

5365 Dundas Street West - Application to Lift the Holding Provisions (H) on Phase 3 - Final Report

Date: June 9, 2022

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York

Wards: 3 – Etobicoke-Lakeshore

Planning Application Number: 20 167271 WET 03 OZ

SUMMARY

This application proposes to lift the Holding symbol (H) for Phase 3 identified in site-specific Zoning By-law 1268-2018. This By-law would allow for the Phase 2 and 3 lands to permit a mixed-use development at 5365 Dundas Street West, which would include the development of a new 36-storey residential rental apartment building and a new 37-storey residential condominium building at Phase 3 of 5365 Dundas Street West.

The Holding Provisions of Zoning by-law 1268-2018 require that prior to lifting the Holding symbol (H) on Phase 3, the owner must satisfy a condition related to the Transportation Impact Study (TIS) for the Phase 3 development.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and the City's Official Plan. This report reviews and recommends approval of the application to amend site specific Zoning By-law 1268-2018 to lift the Holding symbol (H) from Phase 3.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 1268-2018, to remove the Holding provision (H) from Phase 3, in accordance with the draft Zoning By-law Amendment attached as Attachment No. 2 to this report.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Draft Zoning By-law Amendment as may be required.

FINANCIAL IMPACT

City Planning 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

At its meeting of July 23, 24, 25, 26, 27 and 30, 2018, City Council adopted Etobicoke York Community Council Item EY32.3, as amended, which included a Final Report which recommended amendments to the former City of Etobicoke Zoning Code, as amended by Zoning By-law 1088-2002 (the Etobicoke Centre Secondary Plan) and Site Specific Zoning By-law 735-2014 (OMB), to permit a mixed-use development at 5365 Dundas Street West for the Phase 2 and 3 lands. By-law 1268-2018 was enacted and passed on July 27, 2018 to permit the development with holding provisions on Phase 3. Phase 3 is the site of the proposed new 36-storey residential rental apartment building and new 37-storey residential condominium building.

The Final Report can be found at:

<https://www.toronto.ca/legdocs/mmis/2018/ey/bgrd/backgroundfile-118081.pdf>

The current application was deemed complete as of July 14, 2020.

ISSUE BACKGROUND

Proposal

This application proposes to lift the H symbol in site specific Zoning By-law 1268-2018 pertaining to the south portion of the site at 5365 Dundas Street West in order to permit Phase 3 of the mixed-use development. Lifting of the H symbol for Phase 3 would allow completion of the entire mixed-use development.

Phase 3 of the development includes two residential towers (Building A and Building B). Building A (the Condo Building) on the western side will have a height of 37 storeys and will contain 417 suites including one studio, 135 one-bedroom, 145 one-bedroom plus den, 93 two-bedroom, one two-bedroom plus den and 42 three-bedroom units. Building B (the Rental Building) on the eastern side will have a height of 36 storeys and will contain 379 suites including 82 studio, 140 one-bedroom, 18 one-bedroom plus den, 95 two-bedroom, three two-bedroom plus den, and 41 three-bedroom units.

The shared underground parking garage will contain 680 vehicular parking spaces (601 resident and 79 visitor) as well as bicycle parking. Access to the underground parking garage will be from an enclosed ramp off Thomas Riley Road, located at the western edge of the site. Two shared loading spaces would be enclosed within the Condo Building, adjacent to the underground ramp. A secondary, informal, at-grade loading space would also be provided to the north of the Rental Building.

Reasons for the Application

The application to lift the Holding symbol (H) for Phase 3 of the subject lands, is required to accommodate the proposed development of a new 36-storey residential rental apartment building and a new 37-storey residential condominium building. The conditions to be satisfied prior to lifting the Holding symbol (H) from the site are outlined above.

APPLICATION BACKGROUND

Application Submission Requirements

The following reports, studies and plans were submitted in support of the application:

- Architectural Plans
- Draft Zoning By-law
- Transportation Impact Study

Copies of the submitted documents are available on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>.

Agency Circulation Outcomes

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

Community Consultation

Community consultation is not required for an application to lift the Holding symbol (H) and, as such, a community meeting was not held for this application.

Site Plan Control

Site Plan Control approval is required to permit the proposed development approved through the 2018 rezoning. A Site Plan Control application (File #20 168036 WET 03 SA) for Phase 3 of the development was submitted and is under review. Site plan control applications for Phases 1 and 2 of the proposed development at 5365 Dundas Street West have been approved.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities.

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

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

The Provincial Policy Statement (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;
- Protection of the natural and built environment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs.

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

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

Provincial Plans

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

All decisions of City Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial 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) came into effect on August 28, 2020. This was an amendment to the 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. In accordance with Section 3 of the Planning Act all decisions of City Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by City Council shall also conform with the Growth Plan (2020).

Toronto Official Plan

Chapter 4 – Land Use Designations

The lands are located within the Etobicoke Centre as identified by Urban Structure Map 2 of the Official Plan and designated *Mixed Use Areas* on Map 14 - Land Use Plan. According to Section 4.5 of the Official Plan, Mixed Use Areas are made up of a broad range of residential, commercial and institutional uses, in single use or mixed-use buildings. Development in Mixed Use Areas will create a balance of high quality

residential, commercial, institutional and open space uses that reduces automobile dependency and meets the needs of the local community.

Chapter 5 – Implementation: Making Things Happen

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

The City of Toronto Official Plan can be found here:

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

Etobicoke Centre Secondary Plan

The Etobicoke Centre Secondary Plan states that there are seven areas in Etobicoke Centre. The subject site is within the Dundas West area. The Secondary Plan designates the subject lands Mixed Use Areas 'A' which provides for a broad range of commercial, residential and institutional uses in single or mixed-use buildings. The Site and Area Specific Policy 4.5 is in the Etobicoke Centre Secondary Plan. The Secondary Plan seeks to maximize the number of housing opportunities and to promote urban character, through the development of mid-rise and high-rise apartment buildings with the greatest heights and densities permitted around the Kipling and Islington Subway Stations.

The Secondary Plan maintains four key initiatives towards achieving success:

- Developing Community Identity;
- Creating a Liveable Community;
- Creating a Climate for Reinvestment; and
- Relocating Inter-Regional Transit Terminal Facilities.

The Secondary Plan contains a number of built form and urban design policies which promote a compact transit-oriented development pattern. In particular, buildings and parking structures are directed to be located to preserve existing mature vegetation around the edges of development sites. Above grade parking structures are to be developed only where it is not physically possible to construct underground parking. Tall building proposals are required to minimize the negative impact of shadows, sky view and wind on adjacent public areas and take into account the relationship of the site to other tall buildings. Parking areas, access and automobile drop-offs are to be designed in a manner that does not interrupt the relationship between the building and the street. The visual amenity of pedestrian routes is to be improved. These and other urban design policies of the Secondary Plan are supported by the Etobicoke Centre Urban Design Guidelines.

Furthermore, the Secondary Plan identifies a Site and Area Specific Policy (SASP) 4.5 for the subject lands, outlining a series of requirements to be fulfilled. Matters addressed in the SASP include private streets with public access easements, Section 37 benefits, cash-in-lieu of parkland, streetscape improvements, transportation improvements, school notices, environmental considerations (soil and groundwater), Toronto Transit Commission easements and noise and vibrations related to the CP rail line.

The Etobicoke Centre Secondary Plan can be found here:

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

Zoning

Phase 3 is zoned Etobicoke Centre 2 (EC2) in By-law 1268-2018, which permits the proposed mixed use and residential apartment buildings. The permitted number of residential units in Phase 3 is 715. By-law 1268-2018 also details specific development standards such as building heights, gross floor area, setbacks, indoor and outdoor amenity spaces, parking and loading provisions for lands within Phase 3.

Section 14 of By-law 1268-2018 contains the conditions of the Holding provisions relative to the (H) EC2 on Phase 3 as follows:

14. Holding Provision (h)

Phase 3, as illustrated on Schedule B attached hereto, shall be subject to a Holding provision ("h"), whereby no person shall erect any building until such time as the ("h") is lifted, in whole or in part, and the uses as set out in this by-law shall be the only uses permitted on such lands. Prior to the lifting of the "h", the only permitted uses shall be the uses existing on the date of the passing of this by-law, construction staging and construction site office for the balance of the Site. The holding symbol shall be lifted once the below criteria has been satisfied:

- (a) The Owner is required to submit a Transportation Impact Study (TIS) for the Phase 3 development addressing the site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services. The Owner is required to undertake any road improvements, at no cost to the City, that may be needed as per the findings of the required TIS, including off-site road improvements, as required, to the satisfaction of the General Manager, Transportation Services, prior to Site Plan Approval for the Phase 3 lands.

Further in the By-law 1268-2018, Appendix 1, sections 1 (b) and (k) conditions of the Holding provisions relative to the (H) EC2 on Phase 3 are detailed as follow:

- b. The owner will provide a subsurface TTC property interest, in strata fee or permanent easement, and related rights of support, for the future extension of the Bloor Danforth Subway line located in the Phase 3 lands, prior to the earlier of first residential occupancy for any building in Phase 2, condominium registration for any building in Phase 2 or the lifting of the "h" for the Phase 3

lands, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the City Solicitor.

- k. Prior to removing the Holding provision ("h") on the Phase 3 lands, the owner shall submit a Transportation Impact Study (TIS) for the Phase 3 development addressing site accesses as well as the larger external road network to the satisfaction of the General Manager, Transportation Services.

The applicable Zoning By-law 1268-2018 may be found here:

<https://www.toronto.ca/legdocs/bylaws/2018/law1268.pdf>.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Staff have determined that the proposal has regard for matters of Provincial Interest in the Planning Act is consistent with the PPS (2020) and conforms with the Growth Plan (2020).

Policy 1.1.1 c) of the PPS directs healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Policy 1.6.6.1 d) of the PPS also directs planning for servicing be integrated with land use considerations at all stages of the planning process. This application has addressed the servicing and capacity impacts of the proposed mixed-use development, and is consistent with the PPS in this regard.

The application secures the future public street connection, and demonstrates there are no outstanding servicing or capacity issues pertaining to the development and therefore does not conflict with the Growth Plan.

Official Plan and Etobicoke Centre Secondary Plan

This application has been reviewed against the Official Plan policies described in the Policy Considerations section of this report as well as the policies of the Toronto Official Plan as a whole. The application is consistent with the Official Plan and the Etobicoke Centre Secondary Plan.

Lifting of the Holding Symbol (H)

Holding Provision 14:

In addressing Holding provision 14 and section 1(k) of Appendix 1 of the By-law 1268-2018 relating to the Transportation Impact Study (TIS), the applicant has submitted a Transportation Study for the Phase 3 development dated November 23, 2021. Transportation Services staff reviewed the materials and accept the TIS.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and the Etobicoke Centre Secondary Plan. The

proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2020). Furthermore, the proposal is in keeping with the intent of the Official Plan, particularly as it relates to the implementation of holding By-laws to secure transportation improvements and appropriate infrastructure to support growth. The conditions that are required to be addressed prior to the lifting of the Holding provision in site-specific Zoning By-law 1268-2018 have been satisfied such that the development of the proposed buildings within Phase 3 can proceed. Staff recommend that City Council approve the proposed amendment to Zoning By-law 1268-2018, to remove the H symbol from the Phase 3 portion of the site to allow for the development of these lands.

CONTACT

Laleh Farhadi, Planner, Community Planning
Tel. No.: 416-394-8214
E-mail: Laleh.Farhadi@toronto.ca

SIGNATURE

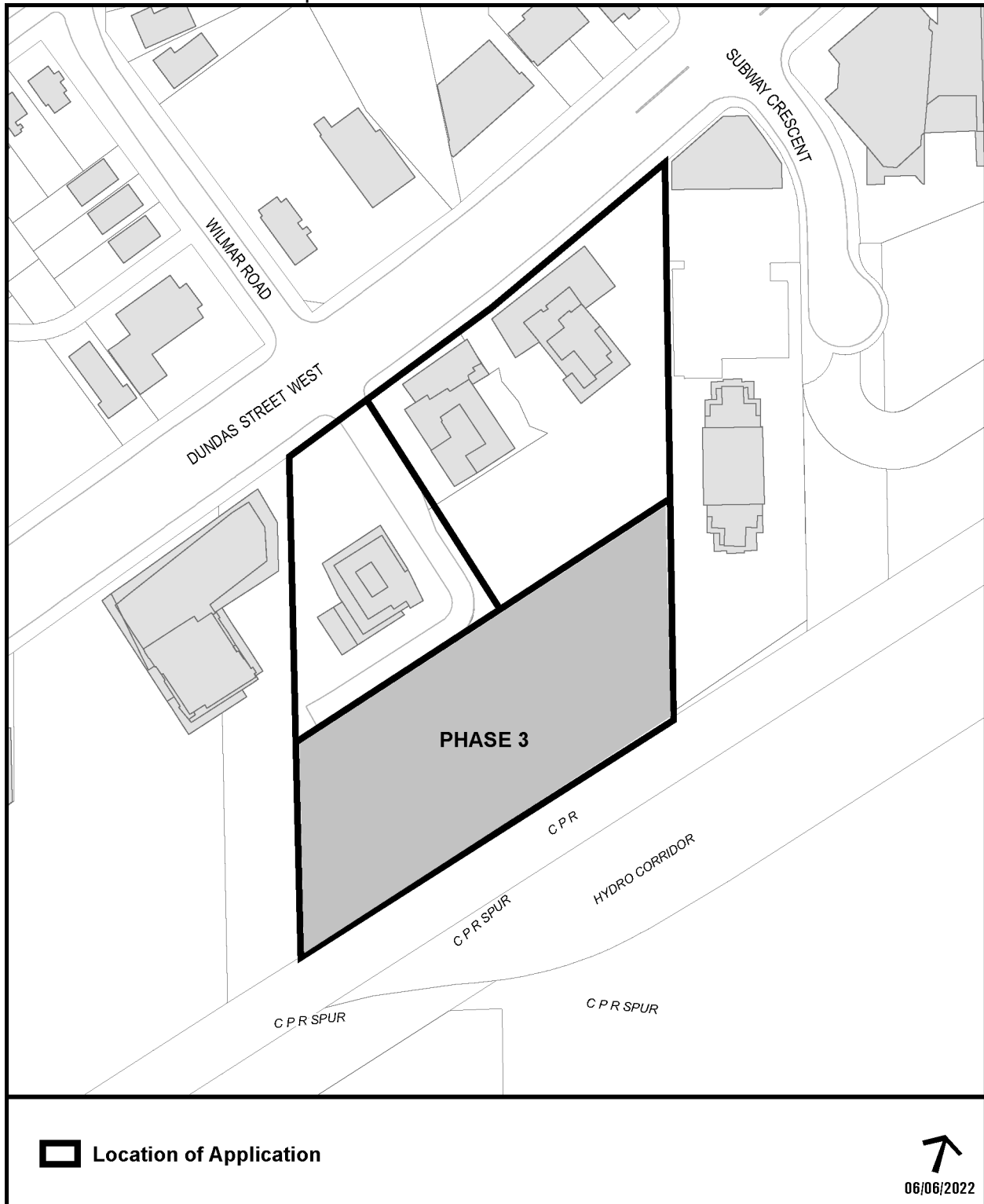
Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map
Attachment 2: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Draft Zoning By-law Amendment

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

CITY OF TORONTO

BY-LAW ###-YEAR

To amend Chapters 320 and 324 of the Etobicoke Zoning Code and By-law No. 1088-2002, as amended by By-law No. 735-2014 (OMB) and By-law No. 1268-2018 to lift the Holding Symbol (H) on lands municipally known as 5365 Dundas Street West, Phase 3.

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

WHEREAS Council has provided notice of the intent to pass this By-law;

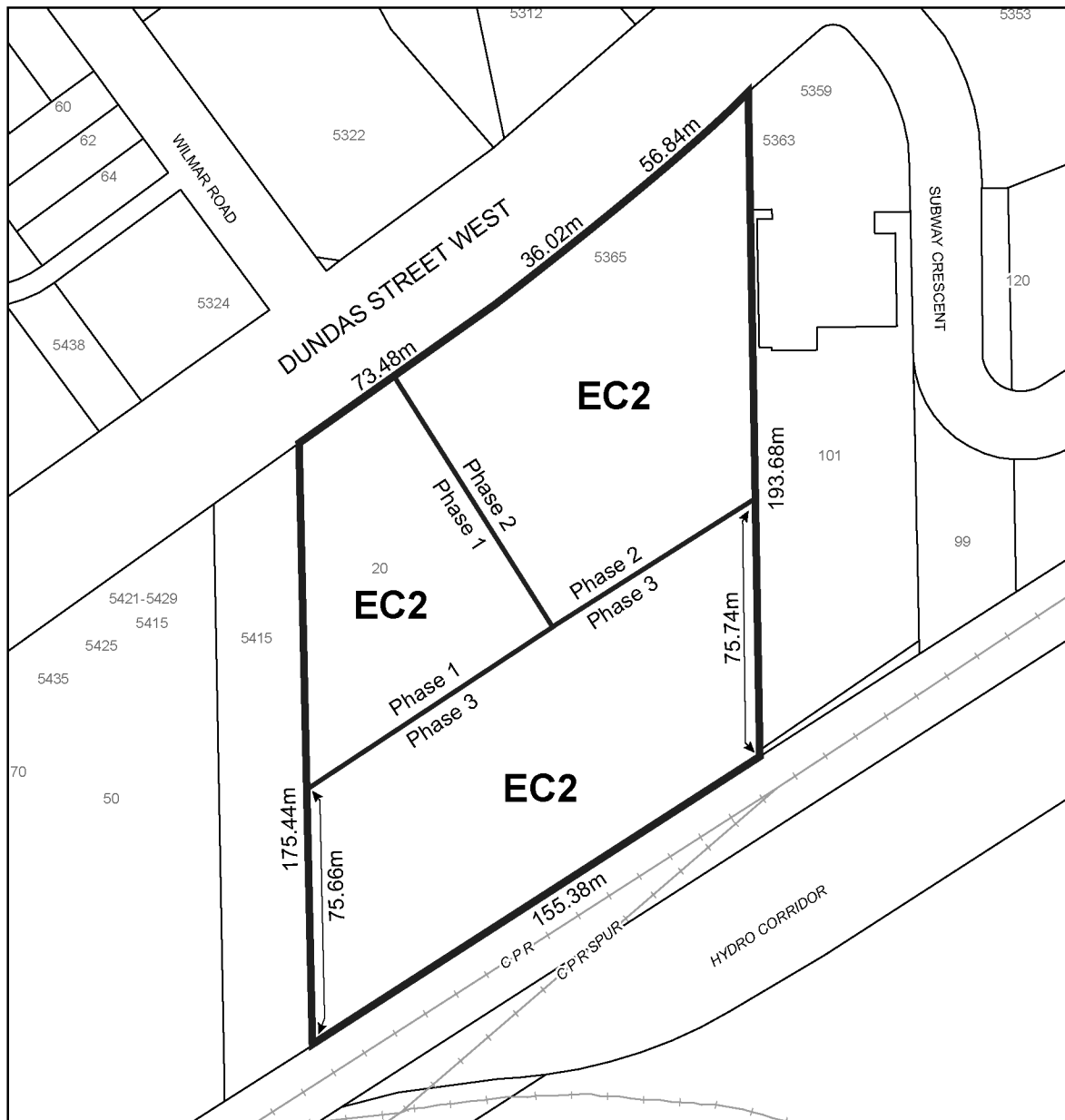
The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedule A contained in Site Specific Zoning By-law No. 1268-2018 is amended by removing the Holding Symbol (H) from the lands identified as Phase 3 such that the designation is revised from “(“h”)EC2” to “EC2” as shown on Schedule A, attached hereto.
2. Schedule B contained in Site Specific Zoning By-law No. 1268-2018 is amended by removing the Holding Symbol (H) from the lands identified as Phase 3, attached hereto.

Enacted and passed on [month day, year].

[full name], [full name],
Speaker City Clerk

(Seal of the City)

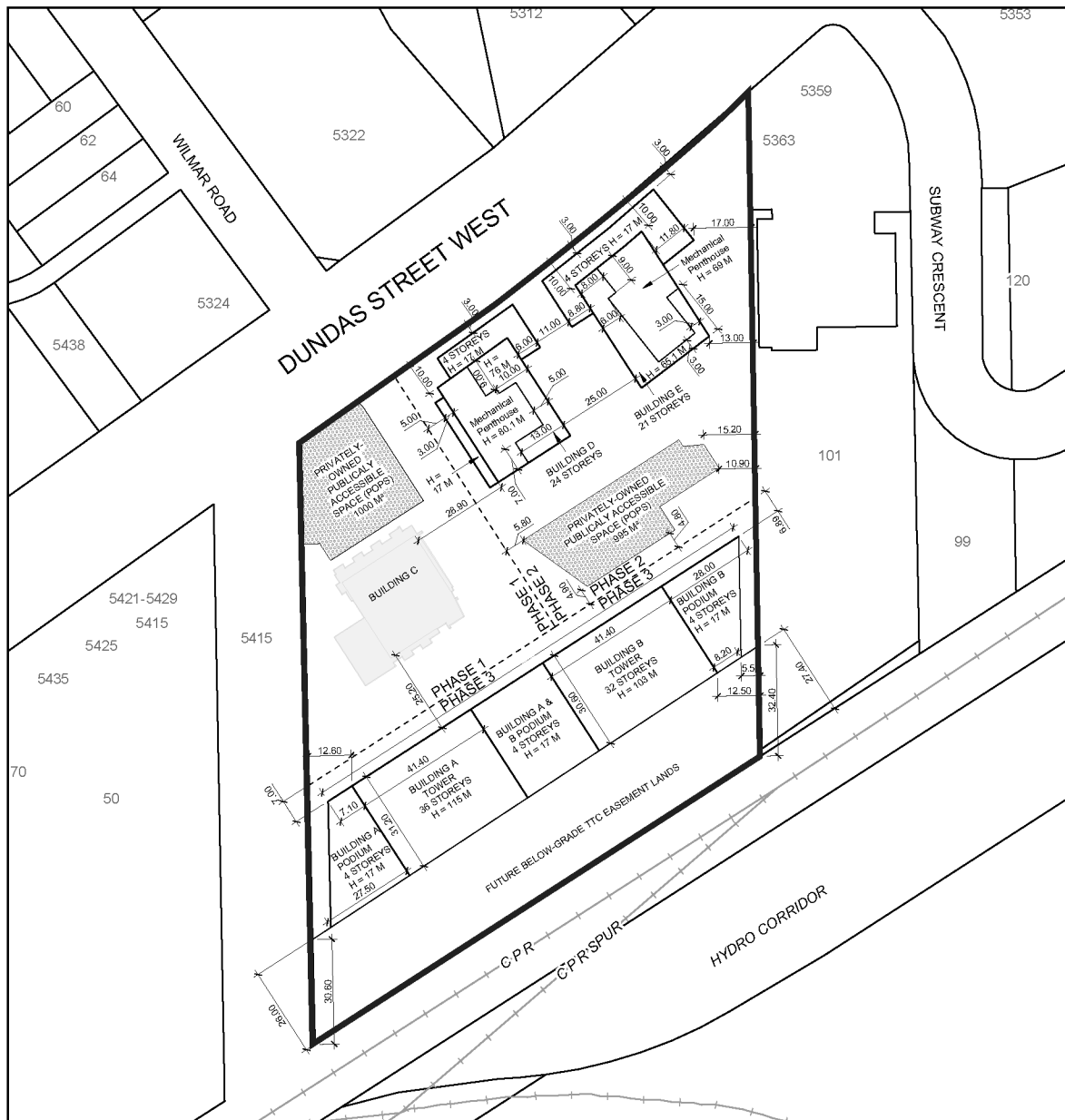


Toronto
Schedule A

5365 Dundas Street West

File # 20 167271 WET 05 OZ & 17 260380 WET 05 OZ

↑
Former City of Etobicoke By-Law 11,737
Not to Scale
06/06/2022



Toronto
Schedule B

5365 Dundas Street West

File # 17 260380 WET 05 0Z

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Former City of Etobicoke By-Law 11,737
Not to Scale
7/24/2018