

5415-5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road – Application to Lift the Holding Provision – Decision Report – Approval

Date: February 6, 2023

To: Etobicoke York Community Council

From: Director, Community Planning, Etobicoke York District

Wards: Ward 3 - Etobicoke-Lakeshore

Planning Application Number: 22 218615 WET 03 OZ

SUMMARY

This application proposes to lift the holding symbol for the site at 5415-5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road in the former City of Etobicoke Zoning Code, as amended by By-law 206-2022. The current site-specific by-law permits a comprehensive multi-phased mixed-use development including four buildings and eight towers subject to a holding provision related to specified off-site servicing upgrades. The proposed development includes mixed-use and residential towers that range from 26 to 44 storeys in height and comprises a total of 2,875 residential units, over 15,000 square metres of non-residential gross floor area, and a 4,144 square metre public park.

The holding provision in site-specific By-law 206-2022 requires, prior to lifting the holding symbol, that a Functional Servicing Report has been submitted and accepted, a financially secured agreement has been entered into with the City for the construction of required improvements to the sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West, and the applicant has obtained all necessary approvals to proceed with the infrastructure required, all to the satisfaction of the Chief Engineer and Executive Director of Engineering and Construction Services.

The Functional Servicing Report has been accepted and the improvements to the sanitary sewer on Shorncliffe Road has been secured to the satisfaction of Engineering and Construction Services. Accordingly, the proposal to lift the holding symbol 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 206-2022 to lift the holding symbol.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 206-2022 to remove the Holding Symbol (H) from the lands at 5415-5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 4 to this report.
2. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

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

At its meeting on November 29 to December 1, 2011, City Council adopted Item [2011.EY11.5](#) recommending approval of development applications on two adjacent sites: Dunshorn Holdings Inc. at 5415, 5421-5429, 5435, 5475 and 5481 Dundas Street West and 15 and 25 Shorncliffe Road; and Alder Place at 5485 and 5487 Dundas Street West. The approval was for a mixed-use development consisting of eight tall buildings, a new 0.4-hectare public park and a new publicly-accessible private road network.

At its meeting on July 12-15, 2016, City Council enacted site-specific Zoning By-law 769-2016 to permit a mixed-use development at 5415-5481 Dundas Street West and 15 and 25 Shorncliffe Road. The zoning permitted seven tall buildings with heights ranging from 20 storeys (63 metres) to 30 storeys (93 metres), a new public park (approximately 4,226 square metres in size), and publicly-accessible private roads. A holding provision was applied to the site to prevent any development prior to ensuring all watermains and sanitary sewers, including off-site improvements, are installed and operational, a private road is constructed to minimum standards, as necessary for phased development, and a public access easement is registered on title.

Also at its meeting on July 12-15, 2016, City Council enacted site-specific Zoning By-law 1100-2016 to permit a mixed-use development at 5485 and 5487 Dundas Street West located at the southeast corner of Dundas Street West and Shorncliffe Road. The Zoning By-law permitted a 27-storey building (81 metres). Shortly after the enactment of the two Zoning By-laws, the two sites were purchased by the same owner that has submitted the current application.

At its meeting of December 15-17, 2021, City Council considered and approved Etobicoke York Community Council Item [EY28.1](#), which recommended amendments to the former City of Etobicoke Zoning Code to permit additional height and gross floor area over the development lands for phases two to six and the City Council was advised that City Planning intends to approve the associated Draft Plan of Subdivision subject to conditions. The Zoning By-law permits a four-building, eight-tower mixed-use development with a 4,144 square metre public park and a J-shaped public street (File No. 18 272108 WET 03 OZ and 19 264584 WET 03 SB). In 2019, Site Plan Control

approval was issued for the Phase one development, as such the Phase one lands were not part of this proposed Zoning By-law Amendment application. The holding provision was applied to the site to prevent any development prior to ensuring functional servicing was accepted and that any required sanitary sewer improvements along Shorncliffe Road were financially secured and ready to be constructed.

Councillor Motion [MM39.33](#) was adopted by City Council on February 2, 2022 to classify the lands as Class 4 Area pursuant to Publication NPC-300 Environmental Noise Guidelines and also included some technical amendments.

The current application was deemed complete as of October 18, 2022.

PROPOSAL

The applicant has submitted a Zoning By-law Amendment application to amend the former City of Etobicoke Zoning Code, as amended by site-specific Zoning By-law 206-2022, to remove the holding symbol for the lands at 5415-5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road. Lifting the holding symbol allows full Zoning By-law permissions for the multi-phased mixed-use development consisting of four buildings, eight towers, 2,875 residential units, over 15,000 square metres of non-residential gross floor area, and 4,144 square metres of public park land. The full details of the proposed development are discussed in the materials considered by City Council on December 15, 2021 ([2021.EY28.1](#)).

Reasons for Application

A holding symbol was placed on the lands to limit the use of the lands until such time as the conditions for the removal of the holding symbol had been fulfilled to the satisfaction of City Council.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Completed Application Form
- Project Data Sheet
- Site-specific Zoning By-law 1480-2017 (OMB)
- Notice of Committee of Adjustment Decision
- Architectural Plans
- Survey Plans
- Servicing Report

Agency Circulation Outcomes

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

Statutory Public Meeting Comments

A Community Consultation Meeting is not required for a Zoning By-law amendment application to remove a holding symbol. Notice is given to the owner under the *Planning Act* for the statutory public meeting.

POLICY CONSIDERATIONS

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

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

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 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 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards.

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.

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) 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).

Toronto Official Plan

This application has been reviewed against the policies of the [City of Toronto Official Plan](#) as follows:

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 (See Attachment 2). 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.

Etobicoke Centre Secondary Plan

The [Etobicoke Centre Secondary Plan](#) sets the policy framework to assist in the implementation of the urban structure and growth management objectives of the City of Toronto. There are seven focus areas in Etobicoke Centre and the subject site is within the Dundas West area that will see intensification through medium mixed-use buildings with well-defined street walls. 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 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.

Zoning

The development site is zoned (H)EC2 and the parkland dedication lands are zoned Open Space (OS) in the Etobicoke Zoning Code, as amended by site-specific Zoning By-law 206-2022 (See Attachment 3). [By-law 206-2022](#) also details specific development standards for building height, setbacks, gross floor area, amenity spaces, floor plates, parking ratios and other matters.

Section 12 of By-law 206-2022 includes the following condition for the removal of the holding symbol:

"The holding symbol "H" will be removed from the lands shown on Schedule 'A' attached to this By-law upon satisfaction of the following conditions:

- (a) a Functional Servicing Report has been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services;
- (b) a financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, for the construction of improvements that may be required to the City's sanitary sewer system on Shorncliffe Road between North Queen Street to Dundas Street West; and
- (c) all necessary approvals to proceed with the infrastructure required, as described in (b) above have been issued, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Service."

Site Plan Control

A Site Plan Control application will be required for each phase of the development. A Site Plan Control application (18 272103 WET 03 SA) has been submitted for the Phase 2 lands only and is currently under review by staff.

Draft Plan of Subdivision

A draft plan of subdivision has been submitted (19 264584 WET 03 SB). The Chief Planner and Executive Director, City Planning has delegated authority for Plans of Subdivision under By-law 229-2000, as amended.

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.

Policy 1.6.6.1 d) of the PPS directs planning for servicing infrastructure 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 off-site servicing upgrades have been financially secured in support of this development and there are no outstanding servicing or capacity issues pertaining to the development. The application conforms 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

The development proposal was already considered and approved by City Council on December 15, 2021 and on February 2, 2022. No changes to that approved development are being proposed. The holding symbol was placed on the lands due to the requirements to design, obtain approvals, and provide financial securities for the sanitary sewer improvements on Shorncliffe Road. The applicant has met these requirements to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, as follows:

- An updated Functional Servicing Report, prepared by TMIG Tylin Internal Company, dated December 2020, has been submitted and accepted;
- The Shorncliffe Road sanitary work was secured through the Section 37 Agreement dated March 8, 2022, registered as AT6130838 on July 14, 2022; and

- All necessary approvals to proceed with infrastructure improvements required have been issued.

Staff are satisfied that the holding provision requirements have been satisfied, thus the holding symbol in Zoning By-law 206-2022 can be removed.

Conclusion

The requirements for lifting the holding symbol have been met and recommend that Council support approval of the application to remove the holding symbol on the site.

CONTACT

Desiree Liu, Planner, Community Planning
Telephone Number: 416-394-8233
Email: Desiree.Liu@toronto.ca

SIGNATURE

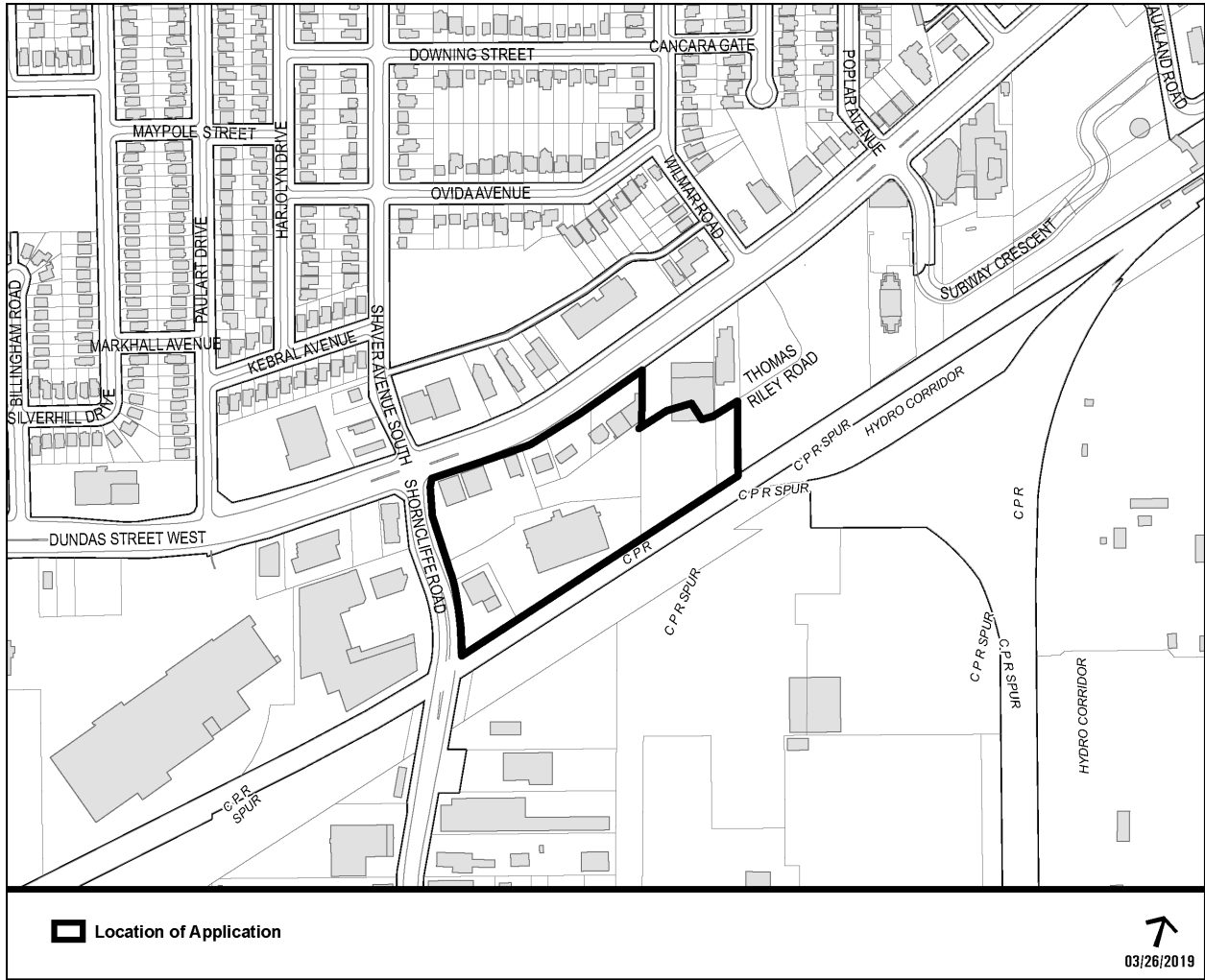
Michael Mizzi, MCIP, RPP
Director, Community Planning
Etobicoke York District

ATTACHMENTS

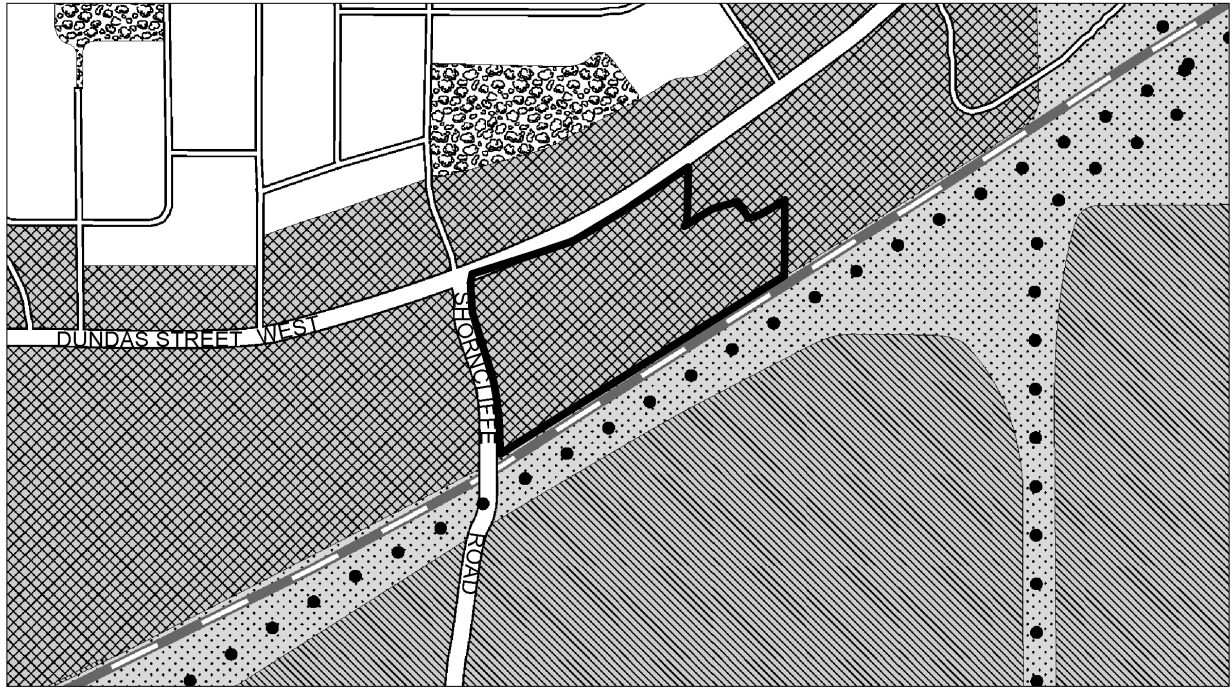
City of Toronto Data/Drawings

- Attachment 1: Location Map
- Attachment 2: Official Plan Land Use Map
- Attachment 3: Existing Zoning By-law Map
- Attachment 4: Draft Zoning By-law Amendment

Attachment 1: Location Map



Attachment 2: Official Plan Land Use Map



TORONTO
 Official Plan Land Use Map #15

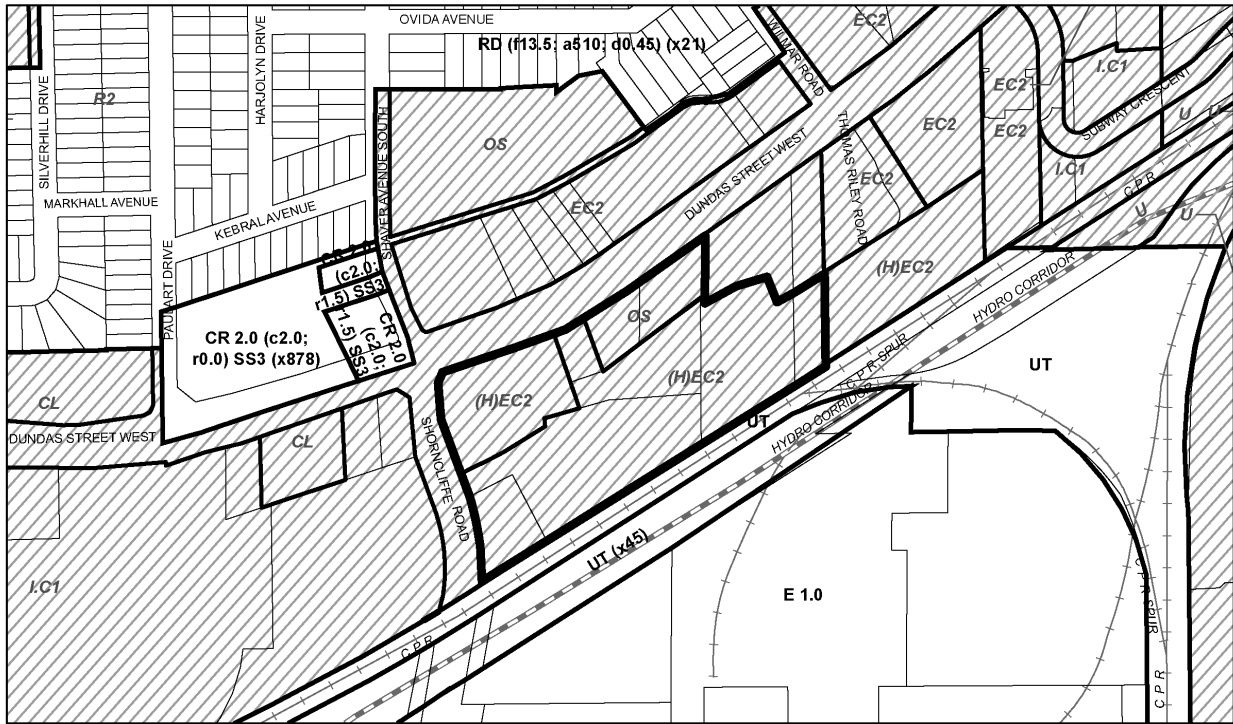
5415-5481, 5485 and 5487 Dundas Street West and
 15 and 25 Shorncliffe Road

File # 22 218615 WET 03 0Z

 Location of Application	 Parks
 Neighbourhoods	 Employment Areas
 Mixed Use Areas	 Utility Corridors

↑
 Not to Scale
 03/26/2019

Attachment 3: Existing Zoning By-law Map



Zoning By-law 569-2013

**5415-5481, 5485 and 5487 Dundas Street West and
15 and 25 Shorncliffe Road**
File # 22 218615 WET 03 0Z

Location of Application

RD Residential Detached E Employment Industrial
CR Commercial Residential UT Utility and Transportation

See Former City of Etobicoke By-Law No. 11,737

R2 Second Density Residential Zone
OS Public Open Space Zone
I.C1 Class 1 Industrial Zone
CL Limited Commercial Zone
EC2 Etobicoke Centre 2
U Utilities Zone

Not to Scale
Extracted: 03/28/2019

Attachment 4: Draft Zoning By-law Amendment

Authority: ~ Community Council Item No. ~,
as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

To amend Chapter 323 of the Zoning Code of the former City of Etobicoke, as amended, and By-law 1088-2002, as amended by By-law 206-2022, to remove the holding symbol (H) with respect to the lands known municipally in the year 2022 as 5415-5481, 5485 and 5487 Dundas Street West and 15 and 25 Shorncliffe Road

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:

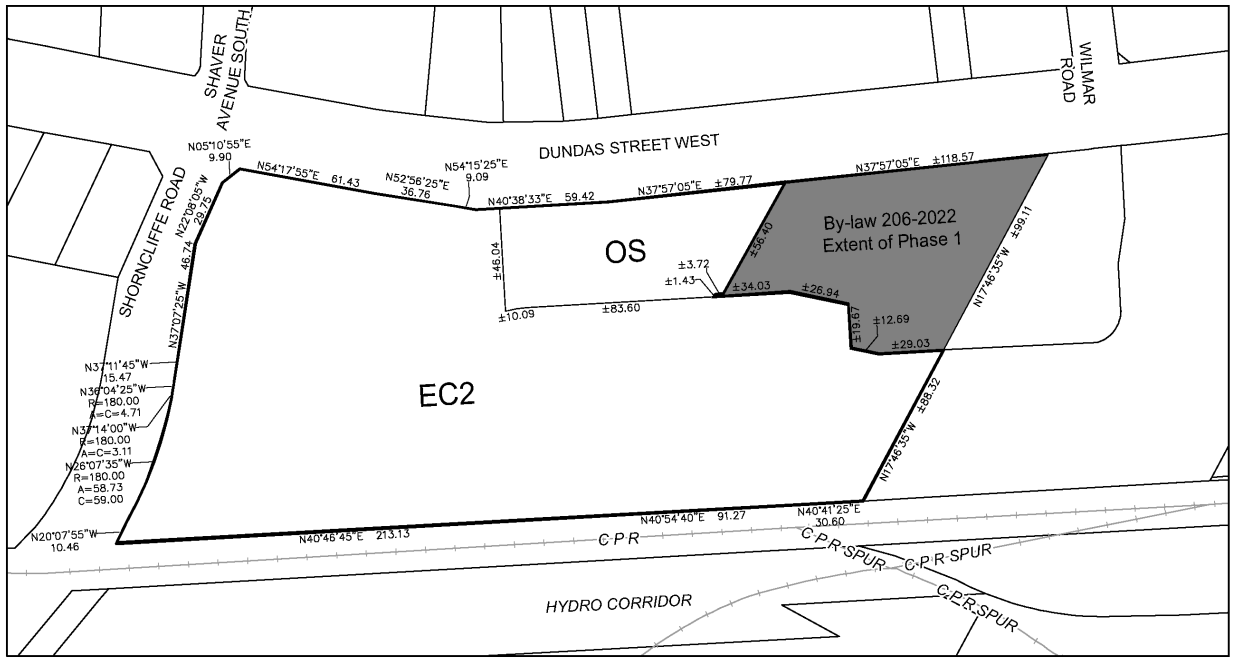
1. The Etobicoke Code of the former City of Etobicoke, as amended, and By-law 1088-2002, as amended by By-law 206-2022, is further amended by removing the holding symbol (H) from the lands shown on the attached Schedule 'A'; and
2. By-law 206-2022 is amended by removing the holding symbol (H) from the lands shown on the attached Schedule 'A'.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

JOHN D. ELVIDGE
City Clerk

(Corporate Seal)



TORONTO
Schedule A

**5415 - 5481, 5485 & 5487 Dundas Street West
and 15 & 25 Shorncliffe Road**

File # 22 218615 WET 03 0Z

Extent of Phase 1

Former City of Etobicoke By-law 11,737
Not to Scale
11/02/2021