

4174 Dundas Street West - Zoning By-law Amendment Application - Request for Direction

Date: May 12, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: 2 - Etobicoke Centre

Planning Application Number: 21 196623 WET 02 OZ

SUMMARY

On August 31, 2021, a Zoning By-law Amendment application was submitted by Dunpar Homes to permit a 15-storey (50.5 metres, excluding mechanical penthouse) residential building at 4174 Dundas Street West. A total of 117 units are proposed with a gross floor area of 13,193 square metres and a density of 6.41 times the area of the lot.

On December 23, 2021, the applicant appealed the application to the Ontario Land Tribunal (OLT) due to City Council not making a decision on the application within the prescribed timeframe of the Planning Act. A Case Management Conference (CMC) has not been scheduled as of the date of this report.

This report recommends that City Council direct the City Solicitor, together with appropriate City staff, to attend the OLT hearing in opposition to the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with appropriate City staff, to attend the Ontario Land Tribunal (OLT) for the Zoning By-law Amendment appeal for 4174 Dundas Street West in opposition to the application in its current form, and to continue discussions with the applicant in an attempt to resolve outstanding issues and report back on outcomes of such discussions as appropriate.

2. In the event that the OLT allows the appeals, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order be withheld until such time as the City Solicitor advises that:

a. An Official Plan Amendment is submitted, the final form and content of which is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b. The final form and content of the Zoning By-law Amendment is satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

c. The proposed Zoning By-law Amendments includes the existing holding ("H") conditions identified in Section 4(i) of Zoning By-law 717-2006, as amended, on the site, including revisions as required, with the hold symbol not to be lifted until City Council is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity, to accommodate the proposed development;

d. The owner has provided a revised Functional Servicing Report, a revised Stormwater Management Report, and a revised Geotechnical Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

e. The owner has provided a revised Transportation Impact Study to the satisfaction of the General Manager, Transportation Services;

f. The owner has made satisfactory arrangements with the City and has entered into the appropriate agreements for the design and construction of any improvements to the municipal infrastructure, should it be determined that upgrades are required to the infrastructure to support the development, according to the accepted Functional Servicing Report, Stormwater Management and Geotechnical Reports and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the Traffic Impact Study accepted by the General Manager, Transportation Services;

g. The owner has provided loading spaces, parking spaces and accessible parking spaces, as well as drive aisle widths and turning radii, in accordance with the supply and dimensional requirements of city-wide Zoning By-law 569-2013 to the satisfaction of the General Manager of Transportation Services;

h. The owner has provided a revised Arborist Report, Tree Inventory and Preservation Plan, Landscape Plan, and addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the Zoning By-law Amendment application, to the satisfaction of the Supervisor, Tree Protection and Plan Review;

i. The owner has addressed all outstanding issues raised by Urban Forestry, Ravine and Natural Feature Protection as they relate to the Zoning By-law

Amendment application, to the satisfaction of the Manager, Ravine and Natural Feature Protection;

j. The owner has satisfied the requirements of the Toronto and Region Conservation Authority regarding requested revisions to reports;

k. The owner has satisfied the requirements of the Toronto District School Board and the Toronto Catholic District School Board regarding signage and warning clauses; and

l. The owner revises the draft Zoning By-law Amendments to rezone the lands located below the long-term stable top-of bank and the buffer zone lands located within 10 metres of the top-of-bank as Open Space-Natural Zone (ON), and revises plans to show a three metre building setback to the future ON zoned lands, to the satisfaction of Toronto and Region Conservation (TRCA) and the Chief Planner and Executive Director, City Planning.

3. Prior to Site Plan Approval, the owner prepare all documents and convey a 0.4-metre road widening along the frontage of the property on Dundas Street West, all to the satisfaction of the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor.

4. Prior to the issuance of the first above-grade building permit, the owner convey all lands below the proposed top of bank and a 10-metre buffer adjoining the top of bank to the TRCA, to the satisfaction of the TRCA, the Chief Planner and Executive Director, City Planning and the City Solicitor.

5. Staff schedule a Community Information Meeting for the application located at 4174 Dundas Street West together with the Ward Councillor and with the participation of the applicant.

6. The City Solicitor and appropriate staff be authorized to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council if a potential resolution has been achieved.

7. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

An Avenue Study was conducted for the portion of Dundas Street West between Royal York Road and the Humber River that included 4174 Dundas Street West. The Dundas Street West Avenue Study was completed and adopted by City Council in 2006 and was implemented through Official Plan Amendment No. 277 that created Site and Area Specific Policy No. 277 (SASP 277) and Zoning By-law No. 717-2006. A link to the Zoning By-law No. 717-2006 can be found at:

<https://www.toronto.ca/legdocs/bylaws/2006/law0717.pdf>

The application for a 15-storey residential building was submitted on August 31, 2021. The applicant appealed before a Preliminary Report could be considered by Council.

Pre-Application Consultation Meeting

A pre-application consultation meeting was held on October 15, 2020 with the applicant to discuss the planning policy framework for the area, and the complete application submission requirements. The proposal discussed at the meeting was for a 21-storey residential building fronting Dundas Street West. Staff raised concerns with the proposed height, massing, setbacks, and the proposed location of parking and loading within the 10-metre top-of-bank setback.

SITE AND SURROUNDING AREA

The subject site is located on the north side of Dundas Street West east of Prince Edward Drive (see Attachment 1: Location Map). The site is rectangular in shape and is 2,087 square metres in size including the area beyond the top of bank. It is currently vacant, except for a driveway along the westerly property line that is subject to an easement shared with the existing residential building to the west. Previously, the site contained a three-storey commercial building and an associated parking lot. As the site is immediately adjacent to the Humber River ravine, the top-of-bank is along the northerly property line as staked by the Toronto and Region Conservation Authority (TRCA) on August 27, 2019.

Surrounding land uses include:

North: Immediately to the north is the Humber River and associated sloping/ravine area. North of the Humber River is the Humber River Recreational Trail, Lambton Park, with a rail line further north.

East: Immediately to the east is a low-rise development consisting of converted townhouses designated heritage used for commercial purposes. Further east, small-scale commercial and retail uses are situated along the north side of Dundas Street West.

West: Immediately adjacent to the site is an eight-storey retirement living building. Further west there is a six-storey and a three-storey apartment building, and a three-storey building with commercial at grade and apartments above. Beyond this area, is a mixed-use development (subject to separate provisions of SASP 277 that contemplate greater height and density due to significant distance from the Dundas Street edge) that is under construction consisting of townhouses, a mid-rise building and, in the rear of the site, tall buildings with heights ranging from three to 21 storeys.

South: On the south side of Dundas Street West opposite the site is a townhouse residential development. Southwest of the site is an eight-storey residential building which fronts onto Dundas Street West and also spans along Prince Edwards Drive. Further south is a residential community comprised of detached houses. To the southeast of the site is an application for Official Plan and Zoning By-law Amendments for a proposed 10-storey building and back-to-back townhouses that has been appealed to the OLT. Further east, there is a six-storey residential building on the south side of Dundas Street West with detached houses further south.

APPLICATION

The application proposes a 15-storey residential building fronting Dundas Street West containing 117 units. The total Gross Floor Area would be 13,193 square metres, resulting in a Floor Space Index of 6.41 times the area of the lot.

The proposed building would have a height of 50.5 metres, exclusive of the mechanical penthouse. The architectural style changes above the sixth storey from a warehouse style base to a glass and spandrel tower with a cornice line and parapet above the third storey. The proposed building is roughly rectangular in shape, with approximately 28.5 metres fronting Dundas Street West, and a depth of approximately 42 metres. A 3.5-metre stepback above the sixth storey is proposed on the south façade of the proposed building. There are no stepbacks on the other sides of the building.

The building would be setback 12 metres from the long term stable top of slope in the north (rear); six metres from the west property line; two metres from the south (front) property line; and one metre from the east property line.

Of the 117 units proposed, 42 are one-bedroom units (35%); 69 are two-bedroom units (59%); four are three-bedroom units (3%) and two are four-bedroom units (2%).

A total of 160 (134 resident and 23 visitor) vehicular parking spaces are proposed within five levels of underground parking. Parking would be accessed by a private driveway on Dundas Street West shared with the building to the west leading to an enclosed ramp along the north side of the building. The parking garage would extend beyond the building to the south, east, and west, coming close to the property lines.

The development would provide a total of 88 bicycle parking spaces consisting of 70 resident spaces and 18 visitor spaces. The proposed bicycle parking spaces would be located on the ground floor of the building.

There is one Type G loading space proposed at grade, unenclosed, within the 10-metre TRCA conveyance land, requiring an easement.

There is a total of 427 square metres of outdoor amenity space (3.65 square metres per unit) and 234 square metres of indoor amenity space (two square metres per unit) proposed. Indoor amenity space would be within the first two storeys.

The two indoor amenity spaces at grade would occupy the majority of the proposed frontage along Dundas. Outdoor amenity space would be located at rooftop level.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/Application-information-centre/>

See Attachments 1 - 9 of this report, for Location Map, Application Data Sheet, Official Plan Land Use Map, Existing Zoning By-law Map, Site Plan, and Elevations.

Reasons for the Application

Amendments to the former City of Etobicoke Zoning Code for the lands at 4174 Dundas Street West are required to create site specific zoning provisions to permit the proposed density, building height, setbacks, lot coverage and other development standards that may be identified through the review process to provide for the proposed development. An application is also required to remove the Holding symbol from the lands. This application has not been submitted.

The applicant did not submit an application for an Official Plan Amendment, however, one is required for three reasons:

- To exempt the proposal from SASP 277 to permit the proposed height and other development standards;
- To designate the lands within 10 metres of the top-of-bank to Natural Areas; and
- To permit the proposed loading space within 10 metres of the top-of-bank.

Site Plan Control

The proposal is subject to Site Plan Control. A Site Plan Control Application has not been submitted.

POLICY

The Official Plan designates the lands at 4174 Dundas Street West as Mixed Use Areas, as shown on Map 14 - Land Use of the Official Plan (see Attachment 3: Official Plan Land Use Map).

The site is located within Area 3 of the Dundas Street West Avenue Study and within SASP 277. The site is surrounded by lands designated Mixed Use Areas to the east, west, and south, and lands designated Natural Areas to the north. Map 4 of the Official Plan, Higher Order Transit Corridors shows that there is no higher order transit on Dundas Street West where the site is located.

The Dundas Street West Avenue Study is implemented by Zoning By-law No. 717-2006 which zones the site General Commercial – Avenues – Holding (CG-AV-H). The Dundas Street West Urban Design Guidelines contained within SASP 277 are also applicable to the lands within the Dundas Street West Avenue Study.

Other Guidelines that are relevant in the consideration of the proposal include: Avenues and Mid-Rise Buildings Study and Performance Standards and Addendum; Tall Building Design Guidelines; Growing Up: Planning for Children in New Vertical Communities; Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

Information on applicable policy documents can be found in Attachment 10: Policy Considerations.

COMMUNITY CONSULTATION

A Community Consultation Meeting has not been held. The application was appealed to the OLT prior to Council consideration of a Preliminary Report that precedes any Community Consultation Meeting. This report recommends holding a Community Information Meeting together with the Councillor and the applicant to explain the application and the appeal process to area residents.

COMMENTS

Planning Act

City Planning staff have reviewed the application having regard for the relevant matters of provincial interest set out under Section 2 of the Planning Act. The application does not have sufficient regard to: Section 2(h), which speaks to the orderly development of safe and healthy communities; Section 2(j), which speaks to the adequate provision of a full range of housing, including affordable housing; Section 2(p) which speaks to the appropriate location of growth and development; and Section 2(r) which speaks to the promotion of a built form that is well designed, encourages a sense of place and provides places that are of high quality, and are safe, accessible, attractive.

Provincial Policy Statement (2020) (PPS)

City Planning staff have reviewed the application against the policies of the PPS and find that the proposal in its current form is not consistent with the long-term economic prosperity policies.

PPS directs that long-term economic prosperity should be supported by encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and a range of housing options for a diverse workforce. The proposal in its current form does not provide for an appropriate range of housing options. It does not provide a sufficient number of three-bedroom units, nor does it provide commercial uses

to contribute towards the economic well-being of the area as called for in the Guiding Principles of the Dundas Street West Avenue Study.

While the PPS encourages intensification and efficient development, it recognizes the existing local context is important and that well-designed built form contributes to overall long-term economic prosperity. Through its Official Plan, the City has identified appropriate locations and opportunities for intensification. While intensification is anticipated along Avenues and in Mixed Use Areas, the proposed development fails to account for the existing and planned context in which it is situated to appropriately define the level of intensification permitted. The Official Plan policies and the Dundas Street West Avenue Study call for a mid-rise building limited to six storeys that satisfies the intensification goals of the PPS. The existing context within the Avenue Study area includes mid-rise buildings up to eight storeys along this segment of Dundas Street.

PPS establishes that the Official Plan is the most important vehicle for implementation of the PPS, and the level of intensification proposed through the 15-storey tall building combined with the proposed density and massing of the current proposal are not in conformity with the Avenues, Mixed Use Areas and Built Form policies of the Official Plan or the Dundas Street West Avenue Study as implemented through SASP 277.

The PPS also establishes that natural features shall be protected, restored, and improved. The proposed loading space within the 10-metre buffer from the ravine long term stable top of slope is not consistent with the direction of the PPS. The rear of the property contains an erosion hazard which is considered a Natural Hazard as defined in the PPS. Section 3.1.1. b) of the PPS requires that development generally be directed to areas outside of hazardous lands impacted by erosion.

As such, it is staff's opinion that the proposed development is not consistent with the PPS as the proposed building is contrary to the built form established for this site by the municipal policies and guidelines and is contrary to the direction for natural feature protection.

A decision by City Council to oppose the current proposal given the inconsistency with long-term economic prosperity policies and non-conformity with Official Plan policies, as described below, will be consistent with the PPS.

Growth Plan (2020)

City Planning staff have reviewed the application against the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020 ("Growth Plan 2020") and find that the proposal in its current form does not conform to the Growth Plan 2020's managing growth and housing policies.

The Growth Plan directs municipalities to apply policies to maintain, restore, or enhance Natural Heritage Systems. The proposed loading space prevents appropriate restoration and enhancement from taking place. The failure to submit an Official Plan Amendment to designate the 10-metre buffer area as Natural Areas would prevent the application of policies intended to maintain the long-term ecological function of the buffer area.

The Growth Plan 2020 guiding principles includes supporting a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households, and Growth Plan 2020 policies support the achievement of complete communities providing a diverse range of housing options for all household sizes and a mix of land uses. The proposal does not include an appropriate mix of units to support complete communities. The proportion of proposed three-bedroom units do not adequately support the unit mix objectives of the Growing Up Guidelines or Growth Plan policies to accommodate within new development a broad range of households, including families with children. It also does not include the employment uses envisioned by the Dundas Street West Avenue Study.

The proposed development is out of scale with the existing and planned context of the Dundas Street West Avenue Study; the proposal is not in a location with existing or planned higher order transit; and does not include a well-designed built form to promote a sense of place to support economic prosperity.

A decision by City Council to oppose the current proposal given the non-conformity with matters that support the achievement of a complete community and a range and mix of housing options and non-conformity with Official Plan policies, as described below, will conform with the Growth Plan.

Land Use

The application has been reviewed against the Official Plan policies and the Dundas Street West Avenue Study and Urban Design Guidelines described in Attachment 10: Policy Considerations. Given the existing and planned context for the subject property and the surrounding area, the land use cannot be supported by staff.

The Official Plan requires development to be set back from the top-of-bank of valleys, ravines and bluffs by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards. The proposed loading space encroaches into the 10-metre buffer area from the long term stable top of slope and is, therefore, not in conformity with the Official Plan and cannot be supported. An Official Plan Amendment would be required to permit this use, and to designate the 10-metre buffer as Natural Areas.

In addition, the Official Plan provides that Avenue studies set out contextually appropriate zoning and other regulations to establish permitted uses and maximum density and height limits; appropriate massing, scale, siting and organization of buildings; and ensuring an appropriate transition to adjacent areas. The height limit of six storeys determined through the Avenue Study is made explicit in the Official Plan through the SASP 277 Dundas Street Urban Design Guidelines. There have been more recent approvals at 4208, 4187, and 4125 Dundas Street West that have permitted eight storey buildings along Dundas Street West, however, these retain a mid-rise built form that is consistent with the overall direction of SASP 277. The approvals at 4208 and 4125 Dundas Street utilize stepbacks to create a further reduced impact.

One of the Guiding Principles of the Dundas Street West Avenue Study is to encourage a diversity of uses, in particular "commercial and retail uses should be encouraged

along with residential development, to create a mixed-use area where people can live, work, and shop." Further, the Dundas Street West Urban Design Guidelines call for a "diversity of active ground floor uses such as retail, office and community services that generate pedestrian activity." The proposed building is entirely residential with amenity space fronting Dundas Street West. The building should utilize the street frontage opportunity on Dundas Street West to support a main street commercial character in keeping with the policy direction. City Planning staff also note that there is no planned higher order transit infrastructure that would service this section of Dundas Street West at this time. There is only one bus route that serves this location.

Staff are of the opinion that an entirely residential tall building on this site that includes an encroachment into the ravine setback is not in conformity with the Official Plan.

Height, Built Form, Massing, and Density

The application has been reviewed against the Official Plan Policies and the Dundas Street West Avenue Study and Urban Design Guidelines described in Attachment 10: Policy Considerations. Given the existing and planned context for the subject property and the surrounding area, the proposed built form in its current form cannot be supported by staff.

Height

The proposed height of the development at 15 storeys (50.5 metres) is significantly taller than the existing building heights, adjacent Dundas Street right-of-way width (27 metres) and far exceeds the planned context of mid-rise buildings as established by the Dundas Street West Avenue Study and implemented through SASP 277. The height limit in the planned context of the Avenue Study is six storeys or 20 metres, which represents a mid-rise building scale. The Dundas Street West Urban Design Guidelines recommends a maximum building height of six storeys (18.5 metres) along Dundas Street West. An existing and planned context of mid-rise built form is consistent along the entirety of the Avenue.

While Avenues are identified as areas for intensification, the Official Plan requires this to be achieved through the preparation of Avenue Studies to take into account and provide direction in keeping with the context of the area. The height limit of six storeys was established through the Dundas Street West Avenue Study, and development within the study area generally aligns with the planned context of the Avenue Study.

The Dundas Street West right-of-way is 27 metres adjacent to the proposed development site. Any building taller than 27 metres is considered a tall building within this context. There is no indication in the City's Official Plan, the Dundas Street Avenue Study, as implemented through SASP 277 and Zoning By-law No. 717-2006, the Tall Building Design Guidelines or within the existing or planned context that a tall building is planned for or appropriate on this site. The Dundas Street West Avenue Study and SASP 277 does contemplate increased heights on the Rona site located on the north side of Dundas west of Prince Edward Drive (4208-4214 Dundas Street West), the taller building height permissions granted to that site are set back far from Dundas Street and the site frontage remains consistent with existing and planned context of mid-rise

buildings and scale along the Avenue. No such tall building direction is given for this site as the property size, depth and developable distance from Dundas is not comparable and as such cannot appropriately accommodate a tall building within the existing and planned context.

As such, staff are of the opinion that the height of the building should be reduced to a mid-rise building as planned for in the Dundas Street Avenue Study, SASP 277, Dundas Street West Urban Design Guidelines and Dundas Street West Avenue Zoning By-law No. 717-2006, which provide the planning direction for this area.

The application proposes a tall building, with more than double the height permitted and exceeding the existing context, in a location planned for and only appropriate for a mid-rise building. The tall building would be seen and experienced from the public realm and neighbouring low rise residential areas creating a significant visual impact. In staff's opinion, the 15-storey building proposal is inconsistent with the existing and planned context of the area and would overwhelm the public realm and pedestrian experience visually and physically. As described further below the proposed height and massing would also limit access to sunlight on adjacent lands designated Natural Areas to the north. A lower mid-rise building height that does not exceed the street proportion would be less imposing, minimize shadowing and provide appropriate access to sky views.

Built Form and Massing

Built Form policies in the Official Plan emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area and its exterior façade designed to fit harmoniously into its existing and/or planned context.

Official Plan policies and the Dundas Street West Avenue Study as implemented through SASP 277 provide direction on how to manage boundary situations and requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. In addition, the Mixed Use Areas Development Criteria of the Official Plan require that new development be located and massed to provide a transition between areas of different development intensity and scale; frame the edges of streets with good proportion; and create an attractive and comfortable pedestrian environment.

There are three converted townhouses next to the site that are included on the City's Heritage Register. Any new proposal should be designed to have a compatible relationship with these listed buildings and fit in with its existing and proposed context as required by urban design policies. The proposed development fails to conform to policies respecting the transition to the heritage townhouse buildings to the east. The front yard setback along Dundas Street West is insufficient to align with these buildings. The proposed east side setback is only one metre, with no east side setbacks providing transition from the smaller built form. The proposed base building includes windows facing east, which requires a minimum 5.5-metre setback from the side lot line

to provide separation between the existing and proposed windows. Furthermore, given the adjacent heritage context, an increased side yard setback greater than what is currently proposed should be provided even in the absence of any proposed windows. The inadequate setback also prevents open views from the public sidewalk to the ravine and the potential for a midblock connection for a pedestrian connection to the Humber ravine trail system as encouraged by the Dundas Street West Urban Design Guidelines.

Facing Dundas Street West, the applicant's proposal includes a front step back of 3.5 metres above the sixth storey, but the balconies also begin at this height, intruding into most of the step back. This means that visually the street wall is 15 storeys, in contrast to the six-storey street wall to the west and to the four-storey street wall envisioned in the Dundas Street West Urban Design Guidelines. By contrast, the existing eight-storey building to the west is stepped back by 1.5 metres at the fifth floor, a further six metres above the sixth floor and a further four metres above the seventh floor.

The proposed building does not provide curb to building face dimensions along the Dundas Street frontage to demonstrate that the five-metre minimum pedestrian zone is achieved as is required for a mid-rise building. As a tall building, a six-metre or greater curb to building dimension would be required. The dimensions of the mechanical penthouse are also not provided, but appear to exceed the Avenue Zoning By-law limit of 25 square metres in size.

To the north, as a mid-rise built form is appropriate on this site, the Mid-Rise Buildings Performance Standard for rear transition to Neighbourhoods, Parks, Open Space Areas, and Natural Areas from deep properties should be applied. This standard would include a 45-degree angular plane from the property line adjacent to the lands designated Natural Areas. While this site is not appropriate for a tall building, if the Tall Building Design Guidelines were to be referenced, the direction is still to apply angular planes to transition from tall buildings to surrounding open space. The proposed tall building floor plate exceeds 750 square metres and does not meet 12.5-metre or greater minimum tower separation distance from the side lot lines as specified by the Tall Building Design Guidelines.

The massing of the building should be mitigated to better relate contextually to the adjacent converted houses to the east, provide a street wall compatible with the building to the west, and fall within the 45-degree angular plane to the north. The design of the base building is disconnected from the context and the middle portion of the building. Careful consideration should be given in massing and articulating building elevations as well as to achieve a contextual relationship, particularly on the Dundas Street frontage. The proposal fails to support the prevailing pedestrian scale main street rhythm to the east and promote compatibility and fit with the finer grained retail and residential context.

Density

The application proposes a Floor Space Index (FSI) of 6.41 times the area of the lot which is more than double the maximum density permitted in Dundas Street West Avenue Zoning By-law No. 717-2006 applicable to the site. The proposed density is also not in keeping with the existing densities for recently approved development on

similar sites, which generally range from 2.1 to 3.9 times the area of the lot for developments within the Dundas Street West Avenue Study area. The proposed development by the applicant is of a higher density than any of the approved or proposed developments on this segment of Dundas Street West.

Staff are of the opinion the combination of the proposed density, height and massing creates a visual impact which does not fit in with or provide appropriate transition to the character and the existing and planned context of development on the Avenue in the Dundas Street West Avenue Study area.

Traffic Impact

The applicant submitted in support of the proposal, a Transportation Impact Study (TIS) report prepared by LEA Consulting Ltd., dated April 21, 2021. In general, Transportation Services accepts the methodology and estimated trip generation outlined in the TIS report. In principle, the traffic impact generated by the site is acceptable.

Driveway Access and Site Circulation

The underground parking and loading is via one full-moves access on to Dundas Street West. This access is shared with 4180 Dundas Street West. Confirmation of a registered mutual access easement must be provided for the purpose of ingress and egress. It also appears that some movements extend beyond the drive aisles. The parking garage access and service/loading area should be consolidated and rely upon a single shared back-of-house area with a minimum curb cut width, pavement width and turning radii that meets City standards.

Loading and Servicing

The site plan depicts a Type 'G' loading space to accommodate on-site garbage truck circulation, however the movements are encroaching over the on-site walkway, extend beyond the access easement and are encroaching into TRCA lands. This loading space should be integrated into the building. There is also a Type 'B' loading space provided for moving activity, however, this should be removed as it is not required.

Parking

Parking for the site is subject to the former City of Etobicoke Zoning Code as amended by Avenue Zoning By-law No. 717-2006, however, developments in close proximity to the area fall under Zoning By-law 569-2013 Policy Area 4 (PA4) rates. For this application, Transportation Services requires that parking be provided in accordance Zoning By-law 569-2013 parking standards that apply to Policy Area 4.

Application of City of Toronto Zoning By-law 569-2013 (Policy Area 4) results in a requirement of 118 parking spaces including 101 residential and 17 visitor parking spaces. The site plan proposes a total of 160 parking spaces; 137 resident parking spaces and 23 visitor parking spaces to be provided within five levels of underground parking. The proposal represents an oversupply of 25 parking spaces.

The proposed supply does not align with the proposed parking rates as identified in the Transportation Impact Study. The supply overestimates the demand for parking based current parking trends across the City and do not align with the City of Toronto's Official Plan objectives to reduce auto dependency.

Widening

A 0.40-metre widening is required along the Dundas Street West frontage of this property to satisfy the requirement of a 27-metre wide right-of-way. Dundas Street West has a width of 26.21 metres.

Ravine Protection and Natural Heritage Protection

The application is subject to City of Toronto Municipal Code, Chapter 658 (Ravine and Natural Feature Protection). The site abuts Humber River and the associated valley corridor to the north. The site partially contains that valley feature. It is also partially located within the Natural Heritage System as shown in Map 9 of the City of Toronto's Official Plan.

Ravine and Natural Feature Protection staff do not support to the Zoning By-law Application as the proposed garbage truck loading area will require significant encroachment into the 10-metre buffer from the long term stable top of slope. The Arborist Report and Tree Inventory Plan identify 12 trees on site as Ravine trees. The three trees proposed to be removed are located on the private land at the rear of the site within the RNFP Limit. An application must be submitted to Urban Forestry – Ravine and Natural Feature Protection Office to obtain a Ravine Permit to remove the subject trees, and a revised ravine stewardship plan for the 10-metre buffer is required, with a complete cost estimate.

The subject property is also partially located within a TRCA-regulated area of the Humber River watershed. A permit is required from the TRCA prior to any development taking place on the regulated portion of the property. TRCA's Living City Policies (LCP) sets out development guidelines for properties influenced by valley and stream corridors. The limit of the Natural System is determined by the greater of the outer limits of the natural feature and/or natural hazard to development or site alteration, as follows: a 10-metre buffer from the greater of the long-term stable top of slope/bank, stable toe of slope, Regulatory floodplain, meander belt, and any contiguous natural features or areas. For this site, the furthest inland hazard or feature is the long-term stable top of slope. TRCA policy does not support the placement of the loading space within the feature and its associated setback

The natural system should be placed in an Open Space-Natural Zone (ON) zoning which has the effect of prohibiting structural encroachments, the placement of fill, or the removal of vegetation, except for the purposes of flood or erosion control, or resource management. It should also be designated as Natural Areas on the Official Plan.

To facilitate regular on-going building maintenance (e.g., foundation repairs), TRCA staff will require a minimum three-metre building setback to the future open space

block/new lot line. This applies to both above and below grade structures. The current proposal provides a two-metre setback.

TRCA staff recommend that the Zoning By-law Amendment not be approved until their concerns have been addressed.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

The applicant has submitted an Arborist Report and Tree Inventory and Preservation Plan in support of the application. The applicant proposes to injure one tree located on the City's right-of-way. Urban Forestry has reviewed the application and has concerns with missing or contradictory information. Planting details and a satisfactory soil volume plan have not been provided, and the Toronto Green Standards - Tier 1 Ecology is incomplete. Revisions to the Arborist Report, Ravine Stewardship Plan, Landscape Plans, and the Toronto Green Standards Checklist, and further information have been requested as outlined in the Memorandum from Urban Forestry dated October 27, 2021.

Housing and Growing Up Guidelines

The proposal in its current form does not support the City's unit mix objectives and housing policies, and the Growth Plan's growth management and housing policies to accommodate within new development a broad range of households, including families with children.

The proportion of proposed three-bedroom or larger units (5%) does not adequately support the unit size objectives of the Growing Up Guidelines to accommodate within new development a broad range of households, including families with children.

Public Realm and Streetscape

The design of the base building is disconnected from the context and the middle portion of the building. Careful consideration should be given in massing and articulating building elevations as well as to achieve a contextual relationship, particularly on Dundas Street frontage. The proposal does not provide articulation through building recesses, smaller scale building components and other variation in the building massing on the Dundas street frontage that would be appropriate to support the prevailing pedestrian scale main street rhythm to the east and promote compatibility and fit with the finer grained retail and residential context, including the adjacent and nearby heritage properties.

Indoor amenity space is proposed along the Dundas Street West frontage. The indoor amenity areas are generally discouraged as street facing uses in favour of non-residential/commercial units with individual entrances for greater animation of the public realm.

The architectural plans submitted do not provide dimensions or labelling that would allow staff to evaluate whether the proposal satisfies the requirements for:

- 2.1-metre wide sidewalks;
- A five-metre wide pedestrian zone; and
- A 0.40-metre road widening.

The conveyed lands and dimensions must be clearly delineated on the site plan and landscape plan.

Dundas Street is a four-lane street with busy vehicular movement and anticipated higher volumes of pedestrian traffic, therefore every effort should be made to ensure a proper transition between public and private space. It is not clear if the front setback along Dundas Street West will be able to accommodate healthy and mature trees as the applicant has not completed TGS Tier 1: Ecology or provided the dimensions of the landscaped area.

Sun/Shadow and Wind

The Official Plan requires that development in Mixed Use Areas locate and mass new buildings to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks, and open spaces. The Official Plan also states that the tower portion of a tall building should be designed to limit shadow impacts on the public realm and surrounding properties.

The applicant has provided a shadow study illustrating the shadow impacts during the fall and spring equinoxes and the summer solstice. The application has been reviewed against the Official Plan Policies and the Dundas Street West Avenue Study and Urban Design Guidelines described in Attachment 10: Policy Considerations. Given the existing and the planned context for the subject property and the surrounding area, the built form context, including sun and shadow impacts cannot be supported by staff.

The proposed height would limit access to the sunlight on adjacent lands designated Natural Areas to the north during the spring and fall equinoxes from 9:18 am to 3:18 pm, and during the entire day during the winter solstice. Reduction of the building height and/or massing is required to minimize the shadow impact on these lands.

The building would cast shadows on the adjacent heritage properties at 4168-4172 Dundas Street West between 1:18 pm and 6:18 pm on March, June and September 21st, and between 12:18 pm and 4:18 pm on December 21st.

The applicant has also submitted a Pedestrian Level Wind Study prepared by Gradient Wind Engineering, with an addendum dated March 9, 2021 in support of the application. The study finds that the wind conditions at grade on and around the proposed development are generally acceptable. However, as describe in Section 5.2 of the Pedestrian Level Wind Study, the lobby entrance along the west elevation will not be suitable for standing other than during the summer. The Wind Study recommends to either recess the doorway behind the main façade or provide vertical wind barriers flanking the entrance, and an entrance canopy at this location to deflect downwash

flows from the west elevation of the tower. Urban Design staff have concerns with the use of external barriers and recommend integration of wind mitigation into the building massing.

Holding Symbol

The site is subject to a Holding (H) symbol until such time as City Council is satisfied as to the availability of all road improvements, infrastructure, servicing, and school capacity to accommodate the proposed development. The applicant is required to submit an application demonstrating that the requirements for lifting the Holding symbol have been satisfied.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted as part of the application. A number of amendments to the report and revisions to plans have been identified.

In the event that the OLT allows the Official Plan and Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending the confirmation the Functional Servicing and Stormwater Management Report has been revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and it is demonstrated that the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required.

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. According to the City's Parkland Strategy methodology, the development site is currently in an area with 0 - 4 square metres of parkland per person, which is well below the city-wide average provision of 28 square metres of parkland per person in 2016.

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

Amenity Areas

The Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development. Dundas Street West Avenue Zoning By-law No. 717-2006 requires a minimum of 2 square metres of indoor and 2 square metres of outdoor amenity space for each unit; and a minimum of 4 square metres of amenity space for each unit.

The proposal provides for a total of 234 square metres of indoor amenity space and 427 square metres of outdoor amenity space, which satisfies the requirement for 2 square metres per residential unit of both indoor and outdoor amenity space. However, the

Avenue Zoning By-law requires at least 40 square metres be provided in a location adjoining or directly accessible from the indoor residential amenity space, which is not achieved in the current proposal as all the outdoor amenity space is at rooftop level.

Given the current rise in dog-owning populations, the applicant should provide on-site dog amenities with proper disposal facilities such as dog relief stations within the building to accommodate future residents' needs. This will also help alleviate pressure on existing parks. In developments with over 100 units, in addition to the outdoor Pet Relief Area, it is recommended to provide an Outdoor Off-leash Area (dog run or play area) minimum size of approximately 20 square metres and Pet Wash Station minimum room size 6.0 square metres. These facilities are not to be located within the ravine setback area.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Some performance measures for the Tier 1 development features are secured in the site-specific zoning by-law and others through the Site Plan Control application. The proposal does not currently meet TGS Version 3.0 Tier Requirements AQ 1.1 (Single-Occupant Auto Vehicle Trips), AQ 1.2 (LEV and Sustainable Mobility Spaces), AQ 3.2 (Sidewalk Space), SW 1.1 (Sorting), and SW 1.4 (Compaction).

Local Schools

The Toronto District School Board (TDSB) identified concern regarding current local elementary school capacity to accommodate students anticipated from this development. The TDSB also advised that children from the proposed development would not displace existing students at local schools. As such, the TDSB has requested that as a condition of approval, the proponent be required to erect notice signs and that warning clauses be included in all purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential unit within the proposed development, that reference the potential for children from the development to be transported to schools outside of the immediate neighbourhood and if bussing is provided by the TDSB that students will not be bussed home to school but will meet the bus at designated locations in or outside of the area.

The Toronto Catholic District School Board identified similar concerns and requested that as a condition of approval the proponent be required to erect notice signs that if schools are oversubscribed students may need to be accommodated in portable classrooms or be redirected to a school located outside the area and that warning clauses be included in all agreements of purchase and sale.

Conclusion

The application has been reviewed against the policies of the PPS, the Growth Plan (2020), the Official Plan, including SASP 277 and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the application does not

conform to the Official Plan and Guidelines, particularly as it relates to The Natural Environment, Parks and Open Space Areas, Built Form, and Mixed Use Areas policies and development criteria. The application in its current form is also inconsistent with the PPS long-term economic development policies and does not conform to the Growth Plan (2020) managing growth and housing policies.

The current proposal is not appropriate as the proposed development represents overdevelopment of the site with a building which is not in keeping with the existing or planned mid-rise context of the area established by the Dundas Street West Avenue Study and fails to protect the surrounding natural environment. The proposal would establish an undesirable precedent within the Dundas Street West Avenue Study area and the city more broadly, does not represent good planning and is not in the public interest in its current form. The applicant has not satisfactorily addressed concerns pertaining to road improvements, infrastructure, servicing and school capacity necessary to lift the Holding symbol.

Development on this site could be supported, should it provide an appropriate height, density, massing, transition of scale including addressing angular planes, respect the buffer area from the ravine long term stable top of slope, and reduce visual impact as directed in the Official Plan, the Dundas Street West Avenue Study and the Dundas Street West Design Guidelines. This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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E-mail: Ira.Banks@toronto.ca

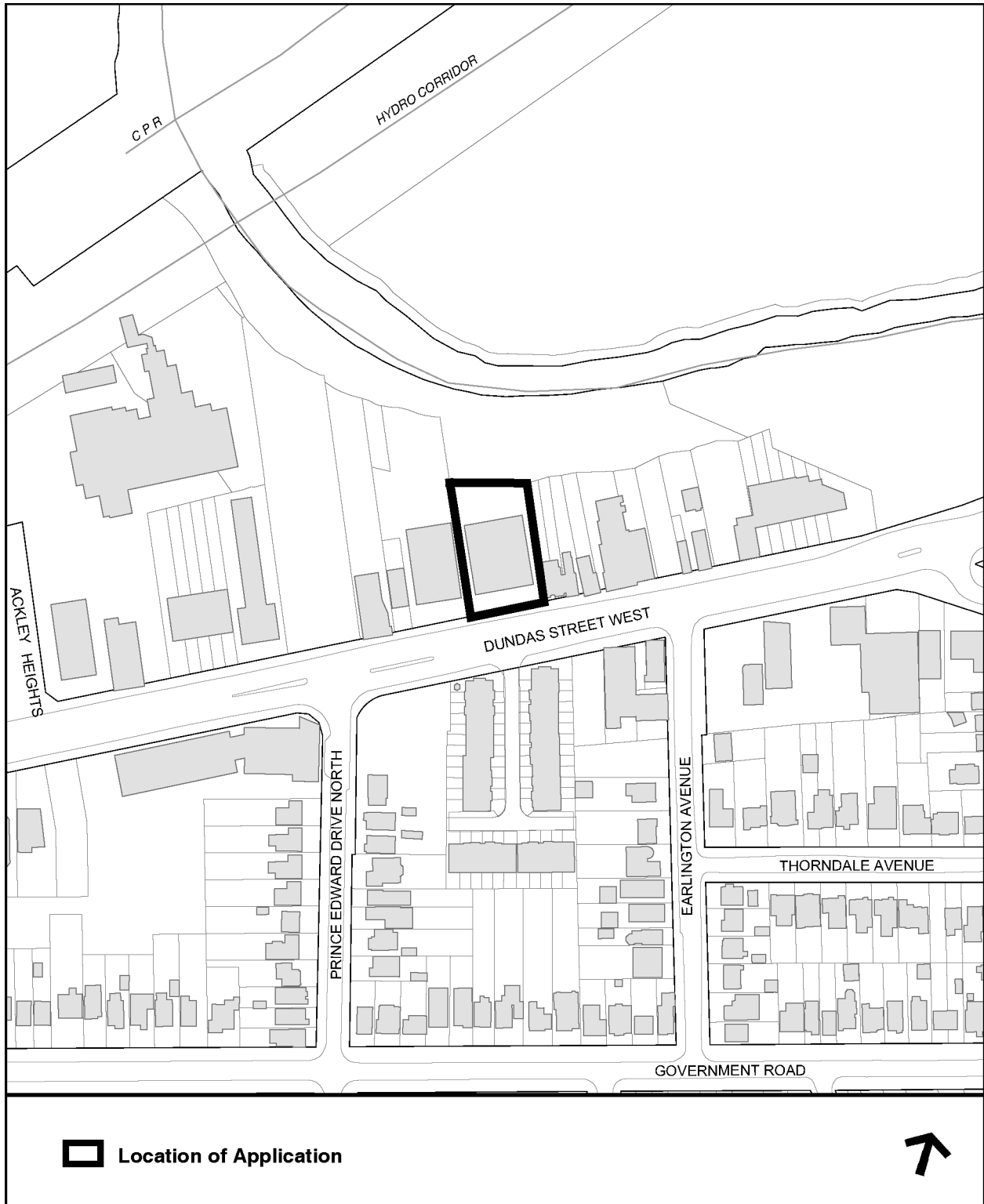
SIGNATURE

Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1:	Location Map
Attachment 2:	Application Data Sheet
Attachment 3:	Official Plan Land Use Map
Attachment 4:	Existing Zoning By-law Map
Attachment 5:	Site Plan
Attachment 6:	North Elevation
Attachment 7:	South Elevation
Attachment 8:	East Elevation
Attachment 9:	West Elevation
Attachment 10:	Policy Considerations

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 4174 DUNDAS ST W Date Received: August 31, 2021

Application Number: 21 196623 WET 02 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Proposed 15-storey residential building with a total gross floor area (GFA) of 13,193.80 square metres of residential GFA. A total 661 square metres of amenity space is proposed, comprised of 234 square metres of indoor amenity space and 427 square metres of outdoor amenity space.

Applicant	Agent	Architect	Owner
DUNPAR HOMES			1386072 ONTARIO INC

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning:	General Commercial Avenues (CG-AV).	Heritage Designation:
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Height Limit (m): Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq m):	2,087 (2,058 after deducting area beyond top of bank)	Frontage (m): 35.5	Depth (m): 55
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	86		607	607
Residential GFA (sq m):			13,193	13,193
Non-Residential GFA (sq m):	1,864			
Total GFA (sq m):	1,864		13,193	13,193
Height - Storeys:	1		15	15
Height - Metres:	9		51	51

Lot Coverage Ratio (%)	29.49	Floor Space Index:	6.41
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	13,193	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			117	117
Other:				
Total Units:			117	117

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			42	69	6
Total Units:			42	69	6

Parking and Loading

Parking Spaces:	160	Bicycle Parking Spaces:	88	Loading Docks:
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CONTACT:

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Ira.Banks@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #14

4174 Dundas Street West

File # 21 196623 WET 02 0Z

- Location of Application
- Neighbourhoods
- Natural Areas
- Utility Corridors
- Mixed Use Areas

Not to Scale
 Extracted: 08/16/2021

Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

4174 Dundas Street West

File # 21 196623 WET 02 0Z

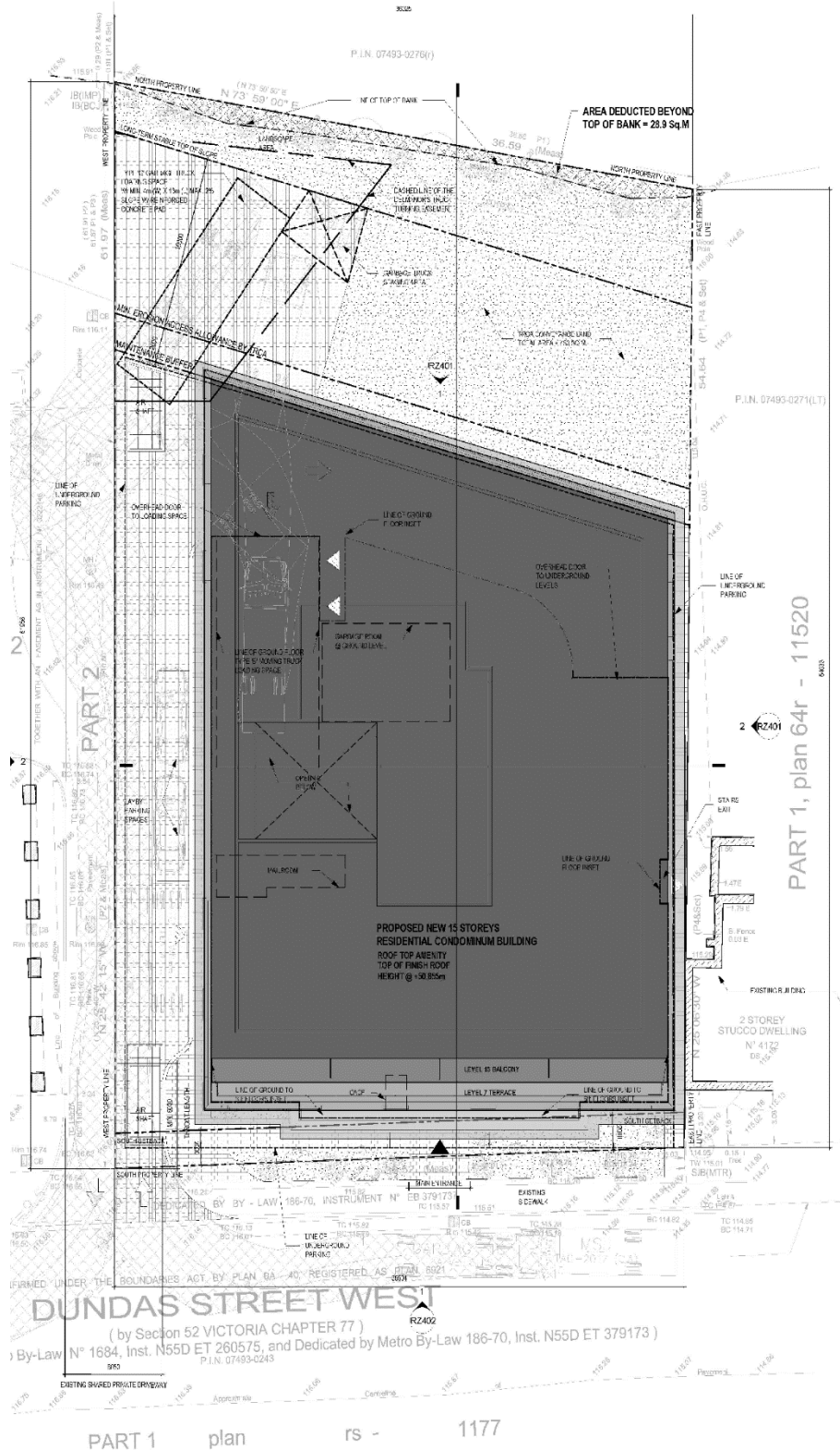
-  Location of Application
- RD** Residential Detached
- RT** Residential Townhouse
- ON** Open Space Natural
- OG** Open Space Golf Course
- UT** Utility and Transportation

-  See Former City of York By-law No. 1-83
- G** Green Open Space
- R2** Second Density Residential Zone
- OS** Public Open Space Zone
- POS** Private Open Space Zone
- CG-AV** General Commercial-Avenues Zone
- CG** General Commercial Zone



Not to Scale
Extracted: 08/16/2021

Attachment 5: Site Plan

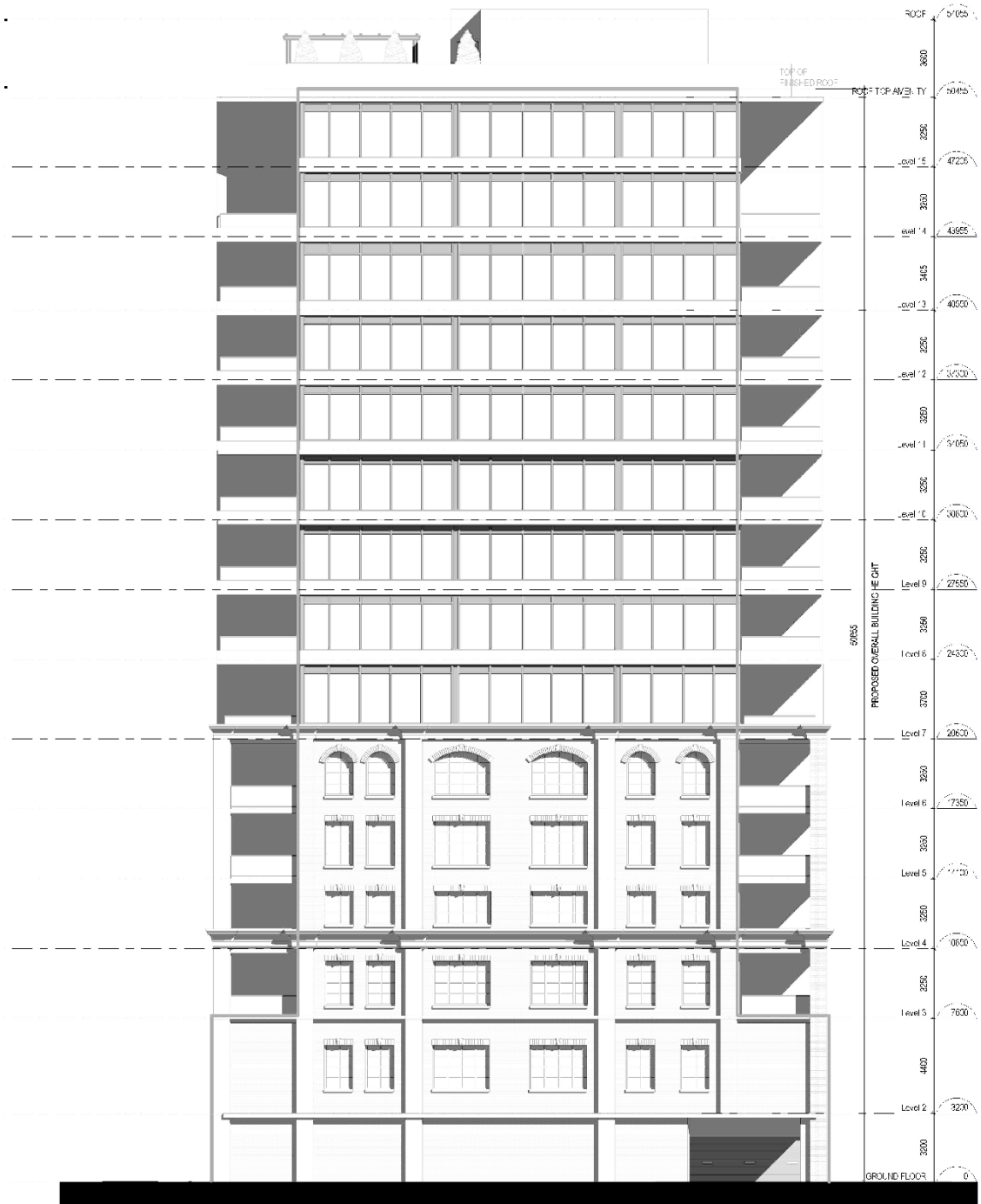


PART 1 plan rs - 1177

Site Plan

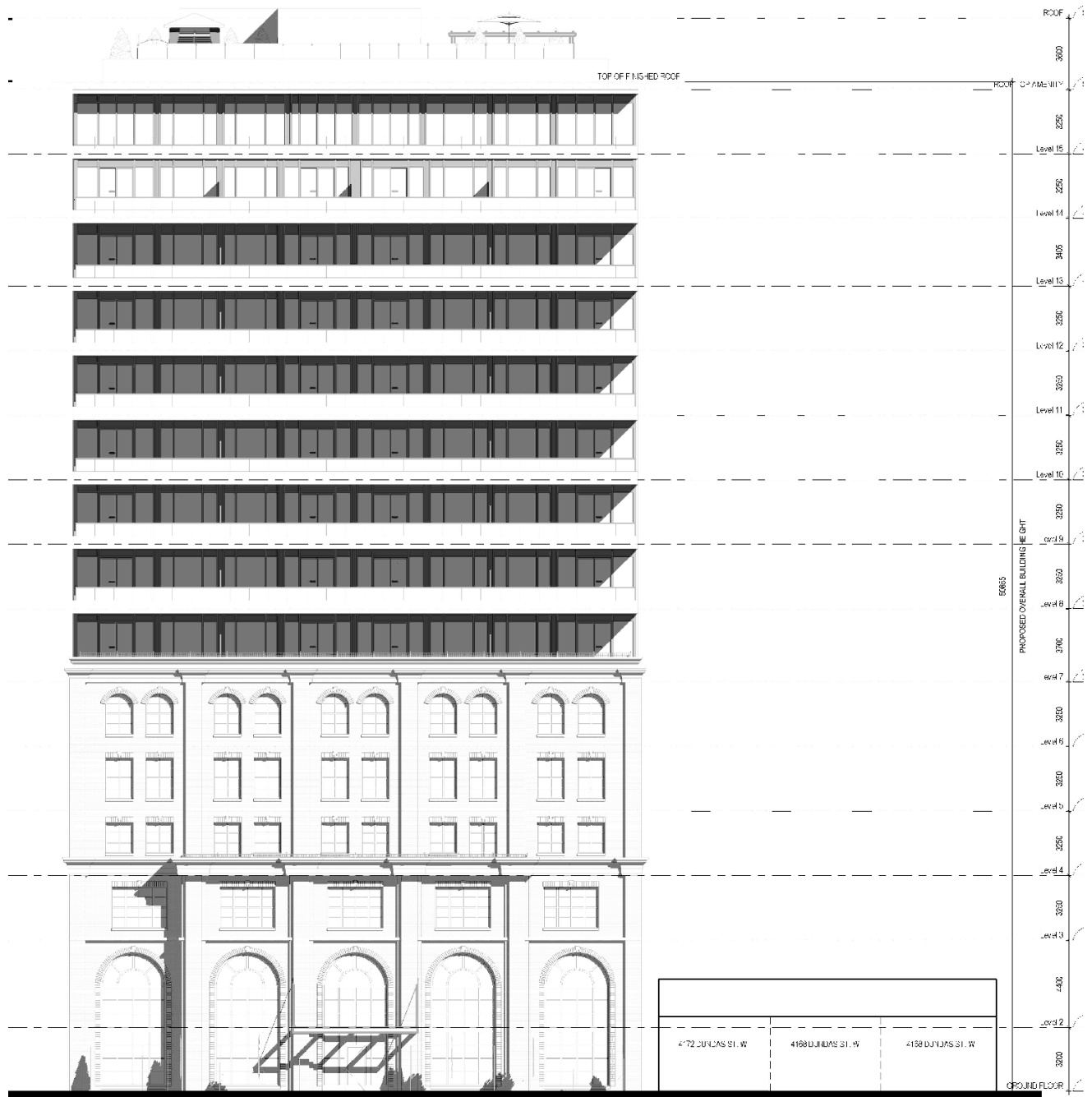


Attachment 6: North Elevation



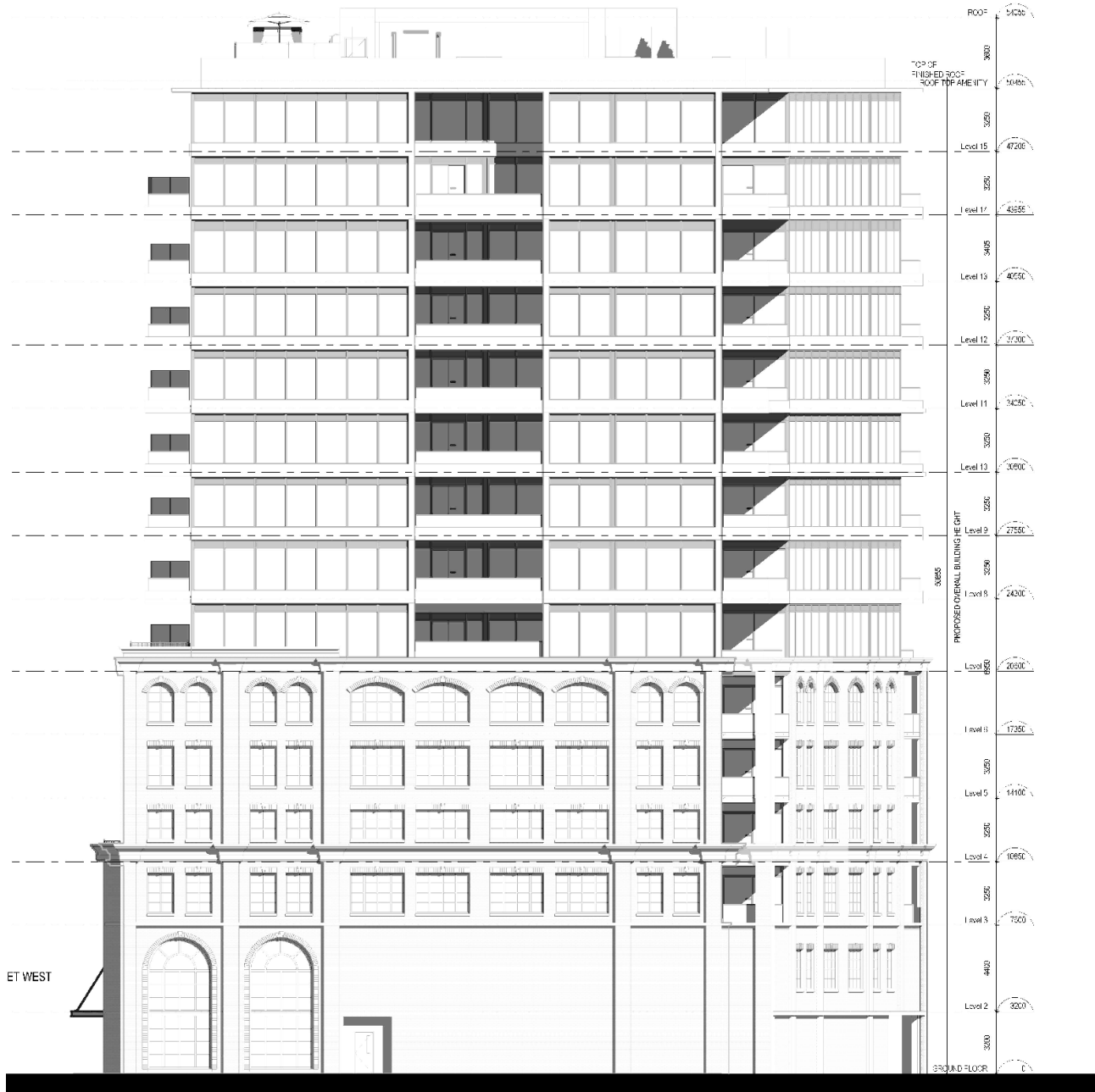
North Elevation

Attachment 7: South Elevation



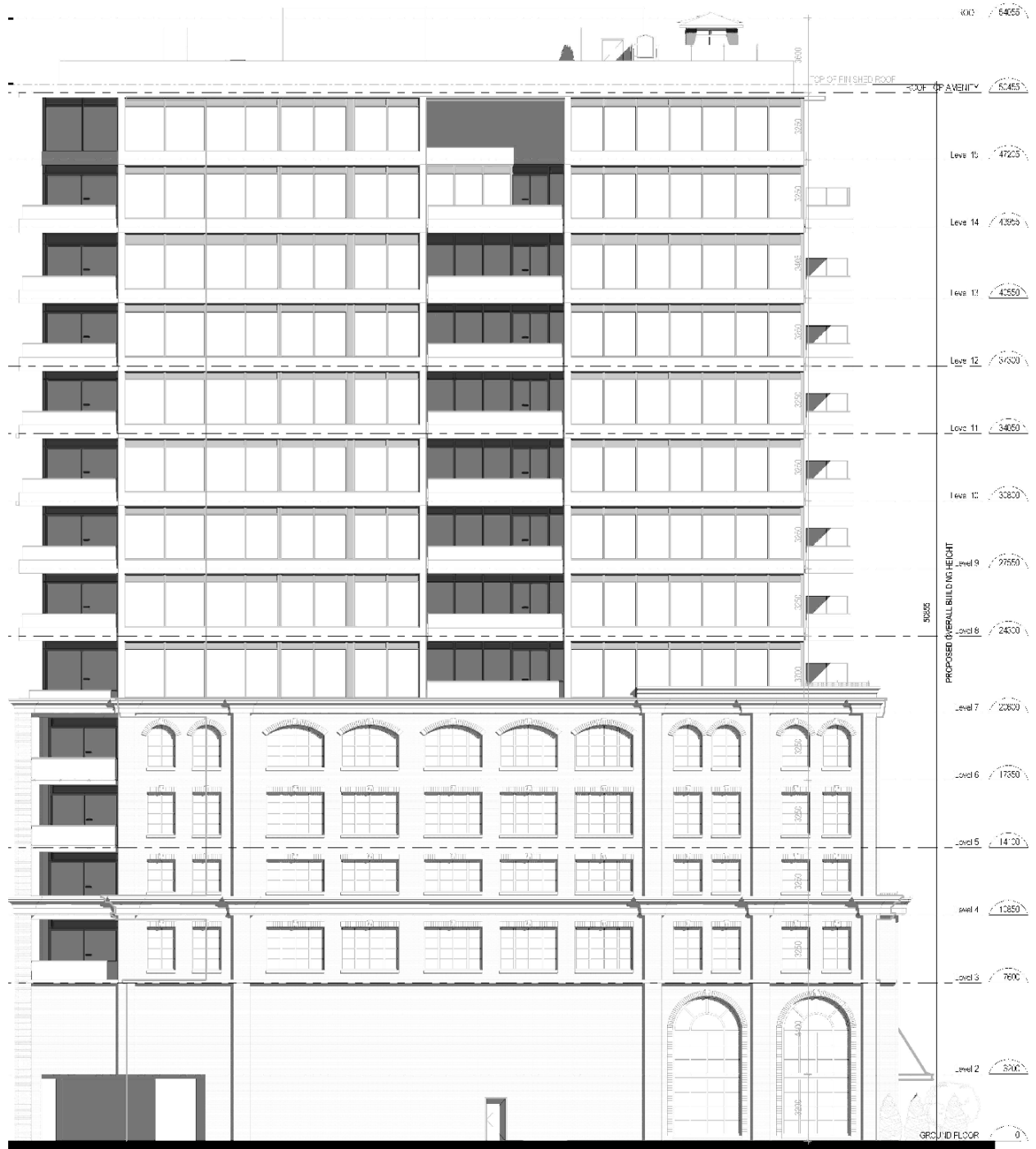
South Elevation

Attachment 8: East Elevation



East Elevation

Attachment 9: West Elevation



West Elevation

Attachment 10: Policy Considerations

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.

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

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

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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 use and management of land and infrastructure;
- Ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- Ensuring opportunities for job creation;
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- Protecting people, property and community resources by directing development away from natural or human-made hazards.

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 encourages new development that has a compact form and allows the efficient use of land and infrastructure while avoiding safety concerns. It further directs that healthy, active communities should be promoted by planning public streets and spaces to be safe, and meet the needs of pedestrians.

The PPS states that efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.

The PPS encourages the support of energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which promote design and orientation which considers the mitigating effects of vegetation and green infrastructure and maximize vegetation within settlement areas.

While decisions of Council shall be consistent with the policies of the PPS, it is also important to note that the PPS recognizes and acknowledges the Official Plan as an important document for implementing many of the policies within the PPS. Policy 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (the "Growth Plan (2020)") came into effect on August 28, 2020. This new plan amends and replaces the previous Growth Plan for the Greater Golden Horseshoe (2019). The Growth Plan (2020) 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 (2020) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

Policies not expressly linked to a 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, and better connected 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 (2020), 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 (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

The guiding principles of the Growth Plan supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. It supports the prioritization of intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.

Policies of the Growth Plan are to be applied to support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life; to accommodate the needs of all household sizes and incomes; and ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built form compatibility of different land uses and the provision of municipal services and facilities.

The Official Plan contains policies related to building complete communities, the location of parks and open spaces, housing, community services, transportation, and sustainability. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

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

Key policies include:

Chapter 2 – Shaping the City

The site is located within an Avenue as shown on Map 2 – Urban Structure of the Official Plan.

Section 2.2.3, Avenues: Reurbanizing Arterial Roads, 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. A framework for change is to be tailored to the situation of each Avenue through a local Avenue Study that includes community consultation to establish a vision and implementation plan for: how the streetscape and pedestrian environment can be improved; where public open space can be created and existing parks improved; where trees should be planted; and how use of the road allowance can be optimized and transit service enhanced. Policies 2.2.3.1 and 2.2.3.2 require reurbanization of Avenues to be achieved through the preparation of Avenue Studies, and that these studies must engage the local community.

Chapter 3 - Building a Successful City

Section 3.1.1, The Public Realm, states that the public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. Policy 3.1.1.1 identifies that the public realm is comprised of all public and private spaces to which the public has access including streets and lanes, parks and open spaces, and the parts of private and public buildings that the public is invited into. 3.1.1.2 requires the public realm to provide the organizing framework and setting for development; foster complete, well-connected walkable communities and employment areas that meet the daily needs of people and support a mix of activities; support active transportation and public transit use; provide a comfortable, attractive and vibrant, safe and accessible setting for civic life and daily social interaction; contribute to the identity and physical character of the City and its neighbourhoods; provide opportunities for passive and active recreation; be functional and fit within a larger network; and contribute to the City's climate resilience. Policy 3.1.1.3 provides that the City, together with its partners, will seek opportunities to expand and enhance the public realm.

Policy 3.1.1.13 requires sidewalks to be designed to provide safe, attractive, interesting and comfortable spaces for users of all ages and abilities.

Policy 3.1.1.14 requires that design measures which promote pedestrian safety and security will be applied to streetscapes, lanes, parks, other public and private open spaces, and all new and renovated buildings.

Policy 3.1.1.16 states the preservation, long-term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved. Policy 3.1.1.17 requires access and enjoyment of the natural features of the City, such as ravines and valley lands, will be enhanced and protected by: improving physical and visual access from adjacent public streets, parks and open spaces and designing these into a comprehensive public realm network; ensuring that adjacent development, including new streets, parks and open spaces, building location, height, massing and organization, will preserve and enhance access, views and vistas between these natural features and the public realm; providing

for public access along, into and through these natural open spaces, where appropriate; and minimizing shadows on natural features to preserve their utility and ecological health.

Policy 3.1.1.18 requires new open spaces to be located and designed to: connect and extend, wherever possible, to existing parks, natural areas, and other open spaces such as school yards; consider opportunities for future expansion of the park or open space onto adjacent sites with redevelopment potential; provide a comfortable setting with wind and sunlight conditions that promote use and enjoyment of the space for community events and by users of all ages and abilities; provide appropriate spaces for a variety of active and passive recreation, as well as productive recreation such as community gardening; and emphasize and improve unique aspects of the community's identity and character, including natural and human-made heritage.

Section 3.1.2, Built Form, is based on principles on key relationships of the location and organization of development, its massing and appropriate amenity within the existing and planned context to inform the built form and ensure each new building will promote and achieve the overall objectives of the Official Plan.

Policy 3.1.2.1 requires development be located and organized to fit with its existing and planned context. Development is to frame and support adjacent streets, lanes, parks and open spaces to promote civic life and the use of the public realm, and to improve the safety, pedestrian comfort, interest and experience, and casual views to these spaces from the development. Policy 3.1.2.2 prioritizes the provision of accessible open space in locations that have access to direct sunlight and daylight and policy 3.1.2.3 requires development to protect privacy within adjacent buildings by providing setbacks and separation distances from neighbouring properties and adjacent building walls containing windows.

Policy 3.1.2.4 requires that development locate and organize vehicle parking and vehicular access, servicing, storage areas and utilities to minimize their impact and improve the safety and attractiveness of the public realm, the site and surrounding properties.

Policy 3.1.2.5 requires development to be located and massed to fit within the existing and planned context, define and frame the edges of the public realm with good street proportion, fit with the character, and ensure access to direct sunlight and daylight on the public realm by providing streetwall heights and setbacks that fit harmoniously with the existing and/or planned context; and stepping back building mass and reducing building foot prints above the streetwall height.

Policy 3.1.2.6 requires development to provide good transition in scale between areas of different building heights and/or intensity of use in consideration of both the existing and planned contexts of neighbouring properties and the public realm. Policies 3.1.2.7 and 3.1.2.8 require transition in scale to be provided within the development site and be measured from shared and adjacent properties lines and where development includes, or is adjacent to, a park or open space, the buildings should be designed to provide good transition in scale to the parks or open spaces to provide access to direct sunlight or daylight.

Policies 3.1.2.9 and 3.1.2.10 require the design of new building facades visible from the public realm to consider the scale, proportion, materiality and rhythm of the façade and development to promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable and functional.

Policies 3.1.2.11, 3.1.2.12 and 3.1.2.13 encourage new indoor and outdoor amenity spaces be provided in multi-unit residential development, and that it be high quality, well designed and consider the needs of all ages and abilities over time and throughout the year. Outdoor amenity spaces should be located above grade, have access to daylight, direct access to sunlight, provide comfortable wind, shadow and noise conditions, be located away from and physically separated from loading and servicing areas, have generous well designed landscaped areas to offer privacy and an interface with the public realm, accommodate mature trees and promote use in all seasons.

Section 3.1.3, Built Form - Building Types, states that there are three scales of building types. The built form relationships and design of these building types is informed by citywide urban design guidelines that help to ensure the appropriate form and fit with the existing and planned context. Mid-rise buildings are a transit supportive of development that provides a level of intensification at a scale between low-rise and tall building forms. Mid-rise building heights are contextual and are informed by the width of the right-of-way onto which they front. In Toronto, where streets vary in width from 16.5 metres to over 40 metres, mid-rise buildings may vary in height between four and 11 storeys for residential uses, or fewer for office uses, dependent on the adjacent right-of-way width. Mid-rise buildings help establish and reinforce an urban environment through a development form that is repeatable, moderate in scale, has good, predictable street proportion, allows for access to midday sunlight in the spring and autumn, has open views to the sky from the street, and that can support high-quality, accessible open spaces in the block. Mid-rise buildings provide good transition in scale that has predictable impacts on adjacent low-scale uses.

Policy 3.1.3.4 requires mid-rise buildings to be designed to have heights generally no greater than the width of the right-of-way that it fronts onto; maintain street proportion and open views of the sky from the public realm by stepping back building massing generally at a height equivalent to 80% of the adjacent right-of-way width; and allow for daylight and privacy on occupied ground floor units by providing appropriate facing distances, building heights, angular planes and step-backs. Further policy 3.1.3.5 states that mid-rise buildings on corner sites with different right-of-way widths will have building heights along each street edge that relate to their corresponding right-of-way width, and policy 3.1.3.6 states that mid-rise buildings on deep sites should be designed to provide and frame accessible and well-proportioned open spaces that have access to sunlight and daylight.

Policy 3.1.3.9 states that the base portion of tall buildings should respect and reinforce good street proportion and pedestrian scale and be lined with active grade-related uses. Policy 3.1.3.10 states that the tower portion of a tall building should be designed to reduce the physical and visual impact on the public real, limit shadow impacts on the

public realm and surrounding properties, and maximize access to sunlight and open views of the sky from the public realm.

Policy 3.4.8. states that development is to be set back from the top-of-bank of valleys, ravines and bluffs by at least 10 metres, or more if warranted by the severity of existing or potential natural hazards.

Policy 3.1.5.5 states that proposed alterations, development, and/or public works on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City.

Chapter 4 - Land Use designations

The Official Plan designates the lands at 4174 Dundas Street West as Mixed Use Areas, as shown on Map 14 - Land Use of the Official Plan (see Attachment 3: Official Plan Land Use Map). The lands to the north are designated on Map 14 as Natural Areas. The 10 metre buffer zone to be conveyed to the TRCA should also be subject to an Official Plan Amendment to match that designation.

Mixed Use Areas

Section 4.5 of the Plan indicates that the Mixed Use Areas designation provides for a range of residential, commercial and institutional uses, and provides criteria to direct the form and quality of development. 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 includes criterion that directs the form and quality of development in this land use designation. It is the intent that development in Mixed Use Areas will:

- create a balance of high quality commercial, residential, institutional and open space uses that reduce automobile dependency and meet the needs of the local community;
- locate and mass new buildings to provide a transition between areas of different development intensity and scale by providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale Neighbourhoods;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes;
- 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;
- provide an attractive, comfortable and safe pedestrian environment;
- take advantage of nearby transit services;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;

- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development; and
- provide opportunities for green infrastructure including tree planting, stormwater management systems and green roofs.

Parks and Open Space Areas

Section 4.3 of the Plan describes Parks and Open Space Areas as encompassing parks of all scales, natural habitat areas, recreation trails, stormwater management facilities, and privately owned lands which adjoin a ravine or the waterfront.

Policy 4.3.2 prohibits development within Parks and Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities.

Policy 4.3.3 directs that Natural Areas be maintained primarily in a natural state.

Policy 4.3.6 states that development provided for in Parks and Open Space Areas is to:

- protect, enhance, or restore natural heritage features;
- maintain or improve the connectivity between them;
- maintain or expand the size and improve the usability of publicly owned Parks and Open Space Areas for parks, recreational, and cultural purposes;
- respect the physical form, design, character, and function of Parks and Open Space Areas; and
- provide comfortable and safe pedestrian conditions.

Chapter 5 - Implementation: Making Things Happen

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act.

The Official Plan also includes policies for City-building that provide for more detailed oriented action plans, programs and strategies needed to implement the Plan and to adapt to changing circumstances and challenges over the life of the Plan. Policy 5.3.2.1 states that "Implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan." Though the policy goes on to acknowledge these plans, strategies and guidelines are not Official Plan policy unless added by amendment to the Plan, they do advance the vision, policies and objectives of the Plan. Urban design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas".

Map 3 - Right-of-Way Widths Associated with Existing Major Streets of the Official Plan identifies the portion of Dundas Street West fronting the site as an existing major street having a 27-metre right-of-way width.

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

Zoning By-law

4174 Dundas Street West is subject to the former City of Etobicoke Zoning Code, as amended by Avenue By-law No. 717-2006 which is implementing Zoning By-law for the Dundas Street West Avenue Study. The properties are zoned General Commercial – Avenues – Holding (CG-AV-H) (see Attachment 4: Existing Zoning-By-law Map).

The CG-AV-H zone permits a limited range of residential uses, including apartment houses, dwelling units above business or retail uses and live-work units. Townhouses are not permitted on the north side of Dundas Street West and in the first 60 metres of depth on the south side of Dundas Street West. Permitted uses include stores, banks, restaurants, hotels, business and professional offices, service stations and public garages, health centres and athletic clubs.

By-law No. 717-2006 contains five development areas, each with varying development standards related to building setbacks and yard requirements. The subject site is located in Area 3 (A3). The maximum permitted floor space index in a CG-AV-H zone is 2.5 and the maximum building height is 14 metres and five storeys. However, the Zoning By-law permits a development to exceed these provisions to a maximum height of 18.5 metres and six storeys and a maximum floor space index of 3.0 provided that the owner enters into a satisfactory Section 37 Agreement with the City to secure the provision of parkland and streetscape improvements abutting and beyond the development site, including trees, planters, benches, pedestrian level street lighting, walkways, landscaped medians and public art.

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

Etobicoke Zoning By-law 717-2006 may be found here: <https://www.toronto.ca/legdocs/bylaws/2006/law0717.pdf>

See Attachment 4: Existing Zoning By-law Map.

Design Guidelines

The following design guidelines were used in the evaluation of this Application:

- Dundas Street West Urban Design Guidelines
- Mid-Rise Buildings Performance Standards
- Growing Up Guidelines: Planning for Children in New Vertical Communities
- Pet Friendly Design Guidelines

The City's Design Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/officialguidelines/design-guidelines>

The Dundas Street West Avenue Study and Urban Design Guidelines

The Dundas Street West Avenue Study was completed and adopted by City Council in 2006 and was implemented through Official Plan Amendment No. 277 that created Site and Area Specific Policy No. 277 (SASP 277) and Zoning By-law No. 717-2006. The guiding principles of the study, intended to inform urban design guidelines and zoning are:

- Create a safe and enjoyable pedestrian environment;
- Encourage a diversity of uses;
- Select an appropriate building scale and density for the street width and neighbourhood context;
- Encourage high quality architecture and diversity of building form;
- Enable efficient vehicle moving and ease of transit and cyclist access;
- Encourage opportunities for new open space and improve access to existing open space;
- Protect the natural environment and enhance its enjoyment; and
- Transform the area with a new, distinctive identity.

These principles led to the following key priorities:

- Improve the pedestrian environment;
- Add more street trees and enhance the streetscape;
- Manage existing and future traffic flow and volumes effectively;
- Look at opportunities for reducing the amount of vehicular pavement at the street edge;
- Encourage building frontages at or near the street edge, facing the street;
- Propose an appropriate scale of buildings;
- Improve the transition to abutting residential areas;
- Maintain and enhance shopping opportunities;
- Create a distinctive identity and long-term vision for this area;
- Manage potential future impacts from redevelopment on traffic in the Kingsway neighbourhood and the Lambton Kingsway Junior Middle School; and
- Propose Controls for height and density.

The Study identifies the 4174 Dundas Street West as part of Area 3, characterized by a mix of commercial and residential buildings set back approximately eight metres from the property line with landscaped front yards, often with mature trees that should be preserved. An objective for this area is to maintain the existing front yard setback in order to create a continuous street wall and landscaped area. A mix of uses should continue to be encouraged, with uses related to the public realm encouraged at street level

These priorities are pursued through SASP 277 includes the Dundas Street West Urban Design Guidelines. The guidelines provide direction with respect to the location and organization of development relative to streets and open spaces, building massing, landscape elements and pedestrian amenities. Provisions of the Urban Design Guidelines include directions that new buildings provide appropriate transition of height and setback, that building height should be limited to six storeys or 18.5 metres, and that a five-metre pedestrian zone at the curb should be provided.

The Dundas Street West Urban Design Guidelines may be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9832-city-planning-official-plan-chapter-7-saps.pdf>

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 skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites.

The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>

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

Council's decision is here:

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

The Performance Standards give guidance about the size, shape and quality of mid-rise buildings and are intended to reinforce the Built Form Policies of the Official Plan.

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

Growing Up: Planning for Children in New Vertical Communities

In July 2020, City Council adopted updated Growing Up Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals greater than 20 residential units and future city-wide and area-based planning frameworks. The objective of the Growing Up Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale.

The link to the Growing Up Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/planning-studies-initiatives/growing-up-planning-forchildren-in-new-vertical-communities/>

Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings

The City of Toronto has completed the Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new developments in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm, and provide needed pet amenities for high density residential communities.

The link to the guidelines may be found here:

<https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/pet-friendly-design-guidelines-for-high-density-communities/>