

3385 Dundas Street West – Zoning By-law Amendment Application – Final Report

Date: June 6, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Etobicoke York District

Ward: 4 - Parkdale-High Park

Planning Application Number: 16 163140 WET 13 OZ

SUMMARY

This application proposes to amend former City of York Zoning By-law No. 1-83 and City-wide Zoning By-law No. 569-2013 to permit a seven-storey (21.5 metres in height excluding mechanical penthouse, and 25 metres including mechanical penthouse), mixed use building containing 131 rental apartment units and 368 m² of non-residential floor area at 3385 Dundas Street West. The proposed development would have a Floor Space Index of approximately 3.95 times the area of the lands and would provide 127 vehicular parking spaces.

The proposed development is consistent with the Provincial Policy Statement (2014) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019). The proposed development represents an appropriate mixed use, mid rise development along this portion of Dundas Street West that would establish a positive precedent for redevelopment of the *Avenue*. The proposal complies with the *Mixed Use Areas* and *Avenues* policies of the Official Plan and generally complies with the City's Mid-Rise Building Performance Standards and Addendum. The proposal would also include a minimum of 10 affordable rental apartment units as a Section 37 benefit.

This report reviews and recommends approval of the application to amend the Zoning By-laws subject to conditions before introducing the necessary Bills to City Council for enactment.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend former City of York Zoning By-law No. 1-83 for the lands at 3385 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 5 to this report.

2. City Council amend City of Toronto Zoning By-law No. 569-2013 for the lands at 3385 Dundas Street West substantially in accordance with the Draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendments as may be required.
4. 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 community benefits at the owner's expense. The required Agreement shall be registered on title to the lands at 3385 Dundas Street West in a manner satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning.
 - a. The owner shall provide and maintain within the proposed mixed-use building on the lot at least 10 affordable rental dwelling units with a combined total gross floor area of at least 743 m² (8,000 ft²). The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. Any changes to the above conditions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - b. The owner shall provide and maintain the 10 affordable rental dwelling units as rental dwelling units for at least 20 years, beginning with the date that each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit can be made for at least 20 years from the date of first occupancy. When the 20 year period has expired, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
 - c. The owner shall provide and maintain the affordable rental dwelling units with the following unit mix and unit size requirements:
 - (i) a minimum of 10% of the affordable rental dwelling units shall be three-bedroom units or larger and shall have a minimum floor area of at least 90 m² (965 ft²); and
 - (ii) a minimum of 30% of the affordable rental dwelling units, inclusive of the 10% three-bedroom units referenced above, shall be two-bedroom units or larger and shall have a minimum floor area of at least 64 m² (685 ft²).
 - d. The owner shall provide and maintain the affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the affordable rental dwelling units shall be

in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.

- e. Prior to first occupancy of the affordable rental dwelling units referenced above, the owner shall work with the City's Shelter Support and Housing Administration staff and make every reasonable effort to select the first tenant for each such affordable rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.
5. Before introducing the necessary Bills to City Council for enactment, require the owner to enter into a Section 37 Agreement as a legal convenience to support development which will include the following:
 - a. The owner shall agree to enter into a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition, to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required.
 - b. The owner shall agree to the construction of the Pedestrian Clearway Easement, and all the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.
 - c. The owner shall agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services.
 - d. The owner shall agree to implement the mitigation measures required for noise abatement under the Class 1 area site criteria as detailed in the HGC Noise Feasibility Study (revised May, 2019). The final design and applicable clauses would be secured through the Site Plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - e. The owner shall agree to erect the signs requested by the TCDSB and TDSB and include warning clauses as a NOAC and Site Plan Agreement Condition to the satisfaction of TCDSB and TDSB staff.
 6. Before introducing the necessary Bills to City Council for enactment, require the owner to submit a revised Community Facilities and Services Study to the satisfaction of the Chief Planner and Executive Director, City Planning.
 7. Before introducing the necessary Bills to City Council for enactment, require the owner to submit revised plans illustrating that the minimum parking requirements of the Draft Zoning By-law Amendments are being met.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

At its meeting of April 29 and 30, 2009, City Council adopted the recommendations of a Planning staff report to amend the former City of York Zoning By-law No. 1-83 to permit the development of a six-storey apartment residence for seniors with complementary at-grade retail uses on the subject lands. A recommendation to withhold the necessary Bills for enactment of the site-specific Zoning By-law Amendment, until the Notice of Approval Conditions for the related Site Plan application was issued, was also adopted.

The related Site Plan application was never finalized and the file was closed in 2010. As a result, the previous Zoning By-law Amendment application is not in effect for the lands and the regulations and performance standards of Zoning By-law No. 1-83 are still applicable. The City Council decision and associated staff report can be accessed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2009.EY24.15>

A pre-application meeting was held to discuss complete application submission requirements and the current application was submitted on May 27, 2016 and deemed complete on June 29, 2016. A Preliminary Report on the application was adopted by Etobicoke York Community Council on September 7, 2016 authorizing staff to conduct a community consultation meeting with an extended notification area of 240 m. The Preliminary Report can be accessed through the following link:

<https://www.toronto.ca/legdocs/mmis/2016/ey/bgrd/backgroundfile-95488.pdf>

On January 30, 2019, City Council considered a report from the Director and Deputy Chief Building Official, Toronto Building, and approved an application to demolish the one-storey car-wash building at 3385 Dundas Street West without entering into a beautification agreement (a beautification agreement is required for demolition permits in the area covered by former City of York Zoning By-law No. 1-83). The owner advised that demolition was required in order to commence the necessary remediation of the site to support the redevelopment of the lands. City Council approved the demolition of the existing car-wash building subject to certain conditions such as: a construction fence being erected; all debris and rubble being removed immediately after demolition; and any holes being backfilled with clean fill. The Non-Residential Demolition Application Report can be accessed through the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE2.5>

PROPOSAL

This application seeks to amend former City of York Zoning By-law No. 1-83 and City-wide Zoning By-law No. 569-2013 to permit the construction of a seven-storey mixed use building (21.5 m in height excluding mechanical penthouse and 25 m including

mechanical penthouse). The proposed development would have a gross floor area of 10,880 m², of which 368 m² would be for non-residential uses on the ground floor and the remaining 10,512 m² would be for residential uses. A total of 131 rental apartment units would be provided, 10 of which would be secured as new affordable rental dwelling units through a Section 37 Agreement. The proposed density for the project represents a Floor Space Index of 3.95 times the area of the lot.

The proposal includes 262 m² (2 m² per dwelling unit) of indoor amenity space located on the ground floor in the form of a party room (96 m²), a fitness centre (131 m²) and a laundry café (35 m²) to be accessible to all residents of the building. The proposed outdoor amenity space would total 274 m² (2.1 m² per dwelling unit) and would comprise an outdoor garden area with tables and chairs and a landscaped open space area abutting the neighbouring residential properties to the south of the development.

There would be a centralized building access for pedestrians from Dundas Street West directly into a lobby. Additional pedestrian accesses are proposed from the back of the building directly into: the long term bicycle storage room; the party room; and a corridor (from the parking area in the back) leading to the lobby area and elevators. In addition, two apartment units on each of Beresford Avenue and Durie Street are proposed to have direct pedestrian access from the street.

The application proposes 127 vehicular parking spaces, all but six of which would be located in a two level underground parking garage. Of the 127 vehicular parking spaces, 105 spaces would be for residents (two of these 105 parking spaces would be car-share spaces for eight residential units to share the two vehicles), 19 parking spaces would be for residential visitors, and three parking spaces would be for commercial visitors. Five accessible parking spaces would be provided.

Primary vehicular access would be from a proposed full-movement driveway from Beresford Avenue on the south side of the proposed building. This driveway would provide access and egress for passenger vehicles to/from the parking spaces at grade and underground, as well as truck access to the loading area. A second driveway along Durie Street on the south side of the building would be restricted to truck egress only and would be further restricted to northbound right-turns only.

Loading would occur south of the parking garage ramp and there would be a staging area immediately next to the loading area. Garbage and recycling would be stored inside the building within a garbage and recycling room having direct access to the back of the building.

The application also proposes 143 bicycle parking spaces with 129 bicycle parking spaces being long term parking spaces (residents) and the remaining 14 being short term parking spaces (visitors). A total of 74 of the long term parking spaces would be located inside the building on the ground floor level, while the remaining 55 long term parking spaces would be located in the first level of the underground parking. The 14 short term parking spaces would be located on the Dundas Street West frontage of the building.

For additional project data, see Attachment 1: Application Data Sheet.

This proposal has evolved since the original May, 2016 submission. Originally, the proposed tenure was to be condominium ownership, with eight units to be provided to Habitat for Humanity. The current submission is for an entirely rental building with 10 units to be secured as affordable rental dwelling units. The chart below illustrates the revisions to the proposal.

	ORIGINAL SUBMISSION (MAY 27, 2016)	CURRENT SUBMISSION (MARCH 18, 2019)
TENURE	Condominium	Rental
GROSS FLOOR AREA	Res: 10,555 m ² Non-res: 1,113 m ² Total: 11,668 m ²	Res: 10,512 m ² Non-res: 368 m ² Total: 10,880 m ²
OVERALL DENSITY (FSI)	4.20 times the area of the lot	3.95 times the area of the lot
BUILDING HEIGHT	24.02 m excluding mechanical roof (mechanical penthouse roof = 29 m)	21.5 m excluding mechanical roof (mechanical penthouse roof = 25 m)
DWELLING UNITS	1-bedroom: 38 (31%) 2-bedroom: 81 (66%) 3-bedroom: 4 (3%) Total: 123	1-bedroom: 76 (58%) 2-bedroom: 42 (32%) 3-bedroom: 13 (10%) Total: 131
AFFORDABLE UNITS	8 Units	10 Units
VEHICLE PARKING SPACES	Resident: 106 Visitor: 18 Retail: 11 Car Share : 0 Total: 135	Resident: 103 Visitor: 19 Retail: 3 Car Share : 2 Total: 127
BICYCLE PARKING SPACES	Resident: 112 Visitor: 12 Total: 124	Resident: 129 Visitor: 14 Total: 143
LOADING SPACES	Type 'G': 1	Type 'G': 1
AMENITY SPACES	Indoor: 172 m ² (1.40 m ² /unit) Outdoor: 337 m ² (2.74 m ² /unit)	Indoor: 262 m ² (2.00 m ² /unit) Outdoor: 274 m ² (2.09 m ² /unit)

Site and Surrounding Area

The lands are irregularly shaped with a varied rear lot line condition and have an area of 2,758 m² (0.28 hectare), with approximately 83 metres frontage on Dundas Street West, 30 metres on Durie Street and 29 metres on Beresford Avenue (see Attachment 2: Location Map). The depth of the lot is approximately 45 metres at the widest point in the middle of lot. The property was occupied by a single-storey, eleven-bay, self-serve car wash and associated paved parking area. This car wash building has recently been demolished.

Surrounding land uses include:

North: Dundas Street West with commercial and industrial uses, further north is the CP rail corridor and shunting yard;

South: a public lane along the southwest part of the site currently occupied by the adjacent land owner, with a mix of single and semi-detached residential dwellings further south;

West: Durie Street, with commercial uses fronting Dundas Street West and residential properties to the south; and

East: Beresford Avenue, with commercial uses fronting Dundas Street West and residential properties to the south.

Reasons for the Application

The site is subject to the former City of York Zoning By-law No. 1-83 and is zoned CE (Commercial Employment) which permits a range of employment uses including industrial, office, business service, restaurants, retail stores, motor vehicle sales and rental, and public garage uses, as well as day nurseries and recreational uses. The CE zone does not permit residential uses.

The lands were not included within the City's harmonized Zoning By-law No. 569-2013 which may be found here:

<https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Application Submission

The application was received on May 27, 2016, and was declared complete as of June 29, 2016.

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

- Planning and Urban Design Rationale with Community Services and Facilities Review
- Architectural Plans

- Landscape and Lighting Plans
- Civil and Utilities Plans
- Avenue Segment Study
- Sun/Shadow Study
- Toronto Green Standard Checklist
- Noise Feasibility Study (includes a Vibration Study)
- Stormwater Management Report
- Transportation Impact Study
- Servicing Report
- Hydrogeological Report
- Arborist Report and Tree Preservation Plan

The information for the current proposal is available for review at the Application Information Centre (AIC) website:

<http://app.toronto.ca/DevelopmentApplications/mapSearchSetup.do?action=init>

Agency Circulation Outcomes

The application 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 application and to formulate appropriate Zoning By-law standards and conditions of Site Plan Control approval.

Community Consultation

A community consultation meeting was held on October 13, 2016 in the Runnymede Collegiate auditorium. There were approximately 35 people in attendance and the concerns included:

- The precedent setting nature of this development on this stretch of Dundas Street West being the first to be developed under the *Avenues* policies;
- The lack of design of the building façade on the Dundas Street West frontage;
- The building being too big and tall for the scale of the site;
- Traffic impacts on Dundas Street West, Beresford Avenue and Durie Street;
- Safety concerns on both Beresford Avenue and Durie Street from increased traffic;
- Traffic turn movements from Beresford Avenue to westbound Dundas Street West;
- Questions about the sufficiency of parking for the proposal;
- Questions about the sufficiency of servicing for the proposal;
- Overlook and shadow impacts to the residential buildings to the south;
- Questions about the impacts of the construction of the building; and
- Questions about the capacity of local schools to accommodate the children from the development.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

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

The Provincial Policy Statement (2014)

The 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 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."

Provincial Plans

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.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to an MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) 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 (2019) 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.

Toronto Official Plan

The subject lands are designated *Mixed Use Areas* on Map 14 - Land Use Plan of the City's Official Plan (see Attachment 3: Official Plan Land Use Map). This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the City

Section 2.1 Building a More Liveable Urban Region:

The Official Plan contains principles for steering growth and change to appropriate areas of the City, while protecting the City's neighbourhoods and green spaces from development pressures.

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

The Official Plan states that future growth within Toronto will be steered to areas that are well served by transit, the existing road network and which have a number of properties with redevelopment potential. Growth areas in the City are locations where good transit access can be provided along bus and rapid transit routes. Areas that can best accommodate this growth are shown on Map 2 (Urban Structure) of the Official Plan. Map 4 (Higher Order Transit Corridors) and Map 5 (Surface Transit Priority Network) show Jane Street as a Transit Corridor and Transit Priority Segment. Jane Street is approximately 500 m to the west of the subject lands.

Section 2.2.3 *Avenues*: Reurbanizing Arterial Corridors:

The Official Plan states that *Avenues* are important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. 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*. Development applications which proceed in advance of an Avenue Study are required to complete a study, called an Avenue Segment Study, which will address the impacts of the incremental development of the entire Avenue segment at a similar form, scale and intensity. Related considerations include appropriate built form and massing necessary to protect adjacent *Neighbourhoods* and the adequacy of supporting community facilities and infrastructure.

Section 2.3.1 Healthy Neighbourhoods:

Policy 2.3.1.1 states that *Neighbourhoods* are low rise and low density residential areas that are considered to be physically stable areas. Development in *Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas.

Policy 2.3.1.2 states that developments within *Mixed Use Areas*... that are adjacent to *Neighbourhoods* will:

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

Policy 2.3.1.3 states that intensification of land adjacent to *Neighbourhoods* will be carefully controlled so the *Neighbourhoods* are protected from negative impact.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm:

Public realm policies promote quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm. The policies also recognize the essential role of the City's streets, open spaces, parks and other key shared public assets in creating a great city. These policies aim to ensure that a high level of quality is achieved in landscaping, urban design and architecture in public works and private developments to ensure that the public realm is beautiful, comfortable, safe and accessible.

Section 3.1.2 The 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.

New development in Toronto will be located and organized to fit with its existing and/or planned context. It will do this by generally locating buildings parallel to the street with a consistent front yard setback, acknowledge the prominence of corner sites, locate entrances so they are clearly visible 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. Furthermore, new development will create appropriate transitions in scale to neighbouring existing and/or planned buildings, limit shadowing on streets, properties and open spaces, and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks as necessary to preserve their utility.

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

Further, Policy 3.1.2.6 states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new

development. Each resident of such development will have access to outdoor amenity spaces such as balconies, terraces, courtyards, rooftop gardens and other types of outdoor spaces.

The Official Plan also contains housing policies that support 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 (Policy 3.2.1.1).

Policy 3.4.21 requires appropriate design, buffering and/or separation between major facilities such as industries, and sensitive uses such as residences to prevent adverse effects from noise, vibration and other contaminants, and to promote safety. To assist in identifying impacts and mitigation measures, the proponent may be required to prepare studies in accordance with guidelines, and the proponent will be responsible for implementing any required mitigation measures.

Chapter 4 - Land Use

The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in single use or mixed use buildings, as well as utilities, parks and open spaces. The Official Plan states that "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in Toronto in the coming decades, as well as much of the new housing". However, not all *Mixed Use Areas* will experience the same scale or intensity of development. The policies of *Mixed Use Areas* require new development to provide a transition between areas of different development intensity and scale.

Policy 4.5.2 sets out development criteria in *Mixed Use Areas*, noting that development will:

- a) Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- b) Provide for new jobs and homes for Toronto's growing population on underutilized lands in the...*Avenues* and other lands designated *Mixed Use Areas*, creating and sustaining well-paid, stable, safe and fulfilling employment opportunities for all Torontonians;
- c) Locate and mass new buildings to provide a transition between areas of different development intensity and scale...through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods;
- d) Locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- e) Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- f) Provide an attractive, comfortable and safe pedestrian environment;
- g) Have access to schools, parks, community centres, libraries and childcare;
- h) Take advantage of nearby transit services;

- i) Provide good site access and circulation and an adequate supply of parking for residents and visitors;
- j) Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- k) Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Chapter 5 - Implementation

Section 5.1.1 of the Official Plan provides for the use of Section 37 of the *Planning Act* to secure community benefits in exchange for increased height and density for new development, provided the development constitutes good planning, is consistent with the policies and objectives of the Plan and complies with the built form policies and all applicable neighbourhood protection policies of the Plan. The community benefit to be secured must bear a reasonable relationship to the increased height and/or density of the proposed development and have an appropriate geographic relationship with the proposed development.

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

Avenue Segment Study

This stretch of Dundas Street West is identified as an *Avenue* on Map 2 – Urban Structure of the Official Plan with a right-of-way width of 20 metres. At present, an *Avenue Study* for this segment of Dundas Street West has not been initiated. An *Avenue Segment Study* dated May 2016 was prepared by Bousfields Inc., in support of the original proposal, including eight units for low-income families through Habitat for Humanity. The *Avenue Segment Study* identified there were no mid-rise developments within the segment, however ten soft sites were identified which exhibited reasonable redevelopment potential, in addition to the site subject to this proposal. The *Avenue Segment Study* estimated that there was development potential on these 11 sites for an additional 612 dwelling units (48,215 m² of residential gfa), 61,687 m² of office gfa, and 9,305 m² of retail and service commercial gfa. The *Avenue Segment Study* also identified that building heights along the segment could range from six to eight storeys. The *Avenue Segment Study* concluded that it would be appropriate to develop this site with a mixed-use mid-rise building and that it would establish a positive precedent for redevelopment in the area.

Zoning

The site is subject to the former City of York Zoning By-law No. 1-83 and is zoned CE (Commercial Employment) (see Attachment 4: Existing Zoning By-law Map). The CE zone permits a range of employment uses including industrial, office, business service, restaurants, retail stores, motor vehicle sales and rental, and public garage uses, as well as day nurseries and recreational uses. The maximum building height for these permitted uses is 6 storeys and/or 20 m except that within 10 m of a residential zone, the maximum permitted height is 14 m. There is no maximum gross floor area regulation in this zone. The CE zone does not permit residential uses.

The lands were not included within City-wide Zoning By-law No. 569-2013.

A Zoning By-law Amendment is required to the former City of York Zoning By-law No. 1-83 to permit the proposed development. The amendment to City-wide Zoning By-law No. 569-2013 is required to introduce these lands into the City-wide By-law.

Design Guidelines

The Avenues and Mid-Rise Buildings Study and Performance Standards apply to this proposal.

Avenues and Mid-Rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-Rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and sky view, 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 in 2016, 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. City Council's 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>.

Site Plan Control

A Site Plan application has been submitted and is being reviewed concurrently with the Zoning By-law Amendment application.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, PPS (2014) and Growth Plan (2019). Policy documents including the PPS, the Growth Plan and the City's Official Plan must be read in their entirety and relevant policies must be applied to each situation. Staff have determined that the proposal is consistent with the PPS (2014), conforms to the Growth Plan (2019), and has regard for matters of provincial interest set out in Section 2 of the *Planning Act* as follows:

Relevant Matters of Provincial Interest

The proposed development has regard to relevant matters of Provincial Interest in Section 2 of the *Planning Act* such as: 2(j) the adequate provision of a full range of housing, including affordable housing; 2(p) the appropriate location of growth and development; 2(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and 2(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 Official Plan establishes this area of Dundas Street West as an *Avenue* and the Avenue Segment Study confirms this site as an appropriate site for a mid-rise mixed use building.

The proposal is in an appropriate location for development, supportive of current transit along Dundas Street West and future transit along Jane Street which is approximately 500 m to the west, and represents an appropriate built form that provides transition to the neighbourhood to the south, while also providing for commercial space on the main street and residential units on flanking streets that will contribute to encouraging a sense of place and promote a vibrant public realm/streetscape.

PPS (2014)

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. Policy 1.1.3.2 states that development shall make efficient use of land and resources, infrastructure and public service facilities. Policy 1.1.3.3 requires redevelopment to be directed to appropriate locations. Policy 1.1.3.4 states that appropriate development standards are to be promoted which facilitate redevelopment and compact built form, while avoiding or mitigating risks to public health and safety. Policy 1.1.3.6 states that new development should occur adjacent to existing built up areas in a compact form, provide a mix of uses, and have densities that allow for the efficient use of land, infrastructure and public service facilities.

Policy 1.2.6.1 of the PPS (2014) states major facilities and sensitive uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize the risk to public health and safety, and to ensure the long-term viability of major facilities.

The proposal is located on the Dundas Street West bus line, the proposed seven storey mixed use building would promote intensification through a compact urban form, would result in both a variety of residential unit types (ranging from one to three bedroom units) and commercial uses that utilize existing services within an existing built-up area, and represents an efficient land use pattern that would minimize land consumption. Further, the Noise Feasibility Study submitted in support of the application identified mitigation measures that would minimize adverse effects from nearby noise sources.

Growth Plan (2019)

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 including the *Avenues* and Mid-Rise Buildings Study and Performance Standards and Addendum.

The 2019 Growth Plan provides municipalities the authority to define the location and nature of growth that will occur in intensification areas in a flexible manner suitable to the local context, while still meeting the overriding provincial density objectives to support investments in transit. Municipalities will “identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas” (Policy 2.2.2.3b).

The Growth Plan (2019) also contains Policies 1.2.1, 2.2.1.4 and 2.2.6.1 to support the achievement of complete communities that provide a diverse range and mix of housing options including affordable housing to accommodate the needs of all household sizes and incomes.

This site is located on an '*Avenue*' which is designated for growth in the City's Official Plan. The proposal is further supported by public transit, and would provide an appropriate built form and scale which transitions to adjacent uses. The proposal would provide a range of unit sizes including 10% three bedroom units and 32% two bedroom units providing opportunities for larger households to be accommodated. The proposal conforms to the Growth Plan (2019) which states that population growth will be accommodated by directing new growth to built up areas of the community through intensification and making efficient use of land and existing services and infrastructure, including proximity to public and active transportation.

Land Use

The proposal has been reviewed against the policies of the Official Plan as a whole including those described in the Issues Background section of this report. The *Mixed Use Areas* designation provides for a range of residential, commercial and institutional uses, in singular use or mixed-use buildings which provide opportunities for residents to live, work and shop in the same area. The Avenue Segment Study confirmed that it would be appropriate to develop this site with a mixed-use mid-rise building and that it would establish a positive model for redevelopment in the area.

The proposed seven-storey mixed use building would provide for both new housing and employment opportunities, which would be consistent with the land use provisions of the Official Plan and is consistent with the existing and planned context for the subject property and the surrounding area. Staff are of the opinion that the proposed mixed-use, mid-rise development is appropriate for this site and complies with the *Mixed Use Areas* and *Avenues* policies contained within the Official Plan.

Building Height and Massing

The existing zoning provisions provide the site with a six-storey (and/or 20 m) permission for non-residential uses except that within 10 m of a residential zone, the

height permitted would be 14 m. The height of the proposed building is 21.5 m and provides appropriate setbacks and setbacks given its irregular shape.

The majority of the south elevation adjacent to the residential neighbourhood is set back at least 10 metres from the property line/back of laneway, with a height of 6 storeys (18.5 m), then steps back 2 to 2.5 m for the seventh floor (21.5 m). Along the Beresford Avenue frontage, the building would step back by 4.6 m at the sixth floor and then 3.8 m on the seventh floor. The setbacks and setbacks reduce any impacts related to shadow, sky view, transition and overlook.

The front elevation would have a varied streetwall height of six storeys (18.5 m), five storeys (15.5 m) and three storeys (10.0 m). The majority of the front elevation would step back at the fourth storey, then again at the seventh storey. This would create a strong pedestrian scale perception streetwall consistent with the Mid-Rise Performance Standards and Addendum.

The proposal has been designed with the largest mass of the building towards the Dundas Street West frontage. The building transitions at the top of the building on the Dundas Street West façade by stepping down with terraces to help maintain sunlight and sky views within the public realm. On the southeast side of the building, terraces on the fifth, sixth and seventh floors provide transition to the neighbourhood to the south and east, while on the southwest part of the building a generous rear yard setback and a seventh floor terraced setback is provided for transition to the neighbourhoods to the south and west (see Attachment 7: Site Plan and Attachment 8: Elevations).

To mitigate impacts on adjacent neighbourhoods, the balconies would not be permitted to project within 10m of the rear residential property line adjacent to the laneway.

To provide for additional transition to the adjacent neighbourhoods, the proposal has also maintained an area of landscaped open space within the block adjacent to the rear yards of the abutting residential properties to the south and west.

The building would be set back on the ground floor along the Dundas Street West frontage by approximately 2.0 m to achieve at least 4.8 m from the curb face for streetscape while the upper floors would be setback approximately 1.5 m. A portion of the ground floor setback would be used to provide part of the required 2.1 m wide pedestrian clearway along the Dundas Street West frontage in order to accommodate street trees along the Dundas Street West right of way in accordance with the Toronto Green Standard and the Official Plan public realm policies for sidewalk and boulevard enhancements.

Two ground related units would be located on the Durie Street frontage and another two ground related units would be located on the Beresford Avenue frontage. These units have been designed to integrate with the properties immediately south of the proposed development within the *Neighbourhoods*. They would have individual at grade entrances and small front yards similar to the nearby residential properties to the south.

Given the existing and planned context for the subject property and the surrounding area, staff are of the opinion the proposal's built form, including the density, height, massing and transition is appropriate in this location.

Sun and Shadow

The Sun/Shadow Study submitted in support of the application indicates there would be no shadow impacts on the adjacent neighbourhood properties to the south and limited shadow impacts on the properties across the street to the east and west during the spring (March 21) equinox. Shadows would not extend to the boulevard on the north side of the Dundas Street West right-of-way. Shadows on the Durie Street right-of-way, immediately west of the proposed building, would last from 9:18 am to 11:18 am, while the Beresford Avenue right-of-way, immediately east of the proposed building, would be in shadow from 1:18 pm to the remainder of the day. Shadows for the autumn (September 21) equinox are expected to be similar to the spring equinox. Staff are of the opinion the shadow impacts of the proposed development would be adequately minimized.

Housing

A total of 13 (10%) of the proposed units would have three bedrooms and 42 (32%) of the proposed units would have two bedrooms. This supports the objectives of the Growing Up Guidelines which state that a building should provide a minimum of 25% large units: 10% of the units should have three bedrooms, and 15% of the units should have two bedrooms. The City's Official Plan housing policies and the Growth Plan's growth management and housing policies direct that new development should accommodate a broad range of households, including families with children. Staff are of the opinion that the proposed development would achieve this direction.

The original proposal included eight Habitat for Humanity units within the development. In February 2019, Habitat for Humanity advised the City they were no longer involved with this development. The applicant subsequently agreed to provide the 743m² (8,000 ft²) of floor area for affordable rental dwelling units (approximately ten units) to be secured by the City through a Section 37 Agreement.

An affordable rental dwelling unit is defined as a rental dwelling unit that is provided and maintained at affordable rent. Affordable rent is defined as rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas and water, but excluding vehicle parking, storage lockers, internet, telephone and cable television charges) is at or below the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto.

This report recommends that City Council require the owner enter into a Section 37 Agreement pursuant to Section 37 of the *Planning Act* to secure the ten affordable rental dwelling units.

Traffic Impact, Access, Parking and Loading

A Traffic Impact Study, prepared by the BA Group, dated May 26, 2016 and subsequent revisions dated April 9, 2018 and August 10, 2018 were submitted assessing the traffic impacts of the proposal. The study estimates the proposed development would generate approximately 41 and 43 new two-way trips during the weekday morning and afternoon peak hour periods, respectively. The traffic analysis indicated that the existing traffic signal timing for the Dundas Street West/Runnymede Road and Dundas Street West/Windermere Avenue signalized intersections should be 'optimized' under future background and future total conditions and that the City should monitor local intersections to determine if and when improvements are required. The consultant determined that the site's traffic would represent less than 1% of the traffic capacity in the vicinity of the development. Transportation Services staff concur with these findings.

The BA Group recommended that the proposed mixed use building provide vehicular parking based on the minimum apartment building ratios for Policy Area 4 within Zoning By-law No. 569-2013. A total of 127 parking spaces are proposed for the development consisting of 105 resident parking spaces (2 of which would be car-share spaces supplying the need for 8 units), 19 visitor parking spaces and 3 non-residential spaces. An additional 2 tandem parking spaces are proposed which would not be counted in the parking supply. The proposed 127 parking spaces would satisfy the Policy Area 4 requirements for the site provided the 2 car-share spaces are maintained for residents.

The applicant will be required to submit documentation to the satisfaction of Transportation Services staff confirming that a car-share provider would be secured for the site. This would be secured through the site plan review process for this development. It is recommended that the owner of 3385 Dundas Street West be required to agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services and that this be secured in the Section 37 Agreement as a legal convenience.

A total of 5 accessible parking spaces are required for the proposal and Transportation Services staff have provided the minimum zoning by-law requirements for these spaces. However, an interpretation issue has arisen regarding the By-law compliance of the proposed spaces. It is recommended that before introducing the necessary Bills to City Council for enactment, the owner submit revised plans illustrating that the minimum parking requirements of the Draft Zoning By-law Amendments are being met, to the satisfaction of City staff.

A total of 143 bicycle spaces would be provided in accordance with the required standards for bicycle parking. Transportation Planning staff are of the opinion that the proposed supply of bicycle parking spaces is acceptable. The layout and design of the bicycle parking would be further reviewed and secured through the Site Plan review process for this development.

Existing vehicular accesses to Dundas Street West, Beresford Avenue and Durie Street which served the former car wash are to be closed. The driveway from Beresford Avenue is proposed to provide access/egress for passenger vehicles to/from the at grade and underground parking spaces, as well as truck access to the loading area. A

second driveway is proposed on Durie Street which is to be restricted for truck egress only and only right turns (towards Dundas Street West) onto Durie Street from the driveway would be permitted. Restrictions shown on the plans for this driveway are acceptable to Transportation Services staff and would be secured through the site plan review process for this development.

The proposal includes one Type 'G' loading space to be shared between the residential and the retail uses. This is acceptable to Transportation Services staff.

Road Widening

There is no road widening required along the Dundas Street West, Durie Street and Beresford Avenue frontages.

Public Laneway

A 2.05 m widening would be required along the public lane abutting the south side of the site which extends approximately 33 m from Durie Street in order to satisfy the requirement for a 6 m wide lane. This conveyance would require revision of the driveway and building layout abutting the laneway. This public laneway is currently being occupied by the neighbouring property to the south. The proponent has approached the City about purchasing the public lane and incorporating the lands into the proposed development. The City has initiated the process of examining if the laneway can be declared 'surplus' to the City's needs, which would require a 'stop-up-and-close' process. This process could take up to one year to complete.

The current proposal does not incorporate this public laneway for site access or vehicular circulation and the public laneway is not required to satisfy any of the requirements for the development proposal. Transportation Services staff will require that as a condition of site plan approval, and as a condition of the City waiving its requirement for the 2.05 m widening abutting the public lane, the 'stop-up-and-close' process to close the public lane and sell the lands to the owner be successfully completed to the satisfaction of Transportation Services staff.

Corner Conveyance

For boulevard maintenance purposes, and to ensure the existing sidewalk is located within the public right-of-way, the owner will be required to convey a 5 m by 5 m triangular shaped area at the northwest corner of the subject site, abutting the Dundas Street West and Durie Street intersection. This conveyance would be secured through the site plan review process for the development. No underground parking structure, nor above ground portion of the building could extend into this triangular area.

Streetscape

The City requires a minimum 2.1 m wide unobstructed pedestrian clearway, usually situated entirely within the municipal right-of-way. In this instance, the 2.1 m clearway would need to encroach on the applicant's property by 0.9 m to allow for the planting of street trees along the Dundas Street West frontage. The portion of the pedestrian clearway on private property would be subject to a 'Pedestrian Clearway Easement', to

be undertaken to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required. This would be secured through the Notice of Approval and Site Plan Agreement Conditions implementing the proposed development.

The owner would be responsible for re-constructing the sidewalks along Dundas Street West, Durie Street and Beresford Avenue, including any tactile Walking Surface Indicators at intersections, and would also be responsible for designing, constructing and maintaining encroachments according to City of Toronto Design Standards and satisfactory to Transportation Services staff. Landscape plans would need to illustrate the installation of street trees/shrubs, walkways, bicycle parking and other elements. The suitability of all elements within the boulevards would be reviewed through the Site Plan review process.

It is recommended that the owner be required to enter into a Section 37 Agreement as a legal convenience to secure a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition and to secure the construction of the Pedestrian Clearway Easement, as well as the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.

Servicing

A Functional Servicing Report was submitted by the applicant in support of the proposal. This report has been reviewed by Engineering and Construction Services staff who confirm there is adequate existing municipal infrastructure to service the development.

Open Space/Parkland

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 City of Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest 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.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 1,640 m² or 66% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 255 m².

The applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu. Parks, Forestry and Recreation staff are of the opinion this is appropriate as a dedication of 255 m² would not be a suitable size to develop a programmable park

within the existing context of this development site and the site is within close proximity of Runnymede Park.

The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Tree Preservation

The Arborist Report updated November 24, 2018 from Jose Rubio Lazo indicated that the development would require the removal of 4 by-law protected private trees, and 3 City-owned trees, and indicated that the development would encroach onto the tree protection zone for one by-law protected private tree located on a neighbouring property. The Planting Plan for the proposal shows 13 new City trees and 9 new private trees. The owner would be required to submit necessary applications to Injure or Destroy Trees, and applicable fees, as well as submit a tree planting deposit to ensure the planting and survival of the 13 new City trees on the road allowance. The City would require 12 new trees on private property to compensate for the removal of 4 private trees and only large growing shade trees would be acceptable as replacement trees. The details of the tree replacement plan would be secured through the site plan review process for this development.

Toronto Green Standard

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

The development is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning by-law for automobile infrastructure, bicycle infrastructure and storage and collection of recycling and organic waste.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable and accessible communities. Providing for a full range of community services and facilities in areas

experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

The applicant retained the services of Bousfields Inc. to prepare a Community Facilities and Services Study as a component of the Planning and Urban Design Rationale dated May, 2016. That study was reviewed by staff who found that the submission did not provide a sufficient assessment of the capacity of the CS&F in the surrounding area with regards to the proposed development, specifically addressing current conditions, demand and capacity for each sector (schools, child care centres, libraries, community recreation facilities and human services/community agencies). This information is required to support the proposal to introduce residential uses to this site.

Staff recommend that prior to the enactment of Bills, the owner be required to submit the required CS&F information to City Planning to the satisfaction of the Chief Planner and Executive Director, City Planning.

Noise Mitigation

The applicant retained HGC Engineering (HGC) to prepare a Noise Feasibility Study (including a vibration study) dated May 20, 2016 (revised May 22, 2018). This Noise Feasibility Study provided several mitigation recommendations for the proposal including:

- A solid parapet wall or balcony guard of 1.4 m in height be provided for rooftop amenity areas.
- The building be equipped with central air conditioning systems that will allow the windows to remain closed.
- The closest building façades with exposure to the railway be made of brick or masonry exterior wall or an acoustical equivalent.
- Upgraded glazing construction be provided on the building façades with exposure to Dundas Street West and the railway line.
- Warning clauses be included in the property and tenancy agreements and offers of purchase and sale for the dwelling units in the proposed building to inform the future owners/occupants of the noise issues and the presence of the roadways and railway.
- Tarion Builder's requirements.
- A specific noise warning clause be required to address the potential for sound level excesses from the nearby commercial/light industrial facilities and the CP Lambton rail yard.

Furthermore, once detailed building drawings are available two additional items would be required: an acoustical engineer to review the plans to provide recommendations for Sound Transmission Class (STC) for glazing elements based on actual window to floor area ratios; and the City's building inspector or a Professional Engineer qualified to provide acoustical engineering services should certify that the noise control measures for the development have been properly incorporated, installed and constructed prior to the issuance of occupancy permits for this development.

Through the development review process, a neighbouring laundering facility (Cintas) fronting the proposed development site on the north side of Dundas Street West retained the services of engineering firm Archadis Canada Inc. (ACI) to review HGC's Noise Feasibility Study. ACI, on behalf of Cintas, submitted a letter dated September 19, 2018 to City Planning noting their objection to the proposed development application. Cintas has been in the process of implementing a Noise Abatement Action Plan (NAAP) which was based on a Noise Feasibility Study (NFS) approved by the Ministry of Environment, Conservation and Parks (MECP), based on an assumption that it would mitigate noise impacts to the existing residences for a 45 dBA night time MECP noise limit. This development proposal was not part of their NFS assessment and it would introduce new and more sensitive noise receptors at heights that were not part of previous investigations.

The ACI letter contends that the proposed development would introduce additional strain on Cintas' ability to reduce noise impacts within the area. On this basis, Cintas objected to the application in its current form and recommended the City consider reclassifying the subject site as a Class 4 area under the MECP NCP-300.

The ACI letter also stated concerns that future purchasers/tenants may find the industrial operations unsightly and may become more sensitive to the air and noise impacts of the operations due to direct line-of-sight. Based on its experience at other facilities, Cintas noted this may result in complaints despite the facility being in full compliance with government requirements, thus negatively affecting the public perception of the business. The letter also noted that HGC did not approach Cintas to discuss their operation and subsequently has classified their industry incorrectly as a daytime only facility.

HGC responded that a Class 4 designation was not pursued for this development since the proposed residential building is directly adjacent to Dundas Street West. Due to traffic noise from Dundas Street West, there is elevated background sounds during the daytime and night time hours. The elevated background sound levels were determined using traffic volumes provided by the City which is an acceptable procedure. In HGC's opinion, mitigation for the residential development would not be required for the railway yard to the north, Cintas or other nearby uses in the area.

Notwithstanding this opinion, the owner for 3385 Dundas Street West advised Planning staff that he would be agreeable to a Class 4 designation for 3385 Dundas Street West.

Class 4 Designation:

NPC-300 is a Provincial Guideline published in 2013 that provides guidance for the appropriate control of sources of noise emissions to the environment. It is not a determinative planning policy for land use planning decisions. The purpose of the NPC-300 Guideline is as follows:

- To provide sound level limits that are applied by the MECP to stationary sources, such as industrial and commercial establishments and auxiliary transportation facilities;
- To provide advice, sound level limits and guidance that may be used when land use planning decisions are made under the *Planning Act*,

- To provide sound level limits that may be incorporated into noise control by-laws, which may be developed by municipalities; and
- To provide sound level limits that may be applied under the provisions of the *Aggregate Resources Act*.

NPC-300 classifies noise sensitive receptors by area. The four classes of receptors are as follows:

- Class 1 – Urban Areas
- Class 2 – Suburban/Semi-Rural Areas
- Class 3 – Rural Areas
- Class 4 – Infill areas

Depending on the receptor area classification, different Guideline sound limits apply.

The Class 4 was introduced by the MECP in 2013, and it is intended to allow for infill and redevelopment in proximity to existing stationary sources of noise, such as industry, while still protecting residences from undue noise. It should be noted that a Class 4 area is defined as "an area or specific site that would otherwise be defined as Class 1 or 2 and which:

- Is an area intended for development with new noise sensitive land use(s) that are not yet built;
- Is in proximity to existing lawfully established stationary sources; and
- Has formal confirmation from the land use planning authority with the Class 4 area classification which is determined during the land use planning process".

Class 4 allows for somewhat higher noise levels at residential receptors than would be permitted within a Class 1 area. Class 4 alleviates some of the burden from the proximate noise-generating industry making it is easier for industry to remain in compliance with Ministry requirements while also allowing municipalities to achieve sensitive land use redevelopment goals in accordance with its land use policies in proximity to industrial uses.

A site can only be assigned as a Class 4 through a City Council recommendation.

City Peer Reviewer Recommendations:

The City retained SS Wilson Associates (SSWA) to peer review the submitted materials on behalf of the City and provide an opinion on the sufficiency and accuracy of the submitted material, concurrence with the opinions of the reports and associated documentation, as well as the appropriateness of a Class 4 designation for the subject site.

SSWA reviewed HGC's Noise Feasibility Study and requested revisions, which HGC complied with.

SSWA concurs with the HGC study conclusions that the proposed development would be compliant with the MECP Class 1 designation. SSWA does not concur with designating this site as a Class 4 site, since the current development proposal would be

acceptable under Class 1 criteria. SSWA recommends that the City not redesignate 3385 Dundas Street West to a Class 4 area. It is SSWA's opinion that maintaining a Class 1 designation will prevent industry from taking advantage of the Class 4 designation to create more noise impacting residents in the future.

Given SSWA's review, staff do not recommend that City Council designate the subject site as a Class 4. The owner has also since advised that he would not be requesting the Class 4 designation for this site.

It is however recommended that the owner of 3385 Dundas Street West be required to enter into a Section 37 Agreement as a legal convenience to secure the mitigation measures required for noise abatement under the Class 1 site criteria. The final design and applicable clauses would be secured through the Site Plan review process, should this application be approved.

School Boards

The Toronto Catholic District School Board (TCDSB) provided comments through the application review process and advised the subject site is located within the attendance boundary of James Culnan Catholic School, St. Oscar Romero Catholic Secondary School and Bishop Marrocco/Thomas Merton Catholic Secondary School and that sufficient spaces exists within the local elementary schools to accommodate additional students from the proposed development. The TCDSB does however require a sign be erected and maintained as part of site plan approval that would advise:

“The Toronto Catholic District School Board has plans to accommodate students from this development. If the elementary and secondary schools which serve this area are oversubscribed, students from this development may need to be accommodated in portable classrooms or may have to be redirected to a school located outside the area.”

The TCDSB also requires the following warning clause be included in the agreements of purchase and sale and/or rental agreements as follows:

"Whereas, despite the best efforts of the Toronto Catholic District School Board, sufficient accommodation may not be available for all anticipated students at local schools, you are hereby notified that it may be necessary for Elementary and/or Secondary students from this development to be accommodated in facilities outside of the community depending on availability of space.”

The Toronto District School Board (TDSB) provided comments through the application review process and advised that the subject site is located within the attendance boundary of schools that do not have sufficient space to accommodate anticipated students and advised that the accommodation status would need to be conveyed to future residents that children from this development would not be displacing existing students in the local schools.

The TDSB requests that the owner erect and maintain signs at points of ingress and egress to the site as a condition of approval advising that:

"The Toronto District School Board makes every effort to accommodate students at local schools. However, due to residential growth, sufficient accommodation may not be available for all students. Students may be accommodated in schools outside this area until space in local schools becomes available.

For information regarding designated school(s), please call (416) 394-7526."

TDSB is also requesting that a warning clause be included in all offers of purchase of sale and/or rental agreements to include the following wording with contact information to be added when included in the agreements:

"Despite the best efforts of the Toronto District School Board, sufficient accommodation may not be locally available for all students anticipated from the development area and that students may be accommodated in facilities outside the area, and further, that students may later be transferred.

Purchasers agree for the purpose of transportation to school, if bussing is provided by the Toronto District School Board in accordance with the Board's policy, that students will not be bussed home to school, but will meet the bus at designated locations in or outside of the area".

The signs and warning clauses for both the TCDSB and the TDSB would be secured through the Site Plan review process should this application be approved. It is recommended that the owner enter into a Section 37 Agreement as a legal convenience to agree to erect the signs requested by the TCDSB and TDSB and include warning clauses the satisfaction of the school board staff.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the *Planning Act*. The application exceeds the 10,000 m² threshold of the Official Plan by 512 m². The application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement registered on title to the lands at 3385 Dundas Street West in a manner satisfactory to the City Solicitor and Chief Planner and Executive Director, City Planning Division are as follows:

- a. The owner shall provide and maintain within the proposed mixed-use building on the lot at least 10 affordable rental dwelling units with a combined total gross floor area of at least 743 m² (8,000 ft²). The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. Any changes to the above conditions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.

- b. The owner shall provide and maintain the 10 affordable rental dwelling units as rental dwelling units for at least 20 years, beginning with the date that each such unit is first occupied. No affordable rental dwelling unit shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit can be made for at least 20 years from the date of first occupancy. When the 20 year period has expired, the owner shall continue to provide and maintain the affordable rental dwelling units as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
- c. The owner shall provide and maintain the affordable rental dwelling units with the following unit mix and unit size requirements.
 - (i) a minimum of 10% of the affordable rental dwelling units shall be three-bedroom units or larger and shall have a minimum floor area of at least 90 m² (965 ft²); and
 - (ii) a minimum of 30% of the affordable rental dwelling units, inclusive of the 10% three-bedroom units in referenced above, shall be two-bedroom units or larger and shall have a minimum floor area of at least 64 m² (685 ft²).
- d. The owner shall provide and maintain the affordable rental dwelling units at affordable rents for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the affordable rental dwelling units shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.
- e. Prior to first occupancy of the affordable rental dwelling units referenced above, the owner shall work with the City's Shelter Support and Housing Administration staff and make every reasonable effort to select the first tenant for each such affordable rental dwelling unit, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.

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

- a. The owner shall agree to enter into a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition, to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required.
- b. The owner shall agree to the construction of the Pedestrian Clearway Easement, and all the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.

- c. The owner shall agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services.
- d. The owner shall agree to implement the mitigation measures required for noise abatement under the Class 1 area site criteria as detailed in the HGC Noise Feasibility Study (revised May, 2019). The final design and applicable clauses would be secured through the Site Plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.
- e. The owner shall agree to erect the signs requested by the TCDSB and TDSB and include warning clauses as a NOAC and Site Plan Agreement Condition to the satisfaction of TCDSB and TDSB staff.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019), the matters of Provincial Interest in the *Planning Act*, the Toronto Official Plan and the Mid-Rise Building Performance Standards and Addendum. Staff are of the opinion that the proposal is consistent with the PPS (2014) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan particularly as it relates to the *Mixed Use Areas, Avenues* and Built Form policies. Staff worked with the applicant to address and resolve the key concerns including: building height; massing; transition to adjacent *Neighbourhoods*; traffic and site circulation; unit distribution; and noise mitigation. The proposal would provide an appropriate number of family-sized dwelling units, and as a Section 37 benefit, would also include a minimum of 10 affordable rental apartment units.

Staff recommend that City Council approve the application, subject to the recommendations outlined in this report.

CONTACT

Elisabeth Silva Stewart, Senior Planner, Tel. No. 416-394-6006, Fax No.416-394-6063, E-mail: Elisabeth.SilvaStewart@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment to Former City of York Zoning By-law
No. 1-83

Attachment 6: Draft Zoning By-law Amendment to City of Toronto Zoning By-law
No. 569-2013

Applicant Submitted Drawings

Attachment 7: Site Plan

Attachment 8: Elevations

Attachment 1: Application Data Sheet

Municipal Address: 3385 DUNDAS ST W Date Received: May 27, 2016
 Application Number: 16 163140 WET 13 OZ
 Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed Zoning amendments to permit the development of a seven-storey mixed-use building, comprised of 131 residential dwelling units and 368 square metres of non-residential gross floor area. This file is related to Site Plan Application 17 230003 WET 13 SA.

Applicant	Agent	Architect	Owner
Terra Firma Homes			HABITAT FOR HUMANITY TORONTO INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CE	Heritage Designation:
Height Limit (m):	20	Site Plan Control Area: yes

PROJECT INFORMATION

Site Area (sq m): 2,758 Frontage (m): 83 Depth (m): 43

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	695		1,265	1,265
Residential GFA (sq m):			10,512	10,512
Non-Residential GFA (sq m):	695		368	368
Total GFA (sq m):	695		10,880	10,880
Height - Storeys:	1		7	7
Height - Metres:	4		22	22

Lot Coverage Ratio (%): 45.87 Floor Space Index: 3.95

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	10,512	
Retail GFA:	368	

Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			131	131
Freehold:				
Condominium:				
Other:				
Total Units:			131	131

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			76	42	13
Total Units:			76	42	13

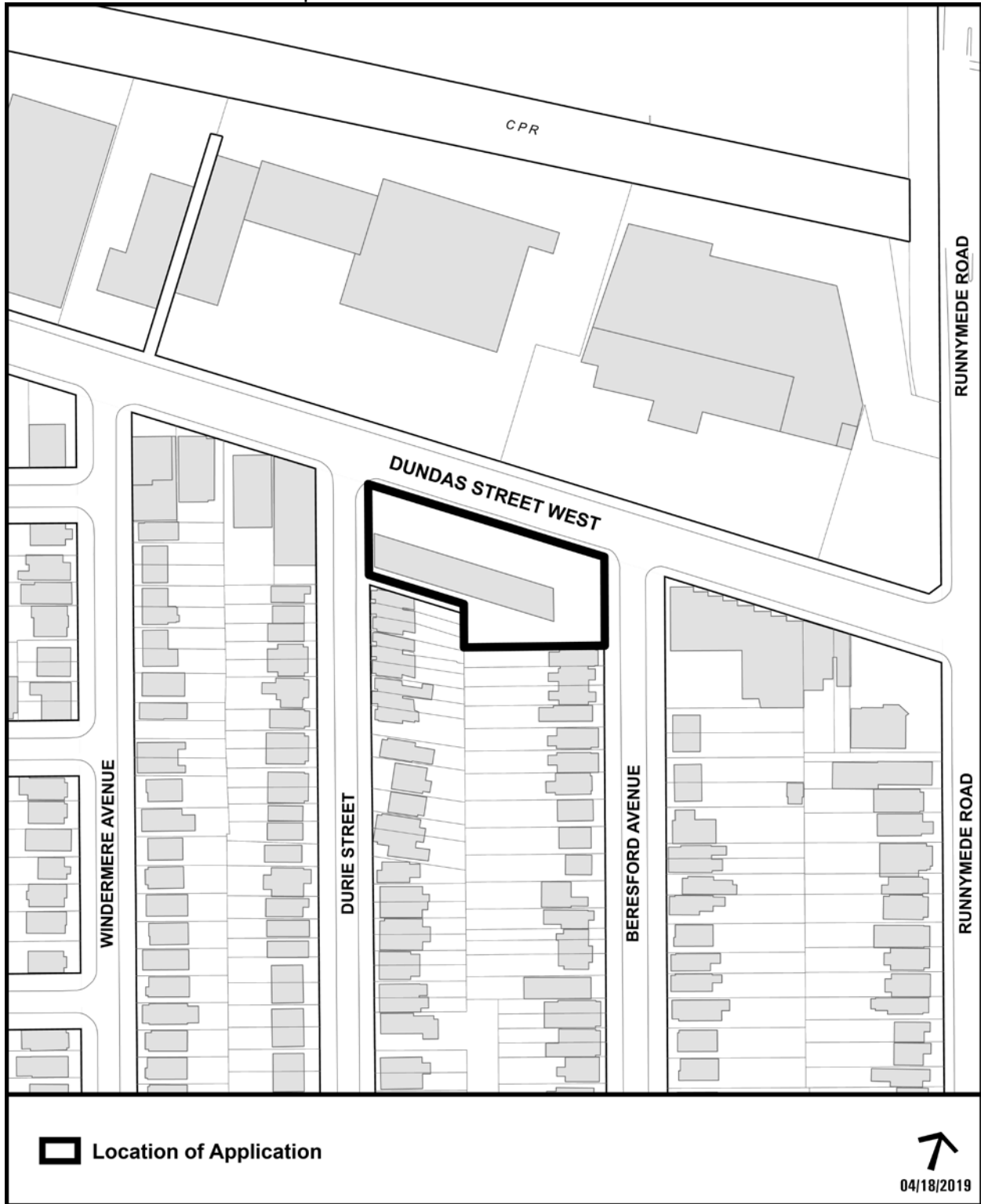
Parking and Loading

Parking Spaces:	127	Bicycle Parking Spaces:	143	Loading Docks:	1
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CONTACT:

Elisabeth Silva Stewart, Senior Planner
 (416) 394-6006
 Elisabeth.SilvaStewart@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



TORONTO
 Official Plan Land Use Map #14

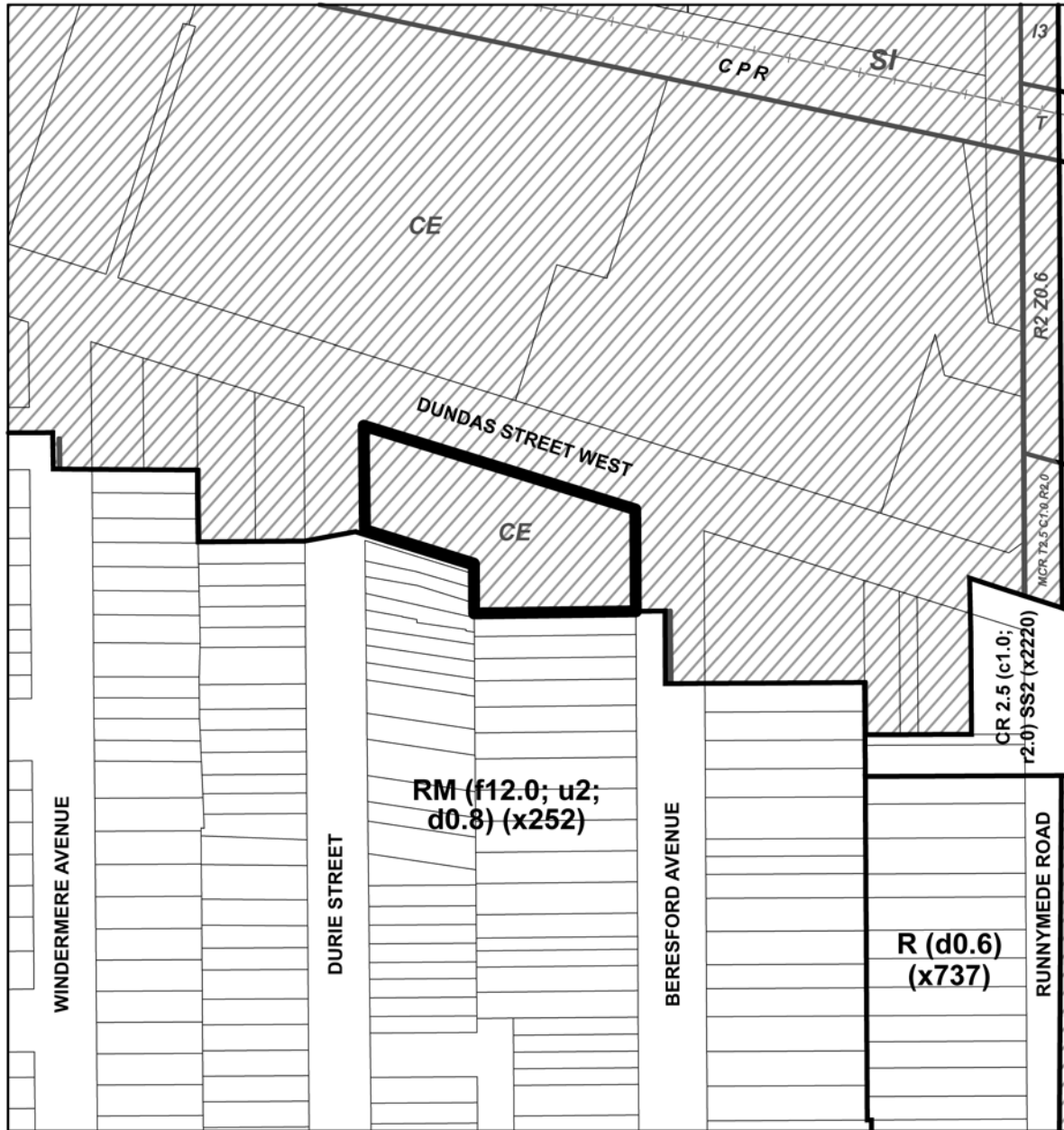
3385 Dundas Street West

File # 16 163140 WET 13 0Z

-  Location of Application
-  Neighbourhoods
-  Institutional Areas
-  Utility Corridors
-  Mixed Use Areas
-  Employment Areas


 Not to Scale
 05/29/2019

Attachment 4: Existing Zoning By-law Map



Zoning By-law No.569-2013

3385 Dundas Street West

File # 16 163140 WET 13 0Z

Location of Application

- R Residential
- RM Residential Multiple
- CR Commercial Residential
- E Employment Industrial
- UT Utility and Transportation

See Former City of Toronto By-law No. 438-86

- R2 Residential District
- MCR Mixed-Use District
- I3 Industrial District
- T Industrial District

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

- S1 Strategic Industrial Employment Zone
- CE Commercial Employment Zone



Not to Scale
Extracted: 05/29/2019

Attachment 5: Draft Zoning By-law Amendment to Former City of York Zoning By-law No. 1-83

Authority: Toronto and East York Community Council Item XX.X, as adopted by the City of Toronto Council on Month X, X and X, 2019

**CITY OF TORONTO
BY-LAW NO. XXX-2019**

To amend former City of York Zoning By-law No. 1-83, as amended, with respect to the lands municipally known on the year 2018 as 3385 Dundas Street West.

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

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

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 1-83 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. Section 6 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding the following new Subsection (80):

**“Lands – South side of Dundas Street West between Durie Street and Beresford Avenue (3385 Dundas Street West)
(80) Map 18**

By changing the area shown on District Map 18, municipally known as 3385 Dundas Street West, and as shown outlined in Schedule “A” hereto, from CE District to an

MCR District and Section 16 (436) as shown on Schedule “B” hereto and by changing District Map 18 accordingly.”

2. That Section 16 of the former City of York Zoning By-law No. 1-83, as amended, be further amended by adding the following as a new Subsection (436):

“(436) Lands – 3385 Dundas Street West

Notwithstanding the provision of Sections 3 and 12 of this By-law, the lands municipally known as 3385 Dundas Street West, as shown on Schedule “B” to this By-law and to this Subsection may only be used for the purpose of erecting a seven storey apartment house, with ground-related non-residential uses, subject to the following conditions:

- a) The maximum residential gross floor area of the building shall be 10,512 square metres.
- b) The maximum non-residential gross floor area of the building shall be 368 square metres.
- c) The following uses are permitted on the lot :
 - i. Mixed use building consisting of residential dwelling units and the following non-residential uses provided they are located on the ground level only:
 - *retail store.*
- d) For the purposes of this By-law gross floor area shall exclude any areas used for:
 - i. parking, loading and bicycle parking below-ground;
 - ii. required loading spaces at the ground level and required bicycle parking space at or above-ground level;
 - iii. storage room, washrooms, electrical, utility, mechanical, and ventilation rooms in the basement;
 - iv. shower and change facilities for bicycle parking spaces;
 - v. required amenity spaces;
 - vi. elevator shafts;
 - vii. garbage shafts;
 - viii. mechanical penthouse; and,
 - ix. exit stairwells in the building.
- e) *Height* shall be measured from the Geodetic Datum value of 119.43 metres.
- f) The maximum *height* of any building or structure, or portion thereof, shall not exceed the height limits in metres specified by the numbers following the “H” as shown on Schedule B, attached hereto, except for the following:
 - i. any appurtenances and equipment serving the building, elevator overruns, chimneys, parapets, pergolas, trellises, eaves, screens, stairs, roof drainage, roof access, window washing equipment, lightening rods, architectural features, landscaping and elements of a green roof, structures for noise attenuation, ornamental elements, terrace and balcony guard rails and dividers, railings,

planters, decorative screens, vents and stairs to the roof, provided that the maximum height of the top of such element is no higher than the sum of 1.5 metres plus the height limit other applicable as shown on Schedule B.

- g) The permitted maximum number of storeys is the numerical value before the word 'Storey' or 'Storeys' as shown on Schedule B.
- h) No portion of the building or structure erected or used above grade shall be located otherwise than wholly within the areas delineated by the lines as shown on Schedule B hereto, as to provide the minimum and maximum setbacks shown on the site plan, with the exception of the following:
 - i) Rooftop architectural features, canopies, awnings, building cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features to a maximum of 2 metres; and,
 - ii) Balconies projecting to a maximum of 1.8 metres.
- i) Despite (h)(ii) above, no portion of any balcony shall project within 10 metres of a lot line abutting a lot in the residential zone.
- j) Vehicular access to the lot shall only be provided from Beresford Avenue and Durie Street.
- k) Off-street parking shall be provided and maintained on the lot in accordance with the following:
 - i) A minimum of 111 parking spaces for residents of dwelling units;
 - ii) A minimum of 19 parking spaces for visitors of dwelling units;
 - iii) A minimum of 3 parking spaces for non-residential uses;
 - iv) The number of required parking spaces for residents of dwelling units, pursuant to (k)(i) above, can be reduced at a rate of 4 parking spaces for each car-share parking space provided, and the maximum reduction permitted is 8.
- l) Accessible parking spaces shall be provided as follows:
 - i. Of the parking spaces required in (k) above, a minimum of 5 must be provided as accessible parking spaces;
 - ii. An accessible parking space shall have the following minimum dimensions:
 - 5.6 metres in length;
 - 3.9 metres in width;
 - vertical clearance of 2.1 m; and
 - the minimum width required in the second bullet above may be obstructed by a 1.5 metre wide accessible barrier-free aisle if the aisle extends the entire length of the accessible parking space;
 - iii. An accessible parking space shall be located on the same level as, and within 30 metres of a barrier free:
 - Entrance to the building; or
 - Passenger elevator that provides access to the first storey of the building;

- iv. For the purpose of this exception (l), "accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c.11.
- m) Bicycle parking shall be provided and maintained on the lot in accordance with the following rates:
 - i. A minimum of 0.90 long-term bicycle parking spaces per dwelling unit;
 - ii. A minimum of 0.10 short-term bicycle parking spaces per dwelling unit.
- n) Long term bicycle parking spaces may only be located:
 - i. on the first storey of the building;
 - ii. on the second storey of the building;
 - iii. on levels of the building below-ground commencing with the first level below-ground and moving down, in one level increments when at least 50% of the area of that level is occupied by bicycle parking spaces, until all required bicycle parking spaces have been provided.
- o) A long term bicycle parking space for a dwelling unit may not be located:
 - i. in a dwelling unit;
 - ii. on a balcony;
 - iii. in a storage locker; or
 - iv. in an area used for commercial space.
- p) A short-term bicycle parking space may be no more than 30 metres from a pedestrian entrance to the building on the lot.
- q) A minimum of one loading space shall be provided and maintained at the rear of the building with access from the flanking street in accordance with the following dimensions:
 - i. A minimum length of 13.0 metres;
 - ii. A minimum width of 4.0 metres; and,
 - iii. A minimum of vertical clearance of 6.1 metres.
- r) A minimum of 262 square metres of common indoor amenity area shall be provided and maintained.
- s) A minimum of 274 square metres of common outdoor rooftop amenity area shall be provided and maintained.
- t) A minimum of:
 - i. 25% of all dwelling units on the lot must be 2- or more bedroom dwelling units; and,
 - ii. 10% of all dwelling units on the lot must be 3- or more bedroom dwelling units;
 - iii. if the calculation of the number of required dwelling units pursuant to (t)(i) and (t)(ii) above results in a number with a fraction, the number is rounded down to the nearest whole number.

- u) Despite any existing or future severance, partition, or division of the lands shown on Map 1 of By-law [Clerks to supply ##], the provisions of this subsection shall apply to the whole of the lands as one lot as if no severance, partition or division had occurred;

3. Notwithstanding Section 2, the following definitions shall apply:

“Car-share” shall mean the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

“Car-share parking space” shall mean a parking space that is reserved and actively used for car-sharing and must be for the exclusive use of the residents of the building.

4. Within the lands shown on Schedule “A” attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:

- a) all watermains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

5. All other provisions of the City of York Zoning By-law No. 1-83, as amended, shall continue to apply to the lands shown on Schedule “A” attached hereto, except in the cases where provisions of this Subsection are in conflict with the City of York Zoning By-law No. 1-83, as amended, the provisions of this subsection shall prevail.

6. Section 37 provisions

- a) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and gross floor area of the development is permitted beyond that otherwise permitted on the lands shown as Map 1 attached to this By-law, in return for the provisions by the owner, a the owner's expense of the facilities, service and matters set out in Schedule A hereof and which are secured by one of 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;
- b) Where Schedule A 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 building permit is dependent on satisfaction of the same; and,
- c) The owner must not use, or permit the use of, a building or structure erected with an increase in height pursuant to this By-law unless the provisions of Schedule A of this By-law are satisfied.

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

JOHN TORY, Mayor
(Corporate Seal)

ULLI S. WATKISS, City Clerk

SCHEDULE A 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 Schedules A and B in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act*.

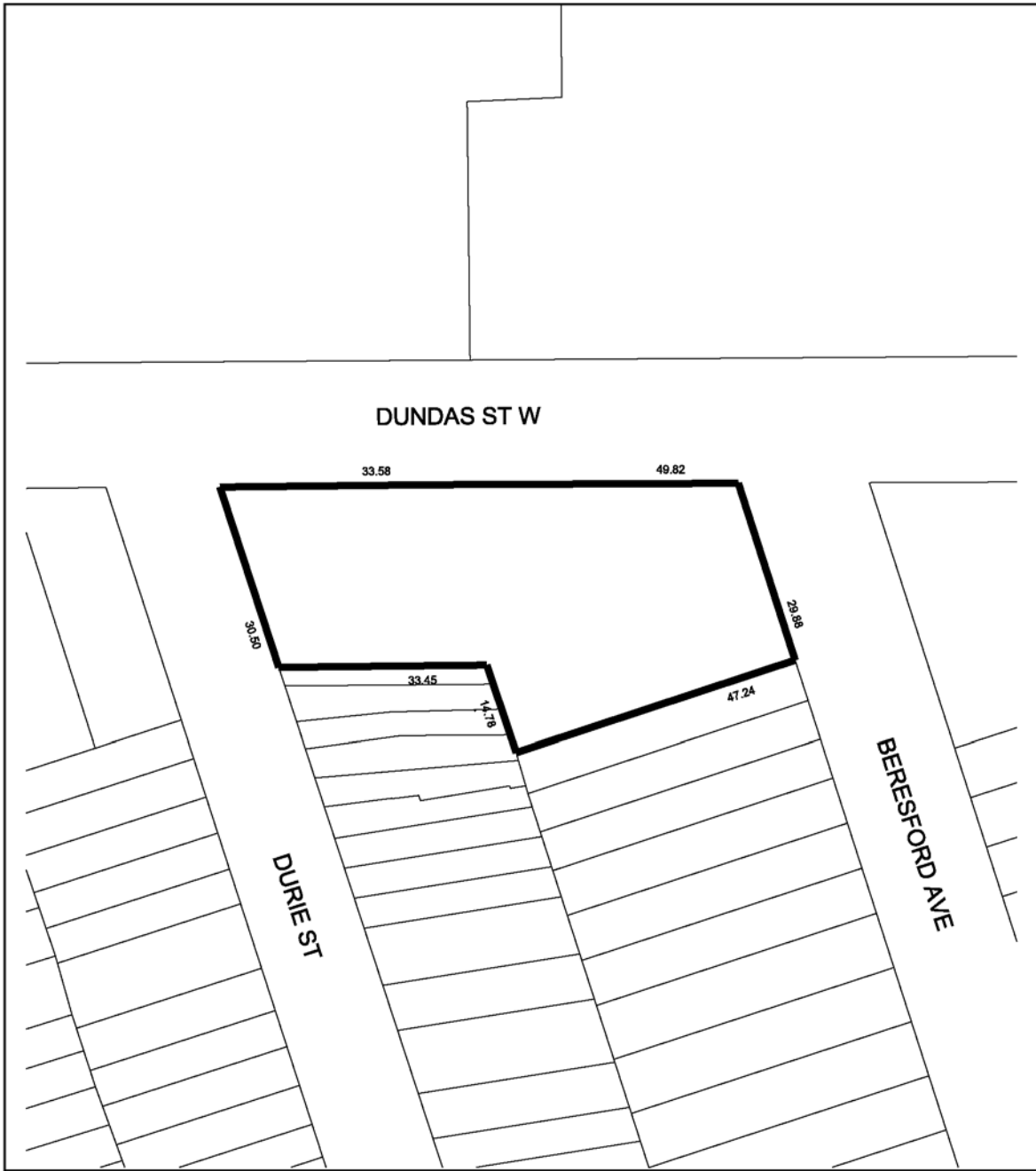
Whereas “Affordable rental dwelling unit” means a rental dwelling unit constructed on the lot and provided and maintained at affordable rent.

Whereas “Affordable rent” means rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas, and water, but excluding vehicle parking, storage lockers, internet, telephone, and cable television charges) is at or below one time the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto.

The owner agrees as follows:

- 1.a. The owner shall provide and maintain within the proposed mixed-use building on the lot at least 10 *affordable rental dwelling units* with a combined total gross floor area of at least 743 m² (8,000 ft²). The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. Any changes to the above conditions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The owner shall provide and maintain the 10 *affordable rental dwelling units* as rental dwelling units for at least 20 years, beginning with the date that each such unit is first occupied. No *affordable rental dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit can be made for at least 20 years from the date of first occupancy. When the 20 year period has expired, the owner shall continue to provide and maintain the *affordable rental dwelling units* as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
- c. The owner shall provide and maintain the *affordable rental dwelling units* with the following unit mix and unit size requirements:
 - (i) a minimum of 10% of the *affordable rental dwelling units* shall be three-bedroom units or larger and shall have a minimum floor area of at least 90 m² (965 ft²); and

- (ii) a minimum of 30% of the affordable rental dwelling units, inclusive of the 10% three-bedroom units referenced above, shall be two-bedroom units or larger and shall have a minimum floor area of at least 64 m² (685 ft²).
 - d. The owner shall provide and maintain the *affordable rental dwelling units* at *affordable rents* for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the *affordable rental dwelling units* shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.
 - e. Prior to first occupancy of the *affordable rental dwelling units* referenced above, the owner shall work in consultation with the City's Shelter Support and Housing Administration staff and make every reasonable effort to select the first tenant for each such *affordable rental dwelling unit*, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.
2. The owner shall enter into a Section 37 Agreement as a legal convenience to support development which will include the following:
- a. The owner shall agree to enter into a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition, to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required.
 - b. The owner shall agree to the construction of the Pedestrian Clearway Easement, and all the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.
 - c. The owner shall agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services.
 - d. The owner shall agree to implement the mitigation measures required for noise abatement under the Class 1 area site criteria as detailed in the HGC Noise Feasibility Study (revised May, 2019). The final design and applicable clauses would be secured through the Site Plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - e. The owner shall agree to erect the signs requested by the TCDSB and TDSB and include warning clauses as a NOAC and Site Plan Agreement Condition to the satisfaction of TCDSB and TDSB staff.

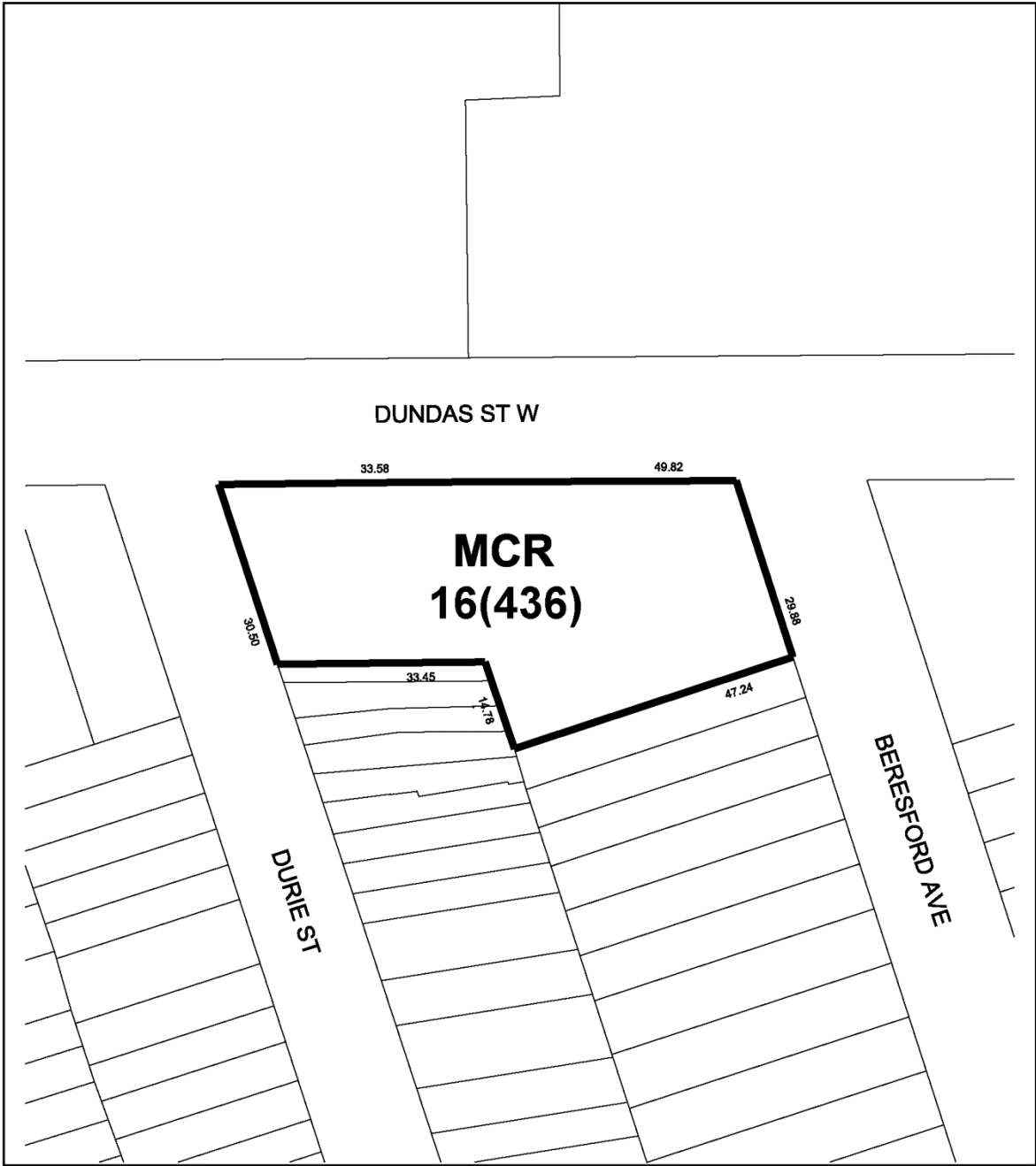


TORONTO
Map 1

3385 Dundas Street West

File # 16 163140 WET 13 0Z

↑
Former City of York By-law 1-83
Not to Scale
06/06/2019

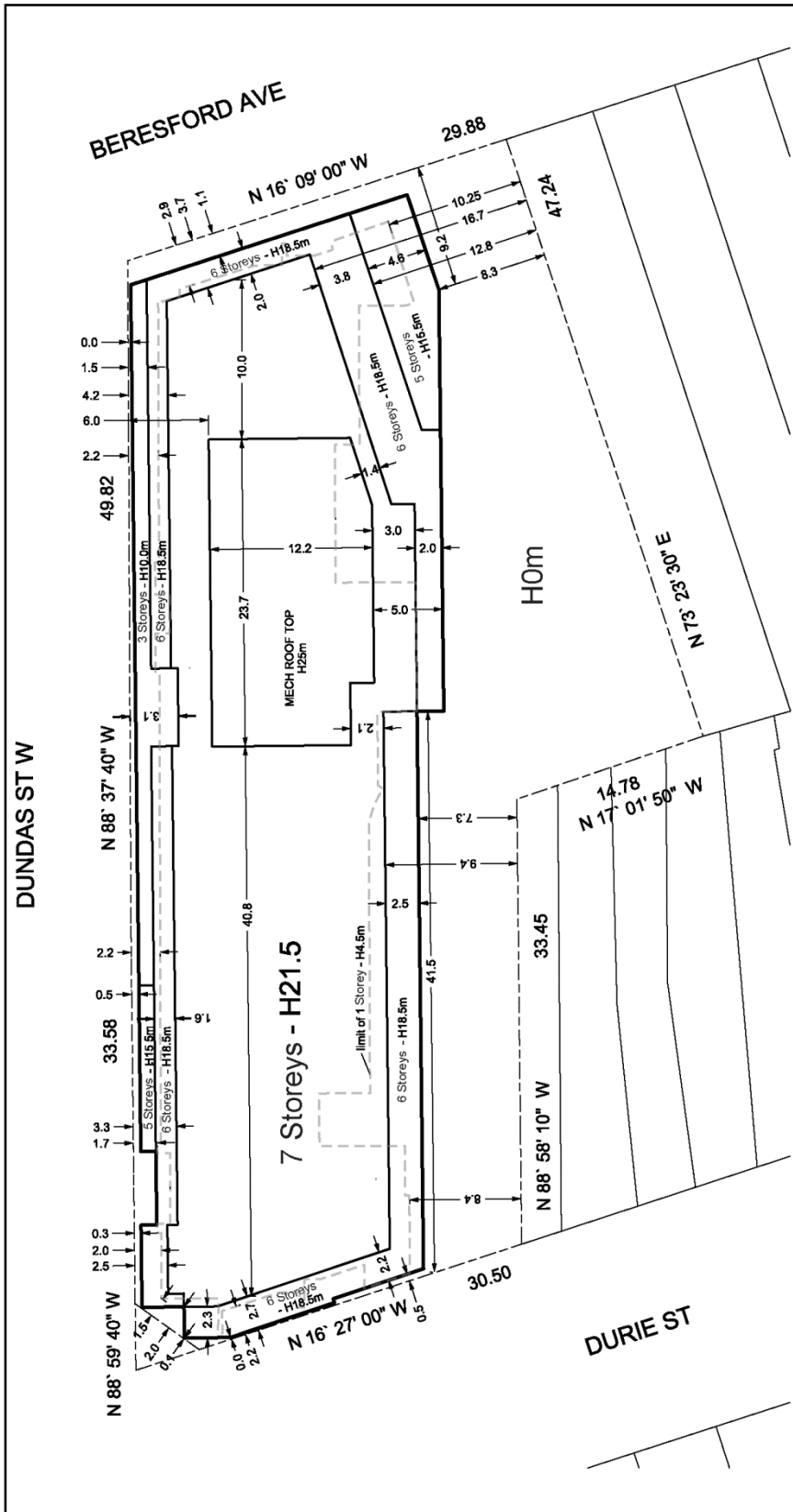


Toronto
Schedule A

3385 Dundas Street West

File # 16 163140 WET 13 0Z

↑
Former City of York By-law 1-83
Not to Scale
05/24/2019



3385 Dundas Street West



File # 16163140 WET 130Z



Former City of York By-law 1-83
Not to Scale
05/31/2019

Authority: Toronto and East York Community Council Item XX.X, as adopted by the City of Toronto Council on Month X, X and X, 2019

**CITY OF TORONTO
BY-LAW NO. XXX-2019**

To amend By-law No. 569-2013, as amended, with respect to lands municipally known in the year 2019 as 3385 Dundas Street West.

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

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

Whereas pursuant to Section 37 of the *Planning Act*, a by-law under Section 34 of the *Planning Act*, may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law;

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

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law No. 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.
2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
3. Zoning By-law 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by

heavy black lines to CR 2.0 (c2.0; r0.0) SS2 (x193), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA4 , as shown on Diagram 3 attached to this Bylaw.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 14 as shown on Diagram 4 attached to this By-law.
6. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Lot Coverage Overlay Map in Section 995.30.1 and the Rooming House Overlay Map in Section 995.40.1 with no label.
7. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.11.10 Exception Number 193 so that it reads:

Exception CR 193

The lands, or portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

- (A) On 3385 Dundas Street West, if the requirements of Section 8 and Schedule A of By-law [Clerks to supply ##] are complied with, a **building, structure**, addition or enlargement may be erected or constructed if it complies with the requirements of (B) to (V) below;
- (B) Despite Regulation 40.10.20.40(1), a **mixed use building** containing **dwelling units** is permitted;
- (C) Despite Regulations 40.10.40.40(1), the permitted maximum **gross floor area** is 10,880 square metres of which:
 - (i) the permitted maximum **gross floor area** for residential uses is 10,512 square metres; and
 - (ii) the permitted maximum **gross floor area** for non-residential uses is 368 square metres and is restricted to a **retail store** use;
- (D) The permitted maximum number of **dwelling units** is 131;
- (E) Despite Regulation 40.5.40.10(1), the height of a **building or structure** is the distance between the Geodetic Datum elevation of 119.43 m and the elevation of the highest point of the **building or structure**;

- (F) Despite Regulation 40.10.40.10(2), the permitted maximum height of a **building** or **structure** is the height in metres specified by the number following the symbol HT as shown on Diagram 5 of By-law [Clerks to supply ##];
- (G) Despite Regulation 40.10.40.10(7) the permitted maximum number of **storeys** is the numerical value followed by the symbol ST as shown on Diagram 5 of By-law [Clerks to supply #];
- (H) Despite Regulation 40.10.40.70(2), the required minimum **building setbacks** for each level of the **building** above ground are shown on Diagram 5 of By-law [Clerks to supply ##];
- (I) Despite (F) and (G) above and Regulation 40.5.40.10(4), the following building elements and structures are permitted to project above the permitted maximum height up to 1.5 metres:
- (i) any appurtenances and equipment serving the **building**, elevator overruns, chimneys, parapets, pergolas, trellises, eaves, screens, stairs, roof drainage, roof access, window washing equipment, lightning rods, architectural features, elements of a **green roof**, structures for noise attenuation, ornamental elements, terrace and balcony guard rails and dividers, railings, planters, decorative screens, vents and stairs to the roof;
- (J) Despite (H) above and Clause 40.10.40.60, the following are permitted to encroach into a required **building setback** up to 2 metres:
- (i) rooftop architectural features, canopies, awnings, cornices, lighting fixtures, ornamental elements, trellises, window sills, balustrades, stairs, stair enclosures, wheelchair ramps, underground garage ramps, fences, retaining walls and landscape features;
- (K) Despite (H) above and Clause 40.10.40.60, the following are permitted to encroach into a required **building setback** up to 1.8 metres:
- (i) balconies and associated elements;
- (L) Despite (K) above, no portion of any balcony may be located on a main wall that is within 10 metres of a **lot line** abutting a **lot** in the Residential Zone category;
- (M) Regulation 40.5.40.70(1) does not apply to portions of the **building** located below-ground;
- (N) Regulations 200.15, 40.10.40.1(1), 40.10.40.10(5), 40.10.40.60(1)(C), 40.10.40.80(2), 40.10.50.10.(3), 40.10.90.10(1)(B) and (C), and 40.10.100.10(1)(A) do not apply;
- (O) Despite Regulation 200.5.10.1 and Table 200.5.10.1, **parking spaces** for the **mixed use building** must be provided and maintained on the **lot** in accordance with the following:

- (i) A minimum of 111 **parking spaces** for tenants of **dwelling units**;
- (ii) A minimum of 19 **parking spaces** for visitors of **dwelling units**;
- (iii) A minimum of 3 **parking spaces** for non-residential uses; and
- (iv) The number of required **parking spaces** for tenants of **dwelling units**, pursuant to regulation (O)(i) above, can be reduced at a rate of 4 parking spaces for each car-share **parking space** provided, and the maximum reduction permitted is 8;

(P) Accessible **parking spaces** must be provided and maintained in accordance with the following:

(i) of the **parking spaces** required by (O) above, a minimum of 5 must be provided as accessible **parking spaces**;

(ii) an accessible **parking space** must have the following minimum dimensions:

- length of 5.6 metres;
- width of 3.9 metres;
- vertical clearance of 2.1 metres; and
- the minimum width required by the second bullet above may be obstructed by a 1.5 metre wide accessible barrier free aisle if the aisle extends the entire length of the accessible **parking space**;

(iii) accessible **parking spaces** must be located on the same level as, and within 30 metres of a barrier free:

- entrance to the building; or
- passenger elevator that provides access to the first **storey** of the **building**;

(iv) for the purpose of this exception, "accessible" means free of a physical, architectural or design barriers that would restrict access or use to a person with a disability as defined in the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11.

(Q) Despite 40.10.100.10(1), a maximum of two **vehicle** accesses are permitted from **streets** which are not a major **street** on the Policy Areas Overlay Map;

(R) Despite 40.10.90.40(1), **vehicle** access to a **loading space** may be from a **street**, if the **street** is not a major **street** on the Policy Areas Overlay Map;

(S) Despite any existing or future severance, partition, or division of the lands shown on Diagram 1 of By-law [Clerks to supply ##], the provisions of this Exception and By-law 569-2013 shall apply to the whole of the lands as one **lot** as if no severance, partition or division had occurred;

(T) Despite Regulation 40.10.40.50(1), a minimum of:

- (i) 262 square metres of indoor **amenity space** must be provided; and
- (ii) 274 square metres of outdoor **amenity space** must be provided;

(U) The provision of **dwelling units** is subject to the following:

- (i) a minimum of 25% of all **dwelling units** on the lot must be 2- or more bedroom **dwelling units**;
- (ii) a minimum of 10% of all **dwelling units** on the lot must be 3- or more bedroom **dwelling units**; and
- (iii) if the calculation of the number of required **dwelling units** pursuant to (i) and (ii) above results in a number with a fraction, the number is rounded down to the nearest whole number;

(V) For the purpose of this exception:

“Car-share” means the practice where a number of people share the use of one or more cars that are owned by a profit or non-profit car-sharing organization and where such organization may require that use of cars to be reserved in advance, charge fees based on time and/or kilometres driven, and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.

“Car-share parking space” means a **parking space** that is reserved and actively used for car-sharing and must be for the exclusive use of the residents of the **building**.

8. Section 37 Provisions

(A) 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 Diagrams 1 in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or 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.

(B) Where Schedule A 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.

(C) 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 Schedule A are satisfied.

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

JOHN TORY, Mayor
(Corporate Seal)

ULLI S. WATKISS, City Clerk

SCHEDULE A 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 Diagram 1 in this By-law and secured in an agreement or agreements under Section 37(3) of the *Planning Act*.

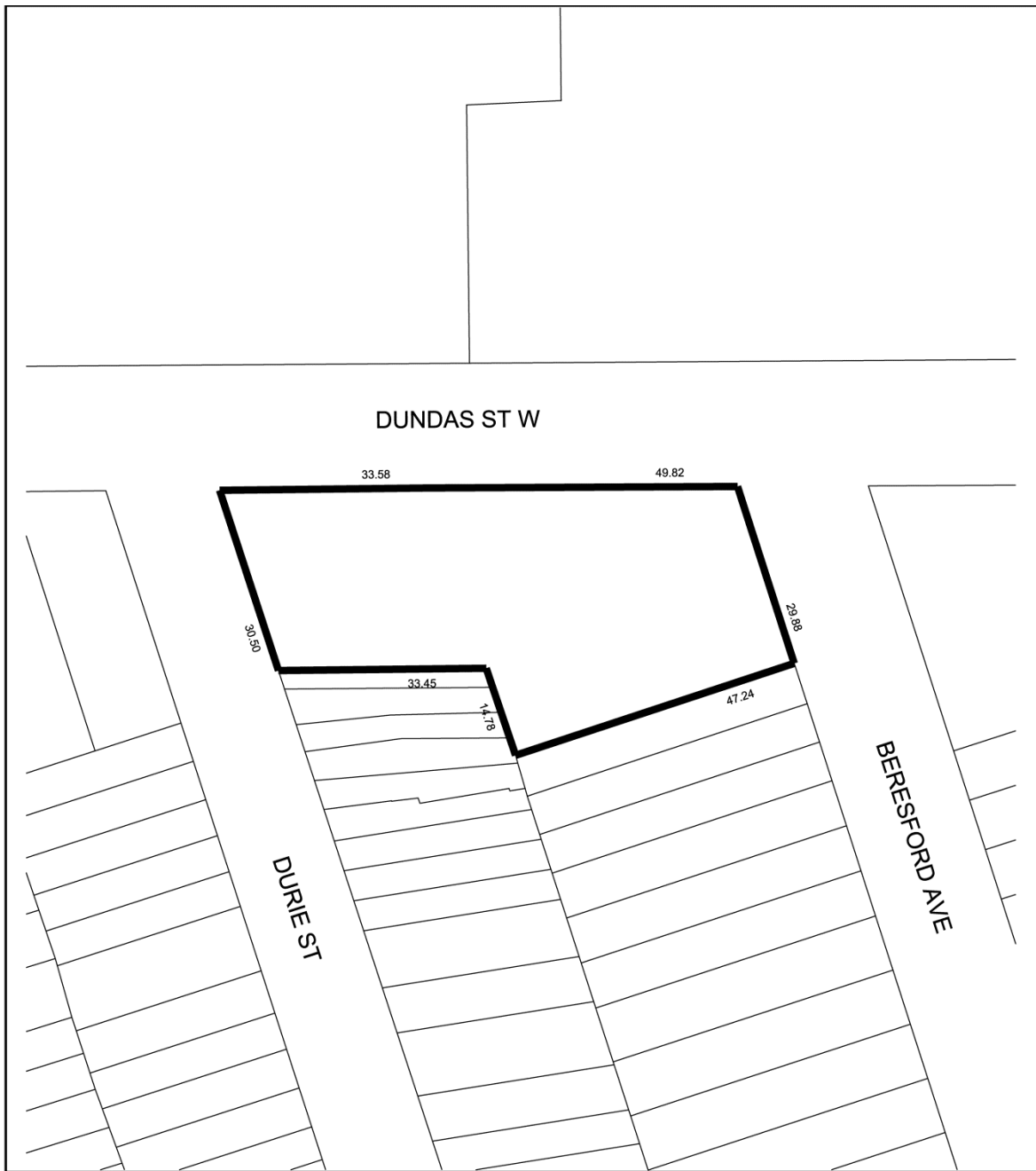
The term “Affordable rental dwelling unit” means a rental dwelling unit constructed on the lot and provided and maintained at affordable rent.

The term “Affordable rent” means rents where the total monthly shelter costs (gross monthly rent inclusive of heat, electricity, gas, and water, but excluding vehicle parking, storage lockers, internet, telephone, and cable television charges) is at or below one time the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in its Fall Update Rental Market Report for the City of Toronto.

The owner agrees as follows:

- 1.a. The owner shall provide and maintain within the proposed mixed-use building on the lot at least 10 *affordable rental dwelling units* with a combined total gross floor area of at least 743 m² (8,000 ft²). The affordable rental dwelling units shall be provided in contiguous groups of at least 6 dwelling units. Any changes to the above conditions shall be to the satisfaction of the Chief Planner and Executive Director, City Planning.
- b. The owner shall provide and maintain the 10 *affordable rental dwelling units* as rental dwelling units for at least 20 years, beginning with the date that each such unit is first occupied. No *affordable rental dwelling unit* shall be registered as a condominium or any other form of ownership such as life lease or co-ownership which provide a right to exclusive possession of a dwelling unit, and no application for conversion for non-rental housing purposes, or application to demolish any affordable rental dwelling unit can be made for at least 20 years from the date of first occupancy. When the 20 year period has expired, the owner shall continue to provide and maintain the *affordable rental dwelling units* as rental dwelling units, unless and until such time as the owner has applied for and obtained all approvals necessary to do otherwise.
- c. The owner shall provide and maintain the *affordable rental dwelling units* with the following unit mix and unit size requirements:
 - (i) a minimum of 10% of the *affordable rental dwelling units* shall be three-bedroom units or larger and shall have a minimum floor area of at least 90 m² (965 ft²);
and

- (ii) a minimum of 30% of the affordable rental dwelling units, inclusive of the 10% three-bedroom units referenced above, shall be two-bedroom units or larger and shall have a minimum floor area of at least 64 m² (685 ft²).
 - d. The owner shall provide and maintain the *affordable rental dwelling units* at *affordable rents* for at least 15 years, beginning with the date that each such unit is first occupied. During the first 15 years of occupancy, increases to rents charged to tenants occupying any of the *affordable rental dwelling units* shall be in accordance with the *Residential Tenancies Act* and shall not exceed the Provincial rent guideline until the tenancy ends.
 - e. Prior to first occupancy of the *affordable rental dwelling units* referenced above, the owner shall work with the City's Shelter Support and Housing Administration staff and make every reasonable effort to select the first tenant for each such *affordable rental dwelling unit*, to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Shelter Support and Housing Administration.
2. The owner shall enter into a Section 37 Agreement as a legal convenience to support development which will include the following:
- a. The owner shall agree to enter into a Pedestrian Clearway Easement as a NOAC and Site Plan Agreement Condition, to the satisfaction of the Executive Director, Engineering and Construction Services including the preparation of a draft Reference Plan as required.
 - b. The owner shall agree to the construction of the Pedestrian Clearway Easement, and all the sidewalks along Dundas Street West, Durie Street and Beresford Avenue to be paid for and constructed by the owner to the satisfaction of the General Manager of Transportation Services.
 - c. The owner shall agree to secure a car-share provider as a NOAC and Site Plan Agreement Condition to the satisfaction of the General Manager of Transportation Services.
 - d. The owner shall agree to implement the mitigation measures required for noise abatement under the Class 1 area site criteria as detailed in the HGC Noise Feasibility Study (revised May, 2019). The final design and applicable clauses would be secured through the Site Plan review process to the satisfaction of the Chief Planner and Executive Director, City Planning.
 - e. The owner shall agree to erect the signs requested by the TCDSB and TDSB and include warning clauses as a NOAC and Site Plan Agreement Condition to the satisfaction of TCDSB and TDSB staff.

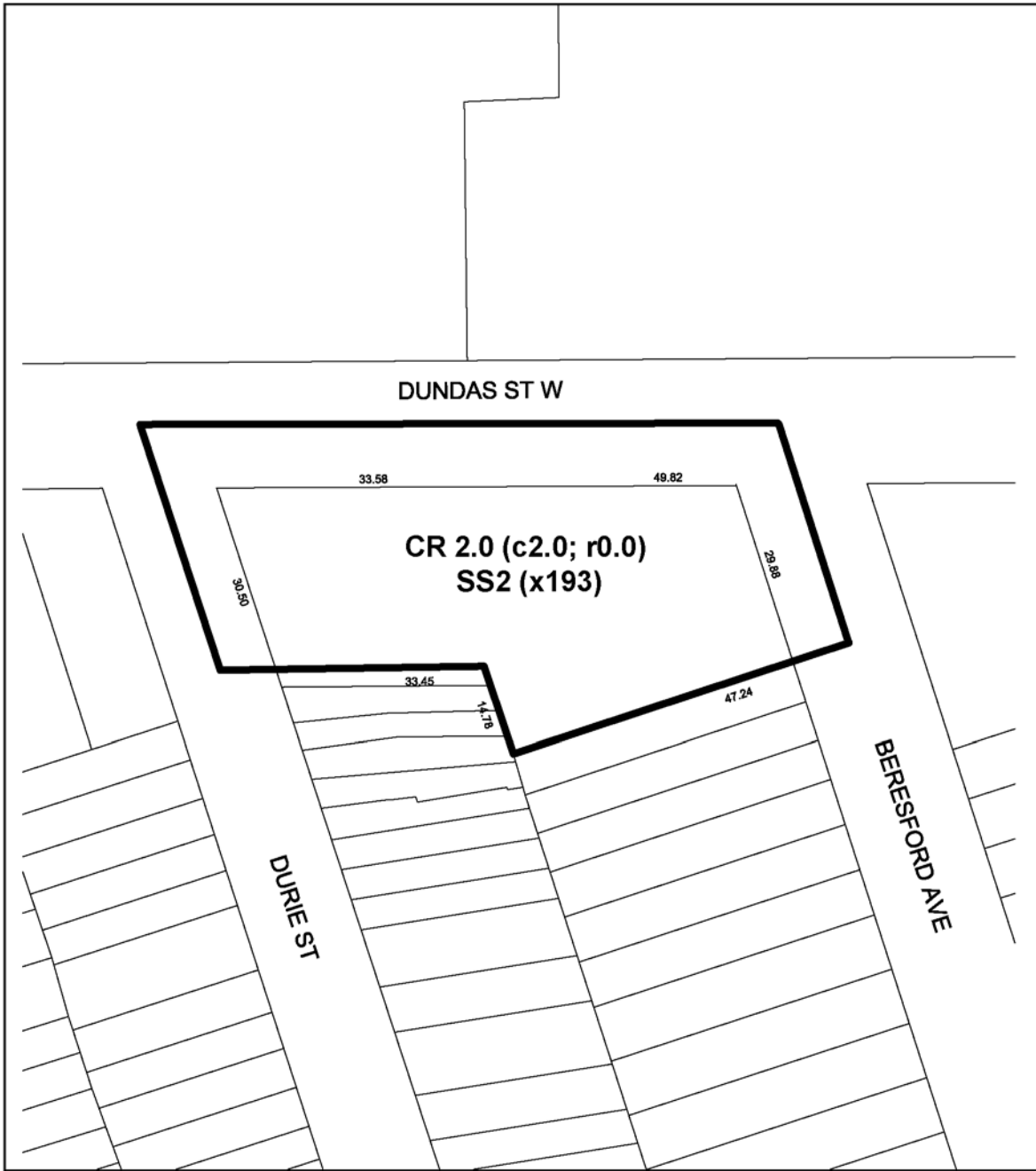


TORONTO
Diagram 1

3385 Dundas Street West

File # 16 163140 WET 13 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 05/29/2019

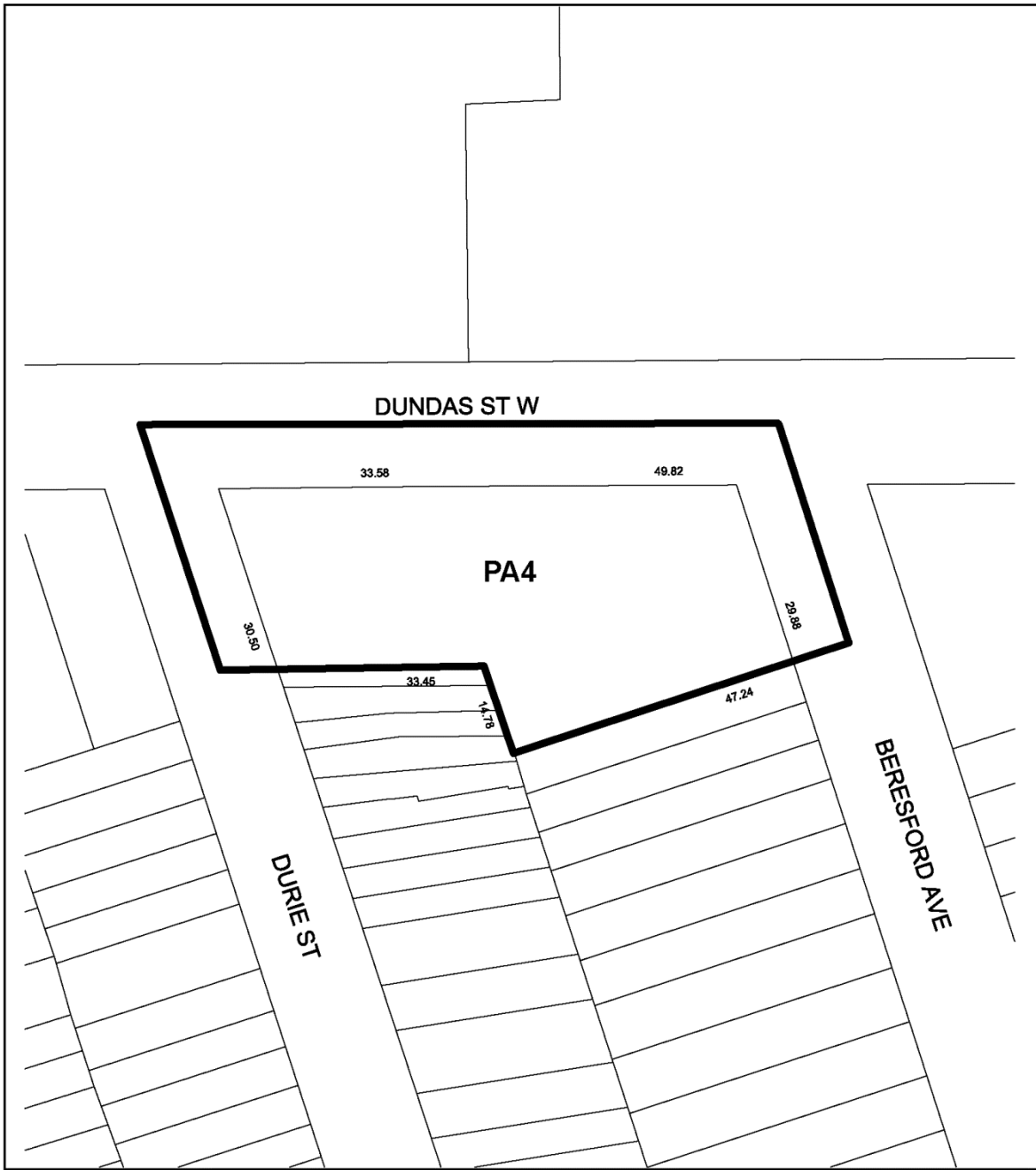


TORONTO
Diagram 2

3385 Dundas Street West

File # 16 163140 WET 13 0Z



 City of Toronto By-law 569-2013
 Not to Scale
 05/31/2019

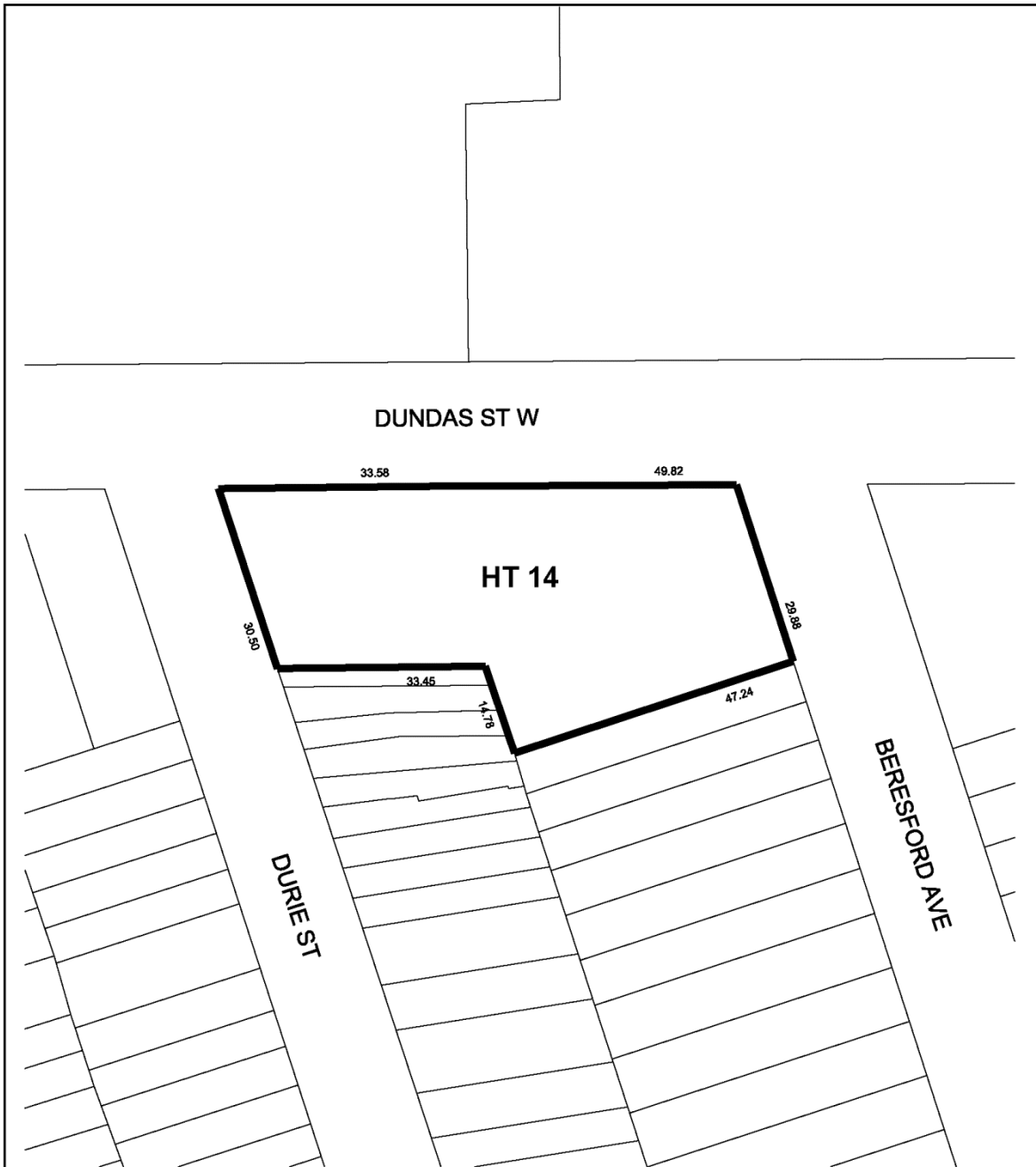


Toronto
Diagram 3

3385 Dundas Street West

File # 16 163140 WET 13 0Z


 City of Toronto By-law 569-2013
 Not to Scale
 05/29/2019

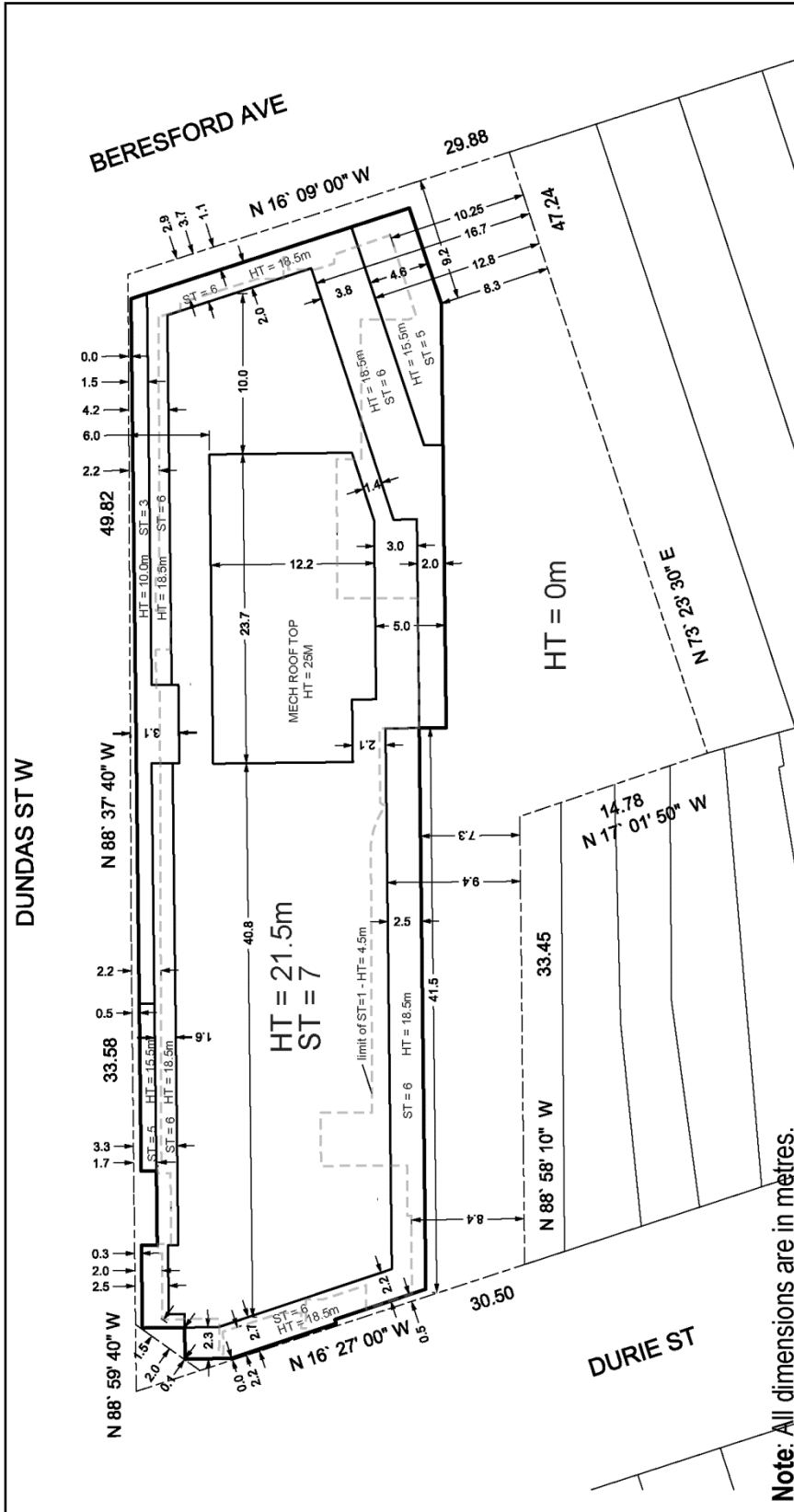


TORONTO
Diagram 4

3385 Dundas Street West

File # 16 163140 WET 13 0Z

City of Toronto By-law 569-2013
Not to Scale
05/29/2019



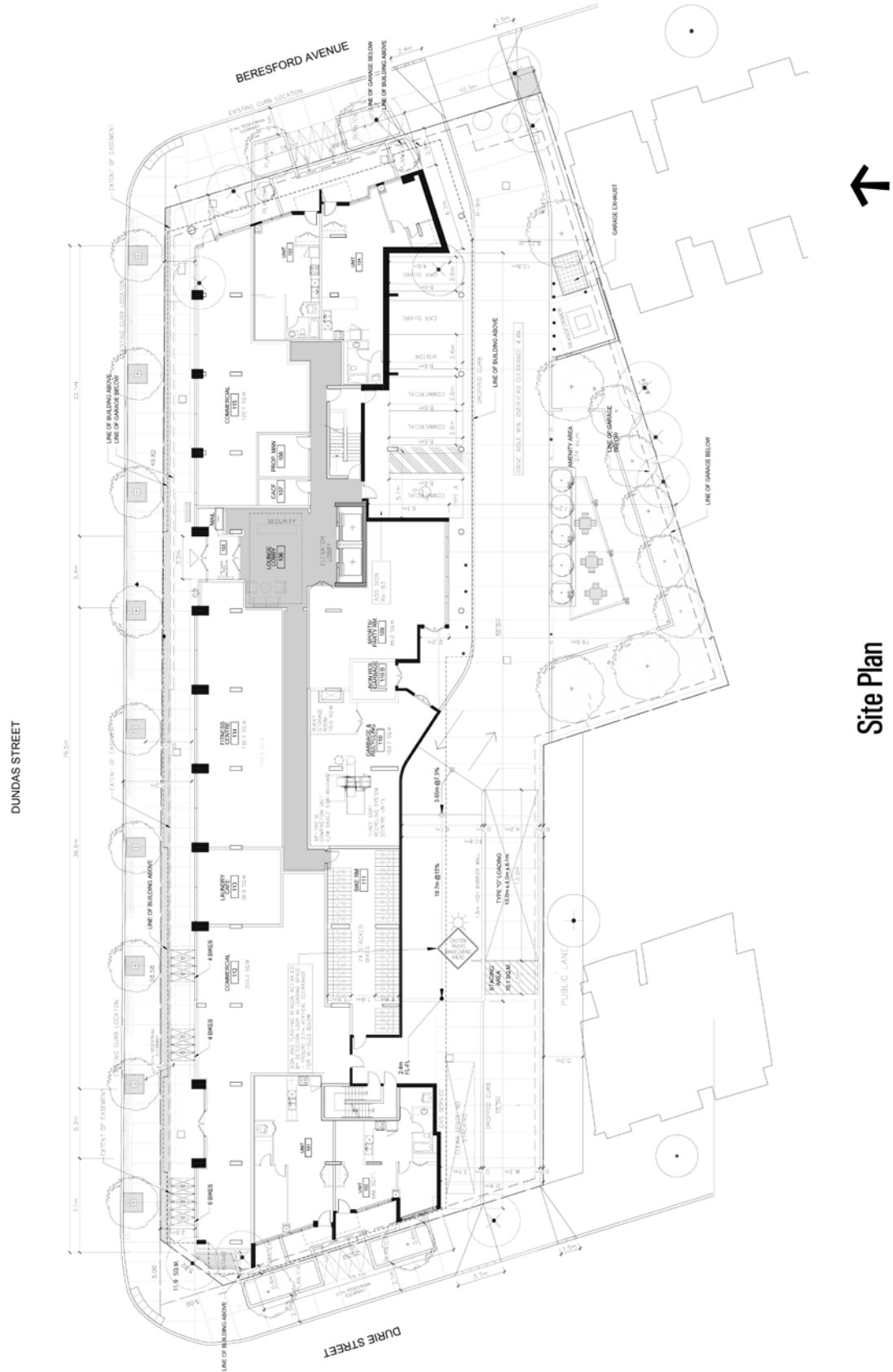
3385 Dundas Street West

File # 16163140 WET 13 0Z



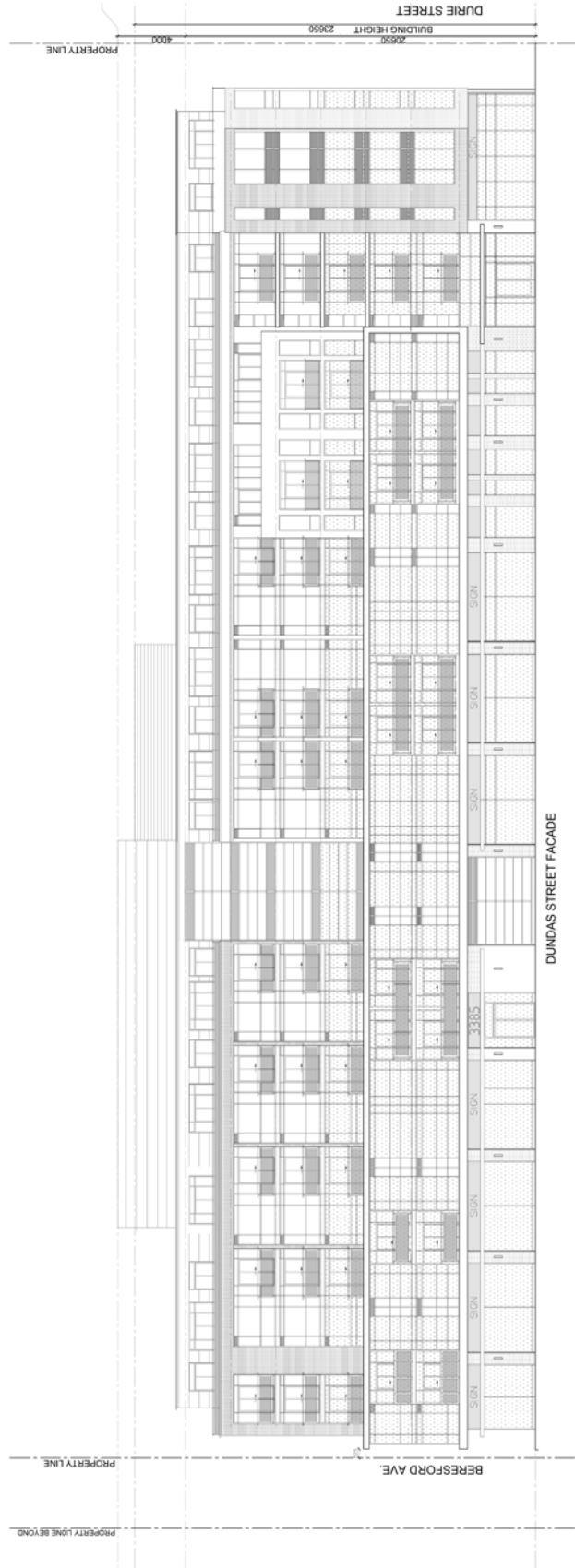
City of Toronto By-law 569-2013
Not to Scale
06/04/2019

Attachment 7: Site Plan



Site Plan

Attachment 8: Elevations



North Elevation



South Elevation



East Elevation

