

## **3019 Dufferin Street – Zoning By-law Amendment – Request for Directions Report**

Date: July 3, 2018

To: North York Community Council

From: Director, Community Planning, North York District

Wards: 15 Eglinton-Lawrence

**Planning Application Number:** 16 268010 NNY 15 OZ

### **SUMMARY**

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The applicant has appealed their application for Zoning By-law Amendments to the Local Planning Appeal Tribunal (LPAT) due to Council's failure to make a decision for the Zoning By-law Amendment application within the prescribed time period under the *Planning Act*. The purpose of this report is to seek Council's direction for staff representation at the LPAT hearing. A prehearing or hearing has not yet been scheduled at the time of writing of this report.

This application proposes to amend the former City of North York Zoning By-law No. 7625 and the City of Toronto Zoning By-law No. 569-2013 for the land at 3019 Dufferin Street to permit the construction of an 8-storey (26.5 metres high) mixed use building with retail/commercial uses at grade. The existing one storey commercial building would be demolished. The proposed building would have a total Gross Floor Area (GFA) of 7,021 square metres including 412 square metres of retail uses on the ground floor and would contain 104 dwelling units. Also proposed is 191 square metres of indoor amenity, 353 square metres of outdoor amenity and two levels of underground parking comprised of 102 vehicular parking spaces and 112 bicycle spaces. The proposed building would have a Floor Space Index (FSI) of 3.47 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 support of the current proposal, provided that outstanding issues identified in this report are satisfactorily addressed to the Director of Community Planning, North York District and the City Solicitor. The outstanding issues include providing adequate servicing for the project, improved site organization and massing along Dufferin Street, and improving the building setback and transition along Claver Avenue towards the residential area to the east.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe (2017), and the Official Plan.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and other staff as appropriate, to attend the LPAT hearing in support of the Zoning By-law Amendment application for the property at 3019 Dufferin Street, subject to the outstanding issues identified in this report being satisfactorily addressed.
2. 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 to address all their issues identified in their memo dated June 6, 2018; and
  - The owner will be responsible for any infrastructure improvements required to support the proposed development.

## **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 October 18, 2013. Issues discussed included transition in built form to the neighbourhood to the east and streetscape objectives for Dufferin Street and Claver Avenue. A Preliminary Report on the application was adopted by North York Community Council on May 2, 2017 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=2017.NY22.8>

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 December 16, 2016 and deemed complete on June 1, 2017. The application was appealed on November 28, 2017. A hearing date has not yet been scheduled.

## ISSUE BACKGROUND

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### Proposal

The applicant filed an application on December 16, 2016 to amend the Zoning By-laws to allow for the construction of an eight-storey, mixed use building fronting onto Dufferin Street. The existing one storey commercial building would be demolished.

The current proposal as revised on March 2, 2018 and which is before the LPAT is for an eight-storey building with an overall gross floor area (GFA) of 7,021 square metres, including 412 square metres of commercial uses on the ground floor fronting Dufferin Street. Additional ground floor uses would include a lobby, amenity space, garbage room, moving room and bicycle storage. Residential dwelling units would occupy floors two to eight. The overall Floor Space Index (FSI) of the development would be 3.47 times the area of the lot.

Vehicular access to the site would be via a private driveway accessed from Claver Avenue. Pedestrian access to the building is via a lobby entrance accessed from Claver Avenue. The ground floor commercial area would be accessed from Dufferin Street. The proposed building would be set back 3 metres from the Dufferin Street (west) property line after the required road widening, 0.0 metre along the north property line, 7.5 metres to the rear (east) property line, and 0.4 metre from the Claver Avenue (south) property line at grade.

The building would have an overall height of 32 metres including a 5.5 metre mechanical penthouse (26.5 metres excluding mechanical penthouse). The ground floor height would be 4.85 metres. Stepbacks along the Dufferin Street building face of 3 metres and 4 metres are proposed at the seventh and eighth floors. A stepback of 3 metres is also proposed above the seventh floor along Claver Avenue. The rear face of the building is terraced to meet a 45 degree angular plane from the east property line adjacent to the *Neighbourhoods* designation. A landscape buffer is proposed along the entire east property line ranging in width between 3.0 to 6.0 metres.

The proposed building would contain 104 dwelling units comprised of 10 studio units, 51 one-bedroom units, 38 one-bedroom plus den units, and 5 two-bedroom units. Amenity space for residents would be provided on the ground floor and rooftop, with a total of 352 square metres of common outdoor space, and 191 square metres of indoor amenity space on the ground and second floors of the building.

Two levels of below grade parking are proposed with a total of 102 parking spaces. Of those spaces 83 would be for residents, 15 for visitors and 4 for non-residential use. Storage for 112 bicycles is proposed for residents below grade and on the ground floor, with visitor bicycle spaces outdoors and at grade. One 'Type G' loading space is proposed partially within the building and at-grade. Access to the underground parking garage is proposed by way of a ramp integrated into the building, located on the north-east side of the building, accessed by the private driveway from Claver Avenue.

Conveyances of 0.4 metres for the future road widening of Dufferin Street and a 6.0 metre corner rounding are included in the proposal.

	Proposed		Existing
Site Area	1,994.6m <sup>2</sup>		2,020m <sup>2</sup>
Residential Gross Floor Area	6,609 m <sup>2</sup>		0m <sup>2</sup>
Non-Residential Gross Floor Area	412 m <sup>2</sup>		664 m <sup>2</sup>
Total Gross Floor Area	7,021 m <sup>2</sup>		664 m <sup>2</sup>
Floor Space Index	3.47		0.33
Height (including mechanical)	Ground Floor: 4.85 m Overall: 26.5m (32m to the top of the mechanical penthouse) 8 storeys		2 storeys
Residential Units	Studio	10 (9.6%)	0
	1 bedroom	51 (49.0%)	0
	1 bedroom + den	38 (36.6)%	0
	2 bedroom	5 (4.8%)	0
	Total	104	0
Indoor Amenity	191m <sup>2</sup> (1.71m <sup>2</sup> /unit)		0
Outdoor Amenity Area (rooftop)	353m <sup>2</sup> (3.15m <sup>2</sup> /unit)		0
Vehicle parking spaces	Resident	83	0
	Visitor	15	0
	Retail	4	20
	Total	102	20
Bicycle parking spaces	Long Term	98	0
	Short Term	14	0
	Total	112	0
Loading Spaces	1 Type 'G'		0

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

## Site and Surrounding Area

The 0.2 hectare site is located on the east of Dufferin Street and south of Lawrence Avenue West and contains an existing two-storey commercial building with front yard surface parking spaces. The site frontage is 38 metres along Dufferin Street and approximately 55 metres along Claver Avenue. Vehicular access is currently taken from Dufferin Street. The site is flat and has some vegetation along the Claver Avenue frontage.

The property is located within the MarkeTO Business Improvement Area. The existing two-storey commercial building has a GFA of 664 square metres and a floor space index of 0.33 times the area of the lot.

Surrounding land uses include:

North: One-storey commercial buildings fronting onto Dufferin Street (3035, 3041, and 3057 Dufferin Street) designated *Mixed Use Areas*. On the north side of Lawrence Avenue West, immediately east of Dufferin Street is the Treviso Condominiums (770 Lawrence Avenue West, 3080-3095 and 3101 Dufferin Street), which comprise 21, 29 and 15 storey mixed use buildings.

South: Claver Avenue and beyond are one (1) storey commercial buildings fronting onto Dufferin Street (3013 Dufferin Street); a private school leased by the Toronto District School Board (2999 Dufferin Street); and a place of worship (2981 Dufferin Street), all designated *Mixed Use Areas* and with an Avenues overlay.

East: One and two-storey residential detached dwellings designated *Neighbourhoods*.

West: On the west side of Dufferin Street are: a two-storey commercial building (3022 Dufferin Street), 14 storey residential building (3050 Dufferin Street) and 10 storey residential building (3010 Dufferin Street) owned and operated by Villa Charities and designated *Mixed Use Areas*. At the north-west corner of Dufferin Street and Playfair Avenue is an 18 storey rental apartment building (3000 Dufferin Street) designated *Apartment Neighbourhoods* subject to zoning by-law amendment and draft plan of subdivision applications that propose a block of townhouses, and additional residential apartment buildings including a 16-storey building and a 23-storey building. (File Nos. 17 200922 NNY 15 OZ and 17 200956 NNY 15 SB). At the south-west corner of Dufferin Street and Lawrence Avenue West is a place of worship (811 Lawrence Avenue West). Further west is the Columbus Centre (901 Lawrence Avenue West). The property at 901 Lawrence Avenue West (Columbus Centre) is subject to a zoning by-law amendment, site plan and draft plan of subdivision applications that propose a joint use private community centre and a high school and a new public road (File Nos. 17 102913 NNY 15 OZ, 16 245637 NNY 15 SA and 17 102917 NNY 15 SB).

## **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 services 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.

### **Official Plan Amendment 320**

As part of the city's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, Neighbourhoods, and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized Apartment Neighbourhood sites and to implement the City's Tower Renewal program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016 which decision has been appealed in part. The OMB commenced the hearing of appeals of OPA 320 in May 2017 and it remains ongoing.

On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found at the following link:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/official-plan-review/>

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located in Mixed Use Areas, Apartment Neighbourhoods and Regeneration Areas that are adjacent and close to Neighbourhoods. The new criteria address components in new development such as amenity and service areas, lighting and parking.

### **Zoning**

The former City of North York Zoning By-law No. 7625 applies to the subject site. The subject site is zoned C1 with a maximum height limit of 10.5 metres or three storeys, whichever is the lesser. The zoning permits a wide range of commercial uses, residential uses permitted in the R5 and RM5 zoning, and some institutional uses. The maximum permitted density is 1.0 times the area of the lot. The minimum floor area of a dwelling unit is 55 square metres. Dwellings in commercial buildings are permitted provided that the lot is served by municipal water and sanitary systems.

The site is also subject to the City-wide By-law 569-2013. The subject site is zoned Commercial Residential (CR 1.0 (c1.0; r1.0) SS3(x2620)) and is within Policy Area 4 – Avenues. This zone has a height limit of 10.5 metres and density of commercial and residential uses to 1.0 times the area of the lot. Exception 2620 informs that Schedule

D- Airport Hazard Map, from the former City of North York Zoning By-law No. 7625 applies and restricts the maximum structure height to 45.72 metres.

### **Mid-Rise Building Performance Standards**

City Council on July 6, 7 and 8, 2010, adopted the recommendations of the Avenues and Mid-Rise Buildings Study and Action Plan, with modifications. The main objective of this City-wide study is to encourage future intensification along Toronto's Avenues that is compatible with the adjacent neighbourhoods through appropriately scaled and designed midrise buildings. The report can be viewed at the following link:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.9>.

The Avenues and Mid-Rise Buildings Study identifies a list of best practices, categorizes the Avenues based on historic, cultural and built form characteristics, establishes a set of Performance Standards for new mid-rise buildings and identifies areas where the Performance Standards should be applied.

The Performance Standards assist in the implementation of Official Plan policies for Avenues and Mixed Use Areas, ensuring among other matters, quality and comfortable streetscapes along the Avenues, which are to be framed and defined by buildings that allow for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21; streetwall stepbacks, which mitigate the pedestrian perception of building height along the street; and an acceptable relationship between mid-rise buildings and the adjacent Neighbourhoods and Parks and Open Space Areas, which the Official Plan policies are explicit in their intent to protect through appropriate transitions. The Performance Standards provide guidance about the size, shape and quality of mid-rise development and are intended to respect Section 2.3.1 of the Official Plan.

### **Mid-Rise Building Performance Standards Addendum**

In June 2016, City Council approved the Mid-Rise Building Performance Standards Addendum. The Addendum is to be used by City Staff together with the 2010 approved Mid-Rise Building Performance Standards during the evaluation of development applications where mid-rise buildings are proposed and the Performance Standards are applicable.

The Performance Standards and Addendum may also be used to help inform the preparation or review of area studies and policies involving mid-rise buildings. The Addendum is approved as an interim supplement to the 2010 Performance Standards until such time as Council considers and adopts updated Mid-Rise Building Design Guidelines. Council's Decision can be found at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and the Mid-Rise Building Performance Standards Addendum may be found at <http://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/bqrd/backgroundfile-103920.pdf>

## **Site Plan Control**

An application for Site Plan Control under Section 41 of the *Planning Act* is required. At the request of Planning staff, a Site Plan Control application was submitted on March 2, 2018 (File No. 18 124116 NNY 15 SA) and is being reviewed concurrently with the Zoning By-law Amendment application.

## **Reasons for Application**

An amendment to the zoning by-laws is required to address height, density, building setbacks, and to develop appropriate development standards for the proposal.

## **Application Submission**

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

- Planning Rationale which includes a Community Services and Facilities inventory;
- Tree Inventory and Declaration Form;
- Arborist Report;
- Toronto Green Standard and Green Standard Checklist;
- Pedestrian Level Wind Study;
- Sun/Shadow Study;
- Stormwater Management Report;
- Traffic Impact and Parking Study;
- Public Consultation Strategy;
- Functional Servicing Report;
- Stage 1 and 2 Archaeological Assessment;
- Geotechnical Study and Hydrological Review; and
- Building Mass Model.

The Rezoning application was deemed to be Complete as of June 1, 2017.

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=4081389&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**

Public consultation has included a community meeting and a series of smaller group meetings.

Prior to the community consultation meeting, staff conducted an on site meeting with the Ward Councillor's staff and representatives from the Wenderly Park Ratepayer's Association to discuss the proposal in the context of the Dufferin Street Secondary Plan which extends from north of Lawrence Avenue West to Highway 401. Particularly, the Ratepayers' Association representatives indicated a desire for wider boulevards and bike lanes.

Staff held a community consultation meeting on June 12, 2017 at the Saint Charles Catholic School to discuss the original application which proposed a different eight-storey building envelope, 105 dwelling units and a gross floor area of 7,843 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. Approximately 60 members of the public attended along with the Ward Councillor. The residents raised a number of concerns as follows:

TOPIC	COMMENTS
Transportation	<ul style="list-style-type: none"> <li>• increased traffic on Dufferin Street that would be generated by the development in an area that is already experiencing high traffic volumes;</li> <li>• safety concerns for nearby seniors and school children;</li> <li>• it was suggested that a traffic study of Dufferin Street that includes the additional impacts from approved developments be done;</li> <li>• consider additional traffic intersection signalization at the intersection of Claver Avenue and Dufferin Street to compensate for the proposed development;</li> <li>• provide a bus shelter either on the site or within the right-of-way;</li> <li>• limit vehicular access to the building from Dufferin Street only and not on Claver Avenue;</li> <li>• consider widening the Dufferin Street sidewalk as part of the application;</li> <li>• would a future cycle track on Dufferin Street be compromised by the proposed front building setback;</li> <li>• greater provision of parking spaces specifically for retail use; and</li> <li>• concern was expressed for potential on-street overflow parking from increased retail demand.</li> </ul>
Family Friendly Housing	<ul style="list-style-type: none"> <li>• establishment of a family-oriented vertical community is desirable and the proposal should incorporate more family-sized units.</li> </ul>
Built Form	<ul style="list-style-type: none"> <li>• height and size of building;</li> <li>• setback from street frontage;</li> <li>• overlook, privacy and noise issues from the size of the balconies and suggested either their elimination, reduction in size or additional setbacks; and</li> <li>• the design of the building.</li> </ul>
Landscaping	<ul style="list-style-type: none"> <li>• additional shade should be provided on the street from tree plantings;</li> </ul>

TOPIC	COMMENTS
Planning and Miscellaneous	<ul style="list-style-type: none"> <li>• a working group with the applicant was requested;</li> <li>• facilities related to pet care should be provided in the building;</li> <li>• concern that approval of the development would create a new precedent;</li> <li>• apply and meet the intent and objectives of the Dufferin Street Secondary Plan; and</li> <li>• inquiries as to whether a planning study would be done for Dufferin Street, south of Lawrence Avenue West.</li> </ul>
Retail	<ul style="list-style-type: none"> <li>• retail signage should be visible.</li> </ul>
Servicing	<ul style="list-style-type: none"> <li>• there is a concern with whether the area has the servicing capacity (sewer, water and sanitary services) to accommodate the development; and</li> <li>• expressed concern on the validity of the servicing study as it was authored in 2011.</li> </ul>

Several letters were received from area residents following the public consultation meeting. The letters generally summarized issues voiced at the public consultation meeting including, impacts to privacy and property value of adjacent residential properties, traffic congestion exasperated by bottlenecks created by the dead-ending of Dufferin Street at Wilson Avenue to the North, traffic overflow onto neighbourhood streets, and the pace of development. The applicant considered the comments and suggestions of the community, although some comments such as the closure of Claver Avenue east of the property were outside the scope of the development application, and not supported by the City's Transportation staff.

Further, a letter from the MarkeTO Business Improvement Area dated June 21, 2017 was submitted to City Planning staff, which summarized some issues brought up in the original June 12, 2017 public consultation meeting that would affect the BIA. Issues included the amount of retail space proposed, parking proposed, sewage capacity, traffic impact, the possibility of simultaneous development of proximate properties in order to shorten overall construction duration, and provision of larger residential units.

In addition, a smaller meeting was held on October 24, 2017 with interested residents, City staff, the local City Councillor and the applicant. Resident's concerns mirrored those raised at the initial community consultation meeting and focused on matters such as: providing more landscaping and buffering, improving the screening and fencing with the neighbourhood to the east, and the building height and balconies in relation to overlook and impact on privacy.



Subsequent to the public consultation meeting and additional discussion with planning staff, the applicant recognized the City's request and increased the height of the ground floor retail space component, provided for a wider boulevard on Claver Avenue, increased the proposed number of street trees and improved the transition to the easterly adjacent properties within the *Neighbourhoods* designation in order to minimize noise, overlook, privacy and shadowing impacts. The proposed residential gross floor area was also decreased from 7,405 square meters to 6,608 square meters, and the non-residential gross floor area was decreased from 438 square meters to 412 square meters, with a resulting decrease in the Floor Space Index (FSI) from 3.88 FSI to 3.47 FSI. Other matters such as providing for pet care facilities and landscaping will be secured through the site plan approval process.

## **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 *consistent* with the Provincial Policy Statement (2014) and *conforms* to policies within the Growth Plan for the Greater Golden Horseshoe (2017) as follows:

### **Provincial Policy Statement**

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well-served by public transit.

Section 1.1 of the PPS focuses on "Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns". Policy 1.1.1 describes how healthy, livable and safe communities are sustained. Policy 1.1.1.a requires that efficient development and land use patterns be promoted which sustains the financial well-being of the Province and municipalities over the long term. Policy 1.1.1.b requires an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long term needs. The proposed development will efficiently use land that is designated *Mixed Use Areas* and further contribute to the housing stock in this area of the City whilst at the same time providing for retail space. The proposal for a mid-rise mixed-use building will assist in diversifying the range and mix of commercial and residential uses within this neighbourhood which is predominantly high-density apartment buildings, low-density housing, and one to two storey commercial buildings.

Policy 1.1.1.e) requires the promotion of cost effective development patterns and standards to minimize land consumption and servicing costs. The proposed development will provide for an efficient use of underutilized land through modest intensification of a site that is already connected to existing municipal services. However, outstanding servicing issues have been identified which will be required to be addressed by the applicant to the City's satisfaction.

Healthy, livable and safe communities are sustained by improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society as per Policy 1.1.1.f). The applicant proposes to meet all accessibility requirements as per the Ontario Building Code and Accessibility for Ontarians with Disabilities Act.

Policy 1.1.2 provides for sufficient land being made available within settlement areas to accommodate a mix of land uses to meet future needs. The proposed mid-rise building intensifies an existing site, assisting the City in meeting its growth objectives.

Policy 1.1.3.1 of the PPS states that "settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The proposed development is situated within the urban area of the City of Toronto on an underutilized site designated for mixed-use development.

Policy 1.1.3.2.a.1), 2) and 5) of the PPS promotes densities and a mix of land uses which efficiently use land, resources, infrastructure and public service facilities and are transit-supportive, where transit is planned, exists or may be developed. The proposed development represents an appropriate development by connecting to existing services and infrastructure and public service facilities in the immediate and surrounding area. The proposed development is in an area well served by bus transit on Dufferin Street and Lawrence Avenue West.

Policy 1.1.3.2.a.4) requires that land use patterns within settlement areas shall be based on densities and a mix of land which supports active transportation. The proposed development will provide connectivity to the sidewalk system and by extension to public transit that surrounds the site. The proposed development will be provided with bicycle storage to promote multi-modal movement.

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.

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.

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 proposed development will provide additional housing units in a development form that contributes to a variety of housing in the neighbourhood. However, the mix of unit types, especially three bedroom units needs to be improved.

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 will have retail frontage on Dufferin Street, thus promoting active frontages at grade that foster social interaction and animation along the Dufferin Street public right-of-way.

The efficient use of transit infrastructure is a key element of provincial policy 1.6.7. 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 strategies, where feasible. The proposed development will make use of the existing road network, avoiding the need for an expansion of the existing transportation networks.

With respect to transportation systems, Policy 1.6.7.4) promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation. The proposed development on a site which is within an Avenue overlay in the Official Plan supports greater pedestrian, cycling, and transit use that will assist in the reduction of car ownership. Bicycle parking would be accommodated on site to facilitate this objective.

Additionally, the subject lands are directly connected to the sidewalk system, providing for pedestrian connectivity and walkability. Dufferin Street is designated as a "Transit Priority Segment" in the Toronto Official Plan's Surface Transit Priority Network, indicating that it is an intended recipient of future transportation infrastructure enhancements depending on Council's funding priorities.

With respect to energy conservation, air quality and climate change, Policy 1.8.1 requires that planning authorities support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in and between residential, employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion. The proposed development represents compact built form that contains both retail and residential uses, and is located in an area in close proximity to other retail and service uses, thus having the potential to minimizing the length and number of vehicle trips and support transit and alternative transportation modes.

### **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, providing a pedestrian friendly environment adjacent to existing frequent bus transit and other public service facilities such as parks.

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 provides a range of unit types, but as noted earlier the unit mix needs to be improved.

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 provide an improved streetscape and provides convenient access to a range of transportation options.

The development supports the Growth Plan's directive to achieve complete communities by contributing to a mix of housing in an intensification area, providing a pedestrian-friendly environment in an area with convenient access to local stores and businesses, public service facilities such as parks, and public transportation, including frequent transit, providing new residential units in a location that will support the use of existing community infrastructure, public open spaces, and public transportation, contribute to a diverse mix and range of land uses within an intensification area that will reduce the need for residents to drive, and provide a compact urban form that will promote community resiliency, reduce greenhouse gas emissions, and result in low impact development to the greater area context.

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 Claver Avenue 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.

Based upon the forgoing analysis, it is concluded that the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe, 2017.

## **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 CR district in the Zoning By-laws. The proposed development will also incorporate at grade

commercial uses that will animate the street. The development will create a balance of commercial and residential uses that represents appropriate intensification of an underutilized site.

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

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 proposed building would have the main residential entrance from Claver Avenue and the retail entrances from Dufferin Street, located so that they are visible and accessible from the public sidewalk. The retail floor space at grade with a height of 4.85 metres will also animate the public sidewalk abutting the site.

A key provision of the Mid-Rise Guidelines pertains to maximum overall height. Buildings on Avenues should be no taller than the width of the Avenue right-of-way, up to a maximum mid-rise height of 11 storeys (36 metres). Dufferin Street has a planned right-of-way width of 27 metres and as such, these guidelines recommend a maximum building height of 27 metres. A height of 26.5 metres is proposed at the roof level of the building, which is consistent with the guideline. The proposal includes a mechanical penthouse, of 5.5 metres which staff consider appropriate given that the Zoning By-law allows a mechanical penthouse to project beyond the maximum permitted height of any building by 5 metres. The mechanical penthouse would also be setback from all four walls of the 8th floor and would fall under the 45 degree angular planes.

The front façade of the building along Dufferin Street would be stepped back at the 7th and 8th levels by 3 metres and 4 metres, ensuring a street wall height that is in proportion with the right-of-way. The proposed building envelope minimizes the shadow impacts to ensure that there would be a minimum of 5 hours of continuous sunlight onto the Claver Avenue sidewalk during the March 21st and September 21st equinoxes. However, the building massing must be revised to provide a step-back above the sixth storey from the north property line, consistent with the Mid-Rise Guidelines. .

To ensure adequate transition in scale to the adjacent low rise residential neighbourhood to the east, a 45-degree angular plane from grade at the rear property line was applied to limit the building mass, as this lot is considered to be a deep lot on an Avenue. The development is entirely under the 45-degree angular plane when measured from the residential neighbourhood to the east.

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 4.85 metre height will be provided at-grade for the commercial uses and residential lobby, which will contribute to an animated streetscape. The 2nd

floor is proposed to cantilever 0.4 metres over the ground floor from north to south along Dufferin Street, and west to east along Claver Avenue, to provide weather protection for pedestrians. Additionally, and consistent with the Mid-Rise guidelines, the first five levels above the retail uses along Dufferin Street will contain inset balconies in order to eliminate street projections, reduce the appearance of bulk, and enhance the pedestrian environment. Levels 7 and 8 will be stepped back by 3 metres and 4 metres, which will provide for a recessed and articulated design, and will also provide visual interest and improved massing along the Dufferin Street frontage.

The proposed development density of 3.47 FSI is acceptable given the careful consideration of massing and built form, the absence of any significant off site impacts, and the fact that the development can be adequately accommodated on the site. However a further reduction in density will be required to address the massing issue identified above which is a step back above the sixth floor to minimize the extent of a blank wall along the north building elevation. The proposed building massing and setback along the eastern edge of the property is also required to be addressed to ensure an appropriate transition to the residential homes further east.

In summary, the proposal, subject to further massing improvements, creates an appropriate transition in scale to neighbouring properties, generally meets the built form criteria in the Official Plan and implements the Official Plan objectives of ensuring that buildings fit within their context and minimize their impacts.

### **Shadow Impacts**

Official Plan policies 3.1.2(3) and 4.5(2)(d) place an emphasis on adequately limiting shadowing on adjacent lower-scaled Neighbourhoods. From a policy perspective, the Plan requires an assessment of the shadow impacts at the spring and fall equinoxes (March 21st and September 21st) and on the summer solstice (June 21st).

The applicant has submitted a sun/shadow study to examine the shadows cast by the proposed development onto the surrounding area. The proposed building has been designed and located to address shadow impacts on adjacent properties. The sun/shadow study indicates that there will not be any shadowing on any properties to the east of the site designated *Neighbourhoods* for the 5-hour period between the hours of 9:18 a.m. and 2:18 p.m. during the spring and fall equinoxes. Incremental shadowing would be produced on the *Neighbourhoods* designated properties generally between the hours of 3:18 p.m. and 6:18 p.m. Overall, given its design and adherence to a 45 degree angular plane, the proposal adequately limits shadow impact on the surrounding lands.

### **Wind Impacts**

The applicant submitted a wind study for the proposed development to examine the wind patterns caused by the proposed eight storey building. The wind study concluded that surrounding sidewalks, walkways, building access points, and existing and future

outdoor amenity areas and green spaces will experience appropriate wind conditions throughout the year. Under strong or gusty wind conditions, with wind from specific directions, higher than average ground level winds will be encountered at the windward corners of the building, particularly with westerly and southerly winds, although these areas are expected to remain suitable to the intended purpose. Overall, comfort conditions on the site are considered better than those required to suit the urban context. Additional wind mitigation is not required.

### **Amenity Space**

Outdoor amenity space would be provided by way of private balconies and terraces as well as shared rooftop space. A total of 353 square metres of outdoor amenity space would be provided on the rooftop and 191 square metres of indoor amenity space would be distributed within two rooms on the ground and second floors of the building. Based on 104 units, 208 square metres of both indoor and outdoor amenity space is generally required. The amount of proposed indoor and outdoor 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% 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 above grade building permit.

### **Residential Unit Mix**

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 recommend in new multi-unit residential developments.



The proposed overall unit breakdown consists of 9.6% studio units, 49% one-bedroom units, 36.6% one-bedroom plus den units and 8.5% two-bedroom 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.

### **Avenue Segment Study**

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. Growth is not intended for all sites identified along Avenues. As per policy 2.2.3.4 of the Plan, where a portion of an Avenue is designated *Neighbourhoods* the policies of Chapter 4 of the Plan will prevail to ensure that any new development respects and reinforces the physical character of the established neighbourhoods.

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. If a development application is located on an Avenue that has not undergone an Avenue study, the applicant is required to submit a segment review to illustrate that the proposed development would not set a negative precedent along the Avenue. 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 the subsequent development of the entire Avenue segment will have no adverse impacts within the context and parameters of the review.

The proposal's height and revised density will not set a negative precedent on the Avenues and will not have an adverse impact on the surrounding community. The proposal is consistent with the built form policies of the Official Plan and in keeping with the Mid-Rise Building Guidelines set out by the Avenues and Mid-Rise Buildings Study. Therefore, following the improvements achieved for this site and the additional recommended improvements outlined in this report, further review through an Avenue Segment Study is not deemed to be necessary for this proposal.

### **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 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.

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

An Urban Transportation Considerations Report prepared by BA Group, dated December 2016 was submitted to the City. The consultant estimates that the project will generate approximately 25 and 30 two-way trips during the a.m. and p.m. peak hours, respectively. It was concluded that traffic associated with the proposed development can be acceptably accommodated on the existing area road network. Site traffic impacts at the intersection of Dufferin Street / Claver Avenue are minor and will not result in significant volume increases on Claver Avenue. The Transportation Considerations Report has been accepted by Transportation Services staff. Staff will explore Transportation Demand Management (TDM) strategies with the applicant to reduce reliance on the automobile.

All vehicular access to the site for parking and loading will be provided via Claver Avenue to the rear of the property. An on-site pick-up and drop-off area is proposed on the west side of the driveway. Transportation Services staff find the proposed location of the driveway is generally acceptable.

With respect to parking, a total of 102 parking spaces are proposed to be provided in two levels of underground parking. This includes 83 spaces for residents, 15 for visitors, and 4 retail spaces. Transportation Services staff note that in principle, the proposed parking supply is acceptable. However, based on the current plan, two parking spaces appear to be obstructed. In order for these spaces to count towards the parking supply, they must be widened by 0.3 metre, with the dimensions labeled as such. Revised underground parking plans are required to be submitted, to the satisfaction of the Executive Director, Engineering & Construction Services, prior to LPAT approval of the Zoning By-law Amendment.

Regarding bicycle parking spaces, a total of 112 bicycle parking spaces are proposed to be provided. This includes 98 spaces for residents, and 14 for visitors. A total of 58 bicycle parking spaces would be provided on the P1 level, 40 spaces on the ground floor, and 14 at grade. 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.

### **Servicing**

A Functional Servicing Report and a Stormwater Management Report were submitted in support of the application. Engineering and Construction Services staff have reviewed the reports and require revisions to both reports to address sanitary sewer capacity and groundwater issues. 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. There are future Basement Flooding improvements proposed by the City along the southern frontage of the site on Claver Avenue that are currently earmarked for 2021-2024. The proposed work should be coordinated with the proposed development.

City staff recommend that the City Solicitor request the LPAT to not issue the zoning by-law order, 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.

### **Solid Waste Management**

The project has been designed to provide compacted garbage, recycling and organic collection services within the building. Collection of waste materials will be in accordance with the City requirements from 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. Separate waste and recycling containers are to be utilized and it will be necessary for the retail component to have these bins identified as "Retail Waste Only".

The Type G loading space can be used by both residential and commercial components, however, the commercial component must arrange for their collection days to be scheduled to be opposite days from those of the residential collection days.

### **School Capacity**

The Toronto District School Board (TDSB) advises that there is insufficient space at the local schools to accommodate the students anticipated from this proposed development. The status of local school accommodation should be conveyed to potential purchasers as well as communicated to the existing community to inform them that children from 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 TDSB. This advisory comment will be included as a condition of site plan approval.

The Toronto Catholic District School Board (TCDSB) was circulated and advises that the development as proposed has no impact on TCDSB sites and therefore have no concerns.

## **Pet Friendly Design Features**

Given the current rise in dog population, the applicant is expected to provide on-site dog off-leash amenities with proper disposal facilities for the building residents or dog relief stations within the building. This will help to alleviate some of the pressure on the existing neighbourhood parks. This requirement will also be included as a condition of site plan approval.

## **Streetscaping**

The applicant has complied with staff's request for improved streetscaping design along the Dufferin Street frontage, which includes an enhanced building façade, 3 metre building setback and wider sidewalk. TTC requirements for a longer bus platform as well as visibility and safety concerns prevents the planting of two proposed trees, but three new City trees will be accommodated along the Dufferin Street frontage. Five new street trees are also proposed along the Claver Avenue frontage.

## **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 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.

The early co-ordination of utilities and other infrastructure elements with the soil volume and air space required to permit the growth of large growing trees is particularly important. The conditions for tree planting must be considered integral to the design, planning and construction of projects.

There are no City owned trees on site or privately owned trees on site protected under By-law 813.

Eight new trees are proposed for the public right of way on the site plan along Dufferin Street and Claver Avenue. Urban Forestry staff are generally satisfied with the proposal.

## **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 through the 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 to be secured through the zoning by-law process: 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.

## **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. Section 37 benefits are triggered by projects that exceed a threshold of 10,000 square meters of gross floor area (gfa). As the proposed development has a total gfa of 7,021 square meters, it is not subject to Section 37 provisions of the planning Act.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2017). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to policies for development in *Mixed Use Areas*, and the proposed built form is compatible with adjacent properties designated *Neighbourhoods*.

This proposal would provide moderate intensification in a built form compatible with the surrounding context. Staff recommend that the City Solicitor, City Planning staff and other appropriate City staff attend the LPAT hearing to support the proposal for 3019 Dufferin Street, subject to outstanding matters contained in this report being addressed to the satisfaction of the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor.

## **CONTACT**

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E-mail: Ben.DiRaimo@toronto.ca

## **SIGNATURE**

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Joe Nanos, Director  
Community Planning, North York District

## **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: 3019 DUFFERIN STREET Date Received: December 16, 2016

Application Number: 16 268010 NNY 15 OZ

Application Type: Rezoning

Project Description: Proposal for an 8-storey mixed-use building containing 102 dwelling units with a total gross floor area of 7,021m<sup>2</sup> (3.47 times the area of the lot). Also proposed is 412m<sup>2</sup> of retail on the ground floor, 191m<sup>2</sup> of indoor amenity, 353m<sup>2</sup> of outdoor amenity, and two levels of underground parking comprised of 102 vehicular parking spaces and 112 bicycle spaces.

Applicant	Agent	Architect	Owner
Bousfields Inc. 3 Church Street, Suite 200, Toronto, ON M5E 1M2	Tony Volpentesta Bousfields Inc. 3 Church Street, Suite 200, Toronto, ON M5E 1M2	Architecture Unfolded 219 Dufferin Street, Suite 201B, Toronto, ON M6K 1Y9	Pauline Centre Corporation 30 Wertheim Court, Suite 23, Toronto, ON L4B 1B9

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR 1.0 (c1.0; r1.0) SS3 (x2620)	Heritage Designation:	N
Height Limit (m):	10.5	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 2,020                      Frontage (m): 38                      Depth (m): 56

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	332	0	699	699
Residential GFA (sq m):			6,609	6,609
Non-Residential GFA (sq m):	664	0	412	412
Total GFA (sq m):	664	0	7,021	7,021
Height - Storeys:	2		8	8
Height - Metres:	8		26	26

Lot Coverage Ratio ( % ): 34.58 Floor Space Index: 3.47

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 6,609

Retail GFA: 412

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			104	104
Other:				
Total Units:			104	104

Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:					
Total Units:		10	89	5	

Parking and Loading

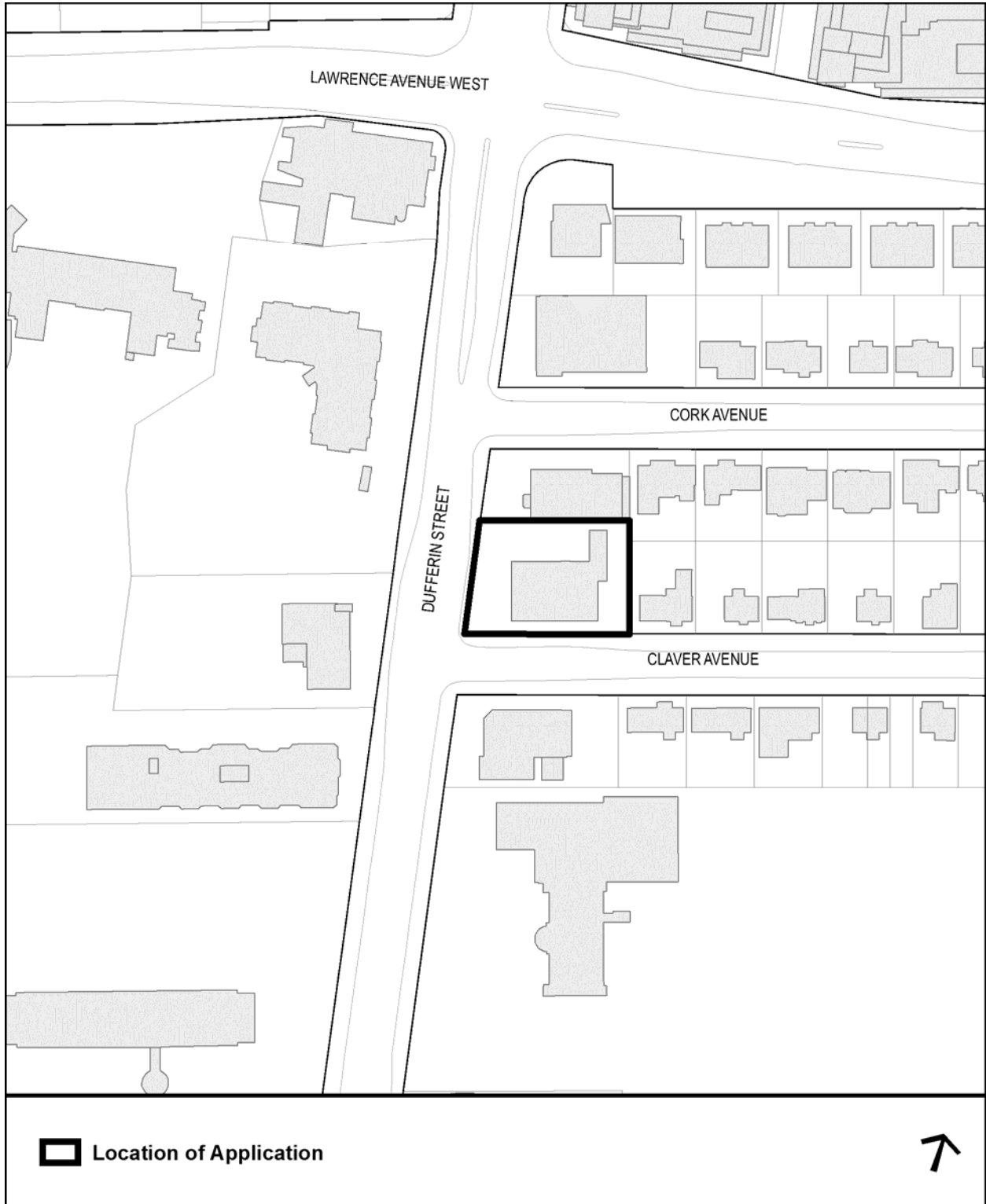
Parking Spaces:	102	Bicycle Parking Spaces:	112	Loading Spaces:	1
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CONTACT:

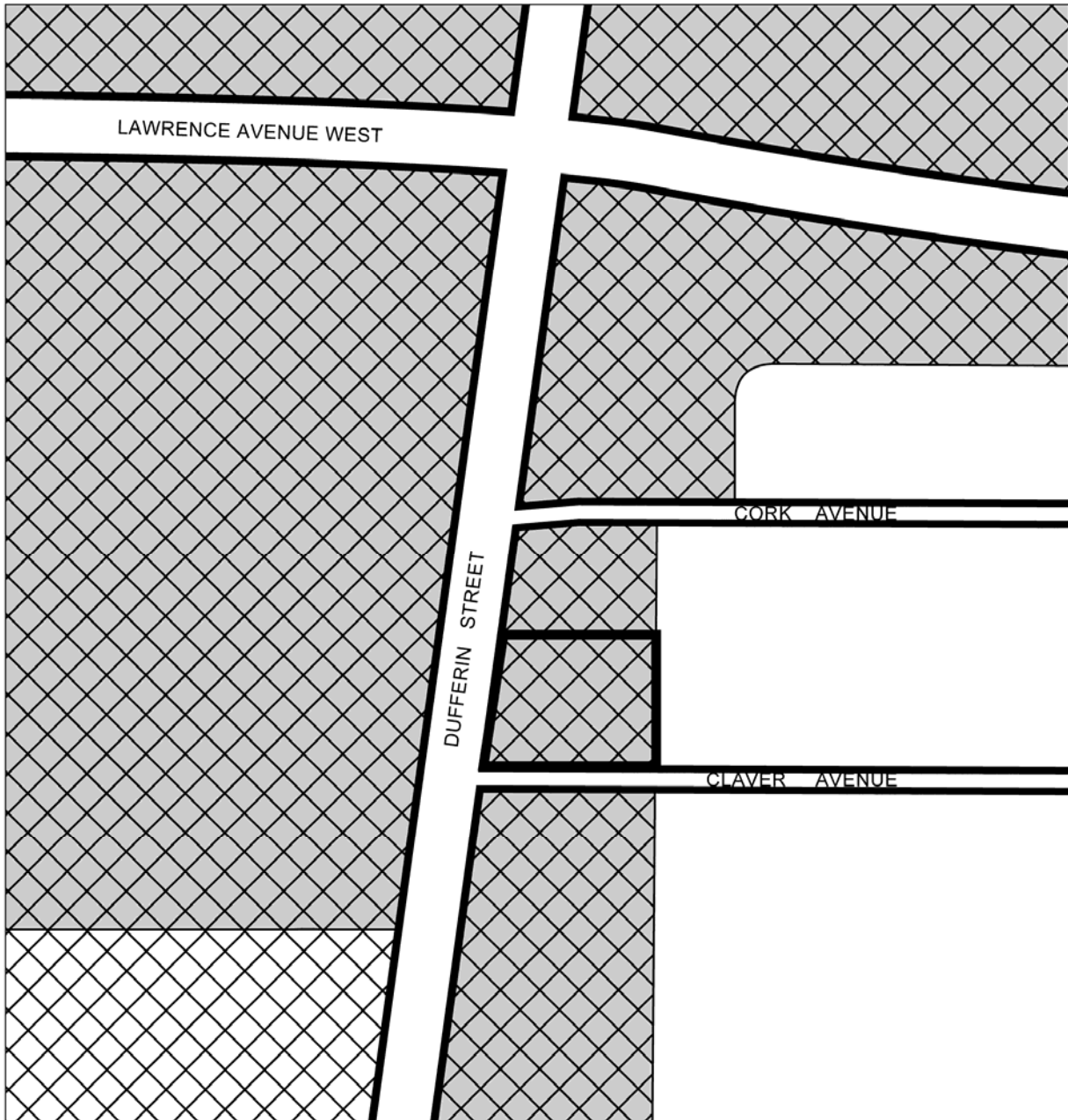
Ben DiRaimo, Senior Planner, Community Planning  
 (416) 395-7119  
 Ben.DiRaimo@toronto.ca



Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



 **TORONTO**  
Extract from Official Plan

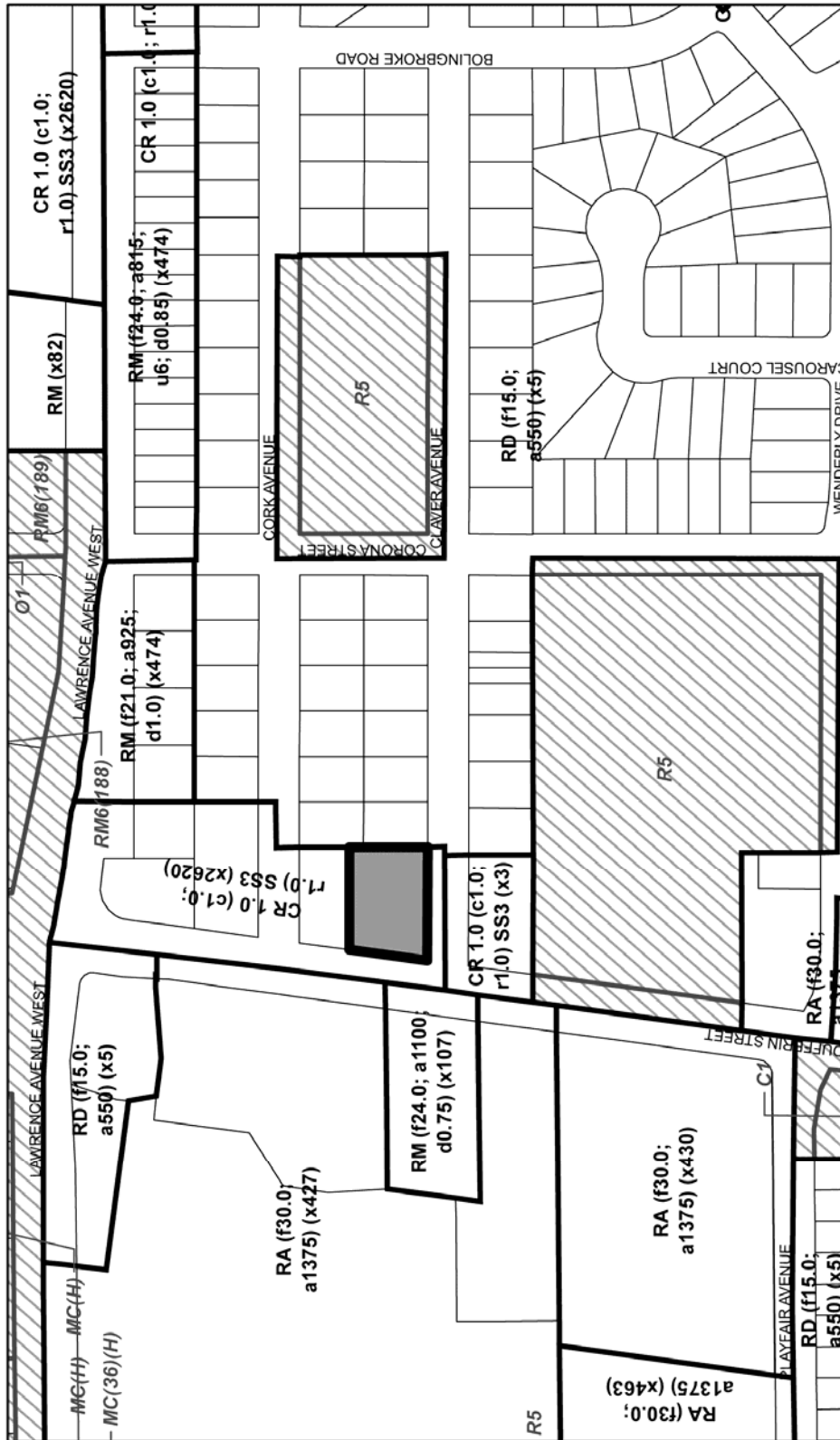
3019 Dufferin Street

File # 16 268010 NNY OZ

-  Site Location
-  Neighbourhoods
-  Apartment Neighbourhoods
-  Mixed Use Areas

  
Not to Scale  
03/29/2017

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



**Toronto**  
**Zoning By-Law No. 569-2013**

**3019 Dufferin Street**  
**File # 17 268010 NMY OZ**

**Location of Application**

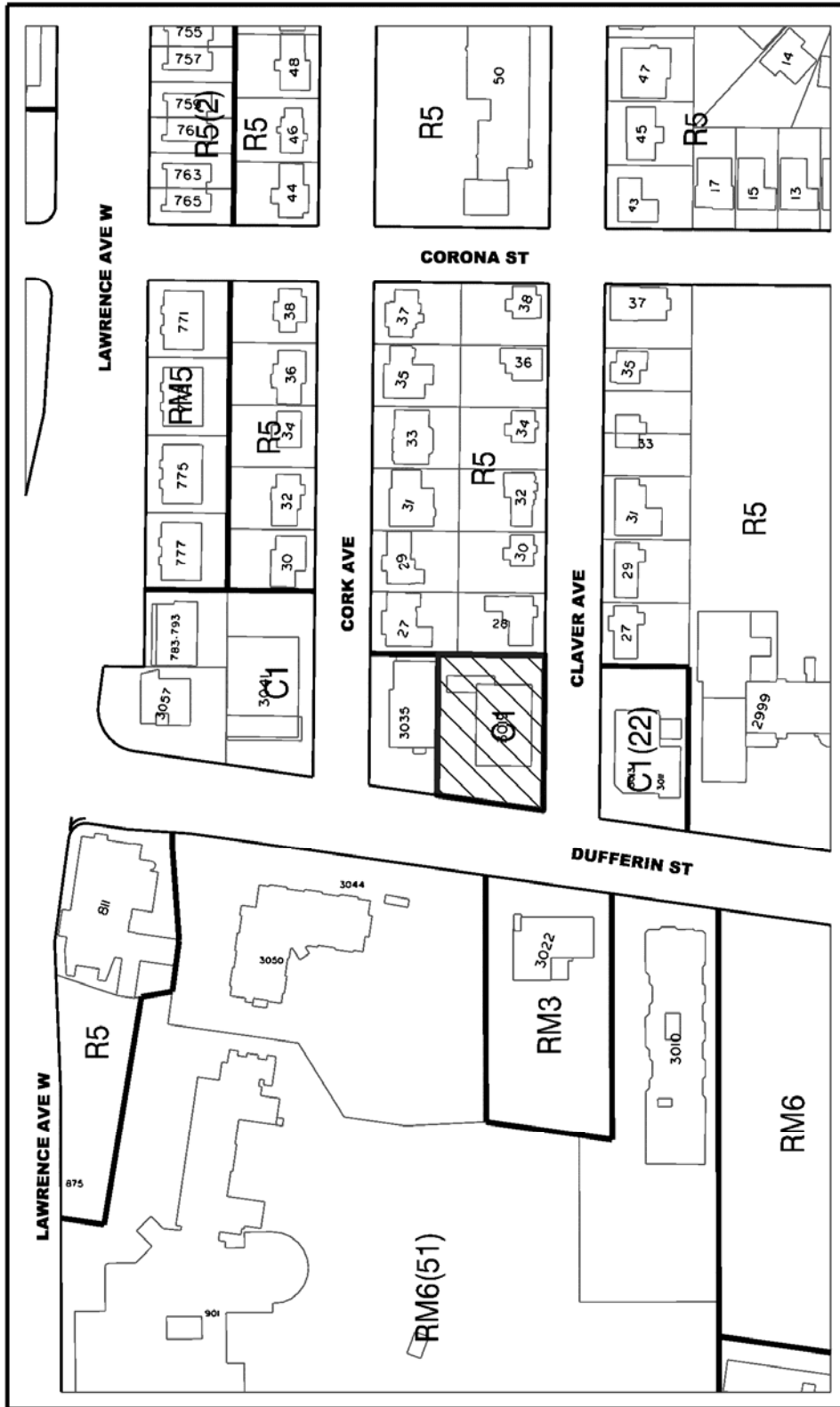
- Residential Detached
- Residential Multiple
- Residential Apartment
- Commercial Residential
- Open Space Recreation

**See Former City of North York By-Law No. 7625**

- R5 One-Family Detached Dwelling Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone
- MC Industrial-Commercial Zone

Not to Scale  
 Extracted: 03/29/2017

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



**Toronto**  
 Zoning By-Law No. 7625

**Toronto**  
 Zoning By-Law No. 7625

- R5 One-Family Detached Dwelling Fifth Density Zone
- RM3 Multiple-Family Dwellings Third Density Zone
- RM5 Multiple-Family Dwellings Fifth Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone

- C1 General Commercial Zone
- O1 Open Space Zone

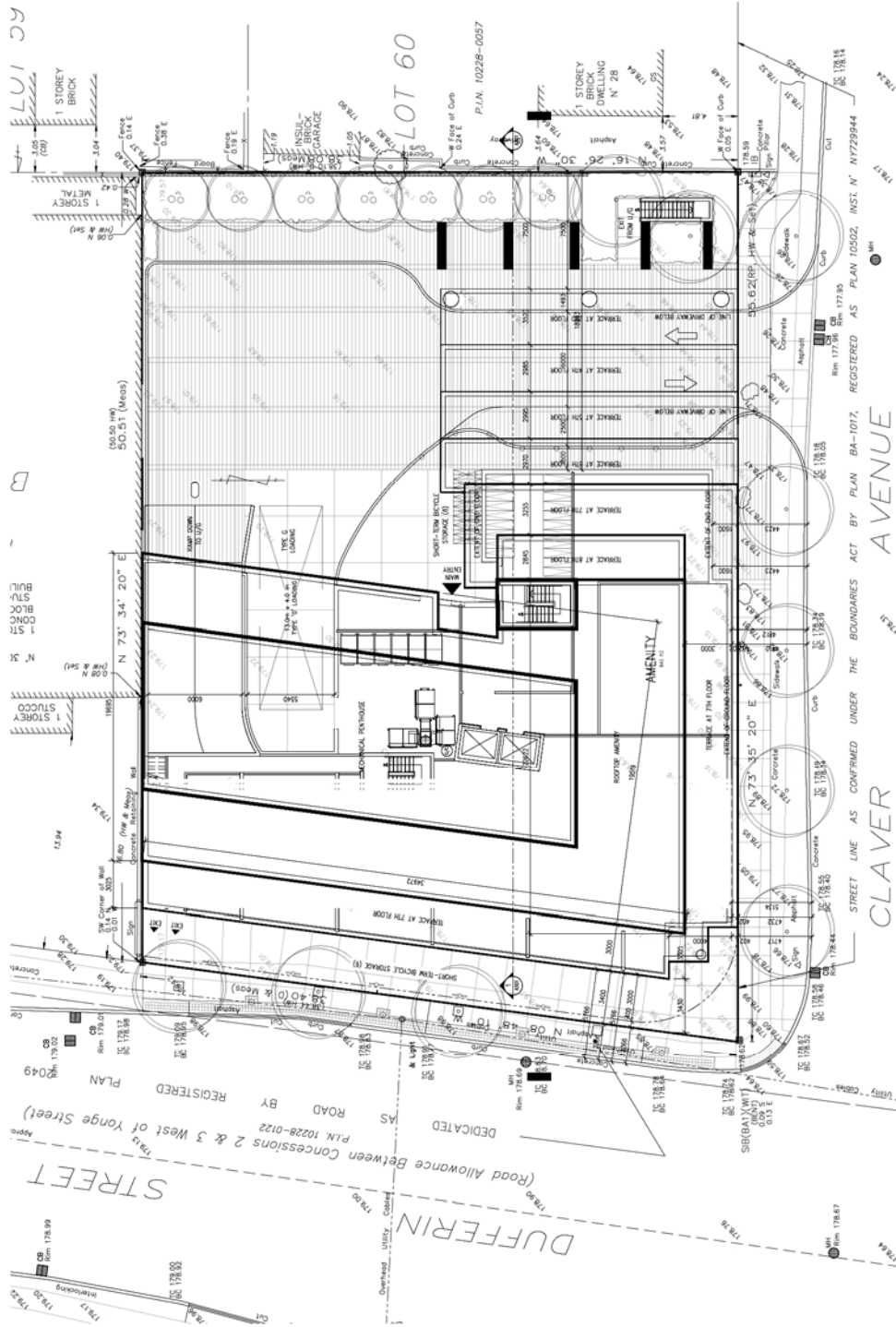
 Location of Application

**Toronto**  
 Zoning By-Law No. 7625

3019 Dufferin Street  
 File # 16 268010 MNY OZ

↑  
 Not to Scale  
 Extracted 03/29/2017

Attachment 6: Site Plan



3019 Dufferin Street

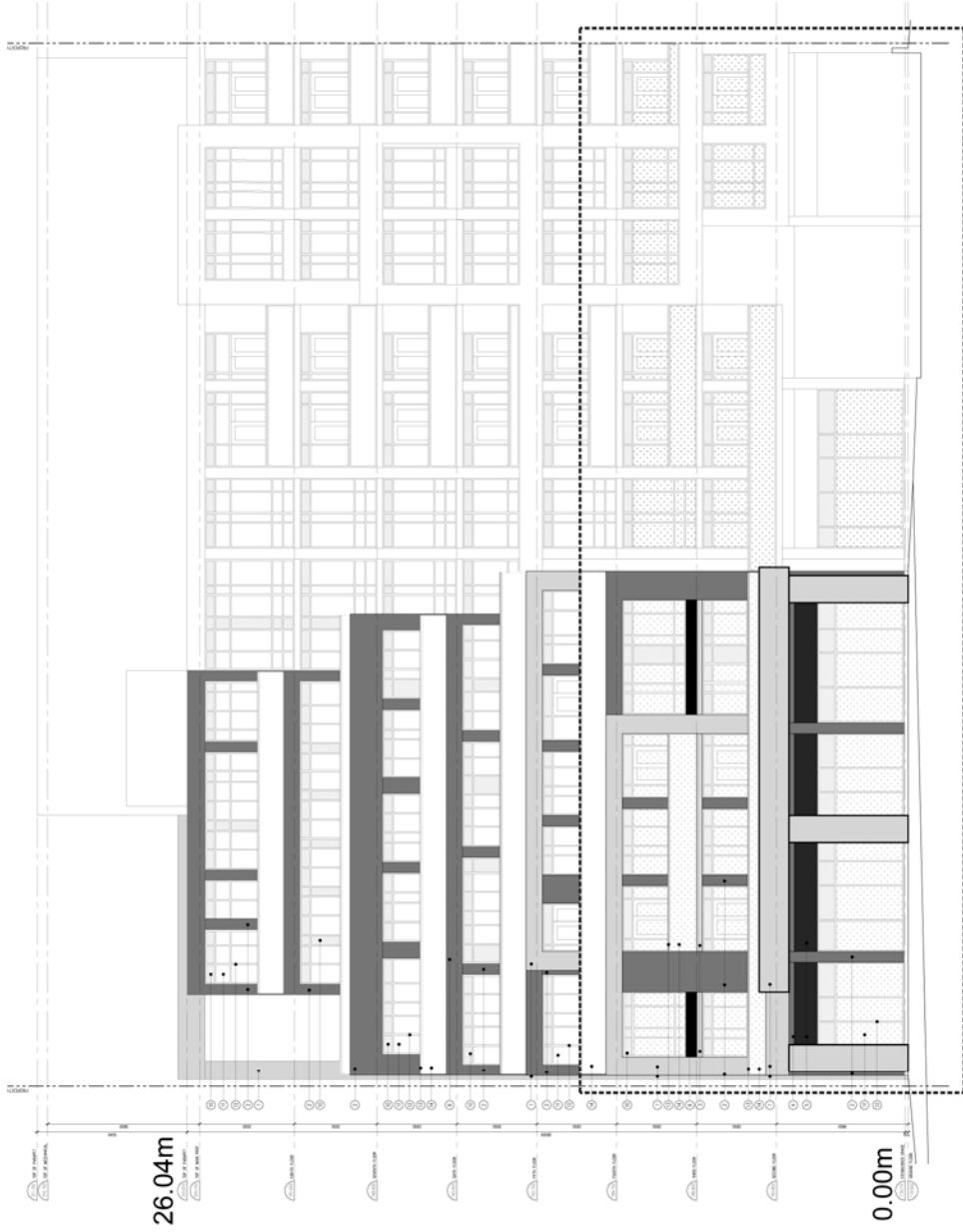
File # 16 268010 NNY 15 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale  
06/18/2018

Attachment 7: East Elevation



3019 Dufferin Street

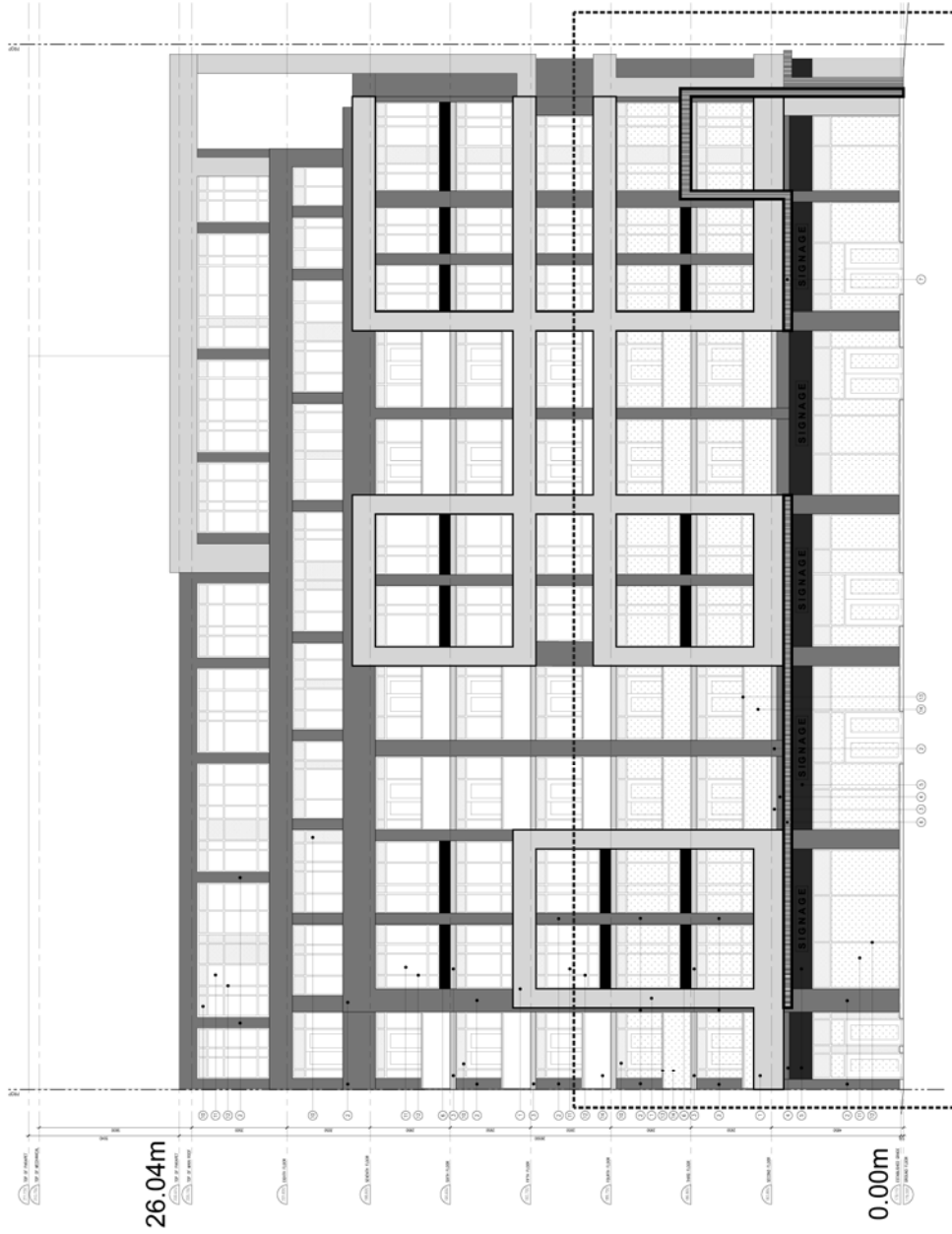
File # 16 268010 NNY 15 02

East Elevation

Applicant's Submitted Drawing

Not to Scale  
06/18/2018

Attachment 8: West Elevation



3019 Dufferin Street

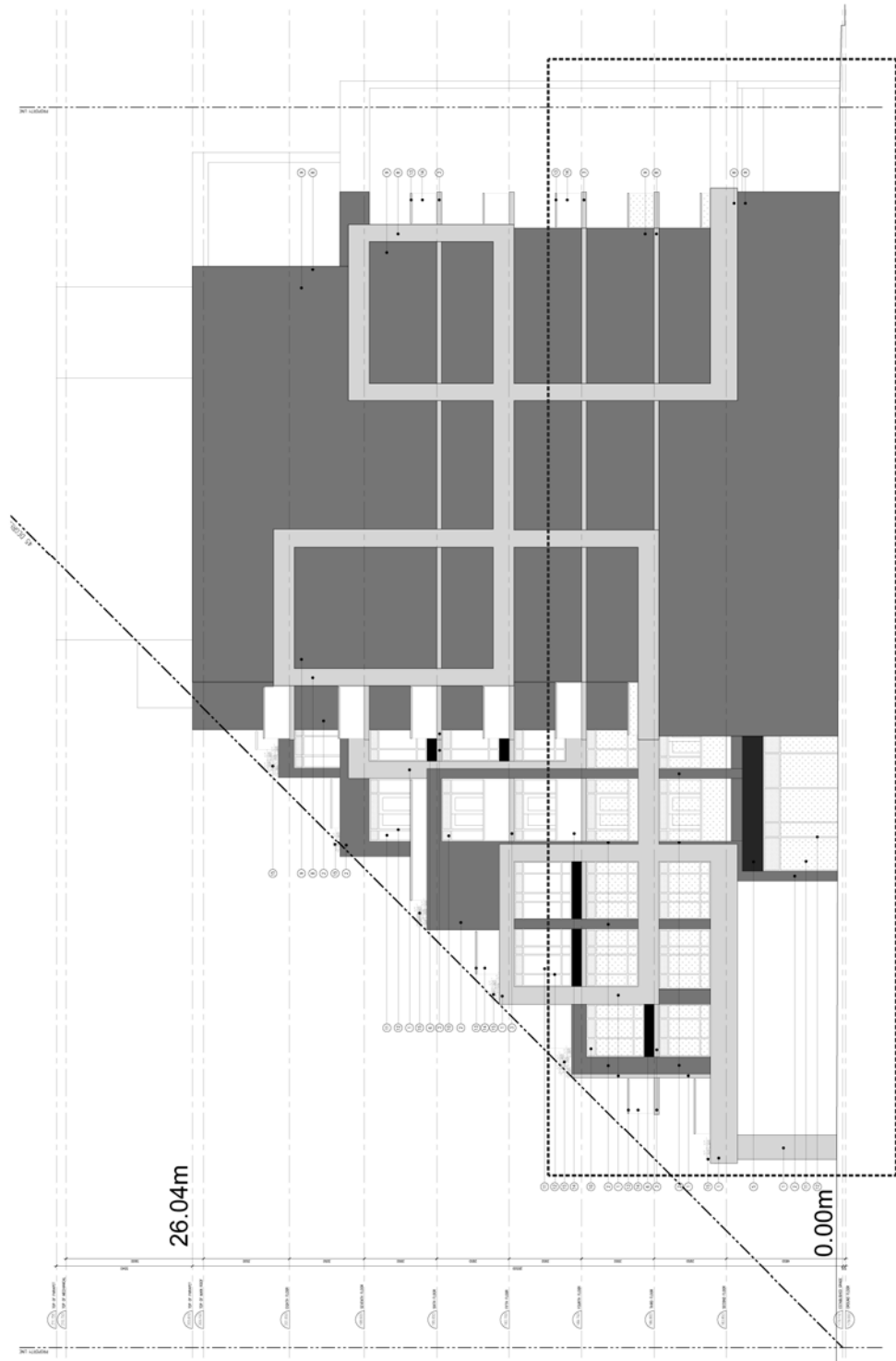
File # 16 268010 NNY 15 0Z

West Elevation

Applicant's Submitted Drawing

Not to Scale  
06/18/2018

Attachment 9: North Elevation



3019 Dufferin Street

File # 16 268010 NMY 15 0Z

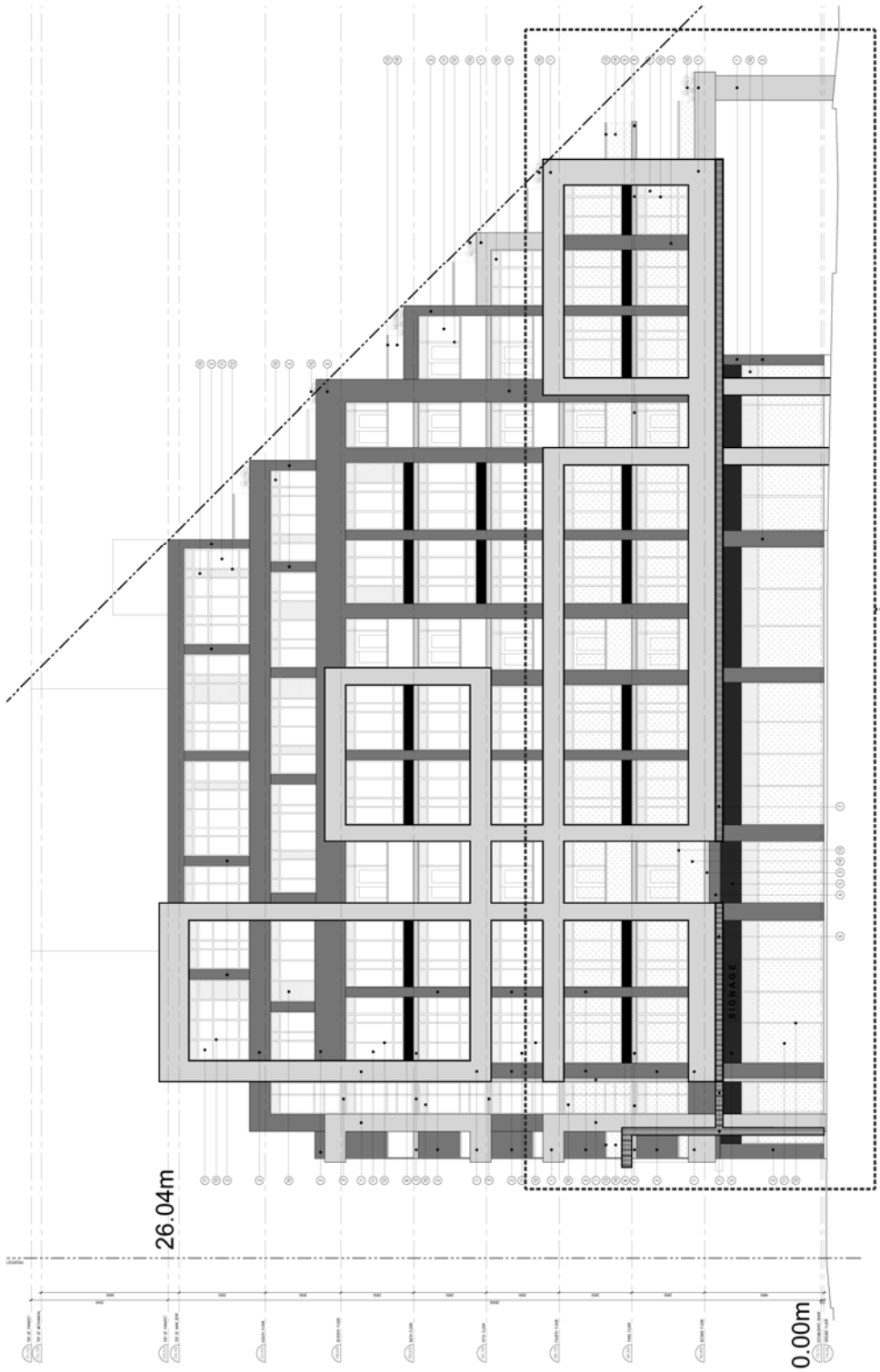
North Elevation

Applicant's Submitted Drawing

Not to Scale  
06/18/2018



Attachment 10: South Elevation



3019 Dufferin Street

File # 16 268010 NMY 15 0Z

South Elevation

Applicant's Submitted Drawing

Not to Scale  
06/18/2018