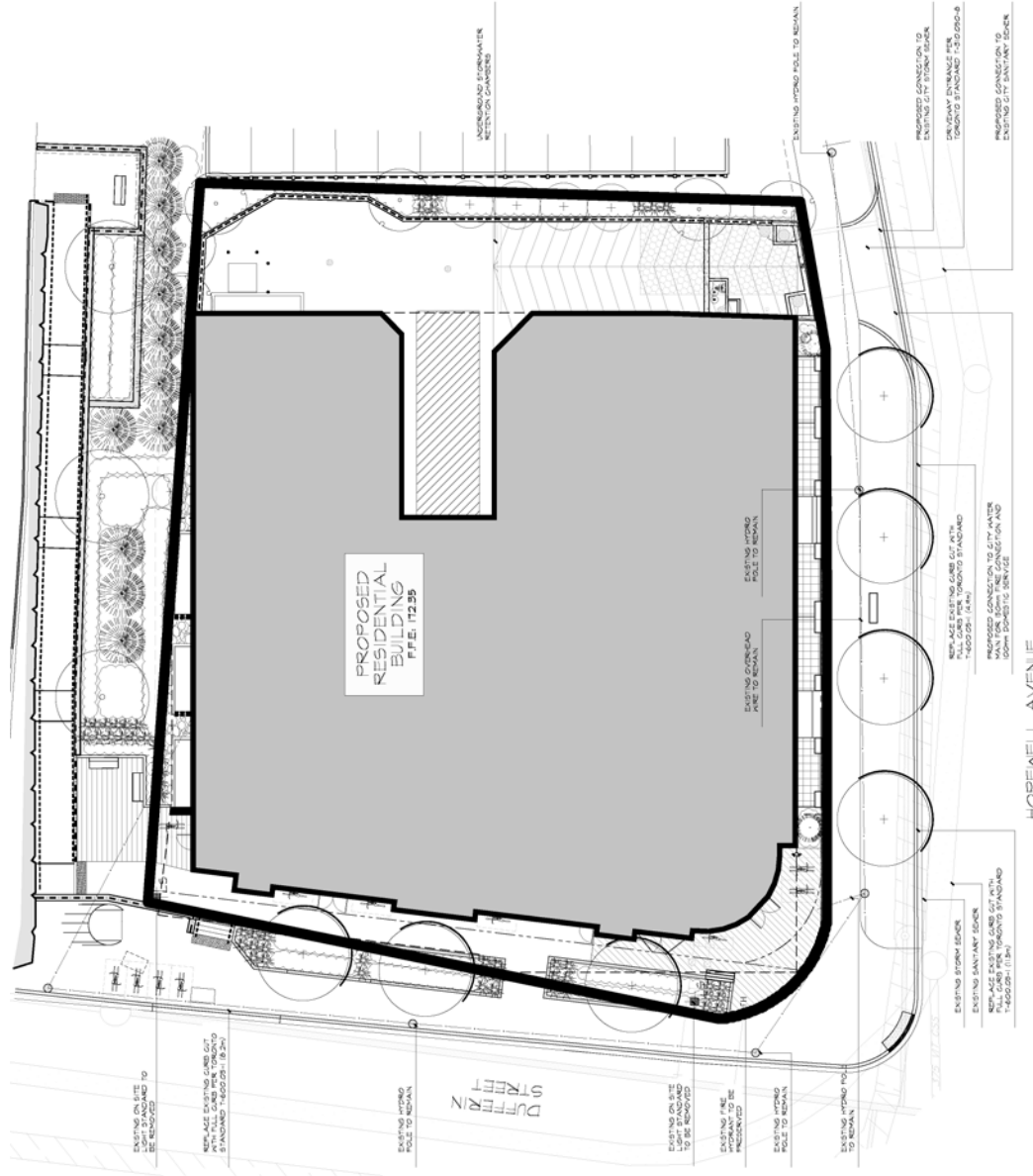
Location of Application

R2 Residential Zone  
 LCR Local Commercial Residential Zone  
 T Transportation & Utilities Zone  
 G Green Open Space Zone

MCR Mixed Commercial Zone



Not to Scale  
 Extracted: 05/29/2018

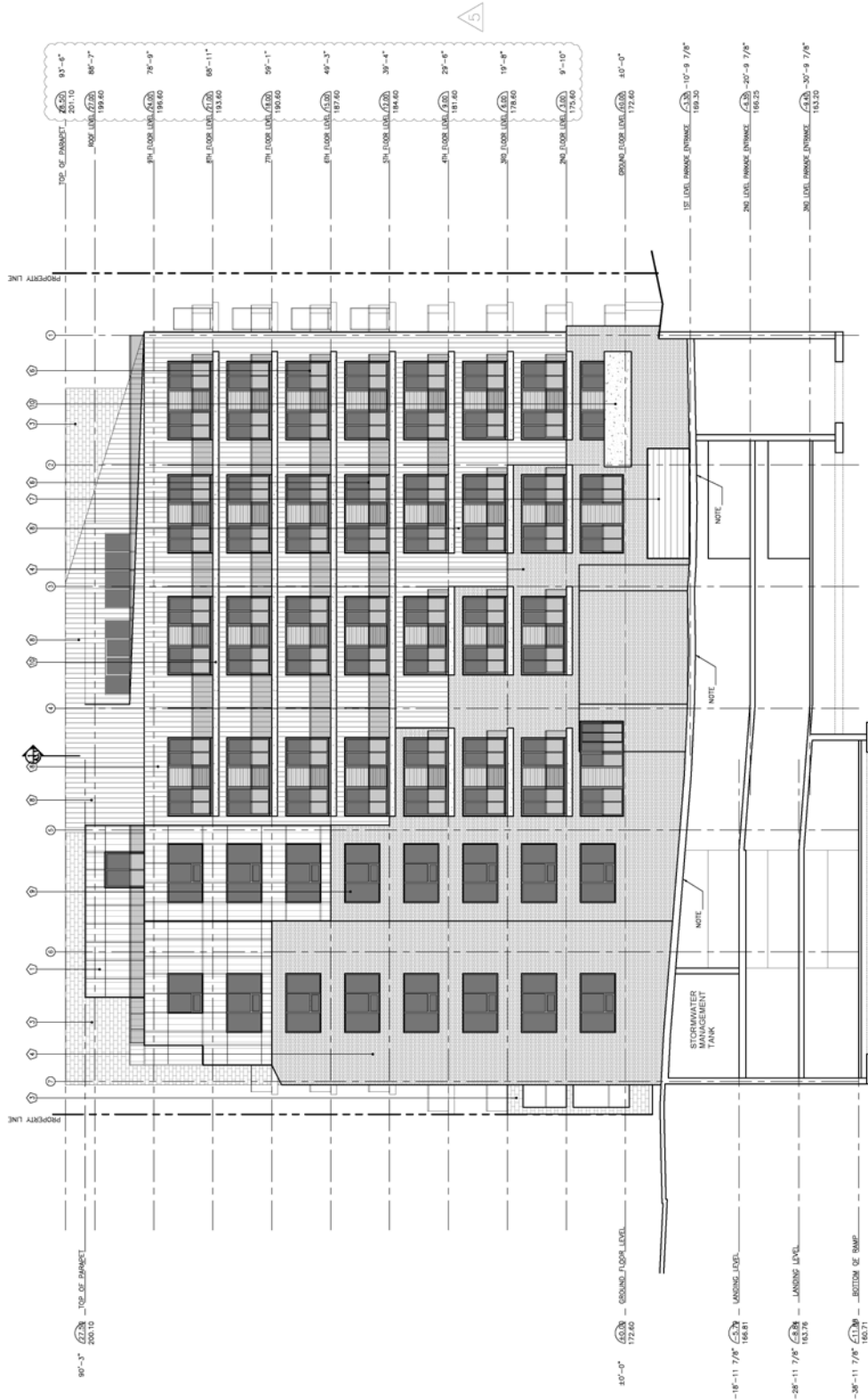


2433 Dufferin Street

File # 14 172663 NNY 15 02

Site Plan  
 Applicant's Submitted Drawing  
 Not to Scale  
 05/29/2018





East Elevation

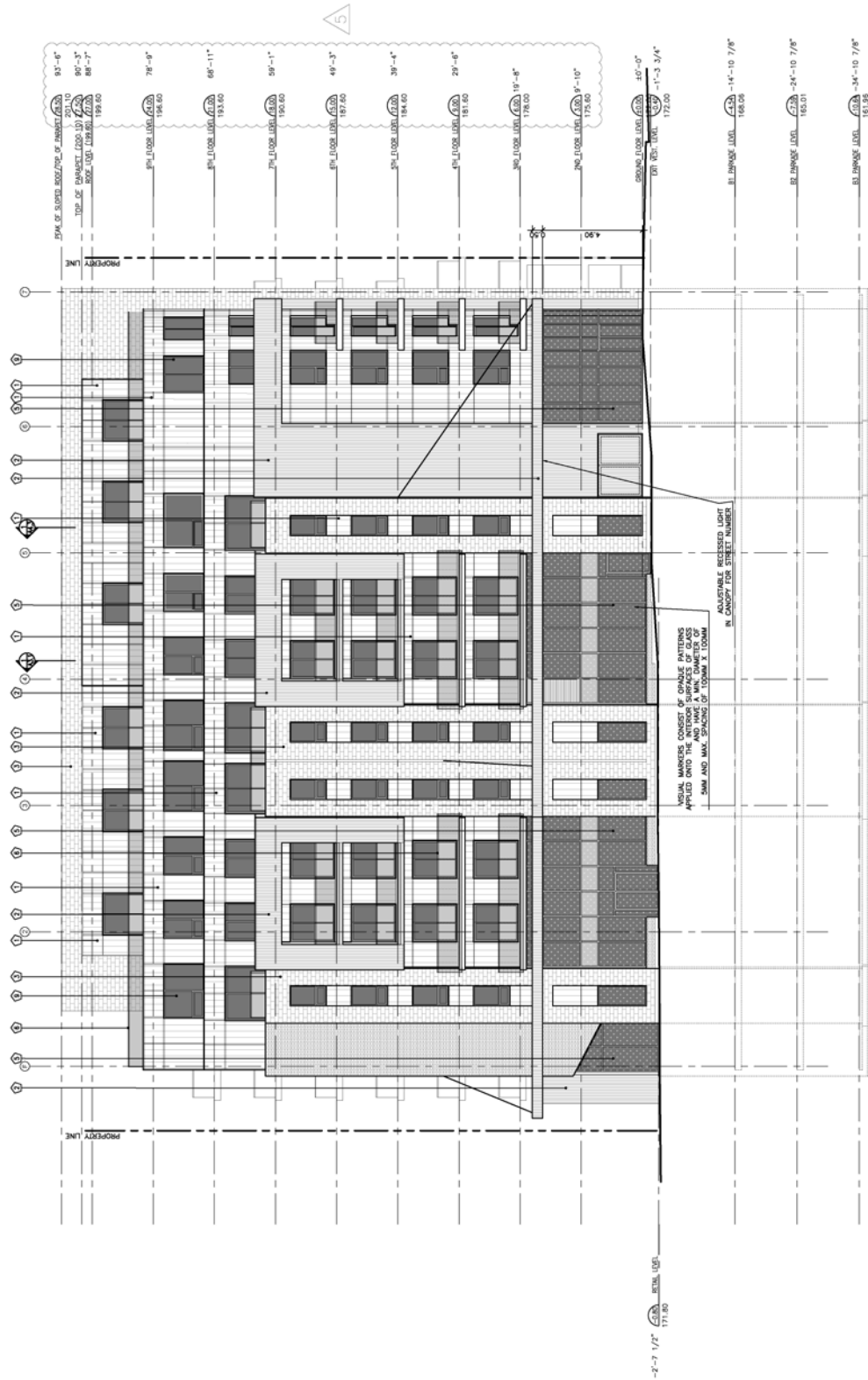
2433 Dufferin Street

Elevations

Applicant's Submitted Drawing  
 Not to Scale  
 05/29/2018

File # 14 172663 NNY 15 0Z

Attachment 8: West Elevation



West Elevation

2433 Dufferin Street

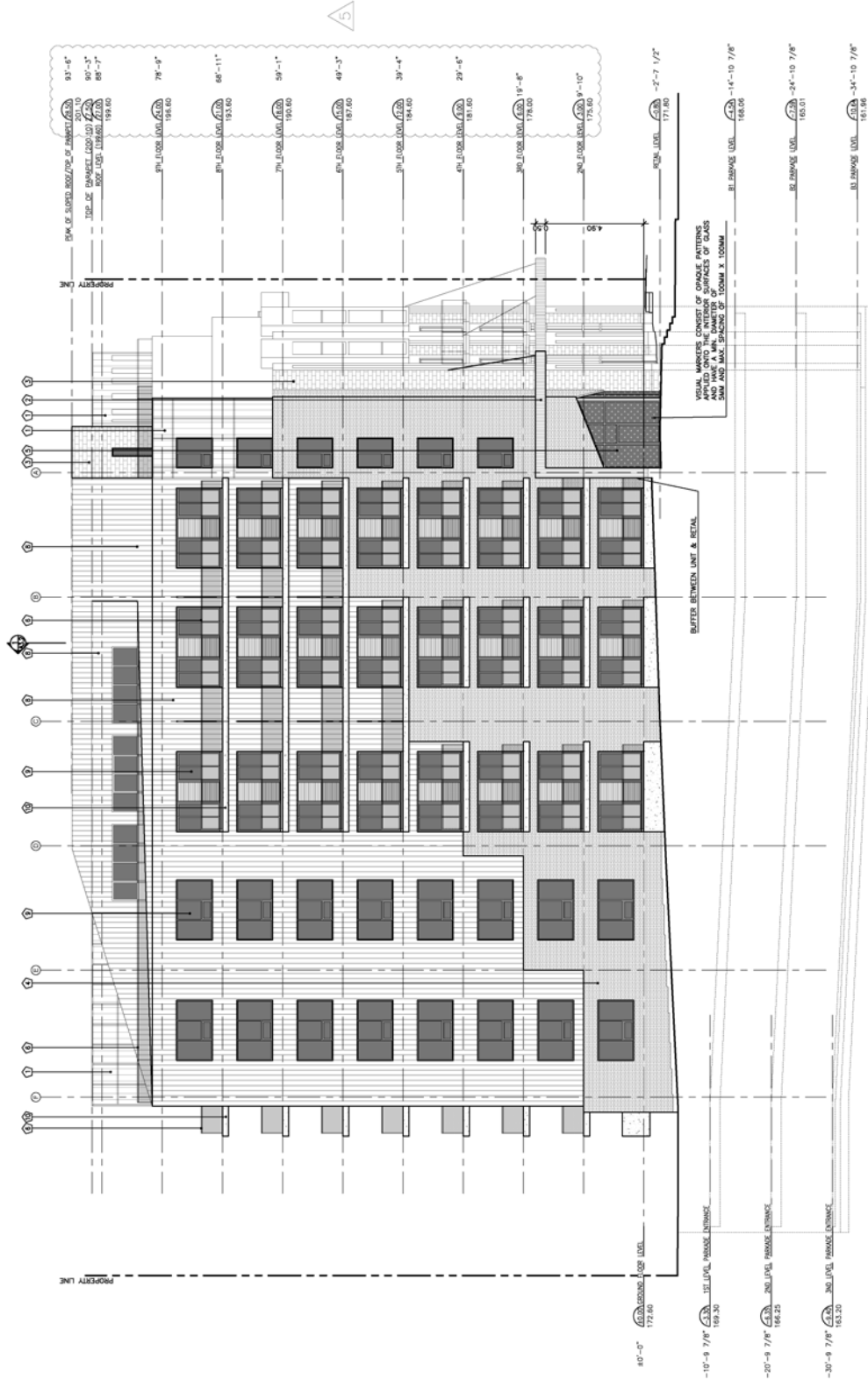
File # 14 172663 NNY 15 0Z

Elevations

Applicant's Submitted Drawing

Not to Scale  
05/29/2018

Attachment 9: North Elevation



North Elevation

2433 Dufferin Street

Elevations

Applicant's Submitted Drawing  
 Not to Scale  
 05/29/2018

File # 14 172663 NNY 15 0Z



Attachment 10: South Elevation



South Elevation

Elevations 2433 Dufferin Street

Applicant's Submitted Drawing  
 Not to Scale  
 05/29/2018

File # 14 172663 NNY 15 0Z