

## **3 Swift Drive –Supplemental Report - Zoning By-law Amendment and Rental Housing Demolition Applications - Approval**

Date: February 6, 2024

To: City Council

From: Interim Chief Planner & Executive Director, City Planning

Wards: 16 - Don Valley East

**Planning Application Number:** 21 251397 NNY 16 OZ

**Rental Housing Application Number:** 21 251400 NNY 16 RH

**Related Application Number:** 21 251396 NNY 16 SA

### **SUMMARY**

---

This Report provides an update to Council regarding City Planning's negotiations for increased parking provisions for the existing tenants in accordance with item NY10.5 at the January 24, 2024, meeting of North York Community Council.

The Decision Report from the Director of Community Planning, North York District, regarding a Zoning By-law Amendment and Rental Housing Demolition applications that proposes to demolish the existing 4-storey residential building at 3 Swift Drive and redevelop the lands with 35-storey (112 metre) and 31-storey (100 metre) towers connected by a 7-storey (27 metre) podium recommended approval.

On January 24, 2024, North York Community Council held a statutory public meeting and forwarded the Decision Item NY10.5 to City Council without recommendations. North York Community Council also directed the following:

1. The North York Community Council request City Planning to further negotiate for increased parking provisions for the existing tenants towards the goal that each current tenant that currently has a parking spot would get at least one spot should they return to the building.

This Supplementary Report also provides additional information on consistency with the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (August 28, 2020 Consolidation) as it relates to Chimney Swift habitat at 3 Swift Drive.

The applicant was not agreeable to increased parking provisions for the existing tenants as indicated in the motion at North York Community Council but has alternatively agreed to increasing the move-out notice period and increasing the move-out allowance. As item NY10.3 proceeded to Council without Recommendations the

recommendations in this Supplementary Report are proposed to ensure that the lands are rezoned, public parkland is acquired, and replacement rental housing with appropriate compensation including the additional compensation contained in this report is secured.

## **RECOMMENDATIONS**

---

The Interim Chief Planner and Executive Director, City Planning recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 3 Swift Drive substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 1 to this Report from the Interim Chief Planner and Executive Director, City Planning dated February 6, 2024.
2. City Council authorize the City Solicitor to make such stylistic and technical changes to the Zoning By-law Amendment as may be required.
3. City Council approve that in accordance with Section 42 of the Planning Act prior to the first above grade building permit, the Owner shall convey to the City, an on-site parkland dedication, having a minimum size of 518.9 square metres, to the satisfaction of the General Manager, Parks, Forestry and Recreation and the City Solicitor.
4. City Council approve the acceptance of on-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition
5. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation ("PFR"). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.
6. City Council approve the Rental Housing Demolition application File No. 21 251400 NNY 16 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of sixty one (61) existing rental dwelling units at 3 Swift Drive, subject to the following conditions:
  - a. The owner shall provide and maintain sixty-one (61) replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied. During such 20-year period, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement. The sixty one (61) replacement rental dwelling units shall be comprised of forty (40) one-bedroom units, twenty (20) two-bedroom units and one (1) three-bedroom

unit, and shall collectively have a total gross floor area of at least 3,979.5 square metres, as generally illustrated in the plans submitted to the City Planning Division dated July 19, 2023, with any revision to these plans being to the satisfaction of the Chief Planner and Executive Director, City Planning Division;

b. the owner shall, as part of the sixty one (61) replacement rental dwelling units required in Recommendation 6.a above, provide at least thirty-four (34) one-bedroom, nineteen (19) two-bedroom, and one (1) three-bedroom replacement rental dwelling units at affordable rents, one (1) one-bedroom unit at mid-range (affordable) rents, and five (5) one-bedroom and one (1) two-bedroom rental units at mid-range (moderate) rents, as currently defined in the Toronto Official Plan, all for a period of at least ten (10) years beginning from the date of first occupancy of each unit.

c. the owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the sixty-one (61) existing rental dwelling units proposed to be demolished at 3 Swift Drive, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Interim Chief Planner and Executive Director, City Planning Division;

d. the owner shall provide tenants of all sixty-one (61) replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed development at no extra charge, and on the same terms and conditions as any other resident of the development, without the need to pre-book or pay a fee unless specifically required as a customary practice for private bookings;

e. the owner shall provide ensuite laundry in each replacement rental dwelling unit within the proposed development at no extra charge;

f. the owner shall provide central air conditioning in each replacement rental dwelling unit within the proposed development at no extra charge;

g. the owner shall provide and make available for rent at least fifteen (15) vehicle parking spaces to tenants of the replacement rental units. Such vehicle parking spaces shall be made available: firstly, to returning tenants whose lease agreements for their existing rental units included access to a vehicular parking space, at no charge; secondly, to returning tenants who held parking agreements in the existing building for access a vehicular parking space, at the same monthly parking charges that such tenants previously paid; thirdly, to returning tenants who did not previously rent a vehicle parking space, on the same terms and conditions as any other resident of the development; and fourthly to new tenants of the replacement rental units on the same terms and conditions as any other resident of the development;

h. the owner shall provide tenants of the replacement rental dwelling units with access to all bicycle and visitor vehicular parking at no charge and on the same terms and conditions as any other resident of the development;

i. the replacement rental dwelling units required in Recommendation 6. a. above shall be made ready and available for occupancy no later than the date by which seventy percent (70%) of the new dwelling units in the proposed development, exclusive of the replacement rental units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Interim Chief Planner and Executive Director, City Planning Division; and,

j. the owner shall enter into, and register on title to the lands at 3 Swift Drive, an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in Recommendation 6. a. through 6. i. above, all to the satisfaction of the City Solicitor and the Interim Chief Planner and Executive Director, City Planning Division, prior to issuance of Notice of Approval Conditions for site plan approval by the Interim Chief Planner and Executive Director, City Planning or their designate pursuant to Section 114 of the City of Toronto Act, 2006.

7. City Council authorize the Interim 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 sixty one (61) rental dwelling units at 3 Swift Drive after all the following have occurred:

a. all conditions in Recommendation 6 above have been fully satisfied and secured;

b. the Zoning By-law Amendment has come into full force and effect;

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

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

e. the owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant.

8. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Interim Chief Planner and Executive Director, City Planning has given the Preliminary Approval referred to in Recommendation 7 above.

9. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 3 Swift Drive after the Interim Chief Planner and Executive Director, City Planning Division has given the Preliminary Approval referred to in Recommendation 7 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;

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 four (4) years from the date on which the demolition of the existing rental dwelling units commences, subject to the time frame being extended at the discretion of the Interim Chief Planner and Executive Director, City Planning; and,

d. should the owner fail to complete the proposed development within the time specified in Recommendation 9. 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 twenty thousand dollars (\$20,000.00) 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.

10. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to, at its sole cost and expense:

a. submit a revised Functional Servicing Report and Stormwater Management Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

b. has secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure to support the development identified in the accepted Engineering Reports, in a municipal infrastructure agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development, according to the accepted Engineering Reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water.

11. City Council request the Interim Chief Planner and Executive Director, City Planning to secure the following on the plans and drawings as part of the site plan control application and as part of the site plan agreement to the satisfaction of Interim Chief Planner and Executive Director, City Planning:

a. the provision of a public access easement, at no cost or expense to the City, from the Owner in favour of the City in perpetuity, including any rights of support as may be necessary, for public pedestrian and vehicular use of the east/west private driveway for a minimum width of 6.0 metres, to the satisfaction of the Interim Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services and the City Solicitor; and

b. the privately owned publicly-accessible space ("POPS"), having an approximately area of 268 square metres at grade at the southern end of the site fronting Eglinton

Avenue East, with the specific design of the POPS and any associated easements, at no cost or expense to the City, to provide public access (where appropriate) to be determined as part of the Site Plan Approval process for this site, to the satisfaction of the Interim Chief Planner and Executive Director, City Planning.

12. City Council authorize the City Solicitor and any other City staff to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 agreement and other related agreements.

## **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 Decision Report from the Director of Community Planning, North York District was considered by North York Community Council on February 3, 2022. The Decision Report is available at the following link:

[www.toronto.ca/legdocs/mmis/2024/ny/bgrd/backgroundfile-241982.pdf](http://www.toronto.ca/legdocs/mmis/2024/ny/bgrd/backgroundfile-241982.pdf)

North York Community Council forwarded Decision Item NY10.5 to City Council without Recommendations. The Decision of North York Community Council may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.NY10.5>.

## **COMMENTS**

---

### **Increased Parking Provisions for Existing Tenants**

At the January 24, 2024, meeting North York Community Council requested City Planning to further negotiate for increased parking provisions for the existing tenants towards the goal that each tenant that currently has a parking spot would get at least one spot should they return to the building.

Staff have discussed increased parking provisions for the existing tenants but the applicant was not agreeable to such an arrangement. In a letter dated January 26, 2024, the applicant proposed alternative compensation above the requirements required under the Rental Housing Demolition and Replacement process including:

- increasing the notice period to a minimum of 8-months for all eligible tenants; and
- increasing the move-out allowance for all tenants for a total of \$2,500 or \$3,500, depending on unit type.

The applicant has agreed to provide tenant relocation and assistance to all eligible tenants, all to the satisfaction of the Interim Chief Planner and secured through a Section 111 Agreement with the City. The tenant relocation and assistance plan addresses the right of existing eligible tenants to return to a replacement rental dwelling

unit at similar rents and financial compensation to lessen hardship. The additional move-out allowance and increased notice proposed by the applicant is in addition to the City's standard practices for a tenant relocation and assistance plan. In the event Council approves the Zoning By-law amendment and the Rental Housing Demolition applications the additional compensation indicated above can be secured through legal agreements with the City.

### **Chimney Swift**

The Decision Report advised that there was a presence of birds called Chimney Swifts which are federally protected under the *Species at Risk Act* and the *Migratory Birds Convention Act*. The chimney swift is also a threatened species under Ontario's *Endangered Species Act*. The applicant retained consultants to ensure that any work within chimney swift habitat is compliant with applicable legislation and is consistent with provincial policies and the City's Official Plan.

The Ontario Ministry of Environment, Conservation and Parks (MECP) has advised that the process for compliance for undertaking any work within chimney swift habitat is a proponent driven process in accordance with Ontario Regulation 242/08 made under the *Endangered Species Act*. Policy 2.17 of the Provincial Policy Statement (2020) stipulates that development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements. Policy 3.4.15(b) of the City's Official Plan provides similar policy direction.

The applicant's qualified experts Aboud and Associates have provided a draft Chimney Swift Mitigation and Restoration Record dated February 1, 2024, as part of the process to comply with the regulatory and policy requirements. The applicant has advised staff that they will ensure that any work proposed within Chimney Swift habitat is in accordance with provincial and federal requirements and will be consistent with the Provincial Policy Statement (2020) and the City's Official Plan.

### **CONTACT**

---

Derrick Wong, Senior Planner  
Tel. No. (416) 392-0776  
E-mail: [derrick.wong@toronto.ca](mailto:derrick.wong@toronto.ca)

Andrew Cohrs, Planning (SIPA Housing)  
Tel. No. (416) 392-4730  
E-mail: [andrew.cohrs@toronto.ca](mailto:andrew.cohrs@toronto.ca)

### **SIGNATURE**

---

Kerri A. Voumvakis  
Interim Chief Planner & Executive Director  
City Planning

## Attachment 1: Draft Zoning By-law Amendment



