

## **4125 - 4133 Dundas Street West – Zoning By-law Amendment, Rental Housing Demolition and Conversion and Removal of an "H" (Holding Symbol) Applications – Final Report**

Date: January 28, 2019

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 3 (Etobicoke-Lakeshore) (Formerly Ward 5)

**Planning Application Number:** 16 110541 WET 05 OZ and 16 110555 WET 05 RH

### **SUMMARY**

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The Zoning By-Law Amendment application proposes to amend the Etobicoke Zoning Code (amending By-law No. 717-2006) and to lift the Holding Provision "(h)" from the site to permit an 8-storey (31.9 m in height, including the mechanical penthouse) residential building with 114 units (including 12 proposed replacement rental dwelling units and 10 at grade residential units integrated into the building podium) and a below grade parking garage at 4125-4133 Dundas Street West. The proposed development would include a residential gross floor area of 9,868 m<sup>2</sup> representing an overall building density of 3.29 times the lot area.

The applicant is proposing to demolish three existing buildings on the site including one 3-storey residential rental building with 6 rental dwelling units, one 2-storey mixed-use building with 6 rental dwelling units and one commercial building.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted to permit the demolition of the 12 existing rental dwelling units at 4125-4133 Dundas Street West. The applicant has proposed to replace all existing rental dwelling units within the proposed building and provide tenant relocation and assistance to all eligible tenants.

The proposal is appropriate for the site and is compatible with the existing surrounding area and the planned context. Further, the proposal is consistent with the pattern and scale of redevelopment along Dundas Street West in this area and represents appropriate intensification and built form on an *Avenue*. The proposed development conforms to Site and Area Specific Policy 277, the Dundas Street West Avenue Area Urban Design Guidelines and supports the vision of the Dundas Street West Avenue Study.

The proposed development is *consistent* with the Provincial Policy Statement (2014), *conforms* with the Growth Plan for the Greater Golden Horseshoe (2017) and conforms to the City of Toronto Official Plan.

Staff recommend lifting of the “H” Holding Symbol from the site as conditions pertaining to availability of all road improvements, infrastructure, servicing and school capacity to accommodate the proposed development are satisfied.

This report reviews and recommends approval of the application to amend the Zoning By-law and lifting of the "H" Holding Symbol from the site as set out in Attachment 5 to this report. Further, this report reviews and recommends approval of the application for Rental Housing Demolition Application under Section 111 of the *City of Toronto Act*, subject to conditions.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend the former City of Etobicoke Zoning Code (amending By-law No. 717-2006) for the lands at 4125-4133 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No.5 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the Planning Act to secure the following matters:
  - a. The owner shall provide and maintain not less than 12 replacement rental dwelling units, comprised of 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units and 1 three-bedroom unit, at 4125 - 4133 Dundas Street West for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated July 11, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - b. The owner shall provide at least 2 bachelor, 3 one-bedroom, and 4 two- bedroom replacement rental dwelling units at affordable rents, for a period of at least 10 years and at least 2 two-bedroom and 1 three bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied;

- c. The owner shall provide ensuite laundry in all replacement rental dwelling units;
- d. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;
- e. The owner shall provide tenants of the replacement rental dwelling units access to all the indoor and outdoor amenity spaces in the building on the same terms and conditions as the occupants of the remainder of the building;
- f. The owner shall provide tenants of the replacement rental dwelling units with access to at least 6 residential vehicle parking spaces, with returning tenants who were using one of the existing resident parking spaces receiving first priority, and bicycle parking spaces equal to the same ratio as bicycle parking spaces required to be provided for occupants of the remainder of the building;
- g. The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the Residential Tenancies Act, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- h. The owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in Recommendations 3.a. to g. above and as detailed in the Draft Zoning By-law Amendment (Attachment No. 5) to the report from the Director, Community Planning, Etobicoke York District dated January 28, 2019, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

4. City Council approve the application for a Rental Housing Demolition permit in accordance with Municipal Code Chapter 667 to allow the demolition of 12 existing rental dwelling units at 4125-4133 Dundas Street West subject to the following conditions:

- a. The owner shall provide and maintain not less than 12 replacement rental dwelling units, comprised of 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units and 1 three-bedroom unit, at 4125 - 4133 Dundas Street West for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated July 11, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning;

b. The owner shall provide at least 2 bachelor, 3 one-bedroom, and 4 two-bedroom replacement rental dwelling units at affordable rents for a period of at least 10 years and at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date that each replacement rental dwelling unit is first occupied;

c. The owner shall provide ensuite laundry in all replacement rental dwelling units;

d. The owner shall provide storage lockers to all tenants of the replacement rental dwelling units;

e. The owner shall provide tenants of the replacement rental dwelling units access to all the indoor and outdoor amenity spaces in the building, on the same terms and conditions as the occupants of the remainder of the building;

f. The owner shall provide tenants of the replacement rental dwelling units with access to at least 6 residential vehicle parking spaces with returning tenants who were using one of the existing resident parking spaces receiving first priority, and bicycle parking spaces equal to the same ratio as bicycle parking spaces required to be provided for occupants of the remainder of the building;

g. The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out in the *Residential Tenancies Act*, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

h. The owner shall enter into and register on title one or more Agreement(s) to secure the conditions outlined in Recommendations 4.a. to g. above and as detailed in the Draft Zoning By-law Amendment (Attachment No.5) to the report from the Director, Community Planning, Etobicoke York District dated January 28, 2019, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning including an agreement pursuant to Section 111 of the *City of Toronto Act*, 2006.

5. City Council authorize the Chief Planner and Executive Director, City Planning to issue a preliminary approval for the application under Municipal Code Chapter 667 for the demolition of the 12 rental dwelling units at 4125 - 4133 Dundas Street West after all of the following have occurred:

- a. Satisfaction or securing of the conditions in Recommendations 3 and 4 above;
  - b. The Zoning By-law Amendment has come into full force and effect;
  - c. The issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or his designate, pursuant to Section 114 of the *City of Toronto Act*, 2006;
  - d. The issuance of excavation and shoring permits for the approved redevelopment of the site; and
  - e. The execution and registration of a Section 37 Agreement pursuant to the *Planning Act* securing Recommendations 4.a. to g. above and any other requirements of the Zoning By-law Amendment.
6. City Council authorize the Chief Building Official to issue a Rental Housing Demolition permit under Municipal Code Chapter 667 for 4125-4133 Dundas Street West after the Chief Planner and Executive Director, City Planning has given the preliminary approval referred to in Recommendation 5 for the demolition of the existing 12 rental dwelling units.
7. City Council authorize the Chief Building Official to issue a permit under Section 33 of the *Planning Act* for the demolition of 12 existing residential units at 4125-4133 Dundas Street West no earlier than the issuance of the first Building Permit for excavation and shoring of the development and after the Chief Planner and Executive Director, City Planning has given the preliminary approval referred to in Recommendation 5, which permit may be included in the demolition permit for Chapter 667 under 363-11.1, of the Municipal Code, on the condition that:
- a. The owner erect a residential building on site no later than (three) 3 years from the day demolition of the buildings is commenced; and
  - b. Should the owner fail to complete the new building within the time specified in Recommendation 7(a) above, the City Clerk shall be entitled to enter on the collector's roll, to be collected in a like manner as municipal taxes, the sum of twenty thousand dollars (\$20,000.00) for each dwelling unit for which a demolition permit is issued, and that each sum shall, until payment, be a lien or charge upon the land for which the demolition permit is issued.
8. City Council authorize the appropriate City officials to take such actions as are necessary to implement the foregoing, including execution of the Section 111 Agreement.
9. The following is required to be secured through a Site Plan Agreement:

- a. The owner shall construct and maintain the development in accordance with the Tier 1 performance measures of the Toronto Green Standard.
- c. The owner shall satisfy the requirements of the Toronto District School Board regarding warning clauses and signage with respect to school accommodation issues.
- d. The owner shall address and secure other matters including: wind study requirements, road widenings and conveyance, streetscaping improvements, and the design/location of the TTC bus shelter through the Site Plan process.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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An Avenue Study was conducted for the portion of Dundas Street West between Royal York Road and the Humber River that included the subject lands. The Dundas Street West Avenue Study was completed in the Spring of 2006, and City Council adopted the Final Report that included an Official Plan Amendment, Zoning Bylaw, Urban Design Guidelines, and a Holding By-law, at its meeting on July 27, 2006. The implementing By-laws are No. 716-2006 and Official Plan Amendment No. 277 that created Site and Area Specific Policy No. 277 (SASP 277). A link to Zoning By-law No. 717-2006 can be found at: <http://www.toronto.ca/legdocs/bylaws/2006/law0717.pdf>

Minor Variance Decision # A23/03E, approved several variances for the adjacent residential building to the west at 25 Earlington Avenue (formerly known as 4135 Dundas Street West). One of the variances approved by the Committee of Adjustment was to permit a west side yard building setback of 0 m and east side yard building setbacks of 2.6 m above grade and 0.5 m below grade in lieu of the minimum required side yard building setback of 10.8 m. Approval was also granted for a building height of 19.6 m measured to the top of the main roof and 25.6 m measured to the top of the mechanical room in lieu of the maximum permitted building height of 14 m.

A pre-application consultation meeting was held on October 5, 2015 with the applicant to discuss complete application submission requirements. The current application was submitted on January 29, 2016 and deemed complete on February 26, 2016. A Preliminary Report on the applications was adopted by Etobicoke York Community Council on June 14, 2016 authorizing staff to conduct a community consultation meeting with an expanded notification area.

## ISSUE BACKGROUND

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### Proposal

#### Current Proposal

The applicant is proposing to demolish three existing buildings on the site (one 3 storey residential rental building with 6 rental dwelling units, one 2-storey mixed-use building with 6 rental dwelling units and one 1-storey commercial building) and to construct a new stepped 8-storey building with a height of 26.9 m (31.9 m including the mechanical penthouse) (see Attachment 1: Application Data Sheet). The total gross floor area of the proposal would be 9,868 m<sup>2</sup>. The proposed overall density would be 3.29 times the area of the lot.

The proposed building would provide progressive setbacks down from 8-storeys to the ground floor. The building would generally be setback 2.0 m from the street line on Dundas Street West and would step back a further 1.50 m at a height of 13 m.

The setback between the proposed building and the rear property line progressively increases through terracing from the 1st to the 8th storey. A rear yard setback of 8.4 m at the ground floor increasing to a *setback* of 26 m at the 8th storey is proposed. A rear landscaped strip is also proposed.

The west façade of the proposed building would face the existing mid-rise building to the west at 25 Earlington Avenue with a continuous setback of 7.5 m. A minimum window-to-window separation distance of greater than 10 m is proposed between the two buildings.

The proposal would also have various setbacks and setbacks along Kingsway Crescent. The proposed east side yard setback ranges from 0.50 m to 2.49 m with differing setbacks per storey.

The development would have 230 m<sup>2</sup> of outdoor amenity space located on the roof top and 287 m<sup>2</sup> of indoor amenity space fronting Dundas Street West and adjoining the residential lobby. The development would include 257 m<sup>2</sup> of green roof space. Terraces and balconies are also proposed throughout the building.

The residential entrance and the lobby area would be located at the northeast corner of the proposed building fronting the Old Dundas Street, Kingsway Crescent and Dundas Street West intersection. The building would have a partial mezzanine level between the ground and second floor of the building to provide ten 1.5 storey at-grade units integrated into the building and accessed internally and externally.

The proposed development would contain 114 residential units (including 12 proposed replacement rental dwelling units). The development would consist of 2 bachelor units (2%), 44 one-bedroom units (39%), 57 two-bedroom units (50%) and 11 three-bedroom units (10%). Of these, 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units, and 1 three-bedroom unit would be replacement rental dwelling units.

The Rental Housing Demolition and Conversion Application proposes the demolition and replacement of all 12 existing rental dwelling units located at 4125-4133 Dundas Street West within the new residential building as part of the proposed redevelopment of this site.

Table 1: Proposed Unit Breakdown

Unit Type	Rental Replacement Units	New Market Rental Units	Total
Bachelor	2	0	2
1 - Bedroom	3	41	44
2 - Bedroom	6	51	57
3- Bedroom	1	10	11
Total	12	102	114

The replacement rental dwelling units would be located on the second floor of the proposed 8-storey residential building and would be at least the same unit type and size as the existing rental dwelling units.

The existing curb cuts along the Dundas Street West portion of the site would be eliminated and vehicular access to the site would be provided by a 6 m private driveway from Kingsway Crescent. This new consolidated access would provide access to a Type 'G' loading space, staging area and the underground parking ramp. The proposed 2 level below grade parking garage would contain a total of 116 parking spaces (99 resident and 17 residential visitor spaces) A total of 130 bicycle parking spaces (120 long-term and 10 short-term spaces) are proposed.

#### Changes between the Original Proposal and the Current Proposal

The current revised application was submitted on October 12, 2018 and incorporates a number of changes from the original proposal submitted on January 29, 2016 with the main goal of modifying the design of the building to provide an increased west side yard setback and separation distance from the adjacent condominium building at 25 Earlington Avenue. The main revisions include:

- An increase in the west side yard setback which ranged from 0m (for the front 8m of the building only) to 7.5 m in the original submission to a continuous 7.5 m setback west side yard setback in the current submission;
- An increase in the window to window separation distance to 10m or greater between the existing condominium building at 25 Earlington Avenue and the proposed building in the current submission;



- An increase in the rear yard setback from 7.5 m in the original submission to 8.4 m at the ground floor ranging up to 26 m at the 8th storey in the current submission;
- Increased the overall setbacks and stepbacks of the building to provide greater transition to surrounding properties;
- Eliminated the indoor and outdoor amenity space along the ground floor of the westerly façade of the building in the original proposal to include 1.5 storey grade related residential units with private outdoor spaces along the west façade in the current proposal;
- A height increase from 25.9 m in the original submission to 26.9 m (excluding the mechanical penthouse) in the current submission (although the number of 8 storeys remains unchanged);
- The total gross floor area and density has increased from the original submission of 8,524 m<sup>2</sup> to 9,868 m<sup>2</sup> and from a Floor Space Index of 2.97 times the area of the lot to 3.29 times the area of the lot in the current submission through converting retail space to indoor amenity space;
- The number of dwelling units has been increased from 106 units in the original submission to 114 units in the current submission; and
- A mezzanine level was added between the ground and second floor of the building to provide ten 1.5 storey dwelling units.

### **Site and Surrounding Area**

The site is located on the south side of Dundas Street West, on the corner of Dundas Street West and Old Dundas Street. It is located east of Earlington Avenue and west of Kingsway Crescent/Old Dundas Street.

The site currently contains the following three buildings:

4125 Dundas Street West - 3 storey residential building containing 6 rental dwelling units (1 studio, 1 one-bedroom unit and 4 two-bedroom units). All the rental dwelling units have affordable rents.

4127- 4129 Dundas Street West - 2 storey mixed use building containing 6 rental dwelling units (1 studio, 2 one-bedroom units, 2 two-bedroom units, and 1 three-bedroom unit) within the basement, ground and second floors as well as 2 commercial units on the ground floor. One of the two-bedroom rental dwelling units was vacant at the time of application. Three of the rental dwelling units have affordable rents and three have mid-range rents.

4133 Dundas Street West - 1 storey commercial building.

The site slopes down from west to east and is roughly square in shape. The site has a frontage of 16 m along Dundas Street West, 42 m along Old Dundas Street, 22 m along Kingsway Crescent and a total area of approximately 0.30 ha.

The surrounding land uses are as follows:

North: A 3-storey mixed use building with commercial retail and service uses on the ground floor and residential dwelling units above, beyond which is the Humber River Valley.

East: A 3-storey rental apartment building, beyond which is the Humber River Valley and the Dundas Street West bridge.

South: A residential neighbourhood with 1 and 2 storey detached dwellings that front Kingsway Crescent and Thorndale Avenue.

West: A 6-storey residential apartment building containing 129 units.

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

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

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

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

The PPS is issued under Section 3 of the *Planning Act* and all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS.

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

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

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

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

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

In accordance with Section 3 of the *Planning Act* all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan.

Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. City Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by City Council shall also be consistent with the PPS and conform with Provincial Plans.

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

Staff have reviewed the proposed development for regard with the *Planning Act*, 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 the Report.

### **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan and Site and Area Specific Policy No. 277 (SASP 227) including the Urban Design Guidelines as informed by the Dundas Street West Avenue Study.

The lands are designated *Mixed Use Areas* on Land Use Map 14 of the Official Plan (see Attachment 3 - Official Plan Land Use Map). The site is also subject to Site and Area Specific Policy No. 277 (SASP 227) which was adopted in 2006 to implement the findings of the Dundas Street West Avenue Study.

The Dundas Street West portion of the site is identified as an *Avenue* on Map 2 – Urban Structure of the Official Plan. *Avenues* are areas where growth and reurbanization are intended to occur.

The properties immediately to the west, east and to the north are also designated *Mixed Use Areas* in the Official Plan and are also identified as *Avenues* in the Official Plan.

### **Avenues Policies**

Avenues are identified as areas of growth and reurbanization in Section 2.2.3 of the Official Plan. Avenues are important corridors along major streets where reurbanization

and growth is anticipated and encouraged to create new housing and employment opportunities, while improving the pedestrian environment, the appearance of the street, shopping opportunities and transit services for community residents. The growth and redevelopment of the Avenues should be supported by high quality transit services, including priority measures for buses and streetcars, combined with urban design and traffic engineering practices that promote a street that is safe, comfortable and attractive for pedestrians and cyclists.

Each Avenue is different in terms of lot sizes and configuration, street width, existing uses, neighbouring uses, transit service and streetscape potential. There is no "one size fits all" program for reurbanizing the Avenues. A framework for change will be tailored to the situation of each Avenue through a local Avenue Study that will involve local residents, businesses and other stakeholders for each Avenue. Each Avenue Study will contain a vision and implementation plan for the Avenue.

Some Avenues serve as "main streets" that are focal points for the local community with attractive and bustling sidewalks. Ultimately, all Avenues should perform a "main street" role and become meeting places for local neighbours and the wider community. The Avenues will be transformed incrementally. The framework for new development on each Avenue is established by a new zoning by-law and urban design guidelines created in consultation with the local community. The zoning by-law sets out the mix of land uses, heights, densities, setbacks and other zoning standards.

As part of the preparation work on the new Official Plan, Planning staff examined growth opportunities along four Avenues, selected because of their reurbanization potential as well as their need for special attention and some form of reinvestment from the City of Toronto. In January 2000, the Kirkland Partnership Inc. was retained by the City to develop a Concept Plan and related recommendations for each of the Study Areas.

The four Avenues studied as a part of the pilot project were:

- (a) Bloor Street West between Dundas Street West and Lansdowne Avenue;
- (b) The Queensway between Mimico Creek and Kipling Avenue;
- (c) Kingston Road between the Guildwood GO Station and Highland Creek; and
- (d) Finch Avenue centred at Weston Road between Signet Road and Milvan Avenue.

Each study focused on the type of overall development that would be most desirable, as well as determining appropriate standards with respect to the number of storeys, building setbacks, landscaped open space and transportation improvements. Beyond the quantitative details, qualitative issues of how the look and feel of the street could be improved were also reviewed. The studies were finalized in 2003 and a new vision was developed for each Avenue with the intent to give local residents and the community some certainty about the form of new development, and provide landowners greater opportunities for redevelopment. The visions also established a context to guide the implementation of improvements to local infrastructure. In order to implement the Concept Plan vision and the Avenues policies of the new Official Plan, amendments to

the Etobicoke Zoning Code were also required to redefine land uses, development standards, building heights and parking requirements.

The Avenues Policy 2.2.3.2 b) establishes that to facilitate and shape growth, each Avenue Study will engage local residents, businesses and other local stakeholders and will set out:

- b) Contextually appropriate as-of-right zoning and other regulations designed to achieve high quality development along the Avenues which establishes:
  - i) Permitted uses and maximum density and height limits;
  - ii) Appropriate massing, scale, siting and organization of buildings;
  - iii) Appropriate scale transitions to adjacent areas; and
  - iv) Restrictions on parking at-grade and driveways in front of buildings.

The sidebar text of the Avenues Section states:

"Avenue Studies will involve extensive public and stakeholder consultation in order to determine the appropriate scale and intensity of development to be reflected in the zoning for the Mixed Use Areas along the Avenues. In the course of an Avenue Study, there will be a comprehensive assessment of local conditions, including: the detailed pattern of land use and urban design; built densities; transit; roads; parking; public utilities; quality of streetscape; character and viability of commercial activities; adequacy of parks, open space and recreational facilities; natural features and conservation opportunities; local heritage resources; unique local natural or built form features; and the physical character of adjacent *Neighbourhoods and Apartment Neighbourhoods*".

### **The Dundas Street West Avenue Study**

The Dundas Street West Avenue Study identified numerous Guiding Principles for the type and form of buildings that should develop in the Dundas Street West Avenue area. Key principles are:

- Create a safe and enjoyable pedestrian environment;
- Encourage a diversity of land uses;
- Select an appropriate building scale and density for the street width and neighbourhood context;
- Encourage high quality architecture and diversity of building form for the street width and neighbourhood context;
- Protect the natural environment and enhance its enjoyment; and
- Transform the area with a new and a distinctive identity.

These principles formulated SASP 277 with associated Urban Design Guidelines as well as the regulations in the implementing Dundas Street West Avenue Zoning By-law No. 717-2006 as outlined further in this report. In addition, many of these principles are also supported by the City's Official Plan policies on Built Form and the Public Realm.

### **Site and Area Specific Policy 277**

SASP 277 retains the *Mixed Use Areas* designation and policies of the Official Plan, with the exception that it prohibits townhouse development within the first 60 m of depth on the south side of Dundas Street West. SASP 277 also incorporates Urban Design Guidelines that provides a framework to guide growth and development. New development should be consistent with these Guidelines that address built form and massing, site organization, parking and servicing, pedestrian linkages, landscaping, streetscape improvements and public open spaces.

### **Mixed Use Areas Policies**

According to Section 4.5 of the Official Plan, *Mixed Use Areas* are made up of a broad range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. *Mixed Use Areas* policies establish a number of site related development criteria that must be met. In Section 4.5 of the Official Plan, development criteria are outlined for *Mixed Use Areas* which require that new development:

- Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes;
- Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- Provide an attractive, comfortable and safe pedestrian environment;
- 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.

The properties immediately south of the site are designated *Neighbourhoods* in the Official Plan, which are considered to be physically stable areas. Policy 2 of Section 2.3.1 – "Healthy Neighbourhoods" states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- Be compatible with those *Neighbourhoods*;
- Provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- Maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The development criteria contained in the *Mixed Use Areas* policies are supplemented by development criteria outlined in the Built Form Policies in Section 3.1.2 and 3.1.3 of the Official Plan.

### **Public Realm Policies**

The Public Realm policies of the Official Plan in Chapter 3, Policy 3.1.1 promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city are recognized. These policies aim to ensure that a high level of quality is achieved in landscaping, streetscaping, urban design and architecture in public works and private development to ensure that the public realm is beautiful, comfortable and accessible. Policy 3.1.1.6 sets out parameters such that the design of sidewalks and boulevards provide safe, attractive, interesting and comfortable spaces for pedestrians.

### **Built Form Policies**

The Built Form Policies emphasize the importance of ensuring that new development fits within its existing and/or planned context and that new buildings are required to provide appropriate massing that will respect the character of the surrounding area.

In Section 3.1.2, Built Form, the Official Plan states that architects and developers have a civic responsibility to create buildings that not only meet the needs of their clients, tenants and customers, but also the needs of the people who live and work in the area. Section 3.1.2 further states that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that development must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its façade fits within the existing and/or planned context of the neighbourhood and the City.

New development in Toronto will be located and organized to fit within its existing and/or planned context. It will do this by generally locating buildings parallel to the street or along the edge of a park or open space, have a consistent front yard setback,



acknowledge the prominence of corner sites, locate entrances so that they are clearly visible and directly accessible from the public sidewalk and provide ground floor uses that have views into and access from the streets. New development will also locate and organize vehicle parking and vehicular access to minimize their impacts on the public realm.

Policy 3.1.2.3 directs new development to be massed and its exterior façade to be designed to fit harmoniously into its existing and/or planned context, and to limit its impact on neighbouring streets, parks and open spaces and properties by:

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportions;
- Incorporating exterior design elements, their form, scale, proportion, pattern and material, and their sustainable design, to influence the character, scale and appearance of the development;
- Creating appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on neighbouring streets, properties, parks and open space.

Policy 3.1.2.5 directs new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by providing:

- a) Improvements to adjacent boulevards and sidewalks respecting sustainable designed elements, which may include one or more of the following: trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, lighting and bicycle parking facilities;
- b) Co-ordinated landscape improvements in setbacks to create attractive transitions from the private to public realm;
- c) Weather protection such as canopies and awnings;
- d) Landscaped open space within the development site; and
- g) Public art, where the developer agrees to provide this, to make the building and its open space more attractive and interesting.

## **Housing Policies**

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units. Policy 3.2.1.6 which applies to this proposed development, requires that new development that would result in the loss of six or more rental housing units which have affordable or mid-range rents will not be approved unless at least the same number, size and type of rental units are replaced and secured with similar rents for a period of at least 10 years and an acceptable Tenant Relocation and Assistance Plan is provided.

Under Policy 3.2.1.6 of the Official Plan, applicants proposing to demolish six or more rental dwelling units (except where all the rents are above the mid-range rent category) are required to replace the rental dwelling units with the same number, size and type of rental dwelling units and maintain them with rents similar to the rents of existing units on the site. An acceptable tenant relocation and assistance plan is also required to address moving related costs, alternative accommodation and other assistance to lessen hardship.

## **Chapter 5 - Implementation Plans and Strategies**

The sidebar text of Section 5.3.2 – Implementation Plans and Strategies for City Building states: "Implementation plans, strategies and guidelines that will help implement the Plan's objectives over time will include: Urban Design guidelines to provide a more detailed framework for built form and public improvements in growth areas".

Section 5.1.2, Holding By-laws of the Official Plan recognizes that there are instances where development of lands should not take place until specific facilities are in place or conditions are met. Policy 1 of this Section indicates a holding provision may be placed on lands where the desired use of the lands is specified but cannot take place until conditions set out in the by-law are satisfied. Policy 2 of this Section indicates conditions to be met prior to the removal of the holding provision may include servicing improvements.

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

## **Zoning**

The site is subject to the former City of Etobicoke Zoning Code, as amended by By-law No. 717-2006 which is the implementing Zoning By-law for SASP 277. The property is zoned General Commercial – Avenues – Holding (CG-AV-H) (see Attachment 4: Existing Zoning By-law Map).

The CG-AV-H zone permits a limited range of residential uses, including apartment houses, dwelling units above business or retail uses and live-work units. Townhouses

are not permitted on the north side of Dundas Street West and in the first 60 m of depth on the south side of Dundas Street West. Permitted uses include stores, banks, restaurants, hotels, business and professional offices, service stations and public garages, health centres and athletic clubs.

By-law No. 717-2006 contains 5 development areas, each with varying development standards related to building setback requirements. The subject site is located in Area 1 ("A 1"). The Dundas Street West Avenues Zoning By-law No. 717-2006 states that "no side yard setback is required, except where the side yard abuts a street, in which case the side yard setback shall equal the average setback the street line for the block." Thus, no west side yard setback is required for the subject site for a building not containing windows/openings.

The maximum permitted floor space index in a CG-AV-H zone is 2.5 and the maximum building height is 14 m and 5 storeys. However, the Zoning By-law permits a development to exceed these provisions to a maximum height of 18.5 m and 6 storeys or a maximum floor space index of 3.0 if a Section 37 Agreement applies.

The CG-AV-H zone includes an "H" Holding Symbol that applies to the subject site. The "H" symbol may be removed by City Council subject to the satisfactory availability of any road, infrastructure, servicing and school capacity improvements necessary to accommodate the proposed development. Upon fulfillment of these criteria, the "H" symbol can be removed, in whole or in part.

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law No. 569-2013, currently under appeal to the Ontario Municipal Board. Zoning By-law No. 569-2013 does not apply to this site as site-specific zoning was established through the Avenues Study.

## **Design Guidelines**

### **The Dundas Street West Avenue Area Design Guidelines**

As part of the Dundas Street West Avenue Study and included in SASP 277, the Dundas Street West Avenue Area Design Guidelines were developed for the area where the site is located. Development on Dundas Street West from Royal York Road at the west end to the Humber Bridge at the eastern end will be consistent with the Urban Design Guidelines. These Guidelines serve to promote a co-ordinated approach for the development of the Dundas Street West Avenue and serve as a complement to other more general City of Toronto Guidelines and Official Plan policies. The following are key guidelines for development in the Dundas Street West Area Avenue Study:

#### **Building Siting and Organization**

- Locate building frontages at or near the property line to create a street wall;
- Promote a diversity of active ground floor uses such as retail, office and community services that generate pedestrian activity;

- Encourage Live-work units along Dundas Street;
- Encourage architecture and landscaping that is consistent with the high level of quality in the Kingsway neighborhood;
- Surface parking should not be sited within the front yard; and
- Access driveways should not be located between the building façade and the street line.

#### Building Entrance

- Building main entrances should front onto the public streets and be directly connected to the public sidewalk with walkways uninterrupted by driveways; and
- Ground floor level or at-grade residential units should be elevated from the sidewalk level by a minimum of 0.60 metres but not greater than 0.90 metres.

#### Driveways/Vehicular Site Entry

- Minimize the number of interruptions to the Dundas Avenue public sidewalk by limiting the number and width of driveway curb cuts along this public street;
- Provide vehicular access to site from a secondary street when available; and
- Create a network of interconnected secondary roads and laneways at deeper sites in order to reduce the dependence on Dundas Avenue West for access.

#### Parking and Servicing Layout and Organization

- Surface parking and site servicing should be at the side or rear of the building;
- Bicycle parking should be provided near the building entrances;
- Provide underground parking garages whenever possible and limit the amount of surface parking; and
- Garbage storage areas should be integrated within the building envelope in all new developments.

#### Pedestrian Linkages

- Review the existing and potential location of pedestrian crossings on Dundas Street. Provide additional crossing points or relocate existing ones as necessary to improve connectivity between developments at the north and south side of Dundas Street West; and
- Improve access and signage to the recreational trails in the Humber Ravine.

#### Building Massing - Street Enclosure and Continuity

- Provide a minimum building height of 2 storeys (7.5 metres measured from the public sidewalk level adjacent to the building main entrance) and maximum building height of 6-storeys (18.5 metres measured from the public sidewalk level adjacent to the main building entrance) along Dundas Street West;
- Provide a minimum ground floor height of 3.6 metres for buildings along Dundas Street West in order to create the opportunity for commercial uses at grade in new development, be able to elevate residential units by 3-5 steps from the sidewalk level and allow for future conversion of residential units at-grade into commercial or community serve uses;
- Residential developments should have a minimum 2 metre setback from the street edge;

- Buildings are to be stepped back 1.5 metres at the fourth storey; and
- Use the building massing and landscaping to accentuate street corners.

#### Relationship to Neighboring Development

- Any proposed building on sites abutting the existing R2 Zoning in the Kingsway neighbourhood should not project beyond the 45 degree angular plane drawn perpendicular to the rear property;
- Built form and landscaping should be used to screen parking and service areas from adjacent sites; and
- Locate and screen noise generating areas and installation such as ventilation units and loading/unloading areas from the existing R2 zone and noise sensitive new developments.

#### Streetscape Improvements

- Provide a minimum 5 metre wide pedestrian zone at the curb to accommodate a continuous sidewalk and distinctive streetscape treatment;
- Plant street trees along Dundas Street West and any new local roads at 6 to 8-metre intervals that conform to the City of Toronto Urban Design Streetscape Manual and the current Urban Forestry Street Tree Planting Standards;
- Provide landscaped medians at the east and west entry points to the Dundas Street West Avenue area as gateway features; and
- Provide coordinated streetscape furniture i.e. light standards, benches, and waste receptacle details that is definitive to the area.

#### Public Open Spaces

- Improve public sidewalk and public open space linkages to the Humber Ravine trail system.

#### Public Art

- Create a public art program that will give identity and character to the area and integrate it with the Kingsway neighbourhood.

### **Avenues and Mid-Rise Buildings Study and Performance Standards**

The Dundas Street West Avenue Study and Urban Design Guidelines in SASP 277 is the prevailing applicable policy document and the Mid-Rise Performance Standards apply only to the extent they supplement and do not override the Dundas Street West Avenue Study. However, the Mid-Rise Performance Standards may serve to supplement the Dundas Street West Urban Design Guidelines and guide the review of the applications.

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 stepbacks, 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.

The Performance Standards are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhoods* policies, maintaining a balance between reurbanization and stability. They are also intended to ensure quality and comfortable streetscapes along the *Avenues* framed and defined by buildings that provide for a minimum of 5 hours of sunlight on the sidewalks from March 21 to September 21, pedestrian perception setbacks which mitigate the pedestrian perception of the building height along the *Avenues* and an acceptable relationship between mid-rise buildings and adjacent lots or *Neighbourhoods and Parks and Open Space Areas* which the Official Plan policies are explicit in their intent to protect with appropriate transitions. The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to respect Section 2.3.1 of the Official Plan. The link to the City Council decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

The site was excluded from the Mid-Rise Guidelines as shown on the *Avenues and Mid-Rise Buildings Study – Map 1*, revised in July 2010. The Mid-Rise Guidelines, in Section 2.1 "Where the Recommendations Apply" sets out in Map 1 where certain lands are excluded from the applicability of the Mid-Rise Guidelines. Reasons why certain sites were excluded include: portions of *Avenues* where an *Avenues Study* is completed or underway, portions of an *Avenue* within a Secondary Plan Area and portions of an *Avenue* that have been subject to other City-led studies that have resulted in an Official Plan Amendment and/or new Zoning By-law. However, the 2016 Mid-Rise Building Performance Standards Addendum clarifies that the Performance Standards should apply to sites that meet the following three criteria:

- In areas with existing land use designations for *Mixed Use Areas*, *Employment*, *Institutional* or some *Apartment Neighbourhoods* where existing built form - context supports mid-rise development;
- Front onto Major Streets on Map 3 of the Official Plan; and
- Have planned right-of-ways 20 m or wider.

The subject site meets all three of the above criteria and thus the Mid-Rise Building Performance Standards may be a useful planning tool where an *Avenues Study* supports mid-rise buildings, but does not regulate built form or does not fully address mid-rise building design. It is not, however, the intent that the Performance Standards

be used on a site-by-site basis to challenge Council-approved Area specific Plans, studies, by-laws or guidelines, particularly with respect to building heights or matters of transition.

The Dundas Street West Avenue Study and Urban Design Guidelines in SASP 277 were completed and as such is the prevailing policy document. However, the Mid-Rise Building Performance Standards continue to represent good principles of urban design and can be used to augment local guidelines, particularly to address aspects of new development that were not addressed in the previously developed local guidelines.

### **Growing Up: Planning for Children in New Vertical Communities**

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 were considered in the review of this proposal.

### **Site Plan Control**

A Site Plan Control application was submitted for the proposed development (No. 17 122490 WET 05 SA) and deemed complete on March 31, 2017. The Site Plan Control application is under review.

### **Tenure**

The applicant has advised that the proposed 114 units are currently intended to be rental units. However the final determination on tenure of the units, excluding the rental replacement dwelling units which must be rental in tenure, would be made at the time of building permits.

### **Rental Demolition and Conversion By-Law**

Section 111 of the *City of Toronto Act*, 2006 authorizes City Council to regulate the demolition and conversion of residential rental properties in the city. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion Control By-law, implements Section 111. The By-law prohibits the demolition or conversion of residential rental units in buildings containing six or more residential dwelling units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner and Executive Director, City Planning.

City Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing.

Under the City's demolition control by-law, Chapter 363 of the Municipal Code (Section 33 of the *Planning Act*), City Council approval is needed to demolish dwelling units before the Chief Building Official can issue a demolition permit under the *Building Code Act* if six or more residential dwelling units are proposed to be demolished.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the Local Planning Appeal Tribunal.

The proposed demolition requires approval under both Municipal Code Chapter 667 and Chapter 363 because the application involves at least six residential dwelling units and at least one rental dwelling unit. Municipal Code Section 363-11.1 provides for the coordination of these two processes. The Chief Building Official may issue one demolition permit for the purposes of Section 33 of the *Planning Act* and Chapter 667 of the Municipal Code.

On January 29, 2016, the applicant made an application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code.

### **Reasons for the Applications**

An amendment to the former City of Etobicoke Zoning Code, as amended by Zoning By-law No. 717-2006 is required as the proposal does not comply with the zoning for various performance standards (particularly for height, density and the number of vehicle parking spaces). An amendment is required to establish appropriate development standards for the proposal as well as to remove the "H" Holding Symbol on the site. By-law 717-2006 states that the "H" Holding Symbol may be removed if City Council is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity to accommodate the proposed development.

The applicant has also submitted an application for a Rental Housing Demolition permit pursuant to Chapter 667 of the City of Toronto Municipal Code for the demolition of the existing rental dwelling units as the subject lands contain six or more residential dwelling units, of which at least one was used for residential rental purposes.

### **Applications Submission**

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

- Planning Rationale;
- Functional Servicing and Stormwater Management Report;
- Transportation Impact Study;
- Housing Issues Report;
- Arborist Report;
- Sun/Shadow Study;
- Wind Study;



- Stage 1 Archaeological Assessment;
- Toronto Green Standards Checklist;
- Community Services and Facilities Study; and
- Draft Zoning By-law.

A Notification of Complete Application was issued on February 26, 2016.

### **Agency Circulation**

The applications together with the applicable reports noted above, were circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the applications and to formulate appropriate Zoning By-law standards.

### **Community Consultation**

A community consultation meeting was held on October 4, 2016 at the Etobicoke Collegiate Institute, with approximately 80 members of the public in attendance, as well as Councillors Justin Di Ciano and John Campbell. The attendees asked questions and raised a number of issues and concerns, including the following:

- Growth has increased too much in the area;
- Too much height and density in the area;
- The proposal would increase the existing traffic congestion in the area, particularly with cars cutting through the neighbourhood;
- Increased traffic, existing parked cars, and the proposed driveway entrance on Kingsway Crescent as it is a narrow street;
- Possibility of a "no right turn" out of the proposal restricting traffic on Kingsway Crescent;
- Safety concern of increased traffic in the area particularly for children and seniors;
- Disliked that no commercial parking spaces are proposed at grade in front of site;
- Lack of transit in the area;
- Potential property damage from the proposal on surrounding properties and liability issues;
- Decreased property value;
- Lack of sewer capacity;
- Some liked the contemporary and unique architecture proposed;
- Existing poor pedestrian experience along Dundas Street West;
- The proposal may affect The Humber River;
- Lack of bike lanes; and
- Lack of street trees;

Concerns/Questions specifically from the residents at the adjacent 6-storey condominium to the west at 25 Earlington Avenue included:

- Need for air quality tests due to proposed construction;
- Lack of room for emergency vehicles;

- Sewer capacity concerns;
- Structural, foundation, geological and soil concerns regarding the potential need to blast through bedrock which would impact 25 Earlington Avenue;
- Concern of potential damage to the HVAC system of 25 Earlington Avenue;
- Loss of sunlight, privacy and views for some of the residents in 25 Earlington Avenue;
- Shadow impact;
- Concern that the proposed west side yard setbacks ranging from 2 to 7.5 m are too close to the existing building and that the eastern facing units of 25 Earlington Avenue would endure impacts such as loss of privacy, views and sunlight; and
- Confusion as to why 25 Earlington Avenue was not considered a *Neighbourhood* in the applicant's submitted shadow study.

Other members of the public have emailed and submitted letters outlining similar concerns. These issues have been considered in the review of the applications. Key issues have been addressed further in this report.

### **Tenant Consultation**

On February 27, 2018, Planning staff hosted a tenant consultation meeting as required under the City's Rental Housing Demolition and Conversion By-law at the vacant retail space at 4133 Dundas Street West to review the City's housing policies, discuss the applicant's replacement rental proposal and outline the components of a typical Tenant Relocation and Assistance Plan. This meeting concluded with a question and answer period. This meeting was attended by six tenant households, Planning staff and the applicant.

## **COMMENTS**

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### **Planning Act, Provincial Policy Statement and Provincial Plans**

*The Planning Act*, Section 2 states that municipalities must have regard for matters of provincial interest. Some of the key matters specified in Section 2 are: (h) the orderly development of safe and healthy communities; (j) the adequate provision of a full range of housing, including affordable housing; (p) the appropriate location of growth and development; and (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development has regard to relevant matters of Provincial interest in Section 2 of the *Planning Act*, particularly with respect to providing a full range of housing (including affordable housing); appropriate location of growth and development by proposing an 8-storey mid-rise residential building on an *Avenue*; and the promotion of well-designed built form.

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of this report. Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows:

The PPS (2014) requires provisions to be made for an appropriate range of housing types and densities to meet projected requirements of current and future residents. This policy for healthy, livable and safe communities is achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities, and support the use of public transit.

The application is consistent with the PPS direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure as noted in Section 1.1.3. The application also complies with other policies in Section 1.1.3 of the PPS that require new development to be directed to appropriate locations for growth.

The proposal is consistent with the PPS Policy 1.7.1.d which states that "long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes."

Policy 4.7 states the Official Plan is the most important vehicle for implementation of the Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through municipal Official Plans. Official Plans shall identify provincial interests and set out appropriate land use designations and policies. Official Plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

Through the City's Official Plan, the City has identified appropriate locations/context, and opportunities for intensification. Intensification is anticipated along *Avenues* and *Mixed Use Areas* and proposed development must also account for the appropriate context in which it is situated to appropriately define the level of intensification permitted.

The City of Toronto Official Plan policies, aligned with the Dundas Street West Avenue Study, SASP 277, the Dundas Street West Area Urban Design Guidelines and the Avenue Zoning By-law No. 717-2006, direct growth in this area through prescribing appropriate uses, height, density, built form and design of development along the Dundas Street West Avenue to achieve long-term needs and revitalization of this area. The Dundas Street West Avenue Study, SASP 277, the Urban Design Guidelines and the Avenue Zoning By-law are prescriptive in the type of built form that is envisioned for the area in which the site is located, and how it would relate to its existing context.

The proposal represents an appropriate scale of intensification at a location established for moderate built form and moderate intensification as per the Dundas Street West Avenue Study, SASP 277 and the Dundas Street West Urban Design Guidelines. Municipal policies and guidelines establish development for the site and area as mixed-use mid-rise buildings along Dundas Street West. The current proposal conforms with the municipally established policies for growth and therefore is consistent with the PPS.

The proposal conforms to the Growth Plan (2017) which establishes that population growth will be accommodated by directing new growth to the built up areas of the community through intensification. As this site is located in a built up area designated for growth in the City's Official Plan and is supported by public transit, the proposal conforms to the Growth Plan.

The proposal conforms with the Growth Plan for the Greater Golden Horseshoe (2017) by proposing intensification in a growth area on an *Avenue* served by transit as noted in Policy 2.2.1.2 and 2.2.1.3 of the Growth Plan. This application accommodates intensification, and provides an acceptable transition of built form to adjacent areas, supporting the complete community objectives in Policy 2.2.1.3 and 2.2.1.4 of the Growth Plan.

The Growth Plan (2017) contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development conforms with Section 2.2.2.4.b) of the Growth Plan as it represents an appropriate scale of development for the surrounding area and appropriately transitions to adjacent properties. Further, the proposed development conforms with Section 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate.

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design Official Plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of Official Plan policies and design guidelines pertaining to *Avenues*, *Mixed Use Areas*, Built Form, Public Realm, and in this case, the Dundas Street West Avenue Study, Site and Area Specific Policy 277 and the Dundas Street West Urban Design Guidelines.

The current proposal conforms to these policies and supports these guidelines as the application proposes a height and density that fits within the existing and planned context within the Dundas Street West Avenue Study Area and proposes an appropriate built form of an 8-storey residential building on an *Avenue*.

As such, this proposal conforms to the Growth Plan as it complies with the municipal direction for location and form of growth.

## Land Use

This application has been reviewed against Site and Area Specific Policy 277, the Dundas Street West Avenue Study and design guidelines, as well as the policies of the Toronto Official Plan as a whole described in the Issue Background section of this report. The proposed residential use is appropriate for the site and conforms to the land uses contemplated in the *Mixed Use Areas* designation as well as supports the vision of the Dundas Street West Avenue Study. Further, the proposal would meet the intent of Policy 2.1(1)(f) of the Official Plan which encourages municipalities to provide a full range of housing types in terms of form, tenure and affordability, particularly the construction of rental housing.

The Official Plan states that lands designated *Mixed Use Areas* are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. *Mixed Use Areas* are intended to be areas which allow residents to live, work and shop in the same area, giving individuals an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive and safe. The subject property is on an *Avenue* and a portion of Dundas Street West which is served by transit and where there is a mix of residential and commercial uses in single use or mixed-use buildings.

Staff are of the opinion that the proposal achieves the general objective of the Dundas Street West Avenue Study's Guiding Principles for the type and form of buildings that should develop in the Dundas Street West area. Although it does not meet some of the detailed requirements of the zoning by-law, it is considered to be appropriate development for the site given the existing and planned context as well as meeting Official Plan Policies and Urban Design Guidelines regarding built form, public realm, healthy neighbourhoods, massing, transition and scale.

## Density

The density of the proposed development is 3.29 times the area of the lot. The Dundas Street West Avenues By-law has a maximum Floor Space Index of 2.5 times the area of the lot (with the option of a density of 3.0 - if Section 37 Policies are applicable). Staff are of the opinion the proposed density is generally acceptable. The proposal meets many of the Zoning By-law standards, SASP 277 Policies including the associated Urban Design Guidelines, Official Plan Policies with respect to built form, massing and transition, as well as the overall vision of the Dundas Street West Avenue Study. The terraced and progressive stepped design of the building provides transition to the lower scale neighbourhood to the rear and the east thereby reducing potential density/massing impacts.

The density of the other six existing/approved 6-8 storey mid-rise buildings on Dundas Street West in the surrounding area are generally in the range of 1.9 to 3.13 times the area of the lot. The slightly higher density in this proposal of 3.29 times the area of the lot is largely attributed to a partial mezzanine level in the building which would not be visually discernable from outside the building. In addition, the proposed mass of the density on this corner site transitions down to the neighbourhood as the site slopes

down to the east and to the Humber River to the east. The proposed rear yard setback ranging from 8.37 m to 9.51 m and the increasing separation distances up to 26 m from the proposal to the rear lot line through various stepbacks as the building rises provides mitigation of density to the *Neighbourhood* to the south.

The building envelope of the proposed development is similar in scale to the existing adjacent 6-storey building at 25 Earlington Avenue. The 25 Earlington Avenue site is larger than the subject site and includes a 6-storey building with a density of 2.8 times the area of the lot and a gross floor area of 11,781.93 m<sup>2</sup>. As noted previously, the proposed development would have a density of 3.29 times the area of the lot but a proposed gross floor area of 9,868 m<sup>2</sup>. The additional density between the proposed 8-storey building and the existing adjacent 6-storey building at 25 Earlington Avenue is negligible as the proposal's increased density is within a partial mezzanine level and the design of the building provides various stepbacks which mitigate effects of the massing. Moreover, the increased setbacks and window to window separation distance greater than 10 m between the proposed development and the adjacent 6-storey building would aid in reducing perceived density impacts. As such, staff are of the opinion that the proposed density fits in with the existing and planned context and is appropriate for the site on an *Avenue*.

### **Building Height and Massing**

The Built Form policies in Chapter 3 of the Official Plan require new development to fit with the surrounding area or planned context. Section 3.1.2.3 of the Official Plan states that new development will be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context.

The planned context for the area is set out in the Dundas Street West Avenue Study which is implemented by SASP 277 and Zoning By-law No. 717-2006. The planned context is established as mixed-use and mid-rise building development with a maximum height of 6 storeys and 18.5 m or a maximum Floor Space Index of 3.0 times the area of the lot (if a Section 37 Agreement applies). The maximum building height of 5 storeys and 14 m and the maximum Floor Space Index of 2.5 (without a Section 37 Agreement) was based on the Avenue study recommendation to retain this height limit from the previous zoning dating from the 1960's which anticipated this height would contribute to an enjoyable pedestrian environment along Dundas Street West.

The existing context in the area along Dundas Street West on the *Avenue* is multiple mixed-use mid-rise buildings, residential mid-rise buildings or low rise commercial developments. There are two 6-storey mid-rise buildings, including the 6-storey and 25 m in height building adjacent to the site to the west, and four 8-storey mid-rise buildings (existing or approved) in the immediate area within the Dundas Street West Avenue Study Area. The heights of these existing/approved mid-rise buildings range from 19 m to 31 m (not including mechanical penthouses). The application proposes a height of 8-storeys and 26.9 m excluding the mechanical penthouse and 31.9 m in height including the mechanical penthouse. The proposed height of the development fits within the existing and planned context being a mid-rise building on an *Avenue* with storey and

metre heights that fall within the existing range in the area. Therefore, staff are of the opinion that the proposed building height is appropriate in this context.

### **Setbacks, Massing and Transition**

Staff are of the opinion the proposal conforms to the Official Plan Policies, Site and Area Specific Policy 277 and associated Urban Design Guidelines with respect to setbacks, massing and transition.

*Avenues Policy 2.2.3.2. and Mixed Use Areas Policy 4.5.2* of the Official Plan for new development require that new development locate and mass new buildings to provide a transition between areas of different development intensity and scale, by providing appropriate setbacks and/or a stepping down of heights, particularly towards lower scale *Neighbourhoods*.

The proposed building provides progressive setbacks down from 8-storeys to the ground floor. The building would generally be setback 2.0 m from the street line on Dundas Street West and would step back a further 1.50 metres at a height of 13 m. The setback between the proposed building and the rear property line progressively increases through terracing from the 1st to the 8th storey. A rear yard setback of 8.4 m at the ground floor ranging up to a setback of 26 m at the 8th storey is proposed. A rear landscaped strip is also proposed. The proposal would also have various setbacks and stepbacks along Kingsway Crescent to be in keeping with the residential lots in the *Neighbourhood* to the south. The proposed east side yard setback ranges from 0.50 m to 2.49 m with various setbacks ranging per storey.

As previously outlined, in 2003 (prior to the implementation of the Dundas Street West Avenues By-law No. 717-2006 requirements), the adjacent site to the west at 25 Earlington Avenue obtained a minor variance decision to have an east side setback of 2.6 m above grade and 0.5 m below grade. The east side of this building was constructed with opening/windows facing east.

The Dundas Street West Avenues By-law No. 717-2006 was implemented in 2006 and does not require mid-block side yard setbacks for buildings with no openings as *Avenues* typically do not require a side yard setback in order to minimize gaps in the building walls at the street. Thus, no west side yard setback is required in the Zoning By-law for the subject site (if the side of the building did not contain openings).

The proposal on the subject site originally proposed a west side yard setback ranging from 2 m at the front portion (with no side wall windows) along Dundas Street West to 7.5 m (with windows) between the site and the adjacent 6-storey building at 25 Earlington Avenue. Residents at 25 Earlington Avenue expressed significant concern that the proposed building would be too close to their lot line and building and desired the west side yard setback be increased. In order to address these concerns, the proposal was revised in the current submission to provide a continuous 7.5 m west side yard setback as well as a continuous window-to-window separation distance of greater than 10 m between the two buildings in efforts to account for the minimal side yard

setback provided by the existing 25 Earlington Avenue building. Staff are of the opinion adequate separation distance is provided between the proposed building and its neighbour to the west, particularly given side yard setbacks are not typically required on an *Avenue*.

Further, the proposed height and massing of the building is mitigated by key design features in its built form which are consistent with the Site Area and Specific Policy 277 and the Dundas Street West Area Urban Design Guidelines, the implementing zoning by-law and the City's Mid-Rise Design Guidelines and Performance Standards as follows:

- The proposed building height falls within a 45-degree rear yard angular plane, which results in progressive stepping from 8-storeys to 1-storey, providing an appropriate transition down to the stable residential *Neighbourhood* to the south; and
- The proposed height maintains appropriate street proportions of 26.9 m to the main roof of the 8th storey, while the Dundas Street West right-of-way width is 27.0 metres.

### **Sun, Shadow and Wind**

Shadow impacts are important as they affect thermal comfort (enjoyment) of being outside and the provision of adequate light. Shadows are impacted by the size, location and shape of building floor plates, building height, building setbacks as well as the time of year and angle of the sun.

There are a number of Official Plan policies which address appropriate sun and shadow impacts. Policy 3.1.2.3 e) refers to providing adequate light and limiting shadows on streets, properties and open spaces. Development Criteria in *Mixed Use Areas Policies* 4.5.1 c) to 4.5.1 f) establish that development will locate and mass buildings to adequately limit impacts such as shadows on adjacent *Neighbourhoods*, streets, parks and open spaces, and to frame the edges of streets and parks, with a focus on generating comfortable conditions through measures that provide for adequate sunlight conditions. Development must also provide a transition between areas of different intensity and scale through having appropriate setbacks/stepbacks of heights. In addition, development will maintain good proportion and sunlight for pedestrians by providing an attractive, comfortable and safe pedestrian environment on adjacent streets, parks and open spaces.

The Mid-Rise Building Performance Standards speak to the importance of building envelopes for mid-rise buildings along the Avenues allowing for a minimum of 5 hours of sunlight on the opposite street sidewalk to create comfortable, sunlit main streets between the equinoxes from March 21st to September 21st.

A shadow study was submitted by the applicant illustrating the extent of shadowing that would result from the proposed development for March, June, September and



December 21st. The submitted shadow study illustrates more than 5 hours of continuous sunlight (no shadow) on the opposite street sidewalk along the *Avenue* between the equinoxes from March 21st to September 21st. Further, the shadow study demonstrates that the proposed development would create no new shadows on the residential properties designated *Neighbourhoods*.

Staff also note that the existing adjacent building at 25 Earlington Avenue casts shadows on the proposed development as well as some other surrounding residential lots designated *Mixed Use Areas*, including a few lots on Old Dundas Street. Policies do not include specific shadow and sunlight requirements for properties located in *Mixed Use Areas* on an *Avenue* due to the type of uses and built form envisioned in these areas. Similarly, the Dundas Street West Avenues Zoning By-law No. 717-2006 does not require a west side yard setback in this case as lots zoned General Commercial - Avenues are intended to have uses and built form along *Avenues* that are mid-rise mixed-use buildings with continuous street walls. Given this policy context, existing shadows cast from the adjacent existing building at 25 Earlington Avenue and the application's revised proposal which increased the west side yard setback to 7.5 m and a separation distance of 10 m or greater between the proposal and the adjacent existing building, staff support the proposed development.

Staff are of the opinion that the proposed development conforms with the relevant Official Plan policies, the Dundas Street West Avenue Urban Design Guidelines, and the Mid Rise Building Design Guidelines with respect to shadow and sunlight. The proposed development would create minimal new shadow overall; produce no new shadows on lands designated *Neighbourhoods*; maintain adequate light and privacy conditions; limit shadow impact on surrounding lots, streets and sidewalks through the stepped building design which appropriately transitions to surrounding properties; and maintains a 45 degree angular plane to the *Neighbourhoods* which would prevent shadowing.

Official Plan policies establish that new development should not create uncomfortable impacts such as shadow and wind. The applicant submitted a Pedestrian Wind Assessment by Gradient Wind Engineering Inc. which determined acceptable wind comfort conditions would result from the development. However, in order to ensure suitable calm wind speeds on the roof top amenity terrace, a 1.4 m vertical wind barrier is recommended to be installed along the west and north side of the terrace. This would be further reviewed and secured through the Site Plan application review process.

### **Streetscapes, Public Realm and Urban Design Guidelines**

In accordance with the Dundas Street West Urban Design Guidelines, the proposal would provide for a minimum 5 metre pedestrian zone along Dundas Street West, where a 0.4 metre road widening is being provided. The proposal would include an enhanced streetscape within the wide pedestrian realm along the frontage of the site as it turns southeasterly onto Old Dundas Street. This large public realm area in front of the building would also include new trees as well as a mix of soft and hard landscaping to revitalize the streetscape along the site into a more pedestrian friendly environment.

Along Kingsway Crescent, the at-grade residential units have been set back to align with the front yard setbacks of the homes to the south. Soft landscaping has also been incorporated along the Kingsway Crescent frontage to transition into the neighbourhood to the south. In addition, the proposal would eliminate multiple existing curb cuts, remove surface parking and increase the width of the public sidewalks which is in keeping with the Dundas Street West Urban Design Guidelines.

The application proposes the following specific streetscape measures:

#### Dundas Street West and Old Dundas Street

- Pedestrian clearway of 2.1 m on the sidewalk along Dundas Street West and Old Dundas Street;
- Providing a new and re-located TTC bus shelter and platform at the northwest corner of the site within the municipal boulevard;
- Based on the available space within the municipal right of way, a landscaped public amenity area would be introduced at the northeast corner of the site. The amenity area would include: a paving pattern integrated into the design of the amenity space; 9 large canopy shade trees introduced within the municipal right of way; linear planting beds for both summer and winter interest; 5 benches with for seating opportunities; pedestrian scale light pole fixtures; and an AODA compliant ramp with handrails;
- Tactile indicator plates at Dundas Street West and Old Dundas Street pedestrian crossing (treatment on both sides of crosswalk); and
- Planter wall with seat cap introduced at the corner of Old Dundas Street and Kingsway Crescent which would address grading and provide seating Opportunity.

#### Kingsway Crescent

- Pedestrian clearway of 1.7 m on the sidewalk along the Kingsway Crescent curbside that would align with the existing sidewalk to south;
- Low curb (200 mm in height) raised planters introduced along the sidewalk; and
- Two large canopy shade street trees introduced within the planters.

Staff are of the opinion the application supports the Public Realm Policies of the Official Plan as well as the Dundas Street West Urban Design Guidelines with respect to creating a safe, comfortable and attractive streetscape/public realm. The streetscape details would be finalized and secured through the Site Plan application review process.

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

The applicant's transportation consultant (BA Group) submitted a revised Urban Transportation Considerations report, dated February 28, 2017, which considered a development scale of 121 residential units. The study estimated that the proposed development would respectively generate approximately 37 and 40 two-way trips during the morning and afternoon peak hours. These estimated trips are based on proxy site trip generation surveys for similar developments. The consultant concludes that the proposed development can be accommodated on the adjacent road network without the need for any operational road improvements. Transportation Services staff concur with these findings.

According to the Municipal Code Chapter 950, stopping is currently prohibited between 10:00 p.m. and 7:00 a.m. on both sides of Old Dundas Street between Dundas Street and the east end of Old Dundas Street. In addition, parking is currently prohibited anytime on the west side of Kingsway Crescent. Signage is also posted to prohibit parking along the north side of Old Dundas Street.

The application proposes to extend the existing "No Parking" restriction signage along the frontage of the site to the south side of Old Dundas Street between Dundas Street and Kingsway Crescent. This is supported by Transportation Services staff.

The applicant also proposes a new "No Parking" restriction from 7:00 a.m. to 4:00 p.m. on the east side of Kingsway Crescent to facilitate loading vehicle turning movements at the proposed site driveway. Based on the Off-Site Signage Plan, dated July 23, 2018, submitted by BA Group, the south limit of the proposed prohibition zone with a "No Parking, 7 a.m. to 4 p.m. with arrow pointing North" signage is proposed further south to the north edge of the existing driveway at 135 Kingsway Crescent, which is acceptable to Transportation Services staff. The applicant further updated their Off-Site Signage Plan, dated November 13, 2018, illustrating the proposed "No Parking, with arrow pointing North and South" prohibition zone to the north with a new sign on the east side of Kingsway Crescent, which is also acceptable to Transportation Services staff.

Transportation Services staff would submit a separate report to Council to secure the on street parking restrictions and appropriate signage. Planning staff note that the above on street parking restrictions on the south side of Old Dundas Street and the east side of Kingsway Crescent also aid in addressing parking and traffic concerns expressed by residents.

## **Driveway Access/Site Circulation**

The subject site currently contains by three existing driveways: one driveway with an 11.0 m width to Dundas Street West, one driveway with an 8.0 m width to Old Dundas Street, and one driveway with a 15.0 m width to Kingsway Crescent. The applicant proposes to close the existing three driveways and provide one new 6.0 m wide full movement driveway to Kingsway Crescent. This proposed arrangement is acceptable to Transportation Services staff.

## **Parking**

The development would contain 116 complying parking spaces (99 resident and 17 residential visitor spaces) within a two level underground parking garage. The proposal would also include 7 electric vehicle spaces, 6 small car spaces, 5 barrier free parking spaces, and 6 spaces dedicated for the rental replacement units.

The application proposes to provide parking according to Policy Area 4 (PA4) of City-wide Zoning By-law No. 569-2013. According to By-law No. 569-2013 (Policy Area 4), the proposed 114 unit residential rental building would require a total of 116 parking spaces. Transportation Services staff advise the proposed parking requirement and the proposed parking spaces provided are acceptable.

## **Loading**

The development would provide one Type 'G' loading space having dimensions of 13 m in length by 4 m in width with a 6.1 m vertical clearance which is acceptable to Transportation Services staff.

## **Road Widening**

In order to satisfy the Official Plan requirement of a 27 metre right-of-way for this segment of Dundas Street West, a 0.4 metre road widening dedication along the Dundas Street West frontage of the subject site is required and is proposed to be conveyed to the City with this application. In addition, Transportation Services staff advise that in order to provide an intersection boulevard improvement at the southwest corner of the intersection of Old Dundas Street and Kingsway Crescent, the applicant is required to convey a 5.0 m right-of-way radius for this section of the intersection of Old Dundas Street and Kingsway Crescent along the east property limit of the subject property. These will be secured and conveyed through the Site Plan application review process.

## **Toronto Transit Commission**

Toronto Transit Commission (TTC) staff have reviewed the application and require the development to provide a new and re-located TTC bus shelter and platform measuring 2.4 m x 16 m along Dundas Street West, at the northwest corner of the site within the municipal boulevard. The proposal was revised as per this requirement. TTC staff have advised that they are satisfied with the proposed re-location and design of the new transit platform and bus shelter. The design and location of the TTC bus shelter and platform would be secured through the Site Plan application review process.

TTC staff have not indicated any opposition to the proposed development with respect to existing transit capacity. The TTC's general policy is to not increase the service frequency and capacity of surface transit routes until ridership demand increases and the additional vehicles are warranted. The TTC advised that they have no objection or further comments regarding the re-zoning application.

## **Servicing**

The applicant submitted a Functional Servicing Report and Stormwater Management Report, dated October 2018 and prepared by Cole Engineering. Engineering and Construction Services staff have reviewed and confirmed that no conditions pertaining to the attached Draft Zoning By-law Amendment are required. As such, Engineering and Construction Services staff advise that they have no objection to the lifting of the "(h)" symbol from the site with respect to road improvements, infrastructure and servicing requirements.

## **Rental Housing**

To satisfy Official Plan Policy 3.2.1.6 with regard to the demolition of existing rental housing, a Section 37 Agreement and subsequent Section 111 Agreement(s) will secure 12 replacement rental dwelling units in the new building as replacement for the 12 existing rental dwelling units proposed to be demolished at 4125-4133 Dundas Street West.

The applicant's rental housing replacement proposal and tenant relocation and assistance plan conform with the Official Plan and will help preserve the City's existing stock of affordable and mid-range rental housing and lessen the hardship experienced by affected tenants.

### **Replacement Rental Dwelling Units**

According to the July 11, 2018 floor plans submitted to City Planning, the applicant proposes to replace the 12 existing rental dwelling units at 4125-4133 Dundas Street West with 12 replacement rental dwelling units with the same unit mix of 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units and 1 three-bedroom unit on the second floor of the proposed building.

Upon completion, the total gross floor area for the 12 rental dwelling units would be the same as the total gross floor area for the 12 existing rental dwelling units. Similarly, the unit sizes for all the replacement rental dwelling units would be the same size or slightly larger than that of the existing rental dwelling units.

All replacement rental dwelling units would be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental units would have access to bicycle parking and all indoor and outdoor amenities on the same terms and conditions as the residents of the rest of the building, and all tenants of the replacement rental units would have access to storage lockers. Tenants of the replacement rental dwelling units would have access to at least 6 vehicle parking spaces with returning tenants who were using one of the existing resident parking spaces receiving first priority.

Section 37 and Section 111 Agreements would secure all details regarding minimum unit sizes and future tenants' access to all facilities and amenities.

## Tenure and Rents for the Replacement Rental Dwelling Units

The applicant has agreed to provide and maintain the 12 replacement rental dwelling units as rental tenure within the proposed building for at least 20 years, beginning from the date that each replacement rental dwelling unit is first occupied and until the owner obtains approvals for a Zoning By-law Amendment removing the requirement for the replacement rental dwelling units to be maintained as rental units.

At the time of application, the existing building contained 9 affordable (2 bachelor, 3 one-bedroom, and 4 two-bedroom units) and 3 mid-range rental dwelling units (2 two-bedroom and 1 three-bedroom units). The applicant has agreed to secure the rents for the 9 affordable and 3 mid-range replacement rental dwelling units for at least 10 years.

## Tenant Relocation and Assistance Plan

The applicant has agreed to provide tenant relocation and assistance to all eligible tenants, all to the satisfaction of the Chief Planner and Executive Director, City Planning and secured through the Section 111 Agreement with the City. The Tenant Relocation and Assistance Plan would assist tenants in finding and securing alternative accommodations. As part of this plan, all eligible tenants would receive:

- At least 6 months' notice of the date that they must vacate their rental unit; and
- Compensation equal to 3 month's rent or an acceptable alternative rental dwelling unit pursuant to the *Residential Tenancies Act*.

In addition to the financial compensation outlined above, all pre-application eligible tenants would receive:

- The right to return to one of the replacement rental dwelling units in the new building at similar rents;
- A move-out moving allowance and a move-back moving allowance if they exercise their right to return to a replacement rental dwelling unit;
- Additional compensation based on length of tenure at the existing buildings; and
- Any special needs compensation as determined by the Chief Planner and Executive Director, City Planning.

The applicant's proposal would satisfy Official Plan Policy 3.2.1.6 and Chapter 667 of the Toronto Municipal Code. Staff are recommending that City Council approve the Rental Housing Demolition application to demolish 12 existing rental units, subject to the conditions of approval identified within this report.

## **Housing**

Affordable Housing and Smart Urban Growth are key Strategic Actions for the City of Toronto. The Housing policies in Section 3.2.1 of the Official Plan encourage a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, to meet the current and future needs of residents.

The City Council-adopted Growing Up: Planning for Children in New Vertical Communities draft urban design guidelines provide guidance on the proportion and size of larger units in new multi-unit residential developments. The application currently proposes 11 three bedroom units (10% of the total) which generally supports the objectives of the Growing Up guidelines, Official Plan housing policies, and the Growth Plan's growth management and housing policies to accommodate a broad range of households, including families with children. The application also would provide rental units (affordable and/or mid-range) as outlined above and supports a full range of housing and affordability.

## **Open Space/Parkland**

Parks are essential to making Toronto an attractive place to live, work and visit. They offer a broad range of outdoor leisure and recreation opportunities, transportation routes, and places for residents to interact with nature and with each other. Public parks and open spaces perform a variety of critical functions that improve and maintain our city's health including helping mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 1.57 to 2.99 hectares of local parkland per 1,000 people. The site is in the second highest quintile of current provision of parkland. The site is in a parkland 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 component of this proposal is subject to a cap of 10% parkland dedication. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

## **Archaeological Assessment**

An archaeological resource assessment identifies and evaluates the presence of archaeological resources also known as archaeological sites. The site was identified to have archaeological potential. The applicant submitted a Stage 1 Archaeological

Assessment dated February 22, 2016 which found no archaeological concerns on the site. Heritage Preservation Services staff reviewed the submitted report and concurs with this assessment.

### **Tree Preservation**

City of Toronto By-laws provide for the protection of trees situated on both private and City property. A Tree Protection and Removal Plan was submitted with the applications. The submitted Plan indicates that 8 protected private trees and 2 City trees would require removal to accommodate the proposal, while 4 protected private trees would be preserved.

Urban Forestry staff require: an *Application to Injure or Destroy Trees* and applicable fee for permission to injure; an *Application to Injure or Destroy Trees* and applicable fees for permission to remove; a payment for Appraised Tree Value and a complete *Agreement for Private Contractor to Perform Work on City-owned Trees* for sign off prior to permit issuance for the removal of 2 City-owned trees (if the application is approved).

The Landscape Plan shows 12 new trees are proposed on the city road allowance and 13 new trees on private property. Urban Forestry staff require a Tree Planting Security to ensure planting and maintenance for 12 new street trees. Based on the standard 3:1 replacement ratio, Urban Forestry staff require a minimum of 24 new trees on private property to compensate for the loss of eight (8) protected private trees proposed for removal. Where tree planting to replace trees to be removed is not physically possible on site, the General Manager of Parks, Forestry and Recreation may accept cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. If the application for tree removal is approved, Urban Forestry staff require a payment in lieu of planting for 11 trees (subject to change) that the site cannot accommodate.

In principle, Urban Forestry staff do not object to the proposed Zoning By-law Amendment application based on the above being addressed through the Site Plan application review process.

### **Toronto Green Standard**

City Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment. 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. The applicant is required to meet Tier 1 of the TGS. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.



## **School Board**

The Toronto District School Board (TDSB) has advised that there is insufficient space at the local elementary school to accommodate students anticipated from the proposed development and other developments in the area. As such, the applicant would be required to post signage and include clauses in purchase and/or rental agreements indicating that children may not be accommodated in local schools and may be bused to alternate schools (if busing is provided by the TDSB) from a central pick-up location.

These matters would be secured through the Site Plan application review process.

## **Removal of the “H” (Holding Symbol)**

By-law 717-2006 states that the “H” Holding Symbol may be removed if City Council is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity to accommodate the proposed development. Relevant City Divisions have advised that they have no objections to the "H" Holding Symbol being lifted from the site, subject to the Toronto District School Board's requirement for warning signs and clauses regarding school capacity and busing arrangements which would be secured through the Site Plan application review process.

## **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 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 determined, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval. The Official Plan and City Council's approved Section 37 protocol requires that the proposed development represent good planning and meet a minimum size requirement of 10,000 m<sup>2</sup> and an increase in density of at least 1,500 m<sup>2</sup>. The proposed development, at 9,868 m<sup>2</sup> does not meet the size requirement for a Section 37 Agreement pertaining to height and density. However, Policy 5.1.1.5 b) of the Official Plan establishes that Section 37 may be used, irrespective of the size of the project or the increase in height and/or density to replace rental housing in accordance with the provisions in the Official Plan. As such, the Rental Housing Demolition and Conversion matters would be secured through a Section 37 Agreement as a legal convenience.

## **Conclusion**

Planning staff recommend that the proposed 8-storey residential building at 4125-4133 Dundas Street West be approved and the "H" Symbol be lifted from the site. The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017), the Toronto Official Plan, Site and Area Specific Policy 277, the Dundas Street West Avenue Study and the Dundas Street West Urban Design Guidelines. 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 intensifying a mixed use site on an Avenue in a mid-rise built form that meets the *Avenues, Built Form, Housing, Mixed Use Areas* Policies and Site and Area Specific Policy 277 of the Official Plan while also supporting the vision of the Dundas Street West Avenue Study and achieving key Urban Design Guidelines.

Staff worked with the applicant and the community to address and resolve the following key concerns: increasing the west side yard setback; increasing the separation distance between the existing 6-storey building at 25 Earlington Avenue and the proposal; increasing the rear yard setback and stepbacks of the building to the rear lot line abutting *Neighbourhoods*; and restricting on street parking. The proposal would also provide much needed family-size dwelling units compatible with the surrounding context.

Staff also recommend that City Council approve the demolition of the 12 rental dwelling units at 4125-4133 Dundas Street West on the condition that the applicant provide for the replacement rental housing and tenant assistance as outlined in this report and enter into a Section 111 Agreement to the satisfaction of the Chief Planner and Executive Director, City Planning to secure these conditions.

## **CONTACT**

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## **SIGNATURE**

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Neil Cresswell, MCIP, RPP  
Director, Community Planning  
Etobicoke 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 Map
- Attachment 5: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

- Attachment 6: Site Plan
- Attachment 7: Elevations

Attachment 1: Application Data Sheet

**APPLICATION DATA SHEET**

**Municipal Address:** 4125 - 4133 **Date Received:** January 29, 2016  
DUNDAS ST. W

**Application Number:** 16 110541 WET 05 OZ

**Application Type:** Rezoning

**Project Description:** Proposed amendment to the Etobicoke Zoning Code (amending By-law No. 717-2006) to permit an 8-storey residential building with 114 residential units (including 12 proposed rental replacement units) and a below grade parking garage. The three existing buildings on site would be demolished.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
TACT ARCHITECTURE			4127 Dundas West Limited

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP No 277
Zoning: <i>General Commercial - Avenues Holding (CG-AV-H)</i>	717-2006	Heritage Designation:	N
Height Limit (m):	6 storeys, 18.5	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq m): 3,000      Frontage (m): varies      Depth (m): 35

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	1,315		1,700	<b>1,700</b>
Residential GFA (sq m):	725		9,868	<b>9,868</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>	<b>725</b>		<b>9,868</b>	<b>9,868</b>
Height - Storeys:	3		8	<b>8</b>
Height - Metres:	9		32	<b>32</b>

Lot Coverage Ratio (%):	56.61	Floor Space Index:	3.29
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<b>Floor Area Breakdown</b>	<b>Above Grade (sq m)</b>	<b>Below Grade (sq m)</b>
Residential GFA:	9,868	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	12	0		
Freehold:				
Condominium:			102	<b>102</b>
Other:			12	12
<b>Total Units:</b>			<b>114</b>	<b>114</b>

**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:	2	44	57	11	
<b>Total Units:</b>	<b>2</b>	<b>44</b>	<b>57</b>	<b>11</b>	

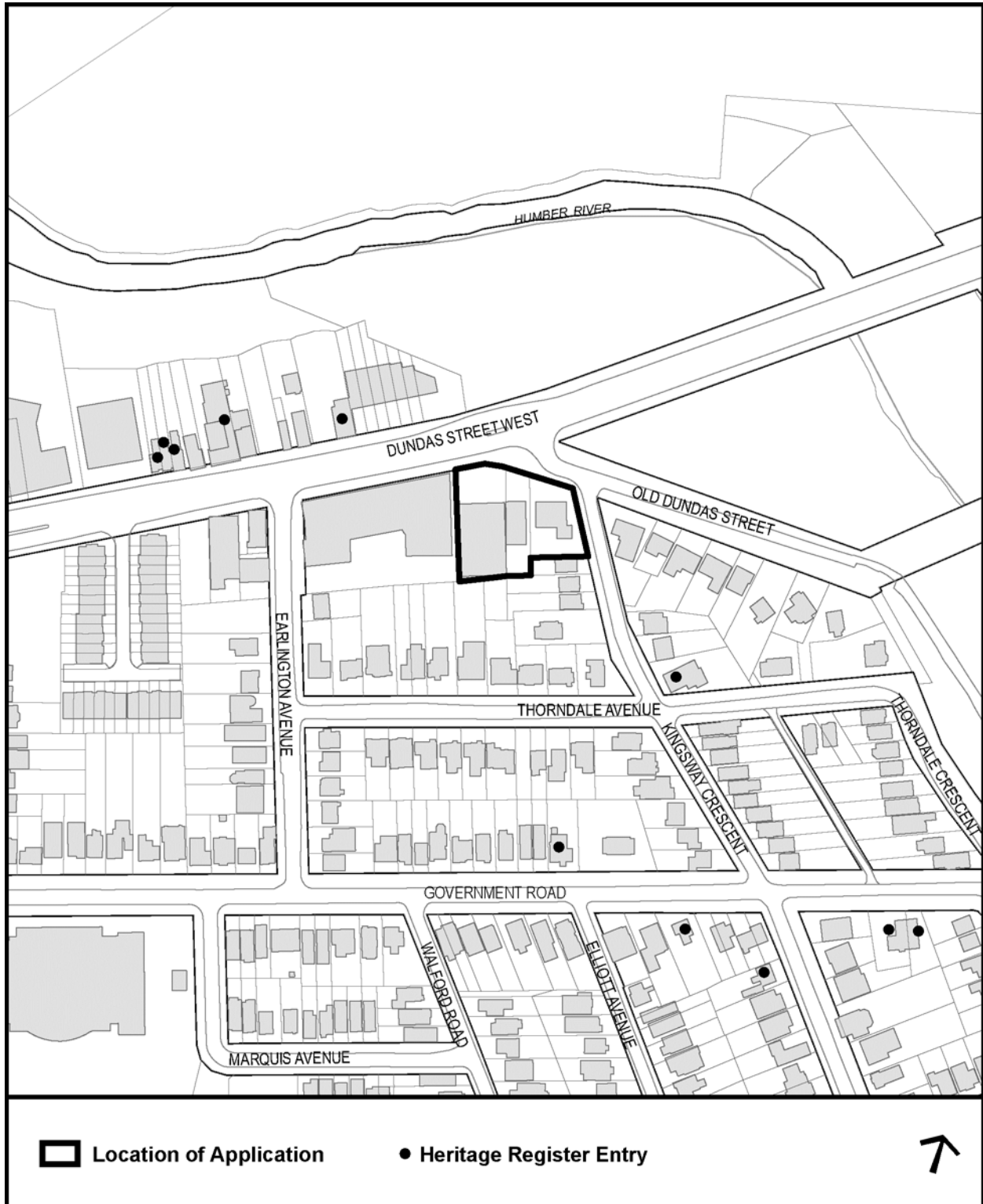
**Parking and Loading**

Parking Spaces: 116      Bicycle Parking Spaces: 130      Loading Docks: 1

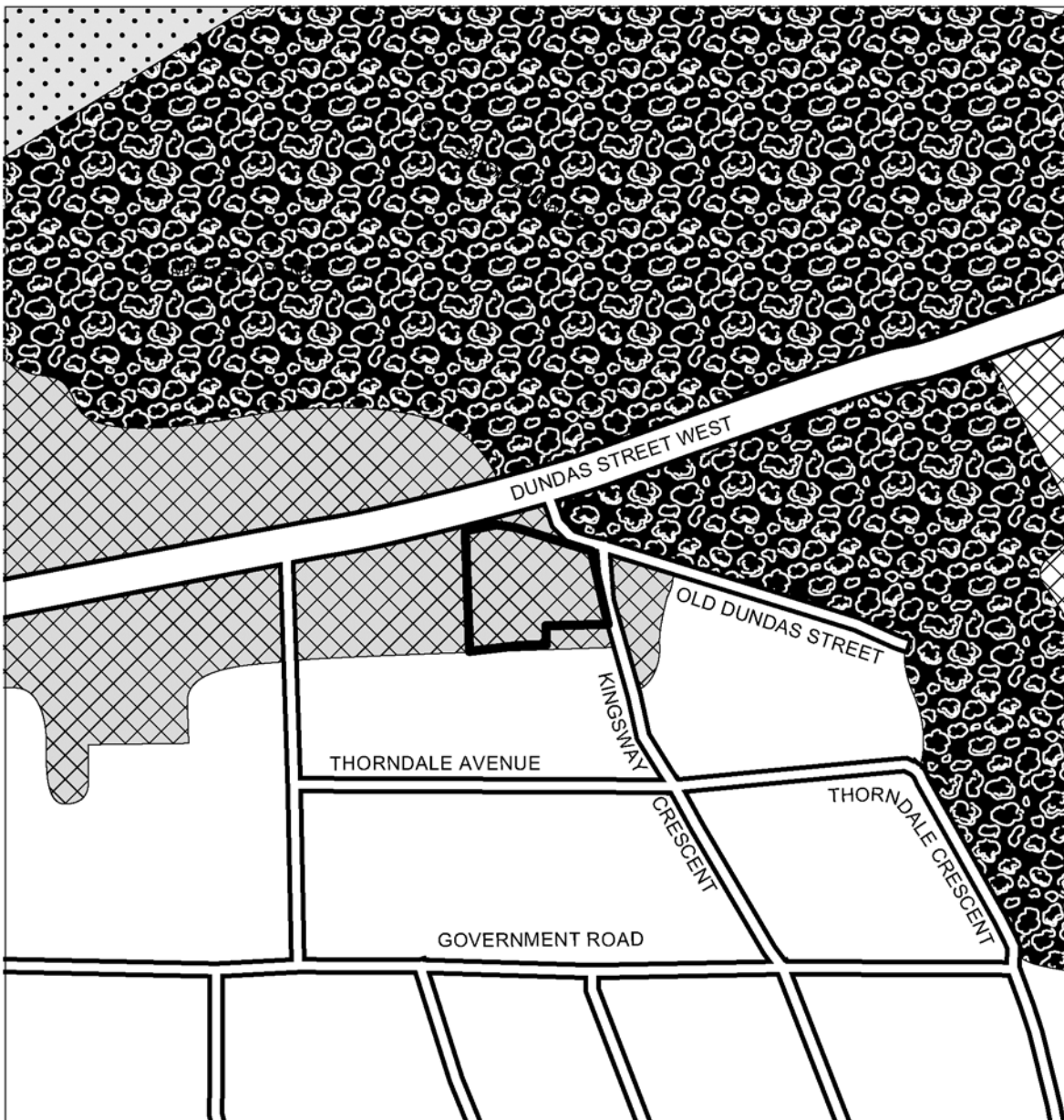
**CONTACT:**

Nicole Ivanov, Planner, Community Planning  
(416) 394-8227  
Nicole.Ivanov@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



4125-4133 Dundas Street West

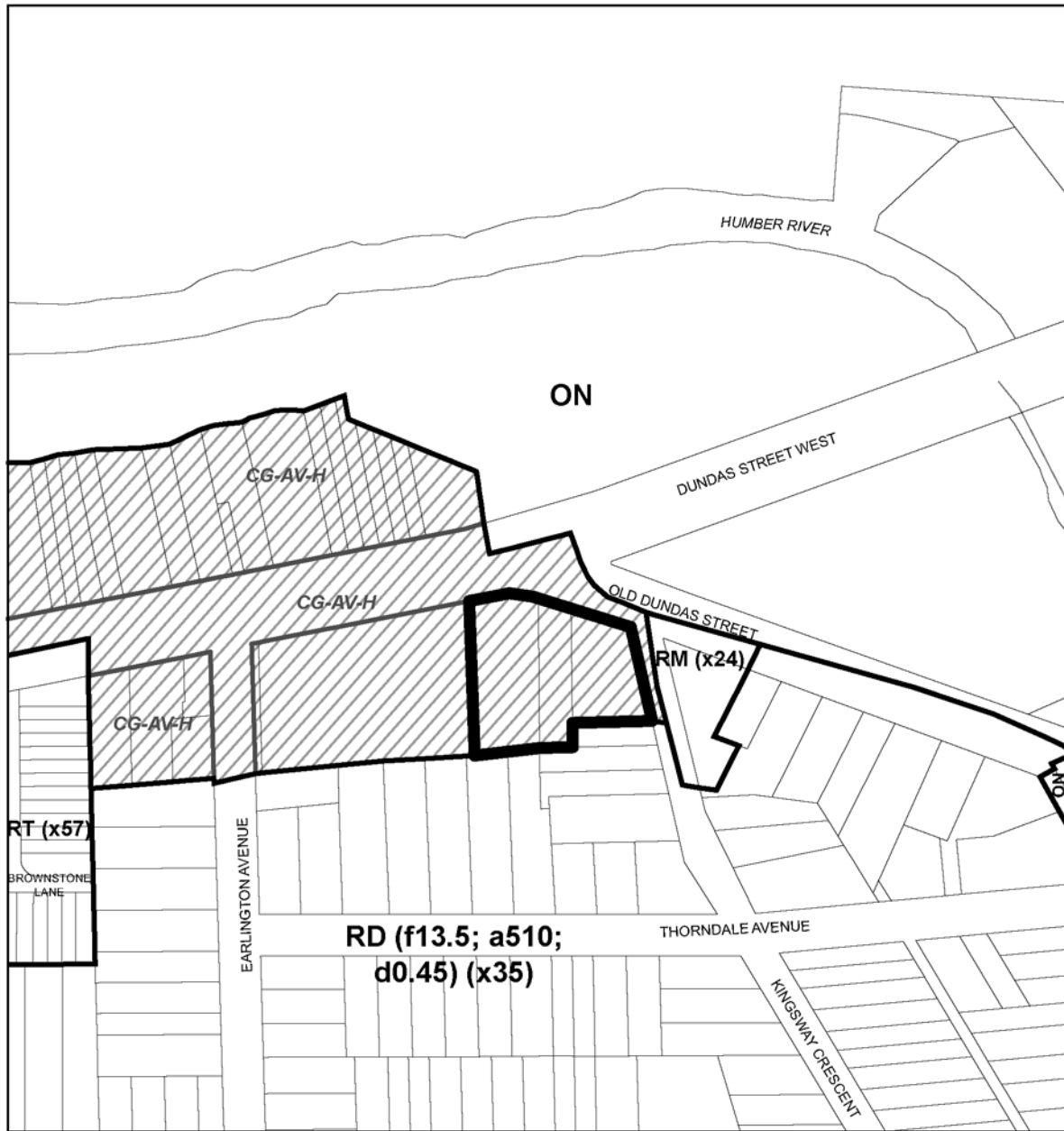
Official Plan

File # 16 110541 WET 05 0Z

- |                          |               |                   |
|--------------------------|---------------|-------------------|
| Site Location            | Natural Areas | Utility Corridors |
| Neighbourhoods           |               |                   |
| Apartment Neighbourhoods |               |                   |
| Mixed Use Areas          |               |                   |

↑  
Not to Scale  
01/09/2019

Attachment 4: Existing Zoning By-law Map



4125-4133 Dundas Street West

**Toronto** City Planning  
Zoning 569-2013

File # 16 110541 WET 05 0Z

Location of Application

See Former City of Etobicoke By-Law No. 11,737  
CG-AV-H General Commercial - Avenues

RD Residential Detached      RM Residential Multiple  
RT Residential Townhouse      ON Open Space Natural

Not to Scale  
Extracted: 09/01/2019



Attachment 5: Draft Zoning By-law Amendment

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

**CITY OF TORONTO**

**BY-LAW No. XXX-2019**

**To amend Chapters 320 and 324 of the former City of Etobicoke Zoning Code and By-law No. 717-2006 with respect to the lands municipally known as 4125, 4127, 4129 and 4133 Dundas Street West**

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

WHEREAS authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

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

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

WHEREAS pursuant to Section 37 of the Planning Act, the Council of a municipality may in a By-law under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the Planning Act provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by the former City of Etobicoke Zoning Code, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law; and

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), and attached as Schedule A-1 to Zoning By-law No. 717-2006 be and the same are hereby amended by amending the classification of lands from General Commercial – Avenues – Holding (CG-AV-H) to General Commercial – Avenues (CG-AV) as described in Schedule 1 attached hereto.

Pursuant to Section 37 of the Planning Act, the heights of development permitted by this By-law are permitted subject to compliance with the conditions set out in this By-law and in return for the provision by the owner of the site of the facilities and services and matters set out in Appendix “1” hereof, the provisions of which shall be secured by an agreement or agreements pursuant to Section 37(3) of the Planning Act.

Upon execution and registration of an agreement or agreements with the owner of the site pursuant to Section 37 of the Planning Act, securing the provision of the facilities and services and matters set out in Appendix “1” hereof, the site is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the owner may not erect or use such building until the owner has satisfied the said requirement.

Notwithstanding the Etobicoke Zoning Code and By-law 717-2006, the following provisions and development standards shall apply to the Lands.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 717-2006, the provisions of this By-law shall apply.

## **2. Definitions**

The following definitions shall be amended to include:

"Bicycle Parking Spaces – Long-term" means bicycle parking spaces intended for use by residents and employees;

"Bicycle Parking Spaces – Short-term" means bicycle parking spaces intended for use by visitors;

"Building Envelope" means the area delineated by heavy lines and identified on Schedule 2 attached to this By-law;

"Building Permit" means a permit issued under Section 8 of the Building Code Act, 2005, including a permit for exaction or shoring;

"Grade" means the average grade is the unaltered grade taken at the side lot lines identified as interior and flankage along Kingsway Crescent at the required front yard setback, identified as 109.44 metres Canadian Geodetic Datum;

"Gross Floor Area" shall have the same meaning as the Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas, storage areas, bicycle parking areas, loading areas and unenclosed balconies;

"Storey" means any full floor above the Canadian Geodetic Datum of 109.44 metres, excluding loft or mezzanines provided they do not exceed 65% of the area below and excluding the following:

Any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures, elevator overrun located on the roof of the building, provided the maximum height of such elements is no higher than 5 metres above the roof surface of the building and no greater than 40% of the roof area;

Minor Projections which project from a stepped-back wall of the building;

"Height" to be measured from Grade as defined to the highest point of the roof surface of the building, excluding the following:

Any mechanical equipment, window washing equipment, Mechanical Penthouse, parapets, railings, trellises, landscape planters, stairs and stair enclosures, elevator overrun located on the roof of the building, provided the maximum height of such elements is no higher than 5 metres above the roof surface of the building and no greater than 40% of the roof area;

Minor Projections which project from a stepped-back wall of the building;

"Indoor Amenity Area" means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

"Lands" means the lands described in Schedule1 attached hereto;

"Mechanical Floor Area" means a room or enclosed area, including its enclosing walls, above or below grade, that is used exclusively for the accommodation of

heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

"Mechanical Penthouse" means an enclosed structure and/or area located on the roof of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;

"Minor Projections" means minor building elements which may project from the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 2.0 metres;

"Outdoor Amenity Area" means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

### **3. Permitted Uses**

Section 320-95 of the Etobicoke Zoning Code and Section 3(A) of By-law No. 717-2006, shall apply to prevent the erection and use of a mixed-use building or a residential building on the Lands, provided:

(i) A total of 12 rental replacement dwelling units shall be provided on the Lands pursuant to the conditions in Appendix "1".

### **4. Building Heights**

Despite Section 320-97 of the Etobicoke Zoning Code and Sections 3(B)(1) and 3(B)(3) of By-law No. 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule 2, attached hereto.

### **5. Maximum Gross Floor Area**

Despite Section 3(D)(2) and Schedule A-6 of By-law No. 717-2006, the maximum Gross Floor Area permitted on the Lands is 9,900 square metres.

### **6. Amenity Space**

Despite Section 3(F)(2) of By-law No. 717-2006, outdoor residential amenity space may be provided in an a location that is not adjoining or directly accessible from the indoor residential amenity space.

### **7. Building Setbacks and Yard Requirements**

(a) Despite Section 320-80 of the Etobicoke Zoning Code and Sections 3(L)(1) of By-law No. 717-2006:

No building or structure shall be located other than within the Building Envelope shown on Schedule 2; and

Minor Projections are permitted outside the Building Envelope.

Despite Section 8(a)(i) of this By-law, any portion of the building or structure which is located below Grade may be located outside the Building Envelope shown on Schedule 2.

## **8. Parking Requirements**

Despite Section 320 of the Etobicoke Zoning Code and Sections 3(E)3 and 3(E)4 of By-law No. 717-2006, vehicle parking shall be provided on the Lands at the following minimum rates:

0.7 parking spaces per unit for studio units;

0.8 parking spaces per unit for one-bedroom units;

0.9 parking spaces per unit for two-bedroom units;

1.1 parking spaces per unit for three-bedroom units; and

0.15 parking spaces per unit for visitors.

If the calculation of the number of required parking spaces results in a number with a fraction, the number is rounded down to the nearest whole number, there may not be less than one parking space.

## **9. Loading Requirements**

Despite By-law 717-2006, a minimum of one loading space shall be provided at minimum dimensions of 4.0 metres in width, 13.0 metres in length and 6.1 metres in height.

## **10. Bicycle Parking Requirements**

Despite Section 3(O)(a) and (b) of By-law No. 717-2006, vehicle parking shall be provided on the Lands at the following minimum rates:

0.75 long-term bicycle parking spaces per unit; and

0.08 short-term bicycle parking spaces per unit.

If the calculation of the minimum bicycle parking spaces results in a fraction of a bicycle parking spaces being required, the number of required bicycle parking spaces must be rounded up to the next whole number.

**11. Treatment at Grade**

Despite Section 3(H)(5) of By-law No. 717-2006, the finished main floor area for residential uses shall be constructed at a minimum of 0.35 metres and no greater than 0.90 metres above grade.

**12. Removal of the 'H' symbol**

By-law 717-2006 is amended by removing the Holding Symbol (H) from the Lands shown on the attached Schedule 1.

**13. Section 37 Provisions**

Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Schedule 1 and Schedule 2 in return for the provision, by the owner, at the owner's expense of the facilities, services and matters set out in Appendix "1" hereof and which are secured by more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.

Whereas Appendix "1" of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.

The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Appendix "1" are satisfied.

**14.** Despite any severance, partition or division of Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.

**15.** Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____ - 2019	Lands located on the south side of Dundas Street West, known as 4125, 4127, 4129 and 4133 Dundas Street West.	To provide site specific development standards to permit a residential development at 4125, 4127, 4129 and 4133 Dundas Street West.

ENACTED AND PASSED this ~ day of ~, A.D. 2019.

FRANCES NUNZIATA,     ULLI S. WATKISS,  
 Speaker             City Clerk

(Corporate Seal)

## Appendix “1”

### Section 37 Provisions

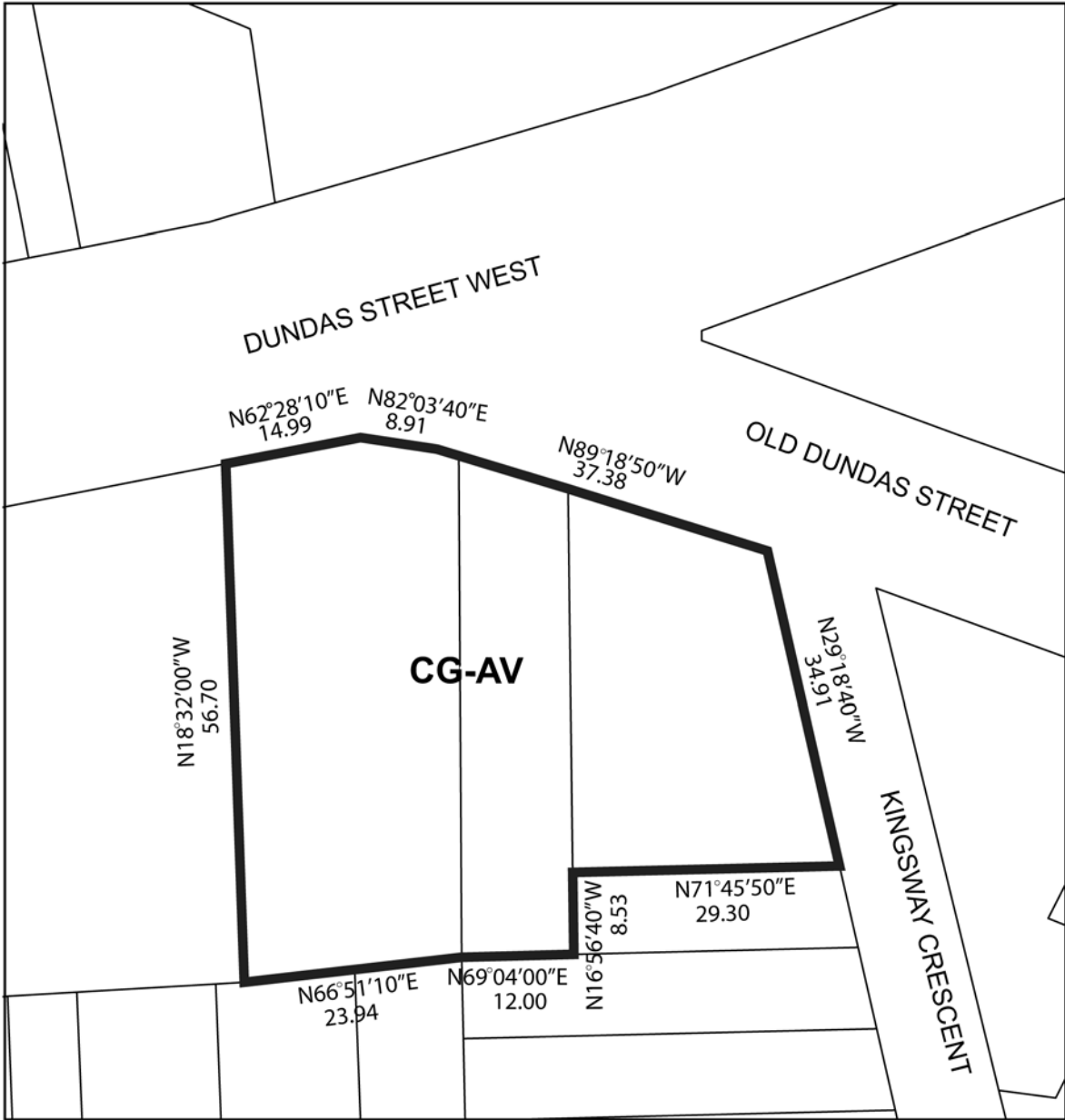
The facilities, services and matters set out below are required to be provided to the City at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown in Schedule 1 and Schedule 2 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act* whereby the owner agrees as follows:

- (a) The following matters are recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
  - (i) The owner shall provide and maintain not less than 12 replacement rental dwelling units, comprised of 2 bachelor units, 3 one-bedroom units, 6 two-bedroom units and 1 three-bedroom unit, at 4125, 4127 and 4133 Dundas Street West for a period of at least 20 years, as generally shown on the plans submitted to the City Planning Division dated July 11, 2018. Any revision to these plans must be to the satisfaction of the Chief Planner and Executive Director, City Planning.
  - (ii) The owner shall provide at least 2 bachelor, 3 one-bedroom, and 4 two-bedroom replacement rental dwelling units at affordable rents, at least 2 two-bedroom and 1 three-bedroom replacement rental dwelling units at mid-range rents for a period of at least 10 years, beginning from the date of first occupancy.
  - (iii) The owner shall provide ensuite laundry in all replacement rental dwelling units.
  - (iv) The owner shall make available storage lockers to tenants of the replacement rental dwelling units on the same basis as the occupants of the remainder of the building.
  - (v) The owner shall provide tenants of the replacement rental dwelling units access to all the same amenity spaces indoors and outdoors on the same terms and conditions as the occupants of the remainder of the building.
  - (vi) The owner shall provide tenants of the replacement rental dwelling units with access to at least 6 vehicle parking spaces with returning tenants who were using one of the existing resident parking spaces receiving first priority, and bicycle parking spaces generated on the same basis as the occupants of the remainder of the building.
  - (vii) The owner shall provide tenant relocation and assistance to each eligible tenant within the existing rental buildings, including an extended notice period, financial compensation beyond the minimum requirements set out



in the *Residential Tenancies Act*, and the right to return to a replacement rental dwelling unit for all of the tenants (the "Tenant Relocation and Assistance Plan"), all of which shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

- (viii) The owner shall enter into, and register on title, one or more Agreement(s) to secure the conditions outlined in i. to vii. above and as detailed in the Draft Zoning By-law Amendment (Attachment No. 5) to the report from the Director, Community Planning, Etobicoke York District dated January 28, 2019, 2019, to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.



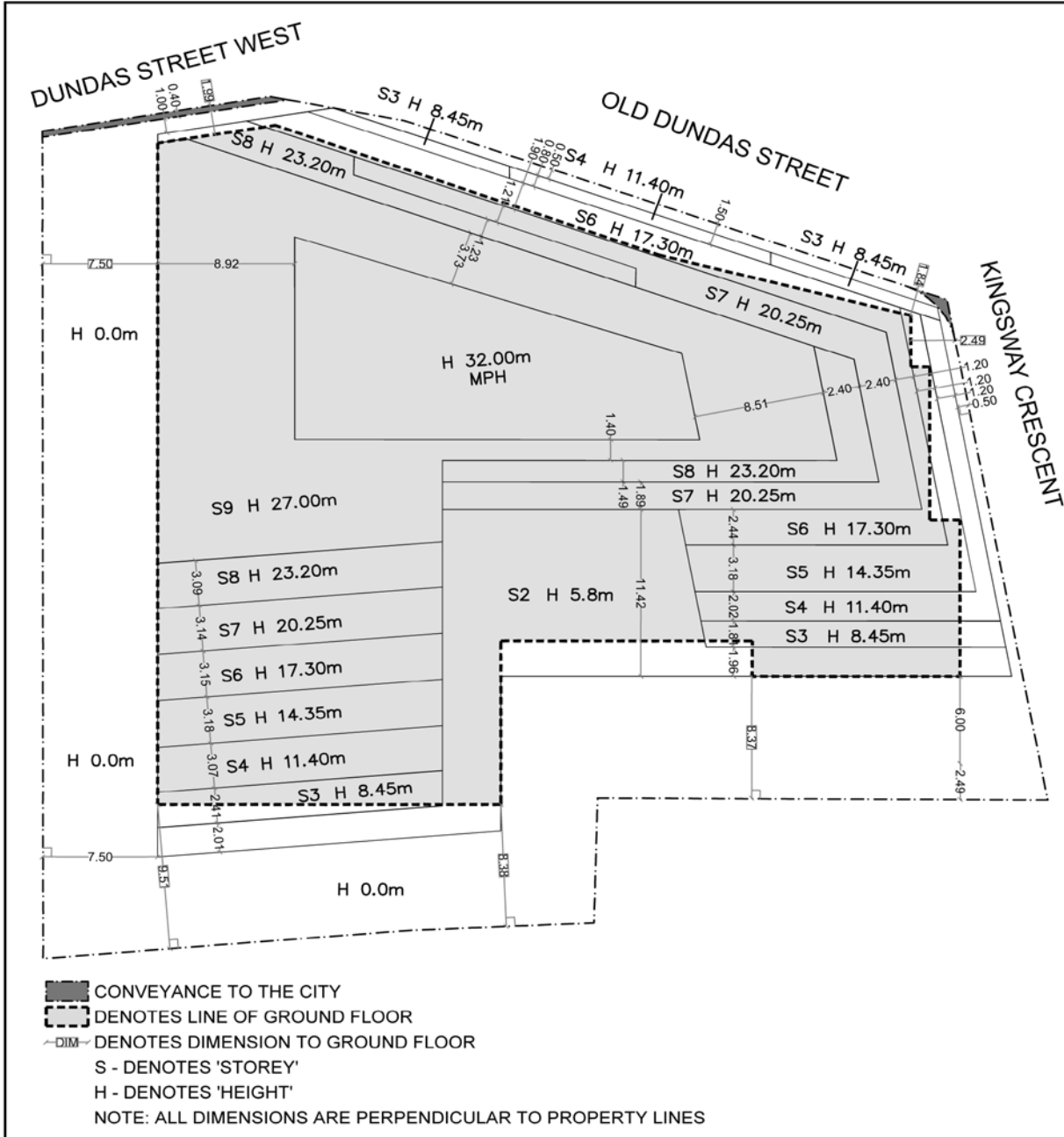
**Toronto**  
Schedule 1

**4125 - 4133 Dundas Street West**

File # 16 110541 WET 05 0Z



Former Etobicoke By-Law 11,737  
Not to Scale  
1/14/2019

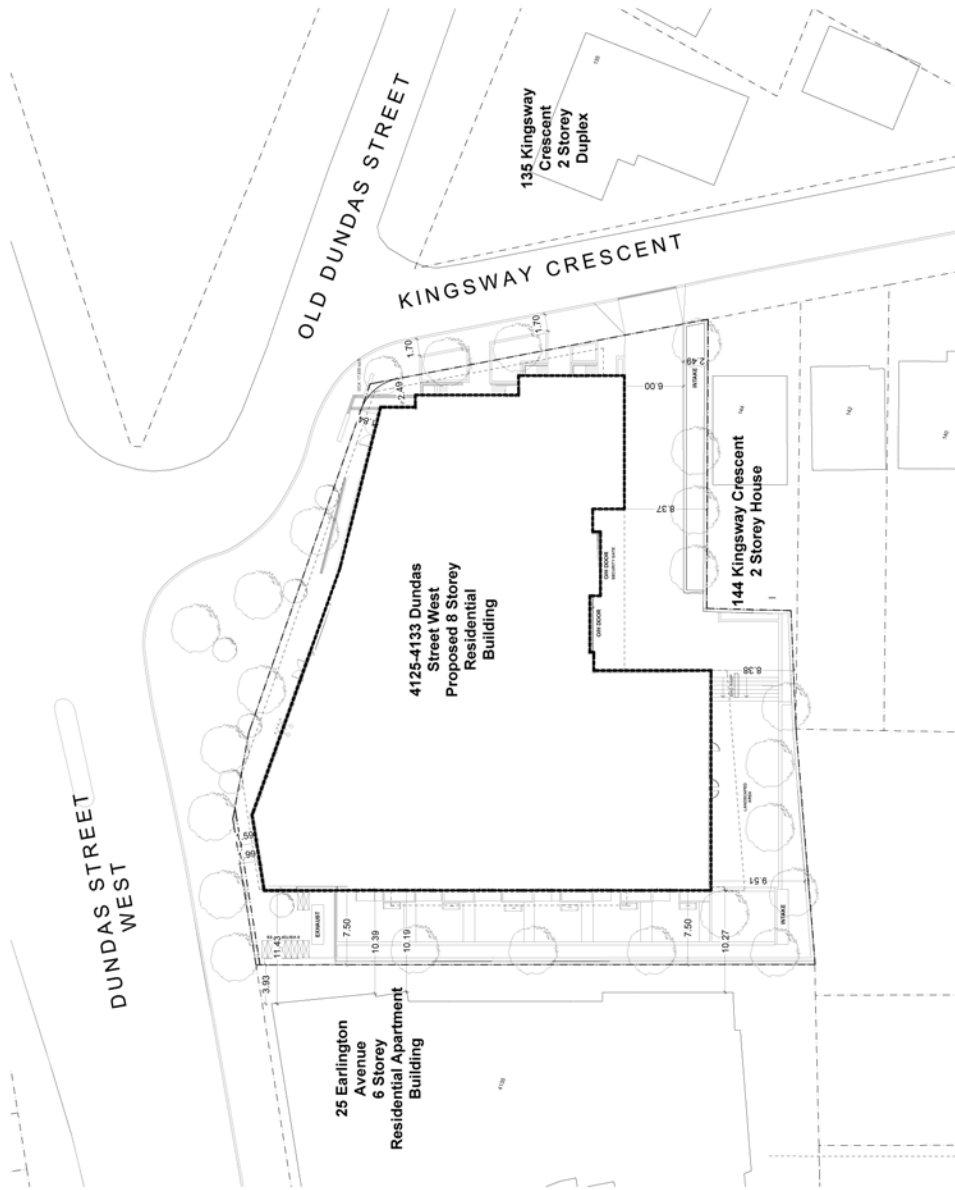


**Toronto**  
Schedule 2

**4125 - 4133 Dundas Street West**

File # 16 110541 WET 05 0Z

↑  
Former Etobicoke By-law 11,737  
Not to Scale  
1/14/2019



**4125 - 4133 Dundas Street West**

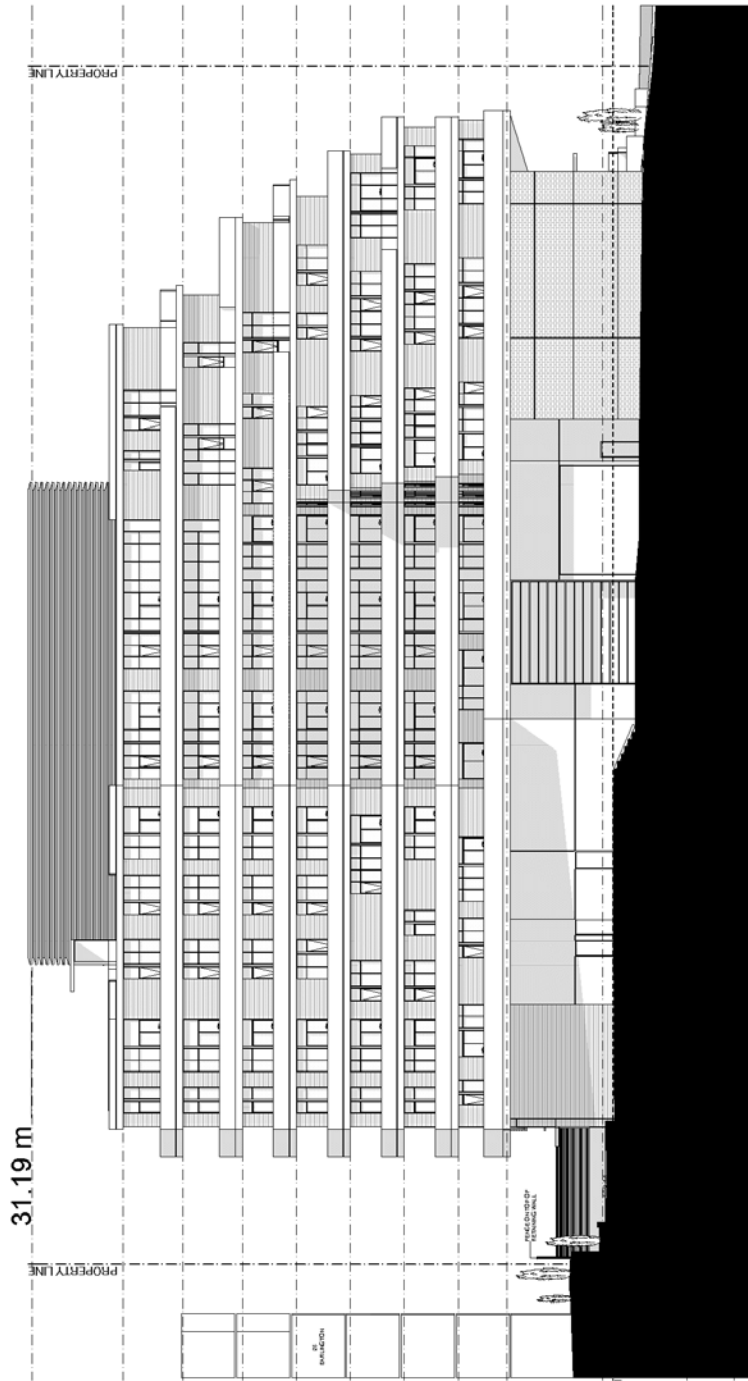
File # 16 110541 WET 05 02

**Site Plan**

Applicant's Submitted Drawing

Not to Scale  
01/10/2019





**South Elevation**

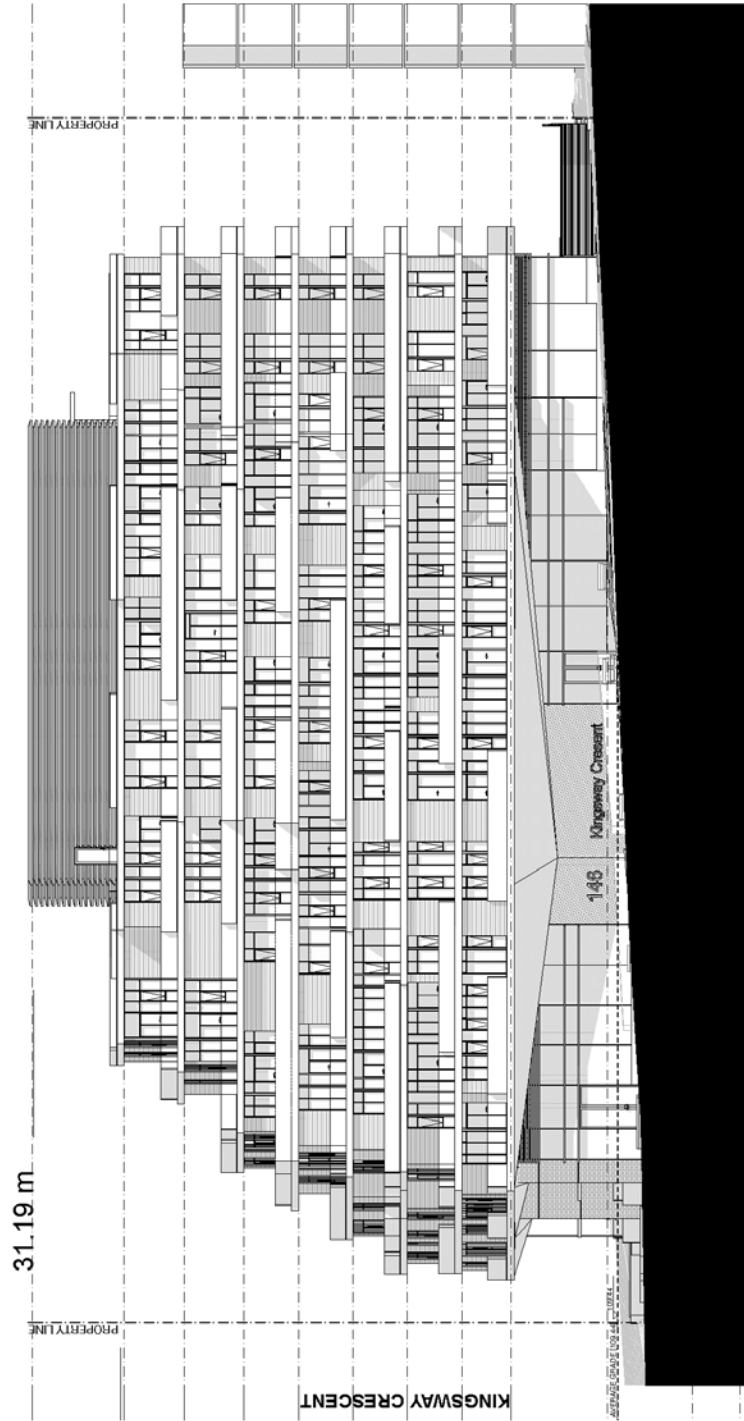
Applicant's Submitted Drawing

Not to Scale  
09/01/2019

4125 - 4133 Dundas Street West

File # 16 110541 WET 05 0Z

Attachment 7b: North Elevation



**North Elevation**

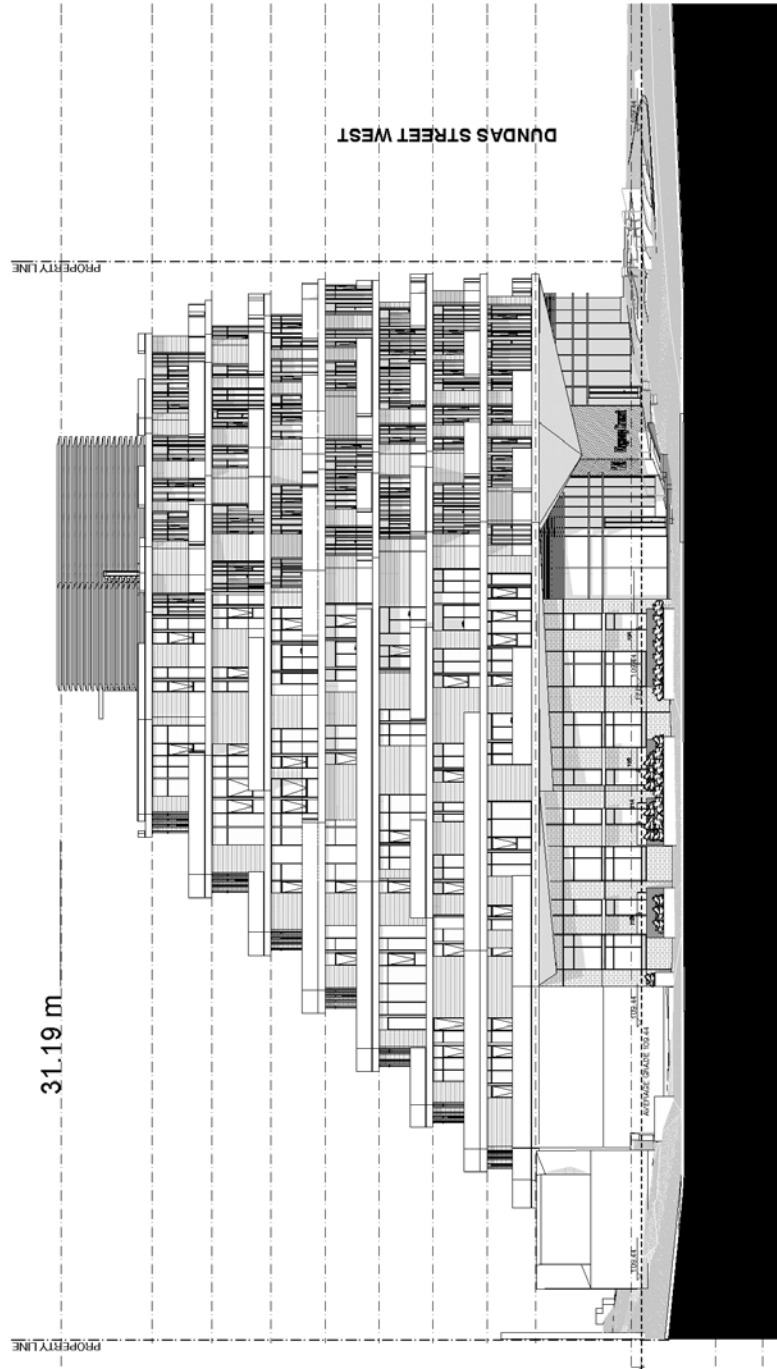
Applicant's Submitted Drawing

Not to Scale  
09/01/2019

**4125 - 4133 Dundas Street West**

File # 16 110541 WET 05 02

Attachment 7c: East Elevation



**East Elevation**

Applicant's Submitted Drawing

Not to Scale  
09/01/2019

**4125 - 4133 Dundas Street West**

File # 16 110541 WET 05 0Z



**West Elevation**

Applicant's Submitted Drawing

Not to Scale  
09/01/2019

**4125 - 4133 Dundas Street West**

File # 16 110541 WET 05 OZ