

Non-Residential Demolition Application – 3775, 3379, 3803, and 4003-4005 Dundas Street West

Date: February 25, 2020

To: Toronto and East York Community Council
From: Deputy Chief Building Official and Director,
Toronto Building, Toronto and East York District

Wards: Ward 4 Parkdale- High Park

SUMMARY

This staff report is regarding a matter that shall be referred to City Council for consideration and final decision in respect of the former City Of York By Law 3102-95

In accordance with City Of York, Special Demolition Control By Law 3102-95 & the City of York Act, 1994 (No. 2), the application for demolition of four (4) non-residential buildings located on the lands municipally known as 3775, 3779, 3803, and 4003-4005 Dundas Street West (Application No. 19-264181 DEM, 19-264205 DEM, 19-264218 DEM, & 19-264231 DEM) are submitted to City Council for consideration and decision to refuse, grant or grant with conditions approval of the demolition permit application, including the requirement for the owner to enter into a beautification agreement prior to the issuance of the demolition permit because a building permit has not been issued for a replacement building.

RECOMMENDATIONS

The Director and Deputy Chief Building Official, Toronto Building, Toronto East York District recommends that City Council give consideration to these demolition applications and decide to:

1. Refuse the application to demolish the non-residential buildings on the lands because there is no permit for a replacement building on the site;
2. Approve the application to demolish the non-residential buildings with the following conditions:
 - a. The owner agree to a beautification plan that is satisfactory to the Chief Planner, or

their designate, and includes provision for the site to be backfilled with clean fill and installation of base landscaping;

b. The owner entering into a beautification agreement with the City that secures the beautification plan, in a form satisfactory to the City Solicitor;

c. The owner registering the beautification agreement on title to the property and providing proof of registration to the City Solicitor;

d. That a construction fence be erected in advance of demolition and maintained until the site has been backfilled, in accordance with Chapter 363, Article 7 of the Municipal Code, if deemed appropriate by the Chief Building Official;

e. That all debris and rubble be removed immediately after the demolition; and,

f. That the site be maintained in accordance with the beautification plan agreed upon and secured by agreement.

3. Approve the application to demolish the non-residential buildings on the lands with the following conditions:

a) That construction fences be erected in accordance with the provisions of the Municipal Code, Chapter 363, if deemed appropriate by the Chief Building Official;

b) That all debris and rubble be removed immediately after demolition;

c) That sod be laid on the site and that the site be maintained free of garbage and weeds, in accordance with the Municipal Code Chapter 629-10, paragraph B and 629-11; and

d) That any holes on the property are backfilled with clean fill; or

4. Approve the application to demolish the non-residential buildings without any conditions.

FINANCIAL IMPACT

not applicable

DECISION HISTORY

There is no decision history for this property.

COMMENTS

Together with the residential dwellings located on the lands municipally known 2-6 Humber Hill Avenue, the commercial buildings at 3775, 3779, 3803, and 4003-4005 Dundas Street West would be demolished and the site re-developed for the purposes of a new thirteen (13) storey mixed-use building containing 297 rental and affordable-rental residential units with grade related retail complete with a three (3) level underground parking facility. This application is to permit the demolition of the non-residential buildings on the lands in advance of a replacement building permit.

As the buildings located on the lands at 2, 4, & 6 Humber Hill Avenue are residential, a demolition permit for these buildings is not capable of being issued by Toronto Building without a replacement permit. A related application to permit the demolition of these buildings in advance of a replacement building permit has also been submitted and is delegated to Community Council.

A review of the City database reveals that a rezoning of the site was approved in July of 2017 with the adoption of site specific By-law 827-2017. Site plan approval application 12- 295562 SA for the development of the site is currently under review by City Planning and a review of permit history associated with this project reveals that an application to construct the proposed new building has not been submitted to date.

At the time of writing of this report, a request to modify the approval granted by council to permit changes to the built form has been submitted to the Committee of Adjustment (COA). This application has not been scheduled to date.

The Agent on behalf of the Owner of the lands has provided a letter to indicate their intent to demolish all of the buildings for the purposes of developing the lands consistent with the approval granted by council. The letter indicates that on October 2, 2019, City Council approved the project under the Open Door Affordable Housing Program and the project is enrolled in the federal CMHC Rental Construction Financing program. Due to the requirements of CMHC, the Owner advises that it is critical to proceed with demolition and environmental site works at this time.

The Owner advises that a delay in the issuance of the demolition permits will directly delay CMHC financing approval and subsequently the construction start date. The issuance of demolition permits at this time for all of the buildings simultaneously would allow for soil investigation and remediation necessary for the mandatory filing of a Record of Site Condition (RSC) applicable to the development.

The letter indicates that the site would be cleared and appropriately hoarded while the development approval process in the related COA application and site plan approval review is perfected. Please find attached a copy of the correspondence submitted by the Agent on behalf of the Owner in this regard.

Since the buildings at 3775, 3779, 3803, and 4003-4005 Dundas Street West Humber Hill Avenue are located on the former City of York and a building permit for a replacement building has not been issued for the site, the request for demolition

approval shall be referred to City Council for consideration and final decision on in accordance with former City Of York By Law 3102-95.

This application is to permit the demolition of the non-residential buildings on the lands in advance of a replacement building permit. The application(s) for demolition have been circulated for comment to Urban Forestry - Tree Protection and Protection Review, and the Ward Councillor.

Toronto Building staff have confirmed that the dwelling is not presently subject to the Ontario Heritage Act. City Planning staff have also confirmed that the approval for demolition in accordance with Section 111 of the City of Toronto Act (Rental Residential Demolition) is not required in this instance.

The application(s) for demolition of the non-residential buildings is being referred to City Council because the site is located in the Former City of York and contains non-residential buildings that are proposed to be demolished where the owner has not obtained a permit to replace the buildings on the site at this time.

CONTACT

Tony D'Arpino, Manager, Plan Review, Toronto Building - Etobicoke York District;
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tony.darpino@toronto.ca

SIGNATURE

Kamal Gogna, Deputy Chief Building Official and Director, Toronto Building – Toronto and East York District

ATTACHMENTS

1. Letter from Agent on behalf of Owner
2. Site Plan of 2-6 Humber Hill Avenue & 3775-4005 Dundas Street West

Attachment 1: Letter from Agent



January 29, 2020

Sandra Burrows
Director, Toronto Building
Etobicoke York District
2nd Floor, 2 Civic Centre Court
Toronto, ON M9C 5A3

**Re: Demolition Permit Request
3803 DSW Urban Properties Inc.
3775-4005 Dundas Street West & 2-6 Humber Hill Avenue**

Dear Ms. Burrows,

Please accept this letter in support of our request to permit the demolition of the following properties in advance of a replacement building permit:

Demolition Address	Building Permit Application No.	Demolition Type
3775 Dundas Street West	19 264181 DEM 00 DM	Non-residential
3779-3801 Dundas Street West	19 264205 DEM 00 DM	Non-residential
3803 Dundas Street West	19 264218 DEM 00 DM	Non-residential
4003-4005 Dundas Street West	19 264231 DEM 00 DM	Non-residential
2 Humber Hill Avenue	20 108275 DEM 00 DM	Residential
4 Humber Hill Avenue	20 108306 DEM 00 DM	Residential
6 Humber Hill Avenue	20 108312 DEM 00 DM	Residential

The demolition permit applications have been submitted to facilitate the development of a new 13-storey mixed-use rental apartment building on the lands; 20% of the proposed development is affordable rental in response to the City-wide need for affordable housing. On October 2, 2019, City Council approved the project under the Open Door Affordable Housing Program. The project is also enrolled in the federal CMHC Rental Construction Financing program which is a key component of the National Housing Strategy.

Due to CMHC requirements, it is critical to proceed with demolition and environmental site works as soon as possible. Any delay in the issuance of the demolition permits will directly delay CMHC financing approval and subsequently the construction start date.

Since the site is within the area of Special Demolition Control under By-law 3102-95, the demolition permit applications are being referred to the Etobicoke York Community Council. It is requested that this item is considered at Community Council as early as possible to ensure the viability of the affordable housing program in the development.

An application for Site Plan Approval has been submitted to the City and is being processed, with the issuance of the NOAC anticipated in early 2020. The development will result in significant improvements to the public realm and streetscape. Construction Documents have been initiated and a Building Permit application is targeted for the spring of 2020. All existing residential and commercial buildings have been vacated in preparation for the demolition.

For logistical purposes, and to ensure minimal impact to the community as a result of demolition activities, it is important that all existing buildings are demolished at once. The site will be cleared and protected with the use of fencing and hoarding.

A Rental Housing Demolition and Conversion Application is not required for the residential units, as confirmed by the Screening Form included with the Site Plan and Demolition applications.

We trust that the information outlined above is satisfactory. Thank you for your consideration and support on this matter.

Sincerely,

Mavi Developments Inc.,
authorized agent of 3803 DSW Urban Properties Inc.

A handwritten signature in cursive script that reads "Marly Levene".

Marly Levene, Development Manager

Attachment 2: Site Plan of 2-6 Humber Hill Avenue & 3775-4005 Dundas Street West

