

3280 Dufferin Street and 12-16 Orfus Road – Zoning By-law Amendment Application – Request for Direction Report

Date: January 14, 2022

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 8 – Eglinton-Lawrence

Planning Application Number: 21 168610 NNY 08 OZ

SUMMARY

On June 14, 2021 a Zoning By-law Amendment application was submitted to permit a 14-storey (45.2 metres) mixed-use building with 352 residential units and retail at grade, and a 494.8 square metre on-site parkland dedication at the northeastern portion of the site.

On November 18, 2021 the Applicant appealed the application to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the 90-day time frame in the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose 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 and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Application regarding the Zoning By-law Amendment appeal for the lands at 3280 Dufferin Street and 12-16 Orfus Road and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Zoning By-laws are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

- b) the owner has addressed all outstanding issues related to the Zoning By-law Amendment application within the Engineering and Construction Services Memorandum dated August 3, 2021, or as may be updated, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Constuction Services;
- c) the owner has provided a revised Functional Servicing Report to determine the storm water runoff, sanitary flow and water supply demand resulting from this development and whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development;
- d) the owner has made satisfactory arrangements with Engineering and Construction Services and entered into appropriate agreements with the City 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 this development, according to the accepted Functional Servicing Report accepted by the Executive Director of Engineering and Construction Services;
- e) the owner has provided space within the development for installation of maintenance access holes and sampling ports on the private side, as close to the property line as possible, for both the storm and sanitary service connections, in accordance with the Sewers By-law Chapter 681.10;
- f) the owner has addressed all outstanding issues related to the Zoning By-law Amendment application within the the Planning Memorandum dated August 10, 2021, or as may be updated, to the satisfaction of the Director of Community Planning, North York District, and satisfied all other comments and issues of other City Divisions and agencies related to the Zoning By-law Amendment; and
- g) where applicable, community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

3. City Council authorizes 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

A Preliminary Report was adopted by the North York Community Council on October 13, 2021 authorizing staff to conduct a community consultation meeting. The decision of

the North York Community Council can be found here:

<https://www.toronto.ca/legdocs/mmis/2021/ny/bgrd/backgroundfile-170170.pdf>

SITE AND SURROUNDING AREA

Site Description and Dimensions: The L-shaped site is located at the northwestern corner of the intersection of Dufferin Street and Orfus Road, and is approximately 5,115 square metres in size, with frontages of 47.6 metres on Dufferin Street, and 75 metres on Orfus Road.

Existing Use: The site contains a 1-storey commercial building fronting Dufferin Street, and a 2-storey commercial building fronting Orfus Road.

Surrounding uses include:

North: Immediately north of the site is a large surface parking lot at 3296 Dufferin Street. There are also 1-storey commercial uses at 3300 Dufferin Street, and 11-15 Bentworth Avenue.

The properties at 3296 and 3300 Dufferin Street are subject to an Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control application for a 28-storey mixed use tower (file nos. 21 251832 NNY 08 OZ and 21 251831 NNY 08 SA). A context plan showing how these applications relate to the subject application is in Attachment 5).

Further north is 16 McAdam Avenue, a relatively new 9-storey mixed-use development with retail at grade and residential uses above, and the demolished 12-storey Holiday Inn Hotel at 3450 Dufferin Street which is subject to a Draft Plan of Subdivision and Site Plan Control application for three residential towers (file nos. 16 216508 NNY 15 SB and 21 106823 NNY 08 SA).

North of the former Holiday Inn Hotel property is Highway 401. The Yorkdale Shopping Centre at 3401 Dufferin Street is northeast of the site, across the road from the former Holiday Inn Hotel property. The Yorkdale Shopping Centre is subject to an application for residential and commercial towers, and new public streets and parks (file no. 17 168973 NNY 15 OZ).

East: Immediately east of the site is Dufferin Street, and across the street are commercial uses with front and rear parking.

South: Immediately south of the site is Orfus Road, and across the road are commercial uses.

West: Immediately west of the site are commercial uses including a Dollarama store and a Grand Cheese store. Further west is the Yorkdale Secondary School and Adult Learning Centre located at 38 Orfus Road. It is a large site including the school building, parking, and portables, with approximately 235 metres of frontage on Orfus Road.

OTHE APPLICATION

Description

The Zoning By-law Amendment application proposes to redevelop the lands at 3280 Dufferin Street and 12-16 Orfus Road with an 8-14 storey mixed-use building. Vehicular access would be from a proposed new 6 metre wide north-south private driveway at the western edge of the site. A new 498.4 square metre public park is proposed at the northeastern portion of the site. A total of 209 vehicle parking spaces in 2 levels of underground are also proposed.

The eastern portion of the site is within the Dufferin Street Secondary Plan area and the western portion is outside the Secondary Plan area. Below is a summary of the application details.

Category	June 14, 2021 Submission	November 1, 2021 Submission
Site Area in Square Metres (m ²)	5,115 m ² (including road widening) 5,008 m ² (excluding road widening)	5,115 m ² (including road widening) 5,008 m ² (excluding road widening)
Gross Floor Area (GFA) in Square Metres (m ²)	Residential: 28,646 m ² Non Residential: 246 m ² Total: 28,892 m ²	Residential: 29,027 m ² Non Residential: 167 m ² Total: 29,194 m ²
Floor Space Index (FSI)	Gross: 5.6 Net: 5.8	Gross: 5.7 Net: 5.8
Storeys & Height in Metres (m) Mechanical Penthouse (MPH)	8 Storeys, 27 m (32 m with MPH) 14 Storeys, 45.2 m (50.8 m with MPH)	8 Storeys, 27 m (32 m with MPH) 14 Storeys, 45.3 m (50.8m with MPH)
Minimum Base Building Setbacks from the Property Line in Metres (m)	East: 3 m (Dufferin Street) West: 9.2 m (rear) North: 8 m approx. (7.8 m building outline above) South: 3 m (including 1.44 m road widening) South: 1.56 (without 1.44 m road widening)	East: 3 m (Dufferin Street) West: 9.1 m (rear) West: 6.5 m (rear building outline above) North: 7.5 m North (Park): 0 m South: 5 m (after 1.44 m road widening)

Category	June 14, 2021 Submission	November 1, 2021 Submission
Minimum Proposed Tower Setbacks From Property Line	East: Approximately 37m West (rear): 6.5 metres North: 7.5 m South: 7.5 m	East: Approximately 37m West (rear): 6.5 metres North: 7.5 m South: 7.5 m
Units	One Bedroom: 265 (75%) Two Bedroom: 52 (15%) Three Bedroom: 35 (10%) Total: 352	One Bedroom: 255 (75%) Two Bedroom: 51(15%) Three Bedroom: 34 (10%) Total: 340
Vehicle Parking	Resident: 146 + 3 Car Share Resident Visitor: 35 Non Resident: 25 Total: 206 + 3 Car Share	Resident: 146 + 3 Car Share Resident Visitor: 35 Non Resident: 25 Total: 206 + 3 Car Share
Bicycle Parking	Long Term: 276, Short Term: 28 Total 304	Long Term: 272, Short Term: 28 Total 300
Proposed Building Stepbacks	East (Dufferin Street): 3m at 7 th storey (20.15 m) West: 0m North: 0 m South (Orfus Road): 3 m at 8 th Storey (24 m) 3 m at 10 th Storey 3 m at 11 th Storey 3 m at 12 th Storey 3 m at 13 th Storey	East (Dufferin Street): 3m at 7 th storey (20.15 m) West: 0m North: 0 m South (Orfus Road): 3 m at 7 th storey (20.15 m) 3 m at 10 th Storey 3 m at 11 th Storey 3 m at 12 th Storey 3 m at 13 th Storey
Tower Floor Plate	Approx. 2,034 m ²	Approx. 2,034 m ²
Angular Plane Height Above Grade at Property Line	East (Dufferin Street): 45 degrees at 24.4 m above grade South (Orfus Road): 45 degrees at 24 m above grade	East (Dufferin Street): 45 degrees at 24 m above grade South (Orfus Road): 45 degrees at 24 m above grade
Amenity Space (m ²)	Indoor: 659 m ² , Outdoor: 688 m ²	Indoor: 774 m ² , Outdoor: 802 m ²
Loading	1 Type G	1 Type G
Parkland Dedication	494.8 m ²	498.4 m ²

Additional Information

See Attachments 1-8 and 10-13 of this report for a location map, Application Data Sheet, three dimensional representations of the project in context, context plan, site plan of the proposal, building elevations, and related land use and zoning maps. The Application Data Sheet in Attachment 2 contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

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

Reasons for Application

The Zoning By-law Amendment Application proposes to amend Zoning By-laws 7625 and 569-2013 to vary performance standards including: building height; building setbacks; floor space index; and parking space requirements. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

Site Plan Control

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

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Mixed Use Areas* on Land Use Map 17 of the Official Plan, and its eastern portion is subject to policies in the Dufferin Street Secondary Plan. Some parts of the Secondary Plan (not related to the subject site) are under appeal.

Zoning: The site is subject to Zoning By-law 7625. It is zoned Industrial-Commercial Holding MC(H), with a density of 1 times the area of the lot, and a height limit of 45 metres, and 45.7 metres in Schedule D to By-law 7625 (Airport Hazard Map).

While the site is not subject to City-wide Zoning By-law No. 569-2013, as amended, a draft zoning by-law amendment with site-specific provisions has been submitted in order to bring the site into Zoning By-law No. 569-2013.

Additional information:

See Attachment 9 for applicable policy documents.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting was hosted by City staff on October 28, 2021

Approximately 29 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- There is a general lack of community services and facilities in the neighbourhood to serve additional new residents;
- The proposed 14-storey building is too tall and does not fit with the existing context;
- Rear and side tall building setbacks, and the tall building form are inappropriate;
- Angular planes are not properly applied;
- Live-work units at grade are out of context on Orfus Road;
- Cycling connections are not provided for in the drawings;
- Shadowing is a concern;
- Access from a private driveway leading to Bentworth Avenue, and the location of loading and parkland dedication should be coordinated with adjacent property owners; and
- The proposed density is too high and servicing capacity is a concern.

COMMENTS

Provincial Framework

Planning staff have reviewed the application as submitted to the City against the policies of the Provincial Policy Statement ("PPS") and the Growth Plan, as described in the Policy Considerations Section in this report. The proposal in its current condition is not consistent with the PPS and is not in conformity with the Growth Plan on achieving the policy objectives of complete communities, appropriate development standards, appropriate infrastructure to support growth, and a safe and vibrant public realm.

Built Form

Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines.

Tall Building Form

A tall building is generally defined as a building with height that is greater than the width of the adjacent street right-of-way or the wider of two streets if located at an intersection. The proposed 14-storey portion of the building is a tall building at a height of 45.2 metres without the mechanical penthouse. It is located adjacent to Orfus Road which has a planned right-of-way width of 23 metres.

The OP provides that development be located and massed to fit within its existing and planned context. There are no tall buildings in the immediate area, and the surrounding area context consists of low-rise built form. Dufferin Street is envisioned at this location to provide a midrise built form as outlined in the Dufferin Street Secondary Plan. The proposed building in its current form is not a midrise building and further revisions will

have to take place in order to conform to the official plan and the Dufferin Street secondary plan.

Site Organization

Block Plan

A Block Context Plan is typically prepared in cooperation with adjacent land owners and shows how the physical form of the proposed development fits within the existing and planned context, and how it conforms to the Official Plan policies. It typically illustrates and analyzes the layout and design of public streets and other pedestrian and cycling connections, parks and open spaces, and built form issues such as building type, location, organization and massing.

There is no evidence that the Block Context Plan submitted by the applicant to the City was prepared in cooperation with adjacent land owners. The proposed adjacent development at 3296 and 3300 Dufferin Street has not been included in the applicant's Block Context Plan. It is a proposed Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control application to permit a 28-storey mixed use building (file nos. 21 251832 NNY 08 OZ and 21 251831 NNY 08 SA). Refer to the Context Plan in Attachment 5 for the City's block context illustration, which is absent in the applicant's Block Context Plan.

Access

Access to the proposed development is proposed via a private driveway on Orfus Road at the western edge of the site, connecting to the adjacent property to the north, and through to Bentworth Avenue. The applicant needs to work with the adjacent property owner to the north to prepare a functional design of a north-south lane between Orfus Road and Bentworth Avenue envisioned in the Secondary Plan. Some residential amenity patios are proposed next to parking and loading spaces in the adjacent property, which is not an appropriate condition. An overall block planning exercise including the adjacent application should be conducted to create a block plan as described in the public realm policies in OPA 479.

Retail Location

Retail is proposed at grade along the Dufferin Street frontage, but not along the entire Orfus Road frontage for the portion of the site within the Secondary Plan area. Live/work units are proposed for the remaining portion of Orfus Road within and outside the Secondary Plan area. Retail is encouraged along the entire Orfus Road frontage.

Setbacks

The proposed 14-storey tall building portion is set back less than 12.5 metres from the north (side) and west (rear) property lines. They are set back approximately 8 metres at grade and 7.5 metres above grade from the 2nd to the 14th storey from the north (side) property line, and 9.1 metres at grade and 6.5 metres above grade from the 2nd to the 14th storey from the west (rear) property line. These setbacks are not sufficient for a building of this proposed height.

The proposed 8-storey midrise portion is set back 3.0 metres from the property line on Dufferin Street, and 5.0 metres from the property line on Orfus Road as required in the Dufferin Street Secondary Plan.

Staff are evaluating the appropriateness of the proposed site organization, including the shared driveway location, parkland and overall block layout, retail location, and how or if the application protects for cycling connections through setbacks.

Height

The proposed building height and its transition to adjacent properties does not conform to the Official Plan. The Official Plan provides that transition in scale between taller, more intense development and nearby lower-scale development, parks, and open spaces be achieved using a variety of measures including height and floor plate design, setbacks and stepbacks, angular planes, and location and orientation of buildings.

Height

The proposed 14-storey tall building portion is 50.8 metres high (with MPH). This is higher than the required maximum height of 45.72 metres in Schedule D to By-law 7625 (Airport Hazard Map). Maximum buildings heights in the flight path of the Downsview Airport are regulated by the Airport Hazard Map for reasons of safety. The proposed building height needs to be reduced to fit the context of the area as discussed above, as well as ensure appropriate setbacks, stepbacks and angular planes are achieved as discussed below.

The proposed 8-storey mid-rise portion of the building within the eastern portion of the site fronting Dufferin Street is within the Dufferin Street Secondary Plan area. It is technically a 9-storey building with the mezzanine floor. The proposed height without the mechanical penthouse is 27 metres, as required in the Secondary Plan. The Secondary Plan provides that the height of development with frontage on Dufferin Street not exceed the planned right-of-way width onto which it fronts, which is 30 metres (9 storeys). As such, the height for the portion of the building within the secondary plan area is acceptable.

Massing

The proposed building massing does not conform to the Official Plan. The Official Plan provides that development 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.

The proposed 14 storey building along Orfus Road has not been massed to address this street proportion. The proposal applies a front Midrise angular plane, at a height of 24 metres, which is higher than 80 percent of the adjacent right-of-way width of Orfus Road. The planned right-of-way width of Orfus Road is 23 metres, and 80 percent is 18.4 metres. To fit with the scale of this street frontage, an angular plane measured

from a height of 18.4 metres on Orfus Road should be applied, as required in the Official Plan

The proposed 14-storey tall building portion along Orfus Road provides its first building setback of 3 metres at 7 storeys (including mezzanine floor) or 20.15 metres. The first setback along Orfus Road does not establish a good street proportion and does not reinforce the existing street wall along Orfus Road. A first setback above four storeys is recommended, in view of the existing context of Orfus Road.

The proposed 8-storey portion of the building fronting Dufferin Street provides its first building step-back of 3 metres at an appropriate height of 6 storeys (including mezzanine floor) or 19.8 metres (approximately 20 metres), as required in the Dufferin Street Secondary Plan. As such, this is acceptable.

Sun and Shadow

The applicant provided a sun shadow study illustrating the shadow impacts during the Spring and Fall equinoxes. The shadow impacts from the proposed tall building on the proposed public park at the northeastern portion of the site between 9:18 am and 4:18 pm during the Spring and Fall equinoxes are not acceptable. There are also adverse shadow impacts on adjacent properties to the west and north resulting from the 14-storey tall building.

The adverse impacts of the proposed development remain the same with the revised submission as the building massing is generally consistent. The proposed tall building is inappropriate for this site as discussed above.

Wind

The wind impacts resulting from the proposal are not acceptable and do not meet the policies of the Official Plan and the intent of the Tall Buildings Guidelines, without further mitigation measures proposed. The Official Plan requires comfortable wind conditions and air circulation at the street and adjacent open spaces to preserve the utility and intended use of the public realm, including sitting and standing.

A Pedestrian Level Wind Study prepared by Gradientwind Engineers and Scientists, dated May 21, 2021 was submitted in support of the proposed development. Wind conditions over the adjacent Level 8 amenity terrace, particularly at the southwestern corner, are identified in the study to be adverse, and will require mitigation. Appropriate mitigation measures including wind barriers should be proposed for consideration.

Streetscape

The applicant is proposing a ground floor setback from the curb of 10.05 metres along Dufferin Street and 11 metres along Orfus Road. The proposed streetscape does not conform to the Official Plan's public realm policies. In accordance with current City of Toronto Standard No. T-310.010-10, and the Accessibility for Ontarians with Disabilities Act (AODA), new 2.1 metre wide concrete public sidewalks are required along the

development site frontages. These sidewalks must be clear and not include obstructions such as street curb, street furniture and landscaped areas, and must transition to existing abutting sidewalks with a 5:1 taper within the site frontages.

A 1.44 metre road widening is required along the Orfus Road frontage of the property to satisfy the Official Plan requirement of a 23 metre right of way. A 6 metre corner rounding is also required at the northwestern corner of the Orfus Road and Dufferin Street intersection.

The Dufferin Street Secondary Plan shows proposed cycling tracks along Dufferin Street and a proposed cycling interchange at the Dufferin Street and Orfus Road intersection. The proposed development does not show the cycling connections described above in its site plan.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are currently under review by Engineering and Construction Services.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Unit Mix and Family Friendly Housing

A total of 340 residential dwelling units consisting of 255 one-bedroom, 51 two-bedroom, and 34 three-bedroom units are proposed. Staff note that unit sizes are not indicated in the drawings submitted to the City. The applicant should provide unit sizes that are family-friendly as identified in the Growing Up Guidelines.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The applicant is required to satisfy the parkland dedication requirement through on-site parkland dedication. The application proposes a 498.4 square metre on-site parkland dedication at the northeastern portion of the site, with a frontage of approximately 11.82 metres along Dufferin Street and a depth of approximately 37.6 metres. The width of the park increases gradually to 13.2 metres at its western edge. The proposed public park would have a zero set back on the north property line and the building would be setback 5 metres from the west and south sides of the park.

Staff are evaluating the appropriateness of the proposed park size, location and configuration, setbacks and shadow impacts that may affect the utility of the park.

Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant and show that the subject property is devoid of existing trees. It also shows that one City-owned boulevard tree (9cm DBH Red Maple) is within 6 metres of the southwest corner of the site. The Applicant proposes to plant new trees along both Dufferin Street and Orfus Road.

Indoor/Outdoor Amenity Space

Zoning By-law 438-86 requires a minimum of 2.0 square metres per unit each of indoor and outdoor amenity space, and Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit.

The application proposes a total of 774 square metres of indoor amenity space and 802 square metres of outdoor amenity space for a total of 1,576 square metres of amenity space, which is above the minimum requirement of 1,216 square metres. The outdoor amenity space located between the loading/garbage area and the park is not ideal. Opportunities to relocate it should be explored.

The application also proposes an on-site dog amenity area at the northwestern portion of the site of approximately 89.3 square metres.

Parking and Loading

A total of 209 vehicle parking spaces are proposed in a 2-level below-grade parking garage, accessed from Orfus Road. A type-G loading space is proposed at grade. A revised Transportation Impact Study was submitted for the site and is currently under review by Transportation Services and Engineering and Construction Services.

The applicant is proposing 300 bicycle parking spaces. The location and number of bicycle parking spaces is under review.

Compatibility/Mitigation

The applicant has submitted a land use Compatibility/Mitigation Study in order to identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and nearby *Employment Areas* and major facilities. The proposed mixed use development includes residential uses and is near an *Employment Area*. Staff are reviewing the application in the context of the Compatibility/Mitigation policies of the Official Plan. It will also be necessary to have the Compatibility/Mitigation Study peer reviewed at the applicant's expense.

Section 37

The Official Plan 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 by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density will be subject to Section 37 contributions under the Planning Act. Section 37 benefits have not yet been discussed. City staff may apply Section 37 provisions of the Planning Act, if applicable, should the proposal be approved in some form.

Community Services and Facilities

Community Services and Facilities (CS&F) are an essential part of vibrant, strong, and complete communities. CS&F are the lands, buildings and structures used for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions. They include recreation, libraries, childcare, schools, public health, human services, cultural services and employment services, etc. The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community. The applicant provided a CS&F Study and it is being reviewed by staff.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputations made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan, and applicable City guidelines intended to implement Official Plan policies. As currently proposed, the proposal is not consistent with the PPS, does not conform to the Growth Plan, and does not conform to the Official Plan and Dufferin Street Secondary Plan.

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. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

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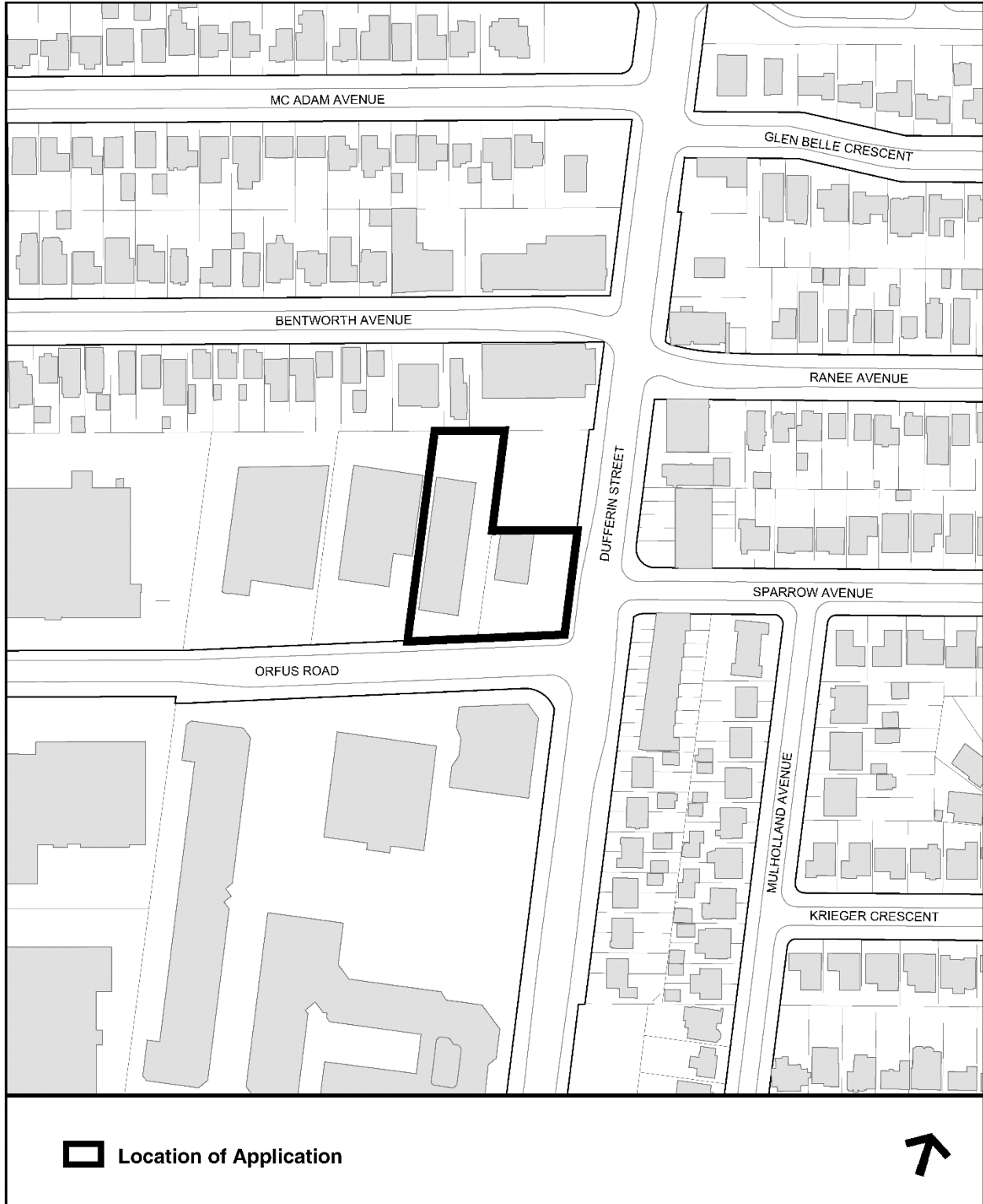
SIGNATURE

David Sit, MCIP, RPP
Director, Community Planning. North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Southwest
Attachment 4: 3D Model of Proposal in Context Looking Northeast
Attachment 5: Context Plan
Attachment 6: Site Plan
Attachment 7: East and West Elevations
Attachment 8: North and South Elevations
Attachment 9: Policy Considerations
Attachment 10: Official Plan Land Use Map
Attachment 11: Dufferin Street Secondary Plan
Attachment 12: Zoning By-law 7625 Map
Attachment 13: Zoning By-law 569-2013 Map

Attachment 1: Location Map



Attachment 2: Application Data Sheet

3280 DUFFERIN ST Date Received: November 1, 2021
and 12-16 ORFUS
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Application Number: 21 168610 NNY 08 OZ

Application Type: Rezoning

Project Description: Zoning By Law Amendment Application to permit the proposal for an 8-14 storey mixed-use building that includes two levels of below-grade parking with a total of 209 parking spaces. The redevelopment proposes 352 dwelling units and a total of 659 square metres of indoor amenity space and 688 square metres of outdoor amenity space. The redevelopment proposes 28,646 square metres of residential gross floor area and 246 square metres of non-residential gross floor area, for a total of 28,892 square metres resulting in a floor space index (FSI) of 5.6 times the area of the lot.

Applicant	Agent	Architect	Owner
GOLDBERG GROUP 2098 Avenue Road Toronto ON M5M 4A8	MICHAEL GOLDBERG	IBI GROUP 55 St. Clair Avenue West #700 Toronto ON M4V 2Y7	FUTURE DELIGHT INVESTMENT LTD. 50 Acadia Avenue, Suite 100 Markham ON L3R 9B3

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	MC(H)	Heritage Designation:	N
Height Limit (m):	30	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 5,115 Frontage (m): 48 Depth (m): 96

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,500		1,675	1,675
Residential GFA (sq m):			29,027	29,027
Non-Residential GFA (sq m):	3,000		167	167

Total GFA (sq m):	3,000	29,194	29,194
Height - Storeys:	2	14	14
Height - Metres:	6	51	51

Lot Coverage Ratio (%) : 32.75 Floor Space Index: 5.7

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 29,027
Retail GFA: 167
Office GFA:
Industrial GFA:
Institutional/Other GFA:

Residential Units by Tenure Existing Retained Proposed Total

Rental:
Freehold:
Condominium: 340 340
Other:
Total Units: 340 340

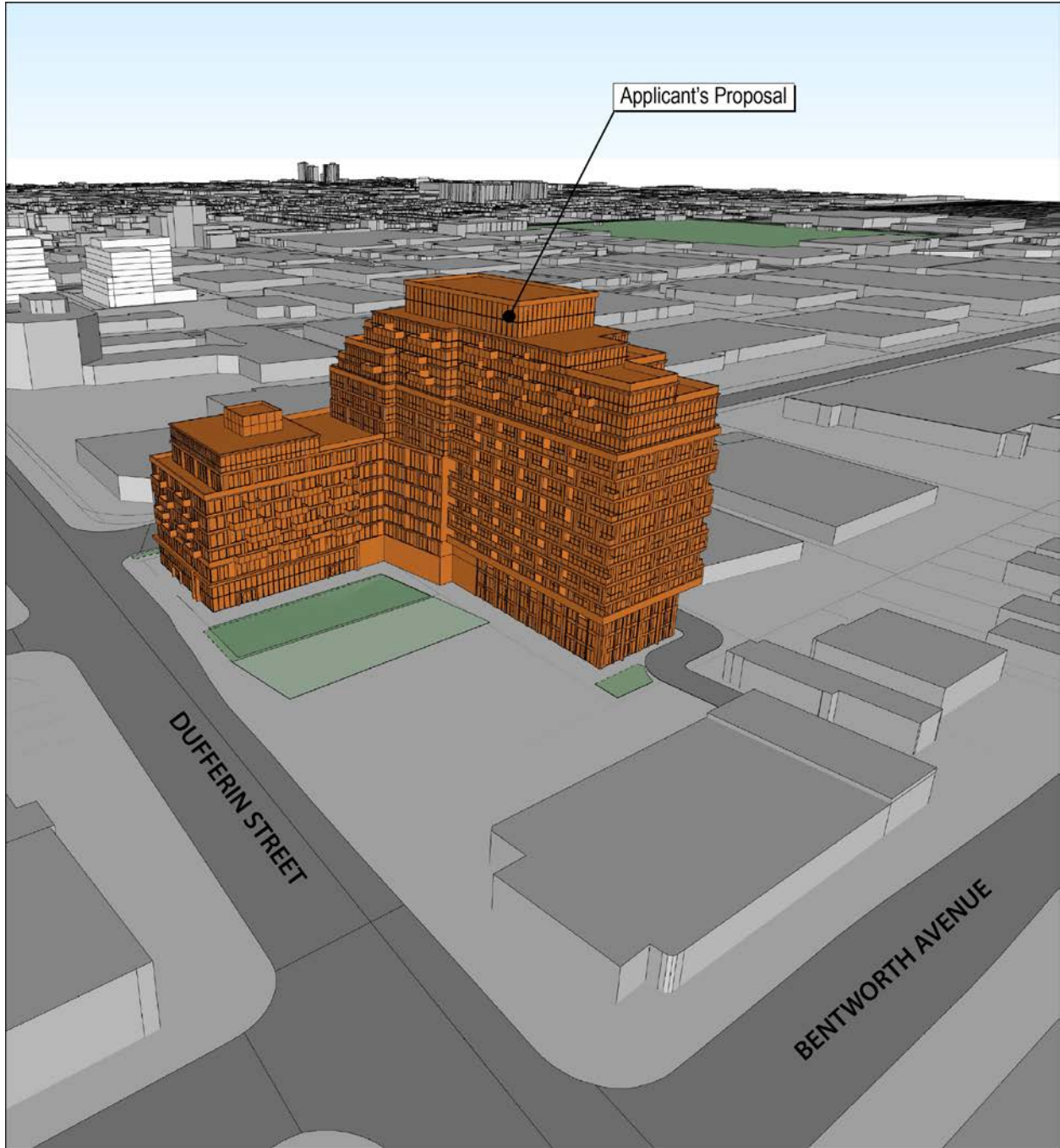
Total Residential Units by Size

	Rooms	Studio	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			255	51	34
Total Units:			255	51	34

Parking and Loading

Parking Spaces: 209 Bicycle Parking Spaces: 300 Loading Docks: 1

Attachment 3: 3D Model of Proposal in Context Looking Southwest

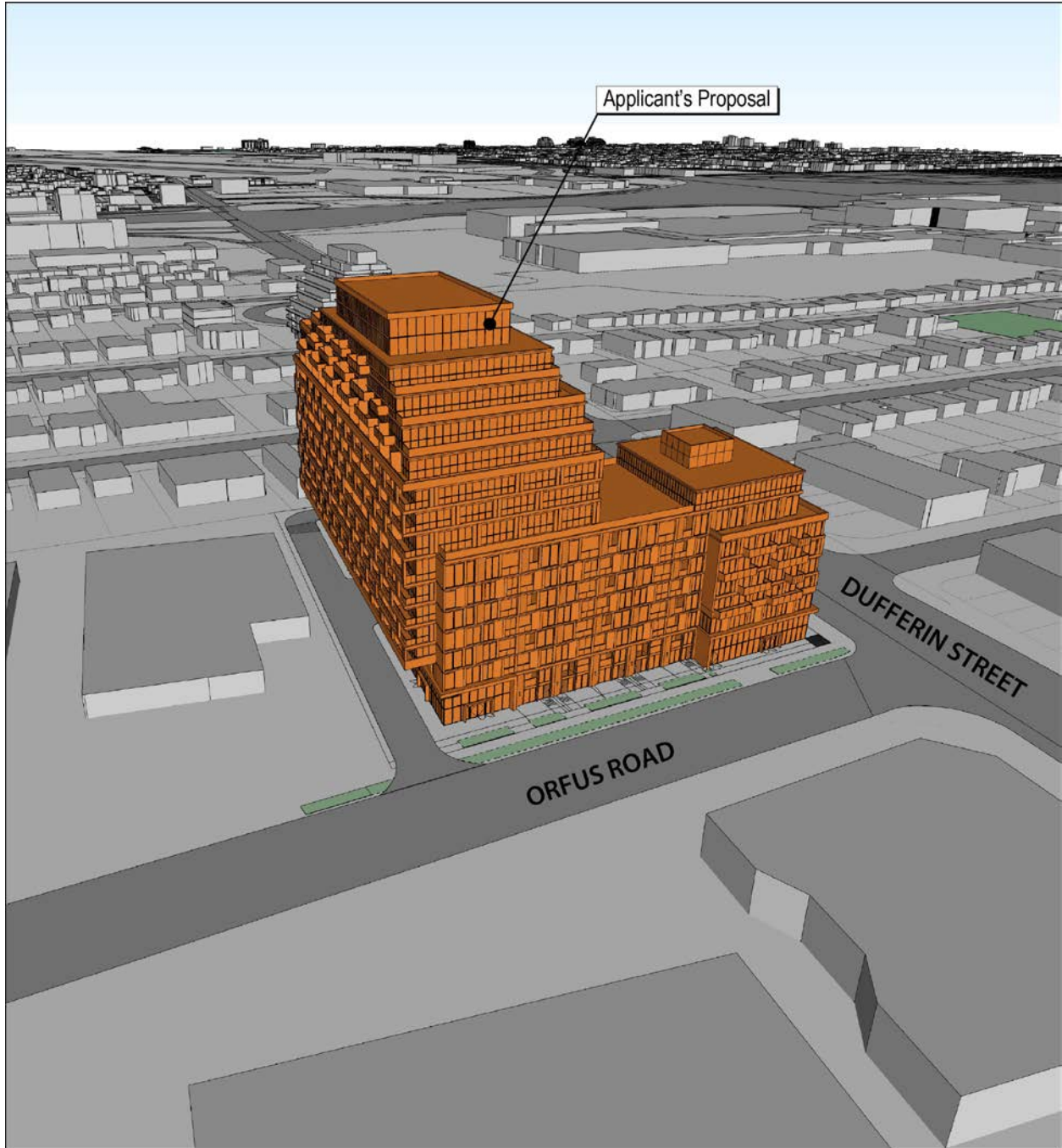


View of Applicant's Proposal Looking Southwest



07/12/2021

Attachment 4: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast



07/12/2021

Attachment 5: Context Plan

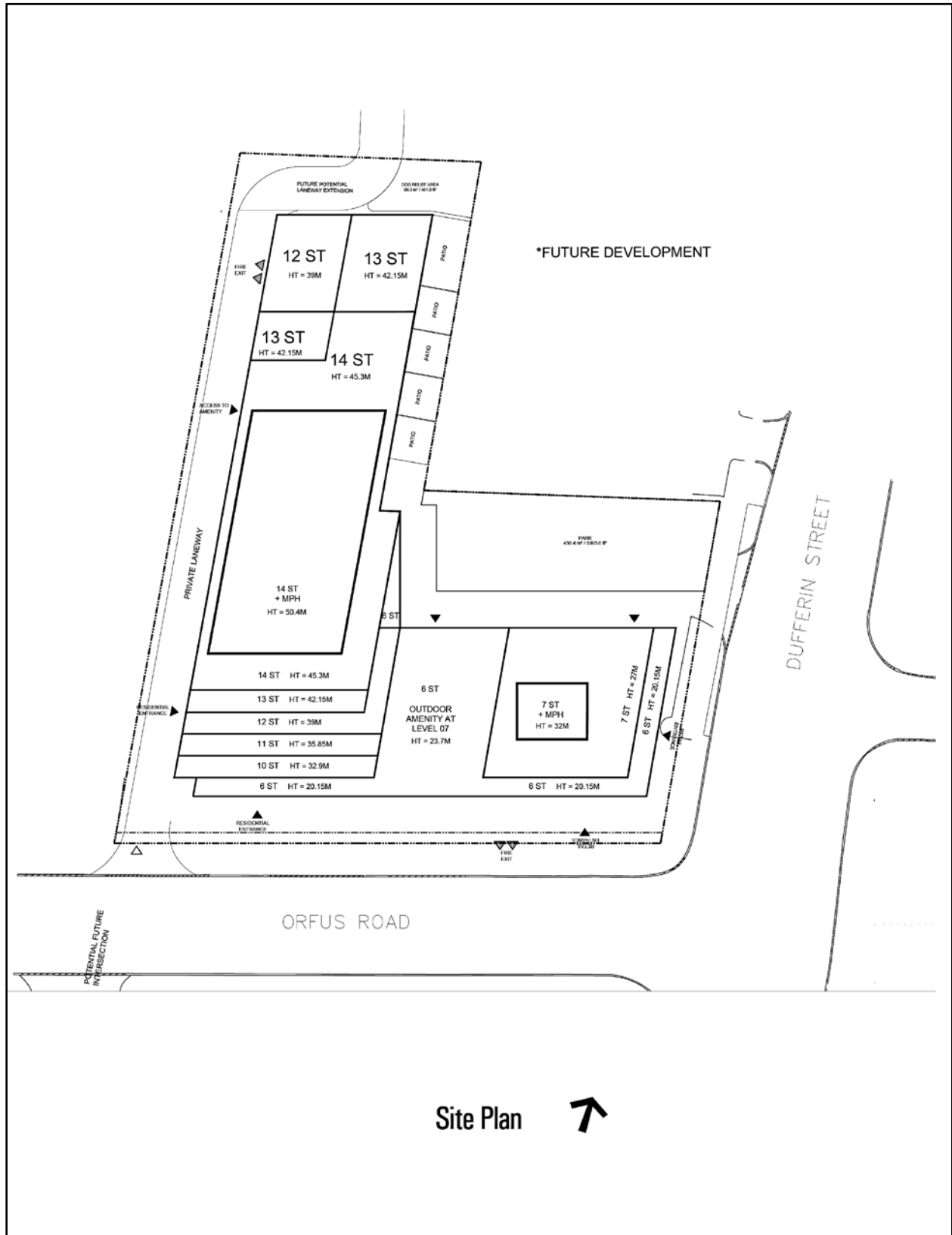


**Adjacent Property
at 3296 and 3300
Dufferin Street**

**3280 Dufferin Street
and 12-16 Orfus**

Combined Site Plan ↑

Attachment 6: Site Plan

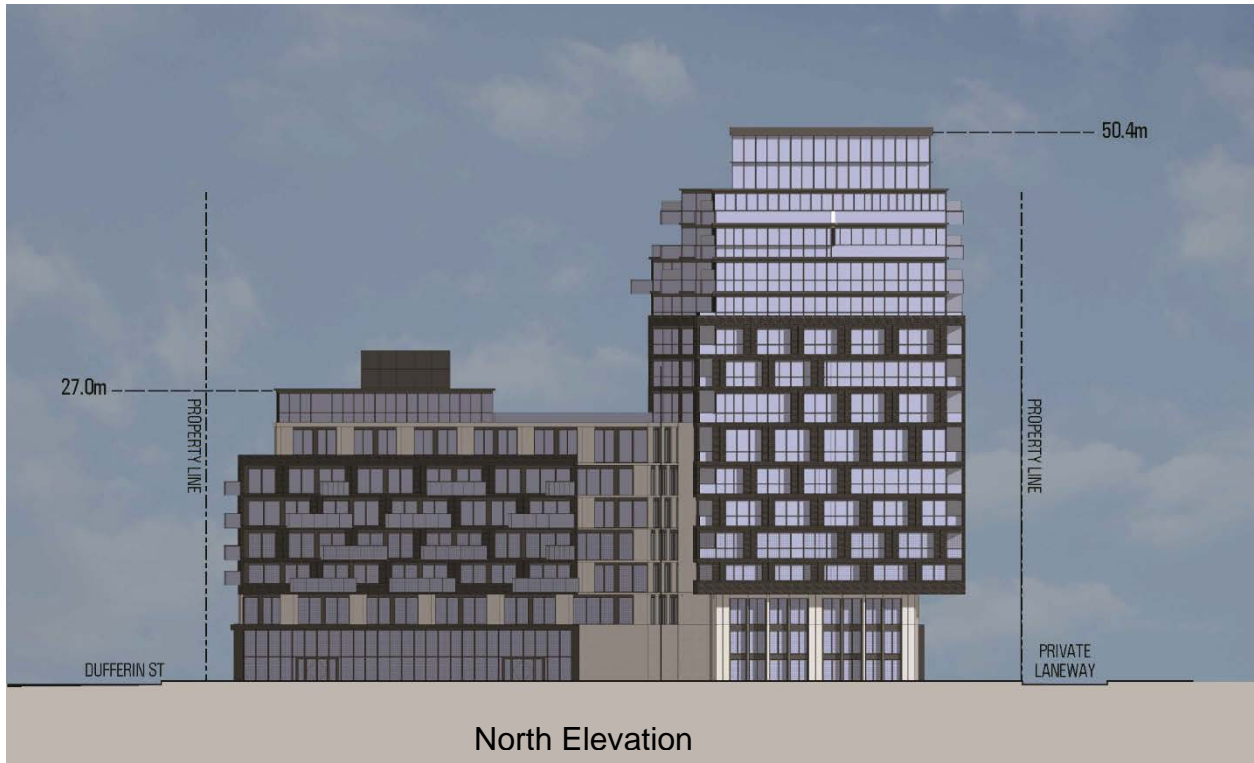


Site Plan

Attachment 7: East and West Elevations



Attachment 8: North and South Elevations



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:

- Encouraging a sense of place, by promoting well-designed built form;
- 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 is issued under Section 3 of the *Planning Act* and all decisions of 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 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.

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 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. In accordance with Section 3 of the Planning Act all decisions of 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 Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) as amended 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 municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's are planned for the prescribed densities.

Toronto Official Plan Policies and Planning Studies

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. Authority for the Official Plan derives from The Planning Act of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The application is located on lands identified as *Avenues* on Map 2 of the Official Plan and *Mixed Use Areas* in Land Use Map 17 of the Official Plan. Refer to Attachment 10: Official Plan Land Use Map. *Avenues* are important corridors along major streets where urbanization is anticipated and encouraged to create new housing and employment opportunities while improving the pedestrian environment, the look of the street, shopping opportunities, and transit service for community residents.

Mixed Use Areas are made up of a broad range of commercial, residential, and institutional uses, in single use or mixed use buildings, as well as parks and open spaces, and utilities. Policy 4.5.2 provides that development in *Mixed Use Areas* will, amongst other matters:

- Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks and/or a stepping down of heights, particularly towards lower scale Neighbourhoods;
- 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;
- 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; and
- Provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Official Plan Amendment 479 – Public Realm and Official Plan Amendments 480 (Built Form)

On September 11, 2020, Official Plan Amendments 479 (Public Realm) and 480 (Built Form) came into force. These OPAs introduced new or revised policies regarding building types, building design and massing, parks, POPs (privately owned, publicly accessible spaces), and trees and natural areas, among other policies. OPA No. 479 also introduced the Block Context Plan requirement for some applications that shows how the physical form of the proposed development fits within the existing and planned context.

Dufferin Street Secondary Plan

The eastern portion of the site is within the Dufferin Street Secondary Plan area (OPA 294). Map 36-2 (Specific Block Plan Policies) identifies this portion to be within Block 5 of the Secondary Plan. Map 36-6 (Public Streets Plan) and Map 36-7a (Pedestrian Connections) identify a Potential Access Lane and a Pedestrian Route at the western edge of this portion, which is approximately the middle of the site, and a High Order Pedestrian Zone at the Dufferin Street / Orfus Road intersection. Map 36-7b (Cycling Connections) shows Proposed Cycle Tracks along Dufferin Street, Proposed Bike Lanes on Orfus Road and a Proposed Cycling Interchange at the Dufferin Street / Orfus Road intersection. Map 36-9 (Minimum Setback Plan) shows a building setback of 3 metres from *Avenues* such as Dufferin Street, and a setback of 5 metres from green spaces and existing east-west streets such as Orfus Road. Map 36-10 (Building Type Areas) shows Mid-rise Areas within Block 5. The western portion of the site is outside the Dufferin Street Secondary Plan area.

Dufferin Street Urban Design Guidelines

The Dufferin Street Urban Design Guidelines provide a context for coordinated development and will be used as a tool to ensure appropriate development consistent with the Official Plan, and Dufferin Street Secondary Plan. OPA No. 294 directs development within the Secondary Plan Area to be consistent with the Dufferin Street Urban Design Guidelines.

Zoning By-laws

The site is zoned Industrial-Commercial Holding MC(H) under the former City of North York Zoning By-law No. 7625. The MC zone permits a broad range of industrial and commercial uses including retail store, office, financial institution, restaurant, veterinary clinic, community centre, commercial gallery, personal service shop, and others. The zoning specifies a maximum density of 1 times the lot area, minimum front yard setback of 9 metres, minimum exterior side yard setbacks of 7.5 metres, and minimum interior side yard setback of 3 metres.

While the site is not subject to City-wide Zoning By-law No. 569-2013, as amended, a draft zoning by-law amendment with site-specific provisions has been submitted in order to bring the site into Zoning By-law No. 569-2013. The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

City-Wide Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure that they fit within their context and minimize their local impacts.

Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The City-Wide Tall Building Design Guidelines are available at:

<https://www.toronto.ca/wp-content/uploads/2018/01/96ea-cityplanning-tall-buildings-may2013-final-AODA.pdf>

Growing Up: Planning for Children in Vertical Communities

In July 28, 2020, Toronto City Council adopted the Growing Up Urban Design Guidelines, which is applicable to the proposed development. The guidelines seek to integrate family oriented design into the new multi-unit developments. One of the objectives of the guidelines is to ensure that new developments have a variety of housing to meet the needs of people in all stages of life. The Growing Up Guidelines can be found at: <https://www.toronto.ca/citygovernment/planning-development/planningstudiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities/>

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

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

The purpose of the Pet Friendly Design Guidelines 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 pet amenities for high density residential communities. The Pet Friendly Design Guidelines can be found at:

<https://www.toronto.ca/wpcontent/uploads/2019/12/94d3-CityPlanning-PetFriendlyGuidelines.pdf>

Retail Design Manual

On October 27, 2020, City Council adopted the Retail Design Manual. The Retail Design Manual supports the objectives of complete communities and vibrant streets which are closely tied to the provision of successful, resilient and dynamic retail uses. The Retail Design Manual is a collection of best practices and is intended to provide guidance on developing successful ground floor retail spaces by providing aspirational retail design best practices to inform, guide, inspire and educate those involved in the design and development of retail uses. The Retail Design Manual can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/ph/bgrd/backgroundfile-157291.pdf>

Urban Forest/Ravines/Environment

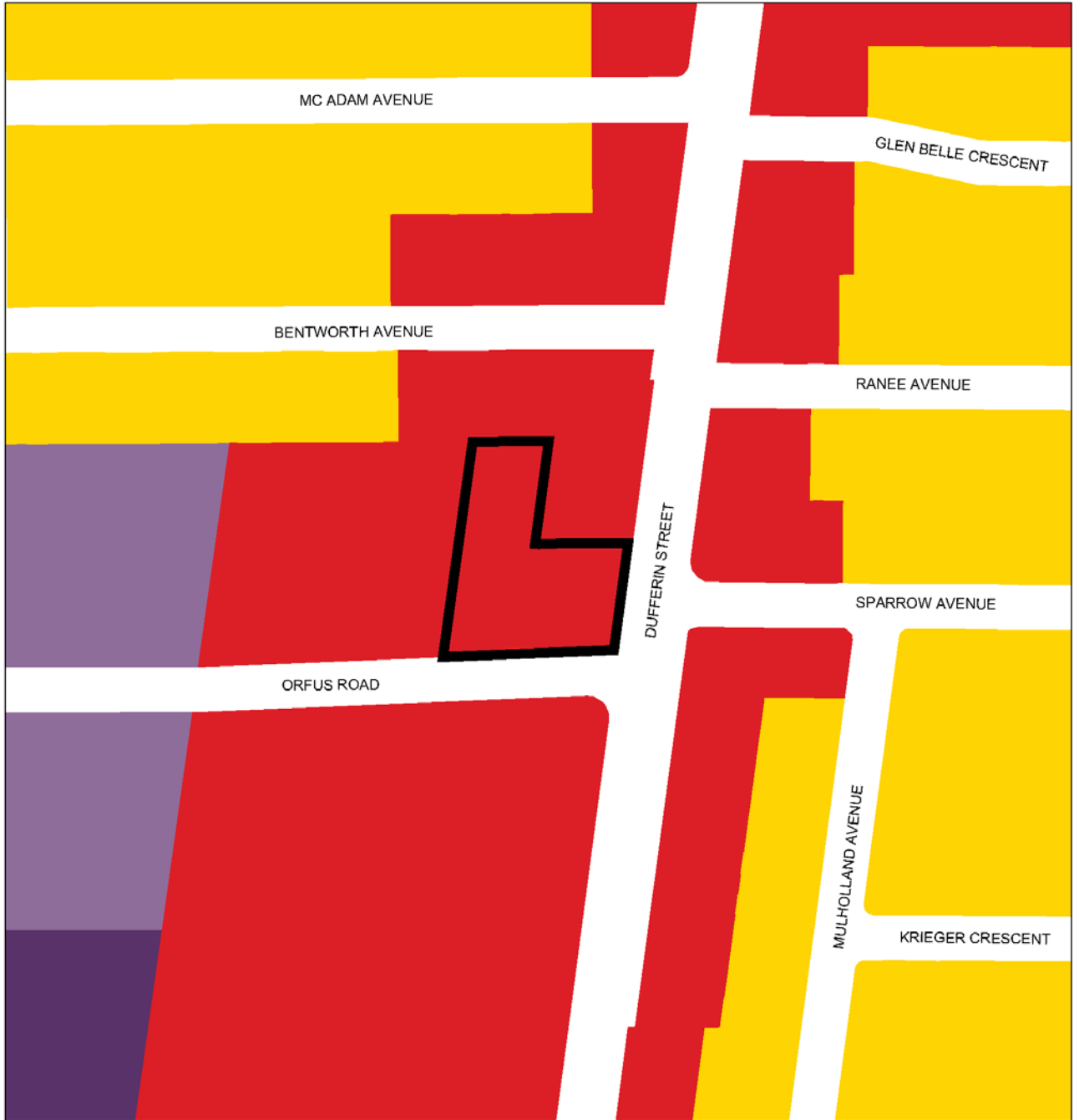
The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law).

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard ("TGS"). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives intended to advance the City's objectives for resilience and to achieve net-zero emissions by 2050 or sooner. Tier 1 performance measures are secured on site plan drawing and through a Site Plan Agreement or Registered Plan of Subdivision.

Applications must use the documentation required for the version of the Toronto Green Standard in effect at the time of the initial application. TGS Version 1.0 is no longer in effect. Older applications must be upgraded. TGS Version 2.0 is for new applications received between January 1, 2010 and April 30, 2018. TGS Version 3.0 is for new applications received on or after May 1, 2018. Visit <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/tier-1-planning-application-requirements/>

Attachment 10: Official Plan Land Use Map



Official Plan Land Use Map #17

3280 Dufferin Street & 12-16 Orfus Road

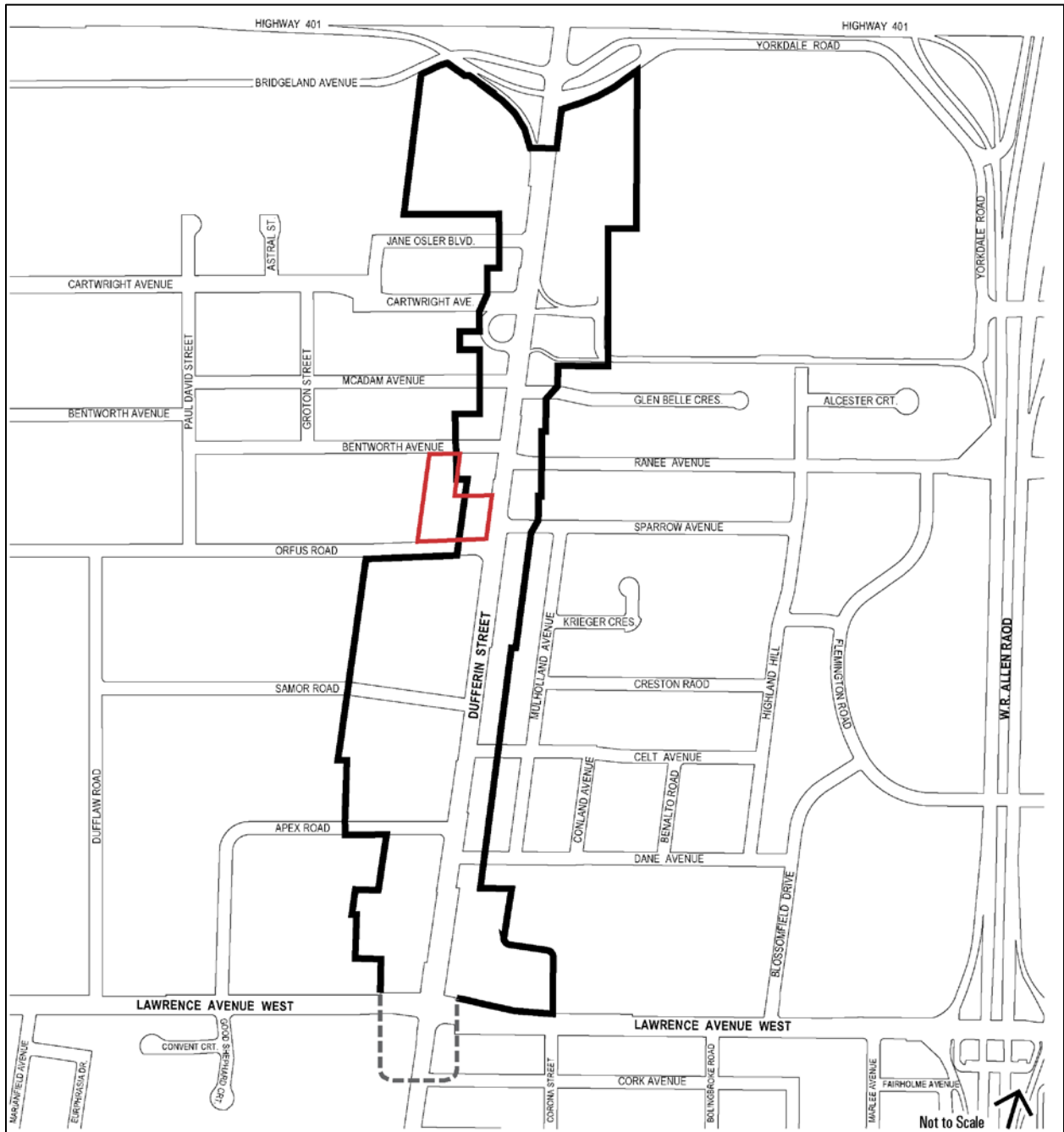
File # 21 168610 NNY 08 0Z

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  General Employment Areas
-  Core Employment Areas



Not to Scale
Extracted: 06/14/2021

Attachment 11: Dufferin Street Secondary Plan



Dufferin Street Secondary Plan

MAP 36-1 Secondary Plan Area

- Location of Application
- Secondary Plan Area Boundary
- Blocks South of Lawrence

October 2015

Attachment 12: Zoning By-law 7625 Map



Zoning By-law 7625

3280 Dufferin Street & 12-16 Orfus Road

File # 21 168610 NNY 08 0Z



Location of Application

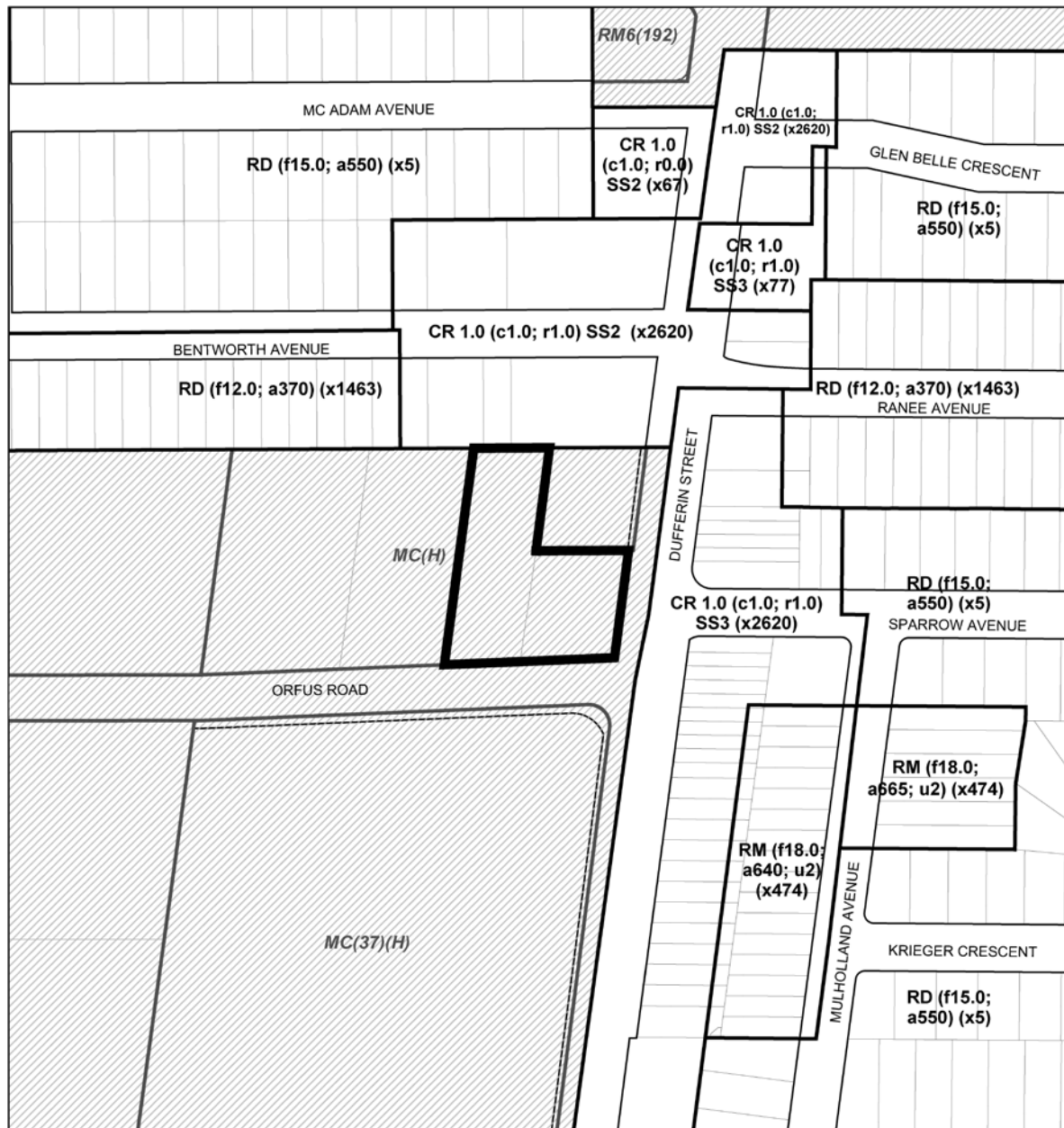
- R4 One-Family Detached Dwelling Fourth Density Zone
- R5 One-Family Detached Dwelling Fifth Density Zone
- R6 One-Family Detached Dwelling Sixth Density Zone
- RM2 Multiple-Family Dwellings Second Density Zone
- RM6 Multiple-Family Dwellings Sixth Density Zone
- C1 General Commercial Zone

- C3 District Shopping Centre Zone
- M1 Industrial Zone One
- MC Industrial-Commercial Zone



Not to Scale
Extracted: 06/14/2021

Attachment 13: Zoning By-law 569-2013 Map



Zoning By-law 569-2013

3280 Dufferin Street & 12-16 Orfus Road

File # 21 168610 NNY 08 0Z

- Location of Application
- RD** Residential Detached
- RM** Residential Multiple
- CR** Commercial Residential
- OR** Open Space Recreation

- See Former City of North York By-law No. 7625
- RM6** Multiple-Family Dwellings Sixth Density Zone
- C3** District Shopping Centre Zone
- M1** Industrial Zone One
- MC** Industrial-Commercial Zone

Not to Scale
 Extracted: 07/02/2021