

## **3239-3251 Dundas Street West – Zoning By-law Amendment and Rental Housing Demolition Application – Decision Report – Approval**

Date: April 26, 2023

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 4 - Parkdale-High Park

**Planning Application Numbers:** 21 247109 STE 04 OZ

**Related Applications:** 21 247134 STE 04 RH; 21 251865 STE 04 SA

### **SUMMARY**

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This report reviews and recommends approval of the application to amend the Zoning By-law to permit an eight-storey mixed-use building with 88 dwellings units and 230 square metres of commercial space on the ground floor. The proposal will provide a contextually appropriate Mid-Rise building that fits within the planned and existing context and appropriately transitions to lower scaled neighbourhood areas to the south of the site. The report also recommends approval of the application to demolish two rental dwelling units, subject to the conditions set out in this report.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 3239-3251 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 5 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.
3. As part of the Site Plan Control process, the applicant must submit revised Architectural Plans with façade design and building materiality to the satisfaction of the Chief Planner and Executive Director of the City Planning Division.
4. City Council approve the Rental Housing Demolition Application File No. 21 247134 STE 04 RH in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition

of two (2) existing rental dwelling units located at 3251 Dundas Street West, subject to the following condition:

a) the owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the two rental dwelling units proposed to be demolished, including addressing the provision of alternative accommodation at similar rents in the form of rent gap payments to assist in transitioning to market rental housing, and other assistance to mitigate hardship. The Tenant Relocation and Assistance Plan shall be to the satisfaction of the Chief Planner and Executive Director, City Planning; and

b) the owner shall enter into, and register on title at 3239-3251 Dundas Street West, an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the condition outlined in Recommendation 5.a. above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning.

5. City Council authorize the Chief Planner and Executive Director, City Planning to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 for the demolition of two (2) existing rental dwelling units at 3251 Dundas Street West after all the following have occurred:

a) All conditions in Recommendation 5 above have been fully satisfied and secured;

b) the Zoning By-law Amendments have come into full force and effect;

c) the issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning or designate, pursuant to Section 114 of the City of Toronto Act, 2006;

d) the issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site;

e) the execution and registration of one or more agreements by the Owner, to the satisfaction of the City Solicitor, to secure the Tenant Relocation and Assistance Plan required in Recommendation 5 above and any other rental housing matters as deemed appropriate or necessary by the Chief Planner and Executive Director, City Planning; and

f) written confirmation by the owner that all existing rental dwelling units are vacant.

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Recommendation 6 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 3239-3251 Dundas Street West after the Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Recommendation 6 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

- a) the owner removes all debris and rubble from the site immediately after demolition to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- b) the owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;
- c) the owner erects the proposed building no later than five years from the date on which the demolition of the existing rental dwelling units commences, subject to the timeframe being extended at the discretion of the Chief Planner and Executive Director, City Planning; and
- d) should the owner fail to complete the proposed development within the time specified in Recommendation 8.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of \$20,000 per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.

## **FINANCIAL IMPACT**

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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.

## **THE SITE**

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**Description:** The site is generally square with the exception of small jog at the southwest corner of the site where the rear yard is reduced slightly from the rear yards of properties that front onto Gilmour Avenue. The site has an approximate area of 1,963 square metres, with a frontage of 46 metres on Dundas Street West, and a varied depth ranging that averages approximately 43 metres.

**Existing Use:** 3239-3251 Dundas Street West is currently occupied by six owner-occupied two-storey semi-detached dwellings and one 2 1/2 storey detached dwelling containing one owner-occupied unit and two rental dwelling units, comprised of a one-bedroom and three-bedroom unit. Both rental units have mid-range rents as defined by the Toronto Official Plan and are currently occupied.

## THE APPLICATION

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**Description:** An 8-storey (29.5 metres, including mechanical penthouse) mixed use building. Retail uses are proposed on the ground floor with 88 residential condominium uses proposed for the upper levels.

**Density:** 4.17 times the area of the lot.

**Parking and Loading:** A total of 59 vehicular parking spaces and 89 bicycle parking spaces are proposed. Two floors of underground parking and a ground level Type G Loading space will be accessed from an entry ramp on the northeast corner of the site from Dundas Street West. A garbage room is located on the ground floor in the center of the building with immediate access to the Type G Loading Space.

**Additional Information** See Attachments 1, 2, 6, 7a and 7b of this report for a Location Map, Application Data Sheet, a site plan of the proposal, and three-dimensional representations of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at:

<http://app.toronto.ca/AIC/index.do?folderRsn=y%2B6qGy7mUdBX8OCipntGkQ%3D%3D>

**Reason for the Application:** The Zoning By-law Amendment proposes to vary performance standards including but not limited to: building height; building setbacks; floor space index; and parking requirements. The amendment also proposes to rezone a small portion of Residential lands to Commercial-Residential in order to facilitate the development. The Rental Housing Demolition application proposes to demolish two rental dwelling units within a detached house on the lands.

**Site Plan Control:** The development is subject to Site Plan Control. A Site Plan Control application was submitted on December 29, 2021 and is currently under review.

**Agency Circulation:** The application, together with the reports/studies submitted in support of the application, have been 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 standards.

## POLICY CONSIDERATIONS

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**Provincial Land-Use Policies:** All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement, and shall conform to provincial plans.

**Official Plan:** Mixed Use Areas. See Attachment 3 of this report for the Official Plan Land Use Map.

**Zoning:** The site has mixed zoning. The majority of the site is zoned CR 2.5 (c1.0; r2.0) SS2 (x2220) by City of Toronto Zoning By-law 569-2013. These mixed-use zones allow

for a wide range of residential, retail, and office uses. The maximum permitted height is 14 metres. The total maximum permitted density is 2.5 times the lot area, with a maximum of 1.0 times the lot area for commercial uses and 2.0 times the lot area for residential uses. A very small portion of the site is zoned R (d.06) (x737) which allows for low density residential uses and a maximum height of 11 metres. See Attachment No. 4 for the Zoning By-law map.

**Rental Housing Demolition and Conversion By-law:** This application involves the demolition of rental housing. Since the development site contains six or more residential units, of which at least one unit is rental housing, an application is required under Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant to obtain a permit from the City to demolish the existing rental housing units. The City may impose conditions on an approval that must be satisfied before a demolition permit is issued.

A Rental Housing Demolition application was submitted to the City and deemed complete on December 10, 2021.

### **Design Guidelines**

The following design guidelines have been used in the evaluation of this application:

- Mid-Rise Building Performance Standards and Addendum;
- Growing Up: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

### **Toronto Green Standard**

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.

## **COMMUNITY CONSULTATION**

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A Virtual Community Consultation Meeting was held on March 28, 2022 and was attended by 26 people. At the meeting City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format discussion. Comments and questions provided by the meeting attendees included:

- The overall height of the building and the rationale used for its justification;
- How well the proposal fits in with the surrounding area character;
- How this proposal is being considered in relation to the other recently approved developments in proximity;
- How the proposal transitions to the Neighbourhoods designated areas located to the south of the site;

- Whether the design of the proposal is reflective of the Junction area, and if materials should be changed to reflect this;
- Whether this portion of Dundas Street West should be utilized for this scale of development and if it is truly mixed use in nature;
- Whether the proposal will result in significant loss of healthy trees on adjacent properties; and
- What the construction impacts will be for neighbours and generally what other impacts may be on surrounding properties, including privacy, noise and overlook.

The issues raised through community consultation have been considered through the review of the application. Comments with respect to the proposed height, fit within the surround context, relationship to adjacent properties and Mixed Use designation are addressed in the Comments section below.

### **Statutory Public Meeting Comments**

In making their decision with regard to this application, Council members will have had an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Land Use**

The proposed residential use is acceptable and conforms to the applicable policies of the Official Plan. The commercial uses at the ground floor are also appropriate and conform to the Mixed Use Area policies of the Official Plan. The Official Plan states that development in Mixed Use Areas will be encouraged to 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.

### **Public Realm**

City Planning staff have reviewed the application in the context of the applicable public realm policies of the Official Plan as well as the relevant design guidelines that apply to this site and are satisfied that the proposal conforms with the applicable policies of the Official Plan. The proposed building will provide a 5.5 metre public realm from curb to building face as well as a 2.1 metre pedestrian clearway.

Sidewalk landscaping has also been proposed that includes new bicycle parking rings and the protection of three city-owned street trees in the public right-of-way. Taken together these building elements contribute to a high-quality public realm that is consistent with and meets the intent of the Official Plan.

## **Built Form**

City Planning staff find that the proposal conforms with the applicable Official Plan Policies with respect to built form and massing. Furthermore, the proposal meets the intent of the Mid-Rise Buildings Performance Standards and Addendum.

As it relates to Policy 4.5.2 of the Official Plan for lands designated Mixed Use Areas, the proposed development has been massed and located to provide transition between areas of different development intensity and scale. The proposed building would, contribute to the emerging pattern of mid-rise building approvals in close proximity to the site along the Dundas Street West. The proposed building has been designed to step down gradually to the lower-scale Neighbourhoods built form to the south of the site. In addition to this, the building has also been massed to frame the edges of the public street and generally maintains good building proportions with a design that ensures sunlight and provides comfortable wind conditions.

The proposed height of 8-storeys (29.5 metres, including mechanical penthouse) is appropriate for the site and fits with the existing and planned context. The massing is generally aligned with the heights of other developments that have been approved and are currently proposed in proximity of the site. The building has also been designed to provide a 7.5 metre setback to the rear lot line across the width of the site, with the exception of a pinch-point in the southwest corner. The rear yard setback is also coupled with a number of upper level setbacks across the rear face of the building to provide appropriate separation and transition in scale to the low-rise residential properties to the south.

The proposed building has also been designed with a height that is consistent with the City's Mid-Rise Building Performance Standards and Addendum. The proposed 5-storey, 16 metre streetwall achieves the Standard of 80% of the Dundas Street West right-of-way width and 2 metre setbacks have been incorporated on the east and west side of the proposal above the 6th storey in order to reduce the scale of the massing along Dundas Street West.

Staff have noted that the current design of the facade is comprised of concrete fins and thick blocks that are laid out in different directions to provide screening between the balconies. This will create the most prominent element of the overall building design, which will have significant impact on the character of the streetscape along Dundas Street West. Based on this, staff have recommended that particular attention be given to the design and materiality of this façade through the Site Plan Control process and that further work be undertaken to achieve a better balance between the residential character of the building and the references to the industrial background of the surrounding area.

## **Shadow Impact**

The shadow impact resulting from the proposal is acceptable. The proposal adequately limits shadow impacts on Neighbourhoods and the Dundas Street West public realm, particularly during the spring and fall equinoxes.

A sun/shadow study was prepared by the applicant to support the proposal and to assess the extent of the shadow from the proposed building on the spring and fall equinoxes (March 21 and September 21). During the equinoxes the proposal would cast no shadows onto the Neighbourhoods-designated lands to the north, south or southwest at any point throughout the day, with shadowing instead being limited to the Dundas Street West right-of-way and fronting properties. It is also noted that there is no shadow impact from the proposal on the nearby Malta Park to the east.

## **Wind Impact**

A Pedestrian Level Wind Study was submitted in support of the application. The study concludes that wind conditions on and around the site are expected to be suitable for the intended pedestrian uses on a seasonal basis. City Planning staff have reviewed the Pedestrian Level Wind Study and are satisfied with the assessment, conclusions, and recommendations contained within the study.

## **Rental Housing Demolition**

The Rental Housing Demolition application proposes to demolish two rental dwelling units within the existing buildings at 3251 Dundas Street West in order to construct the proposed 8-storey mixed-use building with a total of 88 new residential units. The two demolished rental housing units are not proposed to be replaced. In accordance with Official Plan policy 3.2.1.6, the existing rental units are not required to be replaced in the new development as fewer than six existing rental dwelling units are proposed to be demolished.

## **Tenant Relocation and Assistance Plan**

Policy 3.2.1.12 of the Official Plan states that new development that would have the effect of removing all or part of a private building or related group of buildings, and would result in the loss of one or more rental units or dwelling rooms, will not be approved unless an acceptable tenant relocation and assistance plan is provided to lessen hardship for existing tenants.

Tenant assistance will be provided to all eligible tenants residing in the two existing rental dwelling units, in order to lessen hardship caused by redevelopment of the subject site. The Tenant Relocation and Assistance Plan provides that for all eligible tenants, they will receive the following:

- At least six months' notice before having to vacate their existing dwelling unit;
- Financial compensation equal to three months' rent or an alternative unit acceptable to the tenant, as required under the Residential Tenancies Act, 2006 when a tenant receives a notice of termination to terminate their tenancy for the purposes of demolition;



- Financial compensation, above and beyond the requirements of the Residential Tenancies Act, 2006, in the form of a rent gap payment, where the rent gap would be calculated as the difference between the rent paid by a tenant on the date their tenancy is terminated and the most recent average rent for vacant private rental apartments by unit type in Canada Mortgage and Housing Corporation's ("CMHC") Rental Market Survey (RMS) Zone 4 – Toronto West, which encompasses the development site, over a 36-month period. The rent gap payments would assist tenants with affordable rents in transitioning to market rents;
- A moving allowance to cover expenses for moving into alternative accommodation;
- Special needs compensation for applicable tenants; and
- Upon request, make a rental leasing agent available to provide tenants with a list of rental vacancies in the neighbourhood, co-ordinate referrals and references from the current landlord, and provide similar assistance commensurate with tenant needs.

The tenant relocation and assistance plan is consistent with the City's current practices and will support tenants in continuing to access and afford accommodation within the neighbourhood. This plan will be secured through an agreement pursuant to Section 111 of the City of Toronto Act, 2006. The agreement shall be executed prior to the issuance of Preliminary Approval for the Rental Housing Demolition Permit.

### **Parkland**

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

### **Servicing and Stormwater Management**

The applicant has submitted a Functional Servicing and Stormwater Management Report, Civil and Utilities plans, a Hydrogeological Report and Geotechnical Study all in support of the subject application. Engineering and Construction Services (ECS) staff have reviewed the findings of these reports and have accepted the conclusions in support of the Zoning By-law Amendment application.

### **Traffic Impact, Access, Parking and Loading**

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. Transportation Services staff have reviewed the Transportation Impact Study and accepted its conclusions.

The proposal will provide for two levels of underground parking, which will accommodate a total of 59 parking spaces. Entry to the below grade parking will be provided from a ramp accessed from Dundas Street west located on the north east corner of the Site.

The proposed development will provide an overall total of 89 bicycle parking spaces including 9 short term bike spaces for visitors to the building. Resident bicycle parking is located on the first floor of underground parking and is accessed from both the parking ramp and the lobby. A bicycle repair station is also located in this room. Short term bicycle parking racks are also provided along Dundas Street West at the front of the building.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (the "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 TGS. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement.

The applicant is required to meet Tier 1 of the TGS. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner. Performance measures for the Tier 1 development features will be secured through the Site Plan Agreement.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS, the Growth Plan and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS and conforms with the Growth Plan. Furthermore, the proposed amendment to City's Official Plan will set a good precedent for future developments in proximity on other sites designated Mixed Use Areas. The proposed development has an appropriate built form and offers a positive relationship with the surrounding public realm. Planning staff recommend City Council approve the Zoning By-law Amendment and Rental Housing Demolition applications.

### **CONTACT**

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### **SIGNATURE**

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Willie Macrae, BA, MES, MCIP, RPP  
Acting Director, Community Planning, Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

Attachment 1: Location Map

Attachment 2: Application Data Sheet

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment

### **Applicant Submitted Drawings**

Attachment 6: Site Plan

Attachment 7a: 3D Model of the Proposal in Context Looking Northwest

Attachment 7b: 3D Model of the Proposal in Context Looking Southeast

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address: 3239 DUNDAS ST W Date Received: December 10, 2021

Application Number: 21 247109 STE 04 OZ

Application Type: Rezoning

Project Description: Zoning by-law amendment application for proposing an 8-storey mixed-use building having a non-residential gross floor area of 230 square metres, and a residential gross floor area of 7949 square metres. 88 residential dwelling units and 71 parking spaces are proposed.

Applicant	Agent	Architect	Owner
GAIRLOCH DEVELOPMENTS	ANDREW WOODS	BATAY-CSORBA ARCHITECTS	2840007 ONTARIO LIMITED

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N/A

Zoning: CR 2.5 (c1.0; r2.0) SS2 (x2220); R (d.06) (x737)

Heritage Designation: N

Height Limit (m): 14 M; 11 M

Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,963 Frontage (m): 46 Depth (m): 43

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,132	1,132
Residential GFA (sq m):	713		7,949	7,949
Non-Residential GFA (sq m):			230	230
Total GFA (sq m):	713		8,179	8,179
Height - Storeys:	3		8	8
Height - Metres:			29	29

Lot Coverage Ratio (%): 57.67 Floor Space Index: 4.17

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	7,949	
Retail GFA:	230	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	2			
Freehold:	6			
Condominium:			88	88
Other:				
Total Units:	8		88	88

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	1	30	48	9	
Total Units:	1	30	48	9	

Parking and Loading

Parking Spaces:	59	Bicycle Parking Spaces:	89	Loading Docks:	1
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CONTACT:

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Patrick.Miller@toronto.ca

Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #17

3239-3251 Dundas Street West

File # 21 247109 STE 04 02

-  Location of Application
-  Neighbourhoods
-  Mixed Use Areas
-  Parks
-  Institutional Areas
-  Utility Corridors
-  Core Employment Areas

  
 Not to Scale  
 Extracted: 12/13/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

3239-3251 Dundas Street West

File # 21 247109 STE 04 02

-  Location of Application
- R** Residential
- CR** Commercial Residential
- E** Employment Industrial
- O** Open Space
- OR** Open Space Recreation
- UT** Utility and Transportation

-  See Former City of Toronto By-law No. 438-86
- R2** Residential District

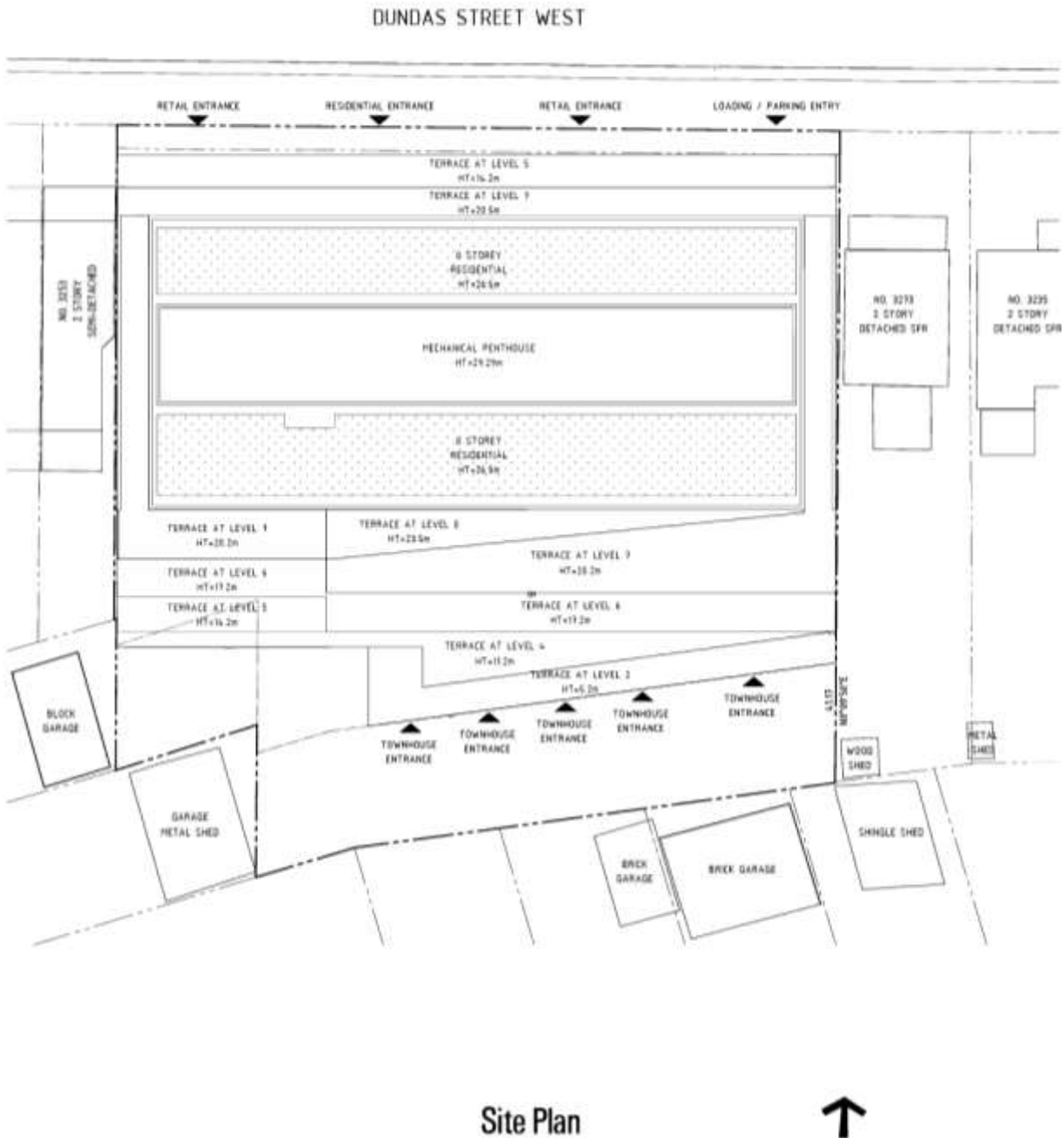
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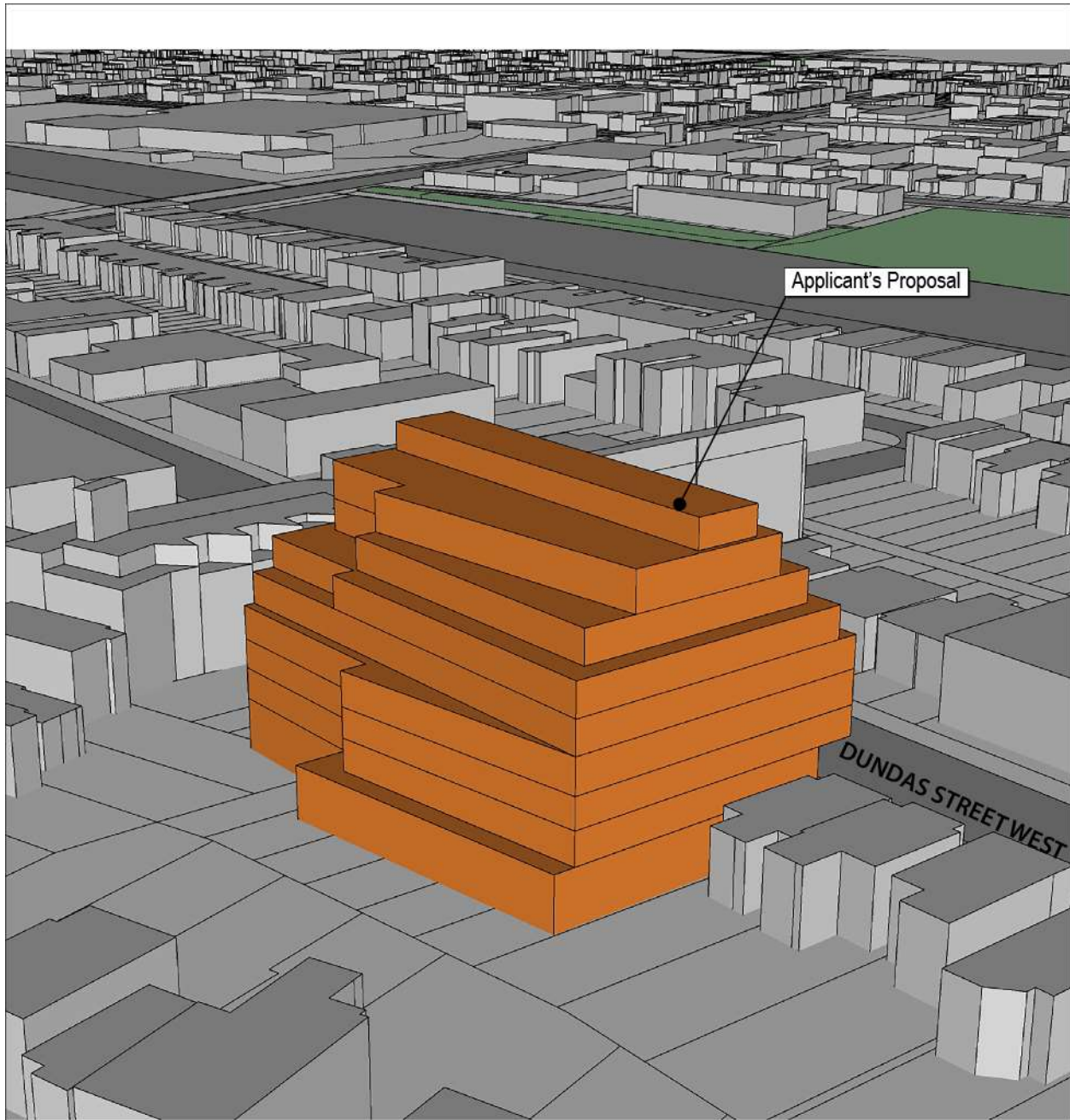
## Attachment 5: Draft Zoning By-law Amendment

The draft Zoning By-law Amendment will be made available on or before the May 24, 2023 Toronto and East York Community Council.

Attachment 6: Site Plan



Attachment 7a: 3D Model of the Proposal in Context Looking Northwest

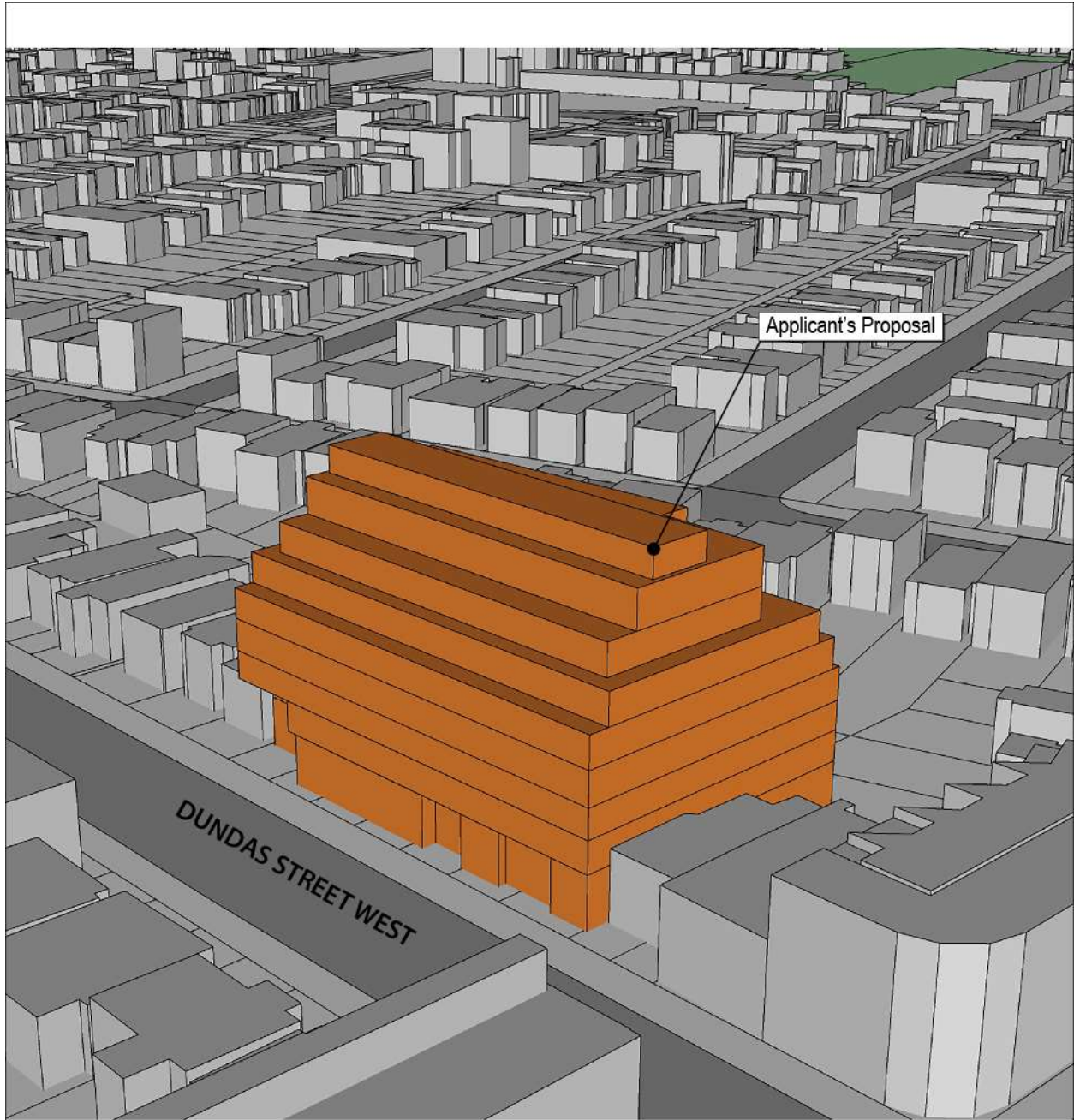


**View of Applicant's Proposal Looking Northwest**



03/23/2023

Attachment 7b: 3D Model of the Proposal in Context Looking Southeast



**View of Applicant's Proposal Looking Southeast**



03/23/2023