

3140, 3170, and 3180 Dufferin St and 60 and 68 Apex Rd – Official Plan Amendment, Zoning Amendment, Subdivision, and Site Plan Applications – Appeal Report

Date: October 9, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Wards: Ward 8 - Eglinton-Lawrence

Planning Application Numbers for 3140-3170 Dufferin Street and 60-68 Apex Road: 23 164435 NNY 08 OZ, 23 164446 NNY 08 SA, 21 203752 NNY 08 OZ, and 21 203753 NNY 08 SB

Planning Application Numbers for 3180 Dufferin Street: 24 113657 NNY 08 OZ, 21 121792 NNY 08 OZ, 21 250652 NNY 08 SA, and 21 121793 NNY 08 SB

SUMMARY

3140 & 3170 Dufferin Street and 60 & 68 Apex Road

On August 21, 2021, applications for Zoning By-law Amendment (21 203752 NNY 08 OZ) and Draft Plan of Subdivision (21 121793 NNY 08 SB) were submitted at 3140 & 3170 Dufferin Street and 60 & 68 Apex Road (“Dufferin Plaza”) to permit a 9-storey residential building (31.4 metres excluding mechanical penthouse) and an 11-storey mixed use building (38.1 metres excluding mechanical penthouse) with a total of 606 residential dwelling units and 1,502 square metres of retail uses at grade. A 2,046 square metre park was proposed at the southwest corner of the site. The applications were deemed complete on September 13, 2021.

On June 28, 2023, applications for Official Plan Amendment (23 164435 NNY 08 OZ) and Site Plan Control (23 164446 NNY 08 SA) were submitted to permit 22, 24, and 26-storey residential and mixed use buildings (71.9 metres, 78.4 metres, and 84.6 metres respectively, excluding mechanical penthouse) with 4-9 storey podiums and a total of 1,062 residential units and 1,215 square metres of retail uses at grade. The park was revised to 2,030 square metres and moved to the northwest corner of the site. The Site Plan Control application was deemed complete on June 29, 2023 and the Official Plan Amendment application was deemed complete on March 6, 2024.

On July 19, 2024, the applicant appealed the Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control applications to the Ontario Land Tribunal (“OLT”) due to Council, or its delegate, as the case may be, not making a

decision within the prescribed time frame specified in the Planning Act (the “Appeals”). A Case Management Conference was held on September 25, 2024. The OLT has directed the parties to finalize a Procedural Order with Issues List before the second Case Management Conference scheduled for November 28, 2024.

3180 Dufferin Street

On March 1, 2021, applications for Zoning By-law Amendment (21 121792 NNY 08 OZ), Draft Plan of Subdivision (21 121793 NNY 08 SB), and Site Plan Control (21 250652 NNY 08 SA) were submitted for 3180 Dufferin Street (“Dean Myers GM”) to permit a 7-storey residential building (24.8 metres excluding mechanical penthouse) and a 10-storey mixed use building (33.6 metres excluding mechanical penthouse) with a total of 555 residential dwelling units and 1,464 square metres of retail uses at grade. A 1,448 square metre park and 724 square metre Privately Owned Public Space (POPS) were proposed at the southwest corner of the site. The applications were deemed complete on April 1, 2021.

On February 9, 2024, an application to amend the Official Plan (24 113657 NNY 08 OZ) was submitted to permit 18, 20, 23, and 25-storey residential and mixed use buildings (58.0 metres, 64.1 metres, 74.0 metres, and 79.9 metres respectively, excluding mechanical penthouse) with 6-9 storey podiums and a total of 1,180 residential units and 1,490 square metres of retail uses at grade. The park and POPS were revised to 1,630 square metres and 656 square metres respectively. The application was deemed complete on May 24, 2024.

On September 23, 2024, the applicant appealed the Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Plan Control applications to the Ontario Land Tribunal (“OLT”) due to Council not making a decision within the prescribed time frame specified in the Planning Act (the “Appeals”). A Case Management Conference has not yet been scheduled for these appeals. Given the related nature of this site with the Dufferin Plaza site, the OLT has indicated that it open to the possibility of coordinating the timing of the first CMC for these applications with the second CMC for the applications related to Dufferin Plaza, once an OLT File Number has been assigned.

The applications at 3140 & 3170 Dufferin Street and 60 & 68 Apex Road and the applications at 3180 Dufferin Street have been submitted by the same ownership group and function as a coordinated development proposal. As such, this report provides recommendations for all of these applications.

This report recommends that City Council instruct the City Solicitor with the appropriate City staff to attend the OLT hearing in opposition to the proposal in its current form, and to continue discussions with the applicant to try to resolve the issues in advance of the hearing.

RECOMMENDATIONS

The Director, Community Planning, North York District recommends that:

1. City Council authorize the City Solicitor and appropriate City staff to attend at the Ontario Land Tribunal hearing in opposition to the proposals in their current form, and to continue discussions with the applicant to address outstanding issues in advance of the hearing, including but not limited to those outlined in this report.
2. In the event the Tribunal allows the appeals for 3140 & 3170 Dufferin Street and 60 & 68 Apex Road, in whole or in part, City Council authorize the City Solicitor to request the Ontario Land Tribunal withhold its final Order approving the Official Plan Amendment, Zoning By-law Amendment, draft Plan of Subdivision, and Site Plan Control until such time as the City Solicitor confirms that:
 - a) the final form and content of the draft Official Plan Amendment and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has satisfactorily addressed matters from Engineering and Construction Services as contained in the Engineering and Construction Services Memorandum dated May 7, 2024, and any outstanding issues raised by Engineering and Construction Services, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) the owner has submitted updated Phase Two Environmental Site Assessment Report, Hydrological Review Summary, Hydrogeological Investigation, Preliminary Geotechnical Investigation, Servicing Report Groundwater Summary, and Functional Servicing & Stage 1 Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d) the owner has made satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement 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 Chief Engineer and Executive Director of Engineering and Construction Services;
 - e) the owner has satisfactorily addressed the Transportation Services matters in the Engineering and Construction Services Memorandum dated May 7, 2024, and any outstanding issues raised by Transportation Services, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the General Manager, Transportation Services;

- f) the owner has submitted updated Urban Transportation Considerations Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - g) the owner has satisfactorily addressed matters from the Tree Protection and Plan Review, Urban Forestry Memorandum dated April 12, 2024, and any outstanding issues raised by Urban Forestry, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the General Manager, Parks, Forestry & Recreation;
3. Should it be determined that upgrades are required to the infrastructure to support the development at 3140 & 3170 Dufferin Street and 60 & 68 Apex Road according to the accepted Functional Servicing & Stage 1 Stormwater Management Report, the City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
 4. City Council accept an on-site parkland dedication at 3140 & 3170 Dufferin Street and 60 & 68 Apex Road, pursuant to Section 42 of the Planning Act, having a minimum size of 1,347 square metres, subject to the owner transferring the parkland to the City prior to the issuance of the first above grade building permit, free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management;
 5. City Council approve a development charge credit at 3140 & 3170 Dufferin Street and 60 & 68 Apex Road 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. In the event the Tribunal allows the appeals for 3180 Dufferin Street, in whole or in part, City Council authorize the City Solicitor to request the Ontario Land Tribunal withhold its final Order approving the Official Plan Amendment, Zoning By-law Amendment, draft Plan of Subdivision and Site Plan Control until such time as the City Solicitor confirms that:
- a) the final form and content of the draft Official Plan Amendment and Zoning By-law amendments are to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the owner has satisfactorily addressed matters from Engineering and Construction Services as contained in the Engineering and Construction Services Memorandum dated August 30, 2024, and any outstanding issues raised by Engineering and Construction Services, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - c) the owner has submitted updated Phase One Environmental Site Assessment, Phase Two Environmental Site Assessment, Preliminary Geotechnical Investigation, Hydrogeological Assessment Report; Conceptual Site Servicing Plan, Conceptual Site Grading Plan, Subsurface Utility Engineering Study, and Functional Servicing and Stage 1 Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - d) the owner has made satisfactory arrangements with Engineering and Construction Services and enter into the appropriate agreement 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 Chief Engineer and Executive Director of Engineering and Construction Services;
 - e) the owner has satisfactorily addressed the Transportation Services matters in the Engineering and Construction Services Memorandum dated August 30, 2024, and any outstanding issues raised by Transportation Services, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the General Manager, Transportation Services;
 - f) the owner has submitted updated Urban Transportation Considerations Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - g) the owner has satisfactorily addressed matters from the Tree Protection and Plan Review, Urban Forestry Memorandum dated September 9, 2024, and any outstanding issues raised by Urban Forestry, arising from the ongoing technical

review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the General Manager, Parks, Forestry & Recreation;

- h) the owner has satisfactorily addressed matters from the Transportation Planning email dated August 26, 2024, any outstanding issues raised by Transportation Planning, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the Chief Planner and Executive Director, City Planning; and
 - i) the owner has satisfactorily addressed matters from the Toronto Transit Commission (TTC) Memorandum dated August 19, 2024, any outstanding issues raised by the TTC, arising from the ongoing technical review (including provision of acceptable reports and studies), as they relate to the subject applications to the satisfaction of the TTC;
7. Should it be determined that upgrades are required to the infrastructure to support the development at 3180 Dufferin Street according to the accepted Functional Servicing & Stage 1 Stormwater Management Report, the City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, including entering into appropriate agreement(s) with the City for required mitigation, as well as the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
8. City Council accept an on-site parkland dedication at 3180 Dufferin Street, pursuant to Section 42 of the Planning Act, having a minimum size of 1,427.8 square metres, subject to the owner transferring the parkland to the City prior to the issuance of the first above grade building permit, 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; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management;
9. City Council approve a development charge credit at 3180 Dufferin Street 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;

10. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The Development Review 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.

SITE AND SURROUNDING AREA

Description: The two development sites are adjacent to each other, and together are generally rectangular in shape and have a total approximate area of 31,696 square metres, with an approximate frontage of 171.3 metres on Dufferin Street, 158.1 metres on Apex Road, and 182.8 metres on Samor Road.

Existing Uses: A commercial plaza including an office supply store, restaurants, a bank, and other retail tenants, and a vacant car dealership.

Surrounding uses include:

North: Samor Road, commercial and employment uses including a retail plaza and a 5-storey office building.

East: Dufferin Street, commercial uses along the east side of Dufferin Street, and low density residential uses to the east.

South: Apex Road and commercial and employment uses including the Yorkdale Ford vehicle dealership.

West: Employment uses.

THE APPLICATION

Description

	3140 & 3170 Dufferin St and 60 & 68 Apex Rd (Dufferin Plaza)	3180 Dufferin St (Dean Myers GM)
Number of Development Blocks	2	2
Height:	<ul style="list-style-type: none"> • 22 storeys (71.9 metres plus a 6.0-metre mechanical penthouse) • 24 storeys (78.4 metres plus a 6.0-metre mechanical penthouse) • 26 storeys (84.6 metres plus a 6.0-metre mechanical penthouse) 	<ul style="list-style-type: none"> • 18 storeys (57.95 metres plus a 6.0-metre mechanical penthouse) • 20 storeys (64.05 metres plus a 6.0-metre mechanical penthouse) • 23 storeys (74.0 metres plus a 6.0-metre mechanical penthouse) • 25 storeys (79.9 metres plus a 6.0-metre mechanical penthouse)
Gross Floor Area: <ul style="list-style-type: none"> • Residential GFA • Non-residential GFA 	81,484 square metres <ul style="list-style-type: none"> • 79,994 square metres • 1,490 square metres 	76,430 square metres <ul style="list-style-type: none"> • 75,715 square metres • 1,215 square metres
Floor Space Index:	5.0	5.0
Unit count: <ul style="list-style-type: none"> • Studio • 1-bedroom • 2-bedroom • 3-bedroom 	1,062 <ul style="list-style-type: none"> • 19 (2%) • 588 (55%) • 340 (32%) • 115 (11%) 	1,180 <ul style="list-style-type: none"> • 64 (5%) • 694 (59%) • 303 (26%) • 119 (10%)
Vehicle Parking Spaces (residential:visitor):	506 (399:107)	481 (305:176)
Bicycle Parking Spaces (long-term:short-term):	872 (794:78)	1,159 (1,058:101)

	3140 & 3170 Dufferin St and 60 & 68 Apex Rd (Dufferin Plaza)	3180 Dufferin St (Dean Myers GM)
Amenity Space (total):	5,217 square metres (4.9 square metres per dwelling unit)	4,624 square metres (3.9 square metres per dwelling unit)
<ul style="list-style-type: none"> Outdoor amenity space Indoor amenity space 	<ul style="list-style-type: none"> 2,757 square metres (2.6 square metres per dwelling unit) 2,460 square metres (2.3 square metres per dwelling unit) 	<ul style="list-style-type: none"> 2,182 square metres (1.8 square metres per dwelling unit) 2,460 square metres (2.1 square metres per dwelling unit)

See Attachments 1-17 of this report for a location map, Application Data Sheets, three dimensional representations of the projects in context and site plans of the proposals. The Application Data Sheets contain additional details on the proposal including: site area and dimensions, floor area, unit breakdowns, and parking counts.

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

Reasons for Applications

The applications propose to amend the Official Plan and Dufferin Street Secondary Plan to create site-specific policies to allow buildings up to 26 storeys. The applications also propose to amend Zoning By-law No. 569-2013, to vary performance standards including but not limited to number of dwelling units, gross floor area, parking spaces, building height, and building setbacks. Additional amendments to the Official Plan and the Zoning By-laws may be identified as part of the application review.

The proposed draft Plans of Subdivision would facilitate the creation of four development blocks, two park blocks, two street blocks, and a road widening block as described in the tables below. The two park blocks will form one public park. The two street blocks will combine to form the north-south public street. A 1.9 metre road widening is located along the Dufferin Street frontage of 3180 Dufferin Street.

3140 & 3170 Dufferin St and 60 & 68 Apex Rd (Dufferin Plaza)

Land Use	Blocks	Area (hectares)
Development Blocks	Block 1-2	1.159
Park	Block 3	0.203
Road	Street 'A'	0.177

3180 Dufferin Street (Dean Myers GM)

Land Use	Blocks	Area (hectares)
Development Blocks	Blocks 1-2	1.286
Park	Block 3	0.163
Road	Street 'A'	0.165
Road Widening	Block 4	0.017

Applications for Site Plan Control has also been submitted under files 23 164446 NNY 08 SA for 3140-3170 Dufferin Street and 21 250652 NNY 08 SA for 3180 Dufferin Street. The Site Plan applications have been appealed.

POLICY CONSIDERATIONS

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 (2020) (PPS (2020)), and shall conform to provincial plans including A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) (Growth Plan (2020)), the Greenbelt Plan and others.

On October 20, 2024 the Provincial Planning Statement (2024) comes into effect and combines the PPS (2020) and the Growth Plan (2020) into a single policy document. As of October 20, 2024, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS (2024) and shall conform to provincial plans including the Greenbelt Plan (2017) and others.

Official Plan Designation: On Map 17 of the Official Plan, both sites are designated *Mixed Use Areas*. On Map 36-4 of the Dufferin Street Secondary Plan (DSSP), both sites are designated *Mixed Use Areas*.

Zoning: Under Former City of North York Zoning By-law no. 7625, Dufferin Plaza is zoned Industrial-Commercial MC(38)(H) and Dean Myers GM is zoned Industrial-Commercial MC(H).

Additional information on the Official Plan and the Zoning By-law can be found in Attachments 4-9.

COMMUNITY CONSULTATION

A virtual Community Consultation Meeting (CCM) for 3140 & 3170 Dufferin Street (Dufferin Plaza) was hosted by City staff on May 29, 2024.

A virtual Community Consultation Meeting (CCM) for 3180 Dufferin Street (Dean Myers GM) was hosted by City staff on August 15, 2024.

Members of the public and the Office of the Ward Councillor participated in the CCMs, resulting in the following comments on the proposed developments:

- Question about new and improved cycling infrastructure and design considerations to accommodate bike share stations;
- Question about measures to improve pedestrian safety;
- Feasibility of including wider sidewalks, cycling infrastructure, and TTC queue jump lanes within the Dufferin Street right of way;
- Question about vacancies in existing commercial units in the area;
- Question about the tenure of the proposed buildings;
- Concern about traffic congestion on Dufferin Street;
- Question about the density of the development and the permitted density in the DSSP;
- Question about mid-rise buildings and the proposed building exceeding mid-rise heights;
- Question about plans for electric vehicle charging stations;
- Question about food service tenants in the retail spaces;
- Question about the number of parking spaces for cars and bikes;
- Question about future traffic signals at the intersection of Dufferin Street and Samor Road; and
- Concern that there appears to be too little green space.

COMMENTS

Provincial Planning Framework

Planning staff have reviewed the application submitted to the City against the policies of the Provincial Policy Statement (2020), the Provincial Policy Statement (“PPS”) (2024), and the Growth Plan (2020).

The PPS and the Growth Plan direct that Planning Authorities identify appropriate locations for future growth, including areas for intensification and redevelopment. These areas are typically known as Strategic Growth Areas under the Growth Plan and are made up of Urban Growth Centres, Major Transit Station areas, etc., or designated Growth Areas under the PPS. The Planning Authority’s role is to identify these areas, plan for its future growth, ensure that there are the necessary infrastructure and public service facilities available long term, and develop appropriate development standards for future implementation reflective of the local context.

The PPS directs that Planning Authorities promote economic development and competitiveness by providing a mix and range of employment uses, providing opportunities for a diversified economic base, and addressing land use compatibility by providing an appropriate transition to sensitive land uses. The PPS states that development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term viability of employment uses.

The built context of the Secondary Plan area is generally low-rise and mid-rise, with tall buildings at the intersection of Lawrence Avenue West and Dufferin Street, and near Hwy 401 and Dufferin Street. The site is located along a major street with a frequent service TTC bus route and in a designation that directs for infill development. Employment lands are adjacent to the Subject Lands to the west. Given the provincial policy framework, Staff and peer review partners are currently evaluating the transition between the existing employment uses and the proposed residential uses.

The PPS directs that Planning Authorities plan for sewage and water services that accommodate forecasted growth, promote efficient use and optimization of existing municipal services, and integrate water and energy conservation and efficiency. Stormwater management is to be integrated with planning for sewage and water systems. As noted in the Servicing Section below, the proposal has not demonstrated sufficient servicing capacity to support the developments.

Land Use

The Subject Lands are designated *Mixed Use Areas* by the Dufferin Street Secondary Plan (“DSSP”). The *Mixed Use Areas* designation provides for a variety of land uses including residential and commercial uses. Both Dufferin Plaza and Dean Myers GM form Block 7 in the DSSP.

The DSSP provides for mid-rise residential buildings along Dufferin Street and encourages at-grade retail. Low-rise buildings such as townhouses are directed towards the westerly portion of Block 7. The maximum height of a mid-rise building is the width of the street right-of-way, which is 30 metres for Dufferin Street. The DSSP does not provide for tall buildings at this location. The applicant has not demonstrated that the proposed tall buildings on these lands are appropriate.

The maximum Floor Space Index (FSI) is 2.5. The proposal for tall buildings at a combined density of 5.0 FSI has not been demonstrated to be appropriate for these lands given the comments contained in this report. As stated in the Servicing and Stormwater Management section of this report, the submitted plans have not demonstrated that there is adequate existing servicing capacity to accommodate the proposed development.

The PPS (2024) states that on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses. The DSSP requires new residential uses adjacent to Employment Areas to have a minimum building setback of 20 metres from the mutual property line to protect employment areas as important areas for business and minimize adverse effects between employment

uses and sensitive uses, including residential. Residential development is proposed within the 20 metre buffer from employment lands on both development sites, including a 6-storey base building with a setback of 7.0 metres and a 25-storey building with a setback of 11.4 metres. Compatibility studies were submitted for both sites and are currently undergoing a peer review process. At the time of writing the report, the proposed proximity of residential uses to the adjacent employment uses have not been substantiated as being appropriate. Further issues may be identified through this review.

Block 7 Framework

Both Dufferin Plaza and Dean Myers GM form Block 7 in the DSSP. Map 36-3 includes a network of new public streets that will provide porosity through the Block. A required east-west public street is located splitting the two sites and is partially on each. This is not shown as a public street on the submitted Draft Plans of Subdivision. In addition, a portion of the underground parking on the Dufferin Plaza site is proposed to be under the street right-of-way. A public street at this location should be reinstated with no underground building levels under it.

Built Form and Site Organization

Planning staff have reviewed the proposed site organization and built form, including height, massing and transition-in-scale, against the policies of the Official Plan and relevant design guidelines.

The DSSP states that Dufferin Street will develop an identity as an urban main street and landscaped promenade forming a vibrant pedestrian realm. Public streets and the pedestrian realm will form a primary setting for community life. Transition in height to lower scale employment areas are to be achieved with low-rise buildings such as townhouses.

The applicant submitted a Block Context Plan and an Avenue Segment Study for each development site on the Subject Lands in support of the proposed amendments. The reports detailed a development scenario where the Subject Lands and the rest of the properties along the west side of Dufferin Street between Lawrence Avenue and Orfus Road would be suitable for tall buildings, including 13 tall buildings in areas where the DSSP provides for mid-rise and low-rise development. This differs from the overall vision of the DSSP for the Dufferin Street corridor. However, there may be some opportunities for strategically located tall buildings provided that they are generally in keeping with the objectives of the DSSP and do not adversely affect the public realm in terms of pedestrian perception and shadow, wind, and visual impacts. All buildings should be designed with an improved transition in height and massing towards Dufferin Street to limit these impacts. The proposed built form presently does not conform with this policy intent and should be revised.

The DSSP provides for streetwall heights of no more than 20 metres along Dufferin Street and of no more than 16 metres fronting onto the local streets with 20 metre rights-of-way, to establish a consistent streetwall height of base buildings and to help relate the scale of larger buildings to the pedestrian scale. The proposed streetwall heights along Dufferin Street are 24 metres for 3140 Dufferin Street and 21.65 metres

for 3180 Dufferin Street. The proposed streetwall height is 22.6 metres along Apex Road (local street) and 21.35 metres along Samor Road (local street). The proposed streetwall height along the new east-west street (new local street) is 22.5 metres. The proposed streetwall heights should be revised to conform to the intent of the DSSP.

The Dufferin Plaza proposal includes long and tall building frontages along Dufferin Street that do not provide adequate interest and variation at the pedestrian level, and which will prevent sunlight access and skyviews from Dufferin Street. Breaks in the building frontage with greater setbacks should be provided, as well as additional stepbacks at upper floors and lower streetwall heights.

It is recommended that Staff continue to work with the applicant to revise the built form of the proposed developments, including but not limited to building heights, location of any potential tall buildings, setbacks, stepbacks, angular plane, and articulation of the base buildings to ensure an activated public realm.

Sun, Shadow and Wind

The applicant has submitted Sun/Shadow Studies for the proposals illustrating existing shadows along with new shadows resulting from the proposed and surrounding developments. The results of the shadow study demonstrate significant shadow impacts onto the public boulevard of the new east-west street and shadow impacts on the opposite side of the boulevard along Samor Road. Revisions should be made to the built form, including to base building height and setbacks, as a first step to minimize shadow impacts.

The submitted Pedestrian Level Wind Studies prepared by RWDI concluded that multiple areas on both development sites will be unsafe and are anticipated to have uncomfortable conditions for walking and/or standing. Mitigation measures are required, including building massing modifications and changes to the building organization. Tall wind screens are not acceptable for open spaces and pedestrian focused areas at grade.

Building Setbacks and Public Realm

The DSSP directs minimum building setbacks of 5.0 metres along major streets and public parks, and 3.0 metres along local streets. The setbacks from the new local streets as well as Samor Road and Apex Road are 3.0 metres. In accordance with the DSSP, a larger 5.0 metre setback should be provided on Samor Road and Apex Road to provide an enhanced public realm. This would also assist in achieving the required street tree plantings noted under the Tree Preservation Section of this report.

Overhead wires are located on the west side of Dufferin Street, the north side of Apex Road, and the south side of Samor Road along the frontage of the Subject Lands. Toronto Hydro has indicated that a minimum of 3.2 metres of horizontal distance and 4.6 metres of vertical clearance are required from hydro assets. These requirements may further impact the proposed setbacks.

Parkland

The City of Toronto Parkland Strategy (PLS) is a 20-year strategic city-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision, using the baseline of residential population against the area of parkland available across the city. According to the 2022 draft update to the PLS methodology, the development sites are in an area that currently has a population fewer than 300 people in 2022. Given the future expected growth both on the development sites and surrounding sites, the existing parkland will be further stressed if no new parks are created. This anticipated parkland deficit must be addressed through the creation of new parks to serve the future population.

In accordance with Section 42(3) of the *Planning Act*, the applicable alternative rate for on-site parkland dedication is 1 hectare per 600 residential units to a cap of 10% of the development site as the site is less than five (5) hectares, with the non-residential uses subject to a 2% parkland dedication rate. In total, the parkland dedication requirement is 1,427.8 square metres for Dean Myers GM and 1,347.0 square metres for Dufferin Plaza, for a total parkland dedication requirement of 2,774.8 square metres.

The Owner is required to satisfy the parkland dedication requirement through an on-site dedication for each development application. The parkland dedications are to be adjacent to and contiguous with each other, to create one large park. The combined parkland is to be in a rectangular shape located at the west side of the overall site, with frontage on the new north-south public street and should comply with Policy 3.2.3.8 of the Toronto Official Plan.

The applicant has proposed a combined on-site parkland dedication of 3,660.6 square metres in a rectangular shape on the west side of the site with frontage on the new north-south public street, and has proposed 5 metre setbacks between the park boundaries and any adjacent building face. While the DSSP depicts the parkland in a linear form, the proposed siting and configuration is acceptable to the Parks Development Section, as it maximizes park programming opportunities. It is important to note that based on the proposal, the N/S public street must be implemented to provide public frontage to the park.

This report seeks direction from City Council on authorizing a credit for the Parks and Recreation component of the Development Charges in exchange for Above Base Park Improvements, to be provided by the Owner upon agreement with the City. The development charge credit shall be in an amount that is the lesser of the cost to the Owner of installing 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. The Owner will be required to enter into an agreement with the City to provide for the design and construction of the improvements and will be required to provide financial security to ensure completion of the works.

Amenity Space

The combined Subject lands have a total of 9,841 square metres of amenity space, including 4,920 square metres of indoor space and 4,939 square metres of outdoor space. The combined amenity space complies with the requirements of Zoning By-law 569-2013. The Growing Up: Planning for Children in New Vertical Communities Guidelines recommend that amenity space include adequate space for children and families. Staff will work with the applicant to ensure that the Guidelines are implemented through the Site Plan process.

Unit Mix

The Growing Up Guidelines state that a minimum 10% of the units should have 3 bedrooms and 15% of the units should have 2 bedrooms. As described in the application description, 39% of the units on the Subject Lands are large units, including 29% with two bedrooms and 10% with three bedrooms. The proposed unit mix satisfies the large unit mix objectives of the Growing Up Guidelines.

The Growing Up Guidelines include recommendations to improve how large units accommodate children, including:

- a. Minimum 4 square metre entrances with a minimum width of 1.5 metres;
- b. Larger laundry rooms with storage;
- c. Living rooms in units larger than one bedroom should have a minimum area of 16.5 square metres in addition to a 2x3 metre flexible play space;
- d. Bedrooms should have exterior windows; and
- e. Bedrooms should not open directly into living areas.

Staff will continue to work with the applicant to ensure that the City's objectives for large units are satisfied.

Solid Waste

The submissions are to be updated to show a number of revisions, including but not limited to revising the proposed driveway gradient to be a maximum of 8%, and clearly illustrating the required dimensions of access driveways, overhead doors, Type G loading spaces, buffers between loading spaces and walls, staging pads, storage areas, and storage of household hazardous waste. These matters may have implications with respect to accesses and building footprints.

Tree Preservation

The applicant has submitted an Arborist Report, Tree Preservation Plan, and Landscape Plans in support of the applications on each development site.

Because landscaped areas encumbered by below-grade parking structures significantly reduce the lifespan of trees, PF&R staff are asking for unencumbered landscaped areas on the Subject Lands. Below-grade building levels are to have a minimum 1 metre buffer to tree planting areas. A Public Utilities Plan and Section are required with utility data provided to Quality Level A (QL-A) at all tree planting locations.

PF&R staff are seeking wider unencumbered tree planting beds up to 3 metres in width. Additional tree plantings are required, and must meet minimum requirements including but not limited to a minimum soil volume of 30 cubic metres per tree, minimum 4 metres clearance between a tree trunk and any building, and minimum 1 metre clearance between a tree trunk and a property line.

Servicing and Stormwater Management

Engineering and Construction Services staff have reviewed the submitted materials which include Civil Plans and Stormwater Management Reports. Staff have identified potential downstream sanitary sewer capacity limitations for both proposals and has requested additional information from the applicant. Should it be determined that upgrades are required to the infrastructure to support the development, staff may request that a Holding provision (H) be included in the Zoning By-law Amendment.

Staff require revisions as outlined in the memorandum from Engineering and Construction Services dated August 30, 2024 for Dean Myers GM and May 7, 2024 for Dufferin Plaza. These include but are not limited to sewer connection details, updated watermain modelling for the development of both sites, and updated projected population statistics. To date, the submitted materials have not demonstrated that there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development.

In the event that the OLT allows the Official Plan Amendment and Zoning By-law Amendments and Draft plan of subdivision and Site plan Control application appeals in whole or in part, the final Order should be withheld pending the confirmation the required plans and reports have been submitted and/or revised to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and include the required subdivision and site plan conditions to implement the decision.

Transportation

Transportation Services staff provided comments requesting several revisions, including but not limited to the provision of 6.0 metre corner rounding at several locations throughout the Subject Lands, a 1.9-metre road widening along the Dufferin Street frontage of the Dean Myers GM site, removing underground parking from under the new east-west public street, moving driveways from Apex Road and Samor Road to the new north-south public street, and the provision of dedicated internalized dedicated pick-up/drop-off (PUDO) for all development blocks.

The two sites will together provide the public street system, but it is unclear if the full rights-of-way would be fully implemented or phased. In this regard, the interim condition may require appropriate temporary turnaround such as a cul-de-sac design to provide for appropriate circulation. A phasing plan is required and has not been provided to date.

Short term bicycle parking is to be provided at grade in highly visible and publicly accessible locations near the main entrances of buildings. Access paths/aisles to all bicycle parking spaces should be a minimum of 1.8 metres wide. Transportation

Demand Management (TDM) measures to be provided include real-time transportation screens, a bike share funding contribution, and a car share facility.

The Toronto Transit Commission (TTC) has provided comments requiring bus stop platforms to have minimum dimensions of 2.4 by 16 metres, together with a corresponding sidewalk a minimum 2.4 metres wide and 30 metres long.

Draft Plan of Subdivision

The draft Plans of Subdivision are required to be revised to address the comments contained herein.

Site Plan Control

The submitted plans and reports in support of the Site Plan Control applications are to be revised to address the comments contained herein.

Further Issues

City Planning continues to receive additional information regarding these applications as a result of ongoing review by City commenting divisions, and revised materials submitted in support of the proposal.. Staff may 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.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Provincial Planning Statement (2024), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies.

This report recommends that City Council direct the City Solicitor, with appropriate staff, to attend the OLT in opposition to the Applications in their current forms and to continue discussions with the Applicant in an attempt to resolve outstanding issues.

CONTACT

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Tel. No. 416-395-7127
E-mail: Marty.Rokos@toronto.ca

SIGNATURE

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

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet, 3140-3170 Dufferin Street
- Attachment 2: Application Data Sheet, 3180 Dufferin Street
- Attachment 3: Location Map
- Attachment 4: Official Plan Land Use Map
- Attachment 5: Dufferin Street Secondary Plan Land Use Map
- Attachment 6: Dufferin Street Secondary Plan Building Type Areas
- Attachment 7: Dufferin Street Secondary Plan Maximum Density
- Attachment 8: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 9: Site Plan, 3140-3170 Dufferin Street
- Attachment 10: Site Plan, 3180 Dufferin Street
- Attachment 11: Draft Plan of Subdivision, 3140-3170 Dufferin Street
- Attachment 12: Draft Plan of Subdivision, 3180 Dufferin Street
- Attachment 13: Elevations, 3140-3170 Dufferin Street
- Attachment 14: Block 1 Elevations, 3180 Dufferin Street
- Attachment 15: Block 2 Elevations, 3180 Dufferin Street
- Attachment 16: 3D Views

APPLICATION DATA SHEET

Municipal Address: 3140 DUFFERIN ST **Date Received:** June 21, 2023

Application Number: 23 164435 NNY 08 OZ

Application Type: OPA / Rezoning, OPA

Project Description:

Applicant	Agent	Architect	Owner
BOUSFIELDS INC. PETER SMITH			RM DUFFERIN PLAZA INC.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	MC(38)(H)	Heritage Designation:
Height Limit (m):		Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 15,386 Frontage (m): 95 Depth (m): 153

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	6,500		6,968	6,968
Residential GFA (sq m):			75,715	75,715
Non-Residential GFA (sq m):	6,500		1,215	1,215
Total GFA (sq m):	6,500		76,930	76,930
Height - Storeys:	1		26	26
Height - Metres:			85	85

Lot Coverage Ratio (%)	45.29	Floor Space Index:	5
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	75,715	
Retail GFA:	1,215	

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			1,062	1,062
Other:				
Total Units:			1,062	1,062

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	22	585	340	115	
Total Units:	22	585	340	115	

Parking and Loading

Parking Spaces:	506	Bicycle Parking Spaces:	872	Loading Docks:	5
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CONTACT:

Marty Rokos, Senior Planner

416-395-7127

Marty.Rokos@toronto.ca

APPLICATION DATA SHEET

Municipal Address: 3180 DUFFERIN ST **Date Received:** February 9, 2024

Application Number: 24 113657 NNY 08 OZ

Application Type: OPA / Rezoning, OPA

Project Description: Redevelopment of the subject site with new residential/mixed-use buildings containing four towers of 18, 20, 23 and 25 storeys. The proposed development will have a total gross floor area of approximately 81,484 square metres, including approximately 79,994 square metres of residential space (approximately 1,180 residential units) and approximately 1,490 square metres of retail commercial space. The resulting gross density would be approximately 5.0 FSI. The proposal also includes approximately 481 vehicle parking spaces and 1,159 bicycle parking spaces.

Applicant	Agent	Architect	Owner
PETER SMITH			WCPT DUFFERIN INC.

EXISTING PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq m):	16,310	Frontage (m):	76	Depth (m):	183
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			7,876	7,876
Residential GFA (sq m):			79,995	79,995
Non-Residential GFA (sq m):	4,697		1,490	1,490
Total GFA (sq m):	4,697		81,485	81,485
Height - Storeys:	2		25	25
Height - Metres:			80	80

Lot Coverage Ratio 48.29 Floor Space Index: 5
(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	79,663	332
Retail GFA:	1,490	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			1,180	1,180
Freehold:				
Condominium:				
Other:				
Total Units:			1,180	1,180

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		64	694	303	119
Total Units:		64	694	303	119

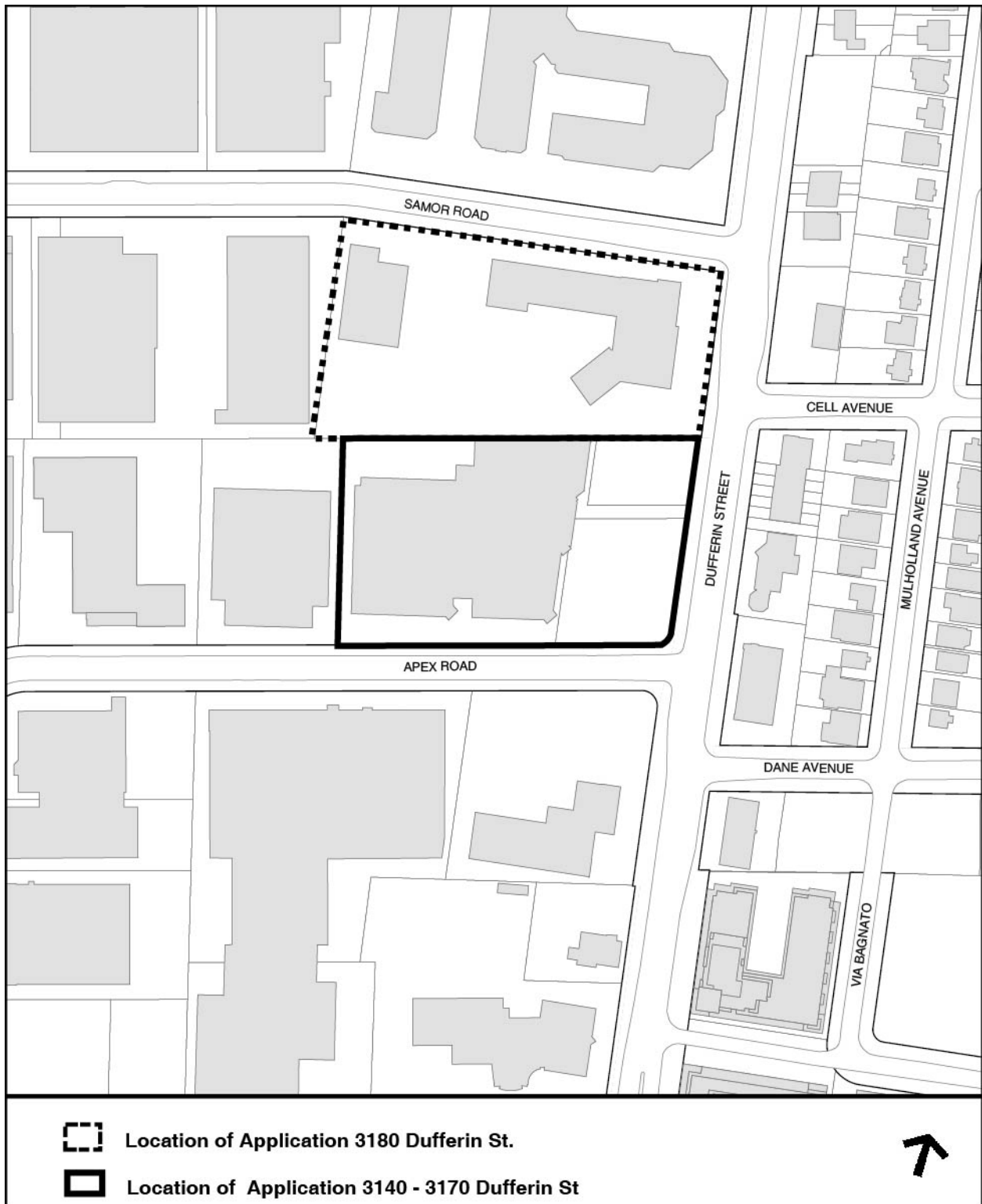
Parking and Loading

Parking Spaces: 481 Bicycle Parking Spaces: 1,159 Loading Docks: 5

CONTACT:

Marty Rokos, Senior Planner
416-395-7127
Marty.Rokos@toronto.ca

Attachment 3: Location Map



Attachment 4: Official Plan Land Use Map



3140-3180 Dufferin Street

Official Plan Land Use Map 17

File # 23 164435 NNY 08 0Z

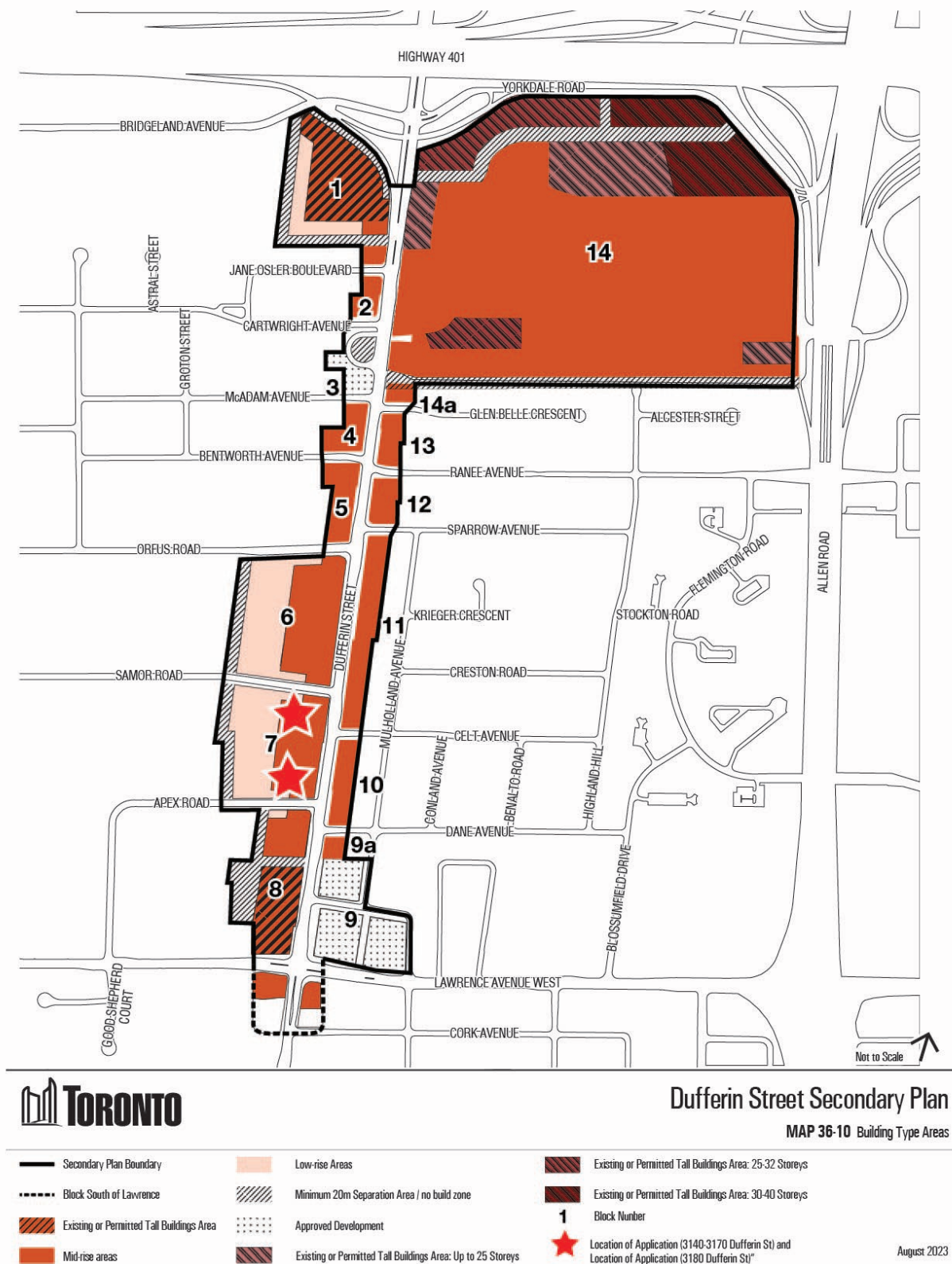


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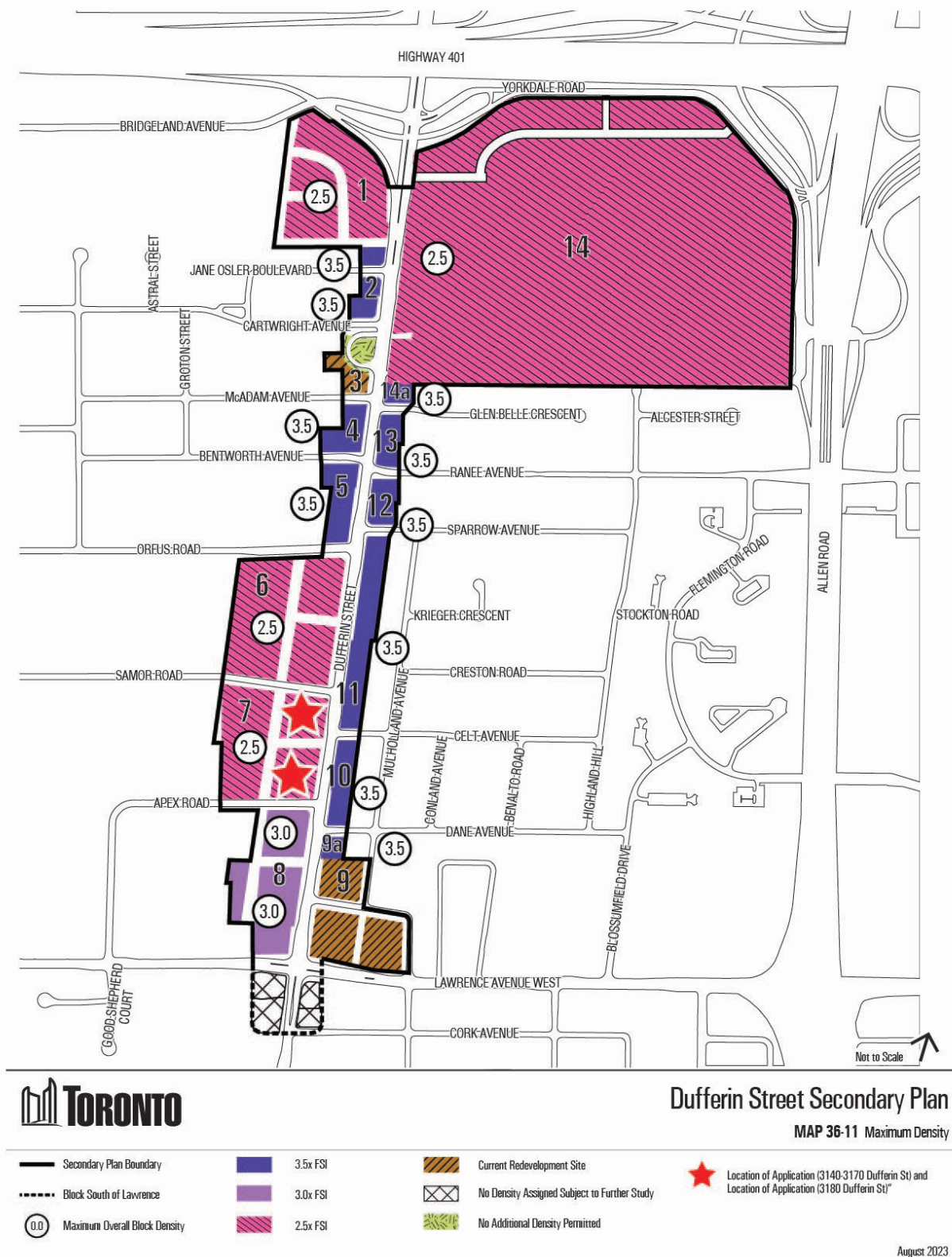
Attachment 5: Dufferin Street Secondary Plan Land Use Map



Attachment 6: Dufferin Street Secondary Plan Building Type Areas



Attachment 7: Dufferin Street Secondary Plan Maximum Density



Attachment 8: Existing Zoning By-law Map



3140-3180 Dufferin Street

Zoning By-law 569-2013

File # 23 164435 NNY 08 OZ



Location of Application



Location of Application 24 113657 NNY 08 OZ (3180 Dufferin St)

RD
CR
OR

Residential Detached
Commercial Residential
Open Space Recreation



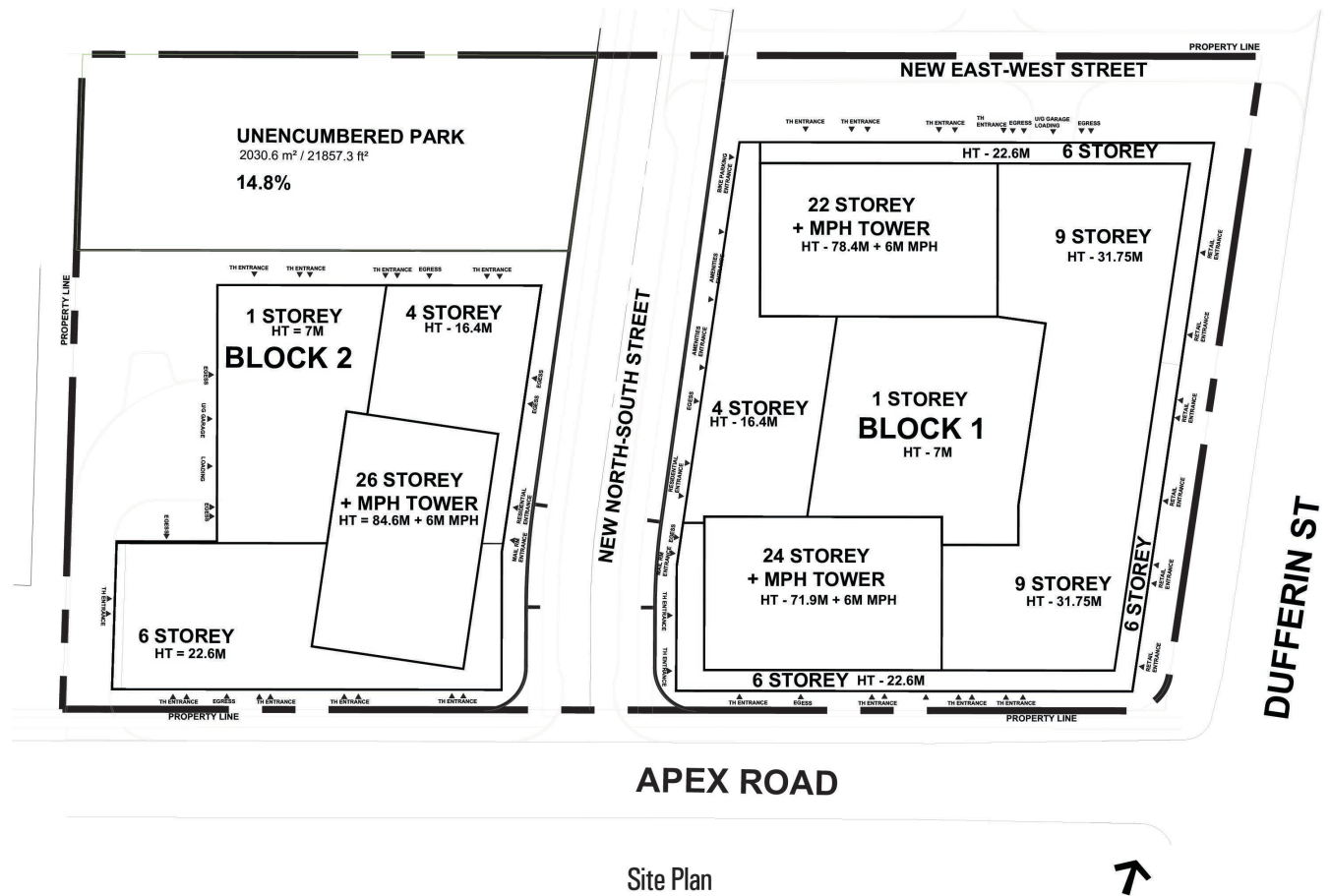
RM6
MC
O1

See Former City of North York By-law No. 7625
Multiple-Family Dwellings Sixth Density Zone
Industrial-Commercial Zone
Open Space Zone

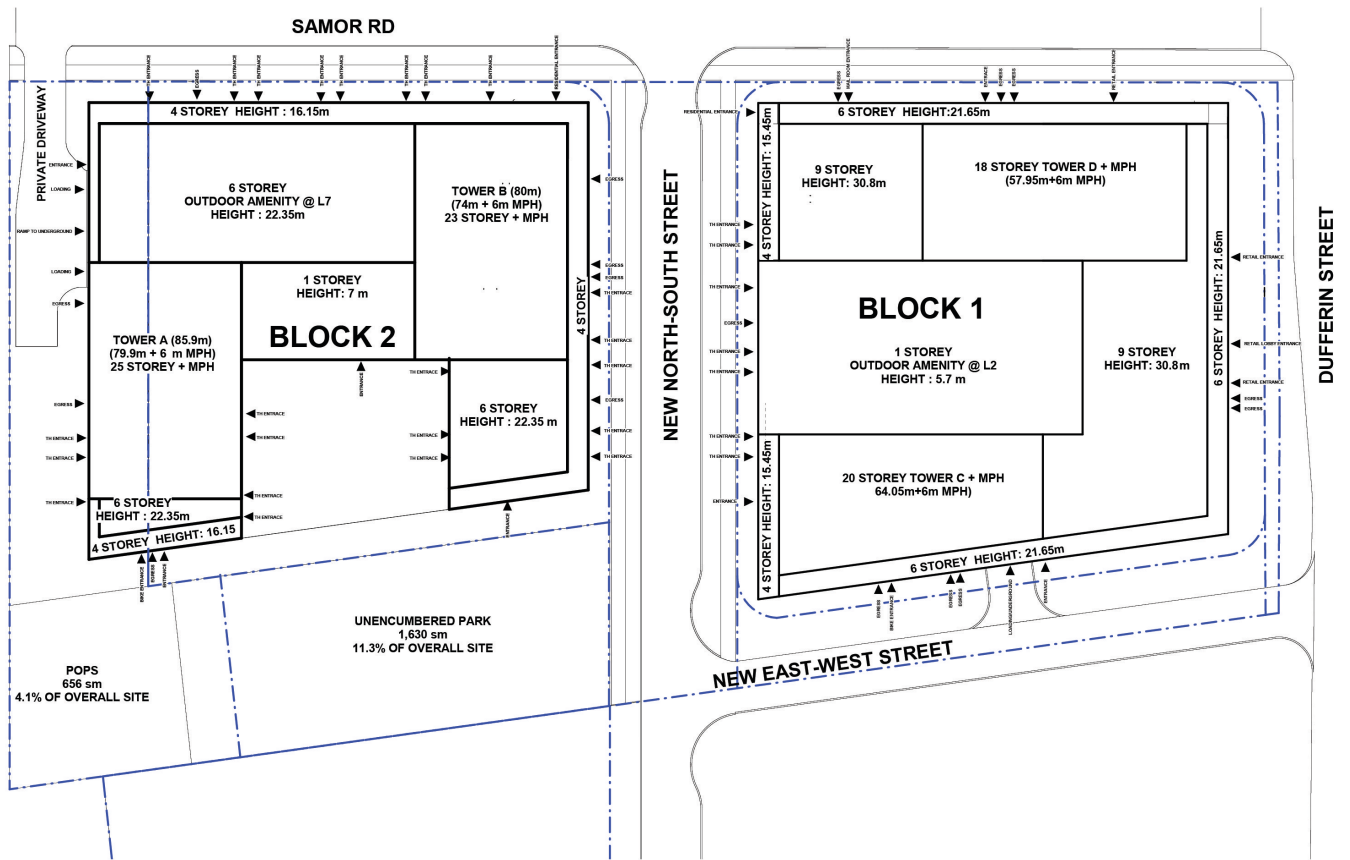


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Attachment 9: Site Plan, 3140-3170 Dufferin Street



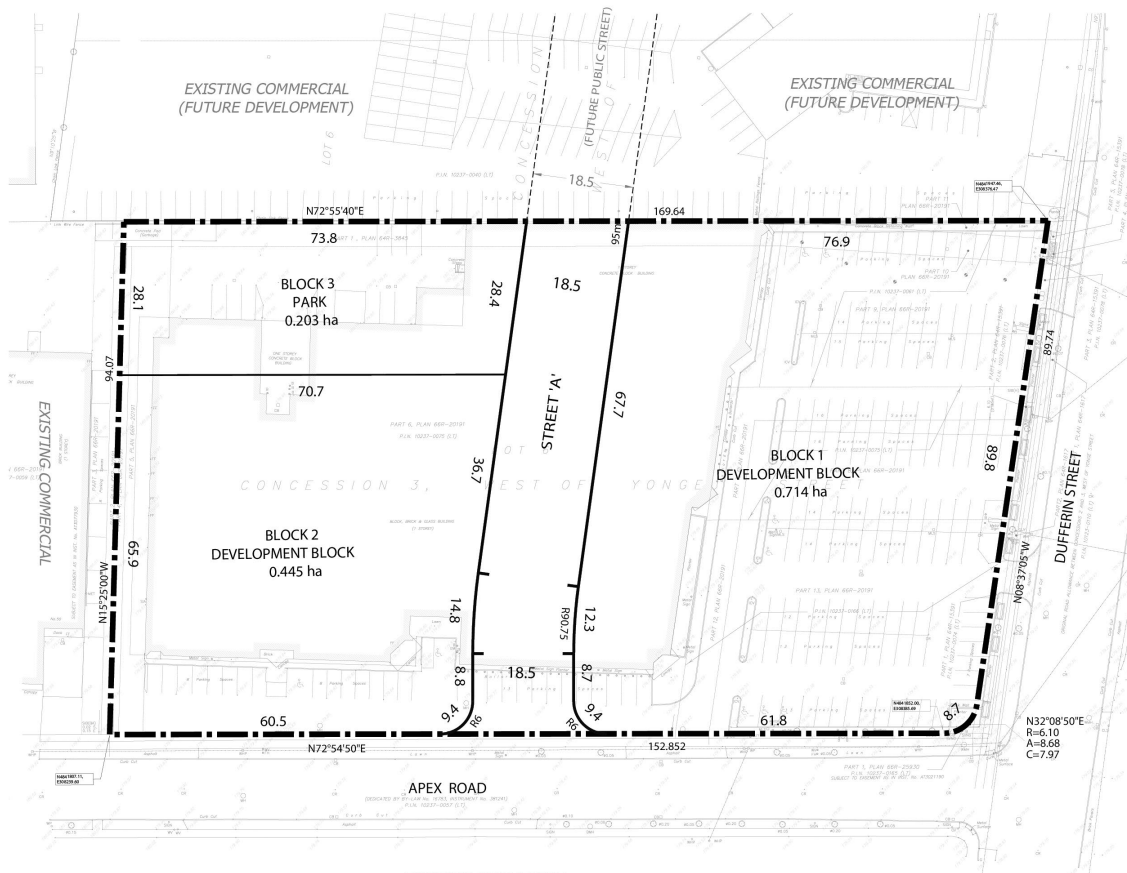
Attachment 10: Site Plan, 3180 Dufferin Street



Site Plan

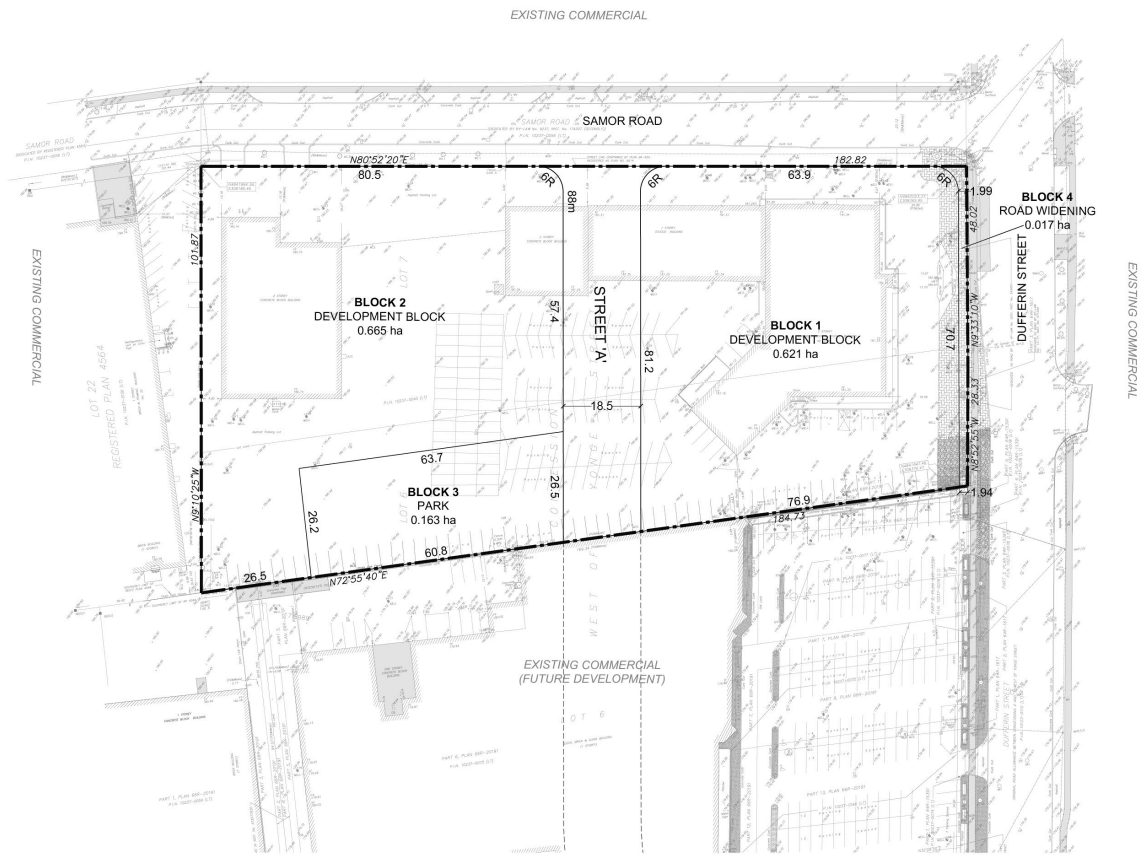


Attachment 11: Draft Plan of Subdivision, 3140-3170 Dufferin Street



EXISTING COMMERCIAL
Draft plan of subdivision 3140 - 3170 Dufferin St.





Draft plan of subdivision 3180 Dufferin St.



Attachment 13: Elevations, 3140-3170 Dufferin Street



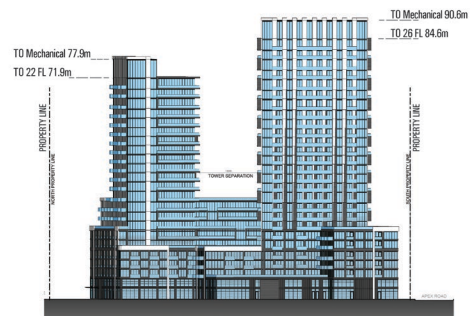
East Elevation



North Elevation

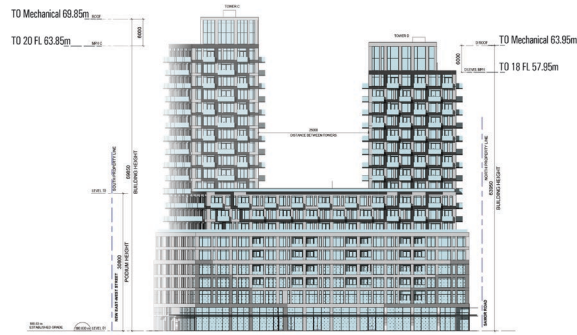


South Elevation

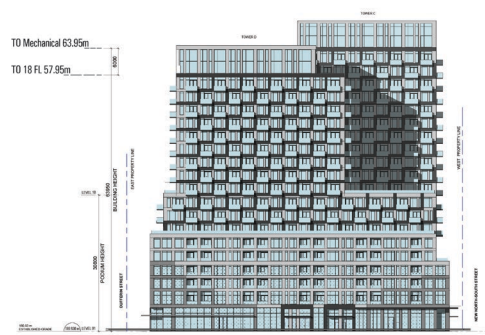


West Elevation

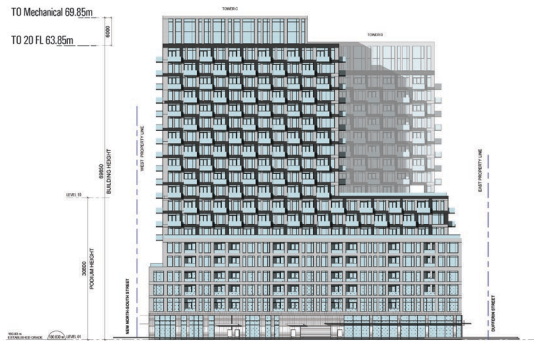
Attachment 14: Block 1 Elevations, 3180 Dufferin Street



East Elevation - Block 1



North Elevation - Block 1

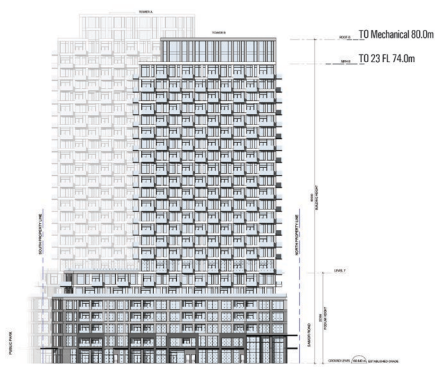


South Elevation - Block 1

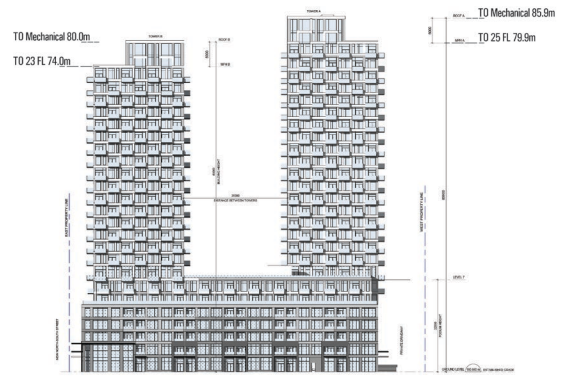


West Elevation - Block 1

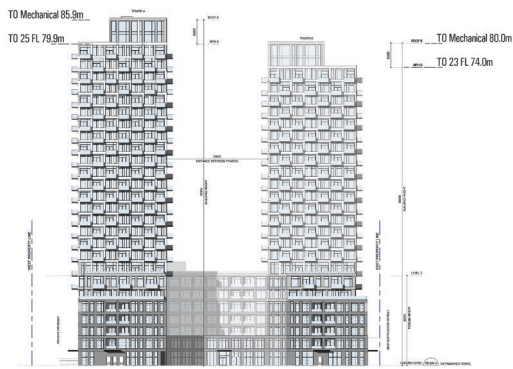
Attachment 15: Block 2 Elevations, 3180 Dufferin Street



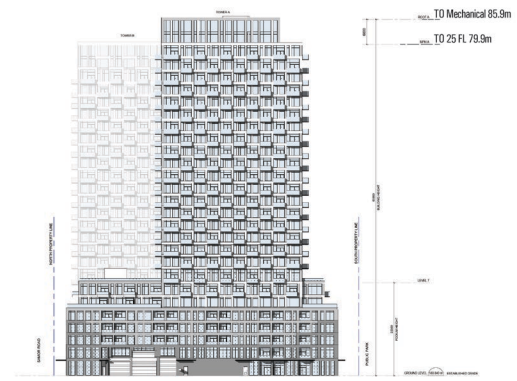
East Elevation - Block 2



North Elevation - Block 2



South Elevation - Block 2



West Elevation - Block 2

Attachment 16: 3D Views

