

**4180, 4186, 4186A and 4190 Dundas Street West–
Official Plan Amendment, Zoning Amendment and
Removal of an “H” (Holding Symbol) Applications –
Final Report**

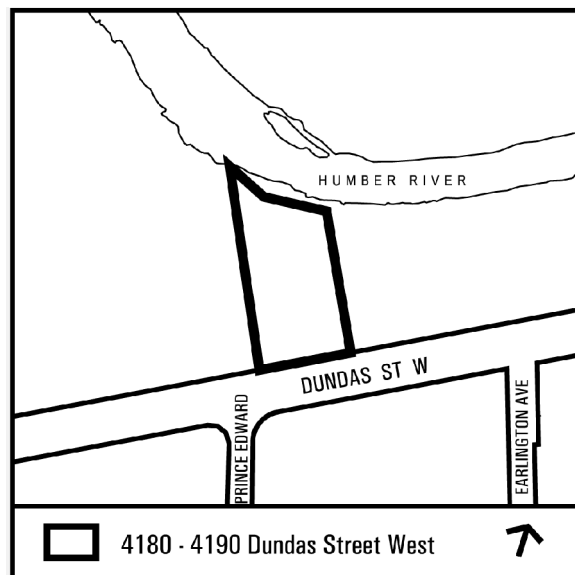
Date:	December 16, 2011
To:	Etobicoke York Community Council
From:	Director, Community Planning, Etobicoke York District
Wards:	Ward 4 – Etobicoke Centre
Reference Number:	10 223162 WET 04 OZ and 11 307368 WET 04 OZ

SUMMARY

This application proposes to permit the construction of an 8 storey seniors’ rental apartment building at 4180, 4186, 4186A and 4190 Dundas Street West.

The proposal will help to realize goals of the Dundas Street West Avenue Study by creating a safe and enjoyable pedestrian environment, encouraging a diversity of uses, providing an acceptable scale and density for its site and protecting and enhancing the natural environment.

This report reviews and recommends approval of the applications to amend the Official Plan with regard to Policy 3.4.8 (set back of development from top-of-bank) and the Zoning By-law.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 4180, 4186, 4186A and

4190 Dundas Street West substantially in accordance with the draft Official Plan Amendment attached as Attachment 8 to the report dated December 16, 2011.

2. City Council amend the former City of Etobicoke Zoning Code and Zoning By-law 717-2006 for the lands at 4180, 4186, 4186A and 4190 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 9 to the report dated December 16, 2011.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. The community benefit recommended to be secured in the Section 37 Agreement is as follows:
 - i. \$150,000 cash contribution to be used for parkland and streetscape improvements, abutting and beyond the development site, including trees, planters, benches, pedestrian level street lighting, walkways, landscaped medians and public art, to be paid by the Owner prior to the issuance of an above grade building permit, and indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 agreement to the date of payment.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. The conveyance of the land north of the “Hazard Line/Stable Top-of-Bank” as shown on Attachment 2 of the report dated December 16, 2011, to the Toronto and Region Conservation Authority as a condition of Site Plan Approval for the proposed development.
 - ii. The design, implementation, securing and warranty, by the Owner, of slope remediation works, comprehensive planting and ravine stewardship for the land north of the “Hazard Line/Stable Top-of-Bank” as shown on Attachment 2 of report dated December 16, 2011, to the satisfaction of the Toronto and Region Conservation Authority and the Director of Urban Forestry, Ravine and Natural Feature Protection, as a condition of Site Plan Approval for the proposed development.

- iii. The provision of noise attenuation measures as detailed in the Aercoustics Engineering Limited report titled 4180/4190 Dundas Street West/Impact of Railway Noise dated April 4, 2011.
 - iv. The provision of easements, registered on title, permitting joint use of a shared right-of-way permitting vehicular and pedestrian access to the Lands and to the abutting property to the east (4174 Dundas Street West) as a condition of Site Plan Approval for the proposed development.
5. Before introducing the necessary Bills to City Council for enactment, require:
- a. The Owner and the owner of the abutting property to the east (4174 Dundas Street West) to apply to the Committee of Adjustment for approval of easements permitting joint use of a shared right-of-way permitting vehicle and pedestrian use serving both properties, as described in this report, in perpetuity, to the satisfaction of the Director of Community Planning, Etobicoke York District,
 - b. The Owner to provide evidence of an agreement between the Owner and the owner of the abutting property to the east (4174 Dundas Street West), executed by both parties, requiring both parties to register the easements referred to in Recommendation 5 (a) on title as soon as practical after they are granted, to the satisfaction of the City Solicitor.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

This application proposes an 8 storey (28.5 metre) seniors' residence at 4180 to 4190 Dundas Street West. The project would contain 24 assisted living suites and 121 independent living units, in a mix of studio, one bedroom and two bedroom units. The building will have a total gross floor area of 13,130 square metres and a density of 3.9 FSI, (calculated excluding the hazard lands at the north end of the site). The building is irregularly shaped to suit the property.

The main pedestrian entrance is on Dundas Street West which leads to a lobby and reception lounge. (Attachment 3) The ground floor will contain administration offices, a medical area, multi-purpose room, library, salon, exercise room, dining room, private dining area, games room and pub/bistro. 356 square metres of indoor amenity space is provided, which exceeds the requirement of 290 square metres at 2 square metres per unit. An enclosed sunroom is proposed on the roof.

A ground-level outdoor patio is proposed beside the pub/bistro area to the west, and a second ground-level patio is proposed outside the dining room overlooking the ravine to the north, for a

total of 290 square metres. An additional 600 square metres of outdoor amenity area are provided on the roof of the ground floor in two locations and on the roof of the eighth floor of the building. 290 square metres of outdoor amenity space are required and 890 square metres are provided. (Attachment 2)

Vehicle access to the underground garage and a motor court/ passenger pick-up and drop-off area is proposed on the east side of the site. This driveway will be part of a mutual driveway shared with the neighbouring property to the east (4174 Dundas Street West). Fifty-one parking spaces are provided for vehicles (including 15 for visitors).

Twenty-four bicycle parking spaces are included (12 short-term for visitors and 12 long-term for residents and employees). Ten of the bicycle parking spaces are at grade and 14 in the underground parking garage.

Waste and recycling facilities are provided in the underground parking garage. Material for pick up will be brought to an enclosed area at the rear of the driveway on the appropriate day. (Attachment 2)

The building is set back 3 metres from the Dundas Street West property line. It is stepped back by 1.5 metres at the fifth floor, a further 6 metres at the seventh floor and a further 4 metres at the eighth floor. The mechanical penthouse is set back 2 metres from the front of the roof.

Site and Surrounding Area

The 5,377 square metre site is located on the north side of Dundas Street West, just east of Prince Edward Drive North. It has a 53.6 metre frontage on Dundas Street West and is rectangular in shape except at the rear where the lot line is angled to reflect the curve in the Humber River valley. The site slopes slightly down from the Dundas Street West frontage to the top-of-bank of the Humber River valley.

The developable part of the site is comprised of the 3,243 square metres between Dundas Street West and the Hazard Line/Stable Top-of-Bank of the Humber River valley. The remaining 2,134 square metres are located in the valley, including a steep, vegetated valley wall, or within the 10.5 metre setback from the existing top-of-bank to the Hazard Line/Stable Top-of-Bank, which includes erosion and stable slope allowances. (Attachment 2) The whole of the 2,134 square metre hazard lands will be dedicated to the Toronto and Region Conservation Authority (TRCA) at Site Plan Approval stage.

Currently there are three commercial buildings occupying the properties. Most of the rest of the site from Dundas Street West to the top-of-bank is an asphalted parking area.

Abutting Uses:

North: Humber River valley and Canadian Pacific Railway mainline

East: 3-storey commercial building which shares a driveway with the site

South: townhouse development and vacant site which has approval for an 8-storey, 24.4 metre high condominium apartment building

West: 6-storey condominium apartment building

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The site is designated *Mixed Use Areas* and *Parks and Open Space Areas (Natural Areas)* on Map 14 – Land Use Plan. (Attachment 6)

Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses in single and mixed use buildings. Proposals should create high quality developments, minimize negative impacts on adjacent neighbourhoods and industrial areas, enhance nearby public streets, parks and open spaces, provide attractive, comfortable and safe pedestrian environments and reduce automobile dependency.

Development is generally not permitted in *Parks and Open Space Areas*. *Natural Areas* are to be maintained in a natural state. Where compatible development is permitted, it will protect, enhance and restore trees, vegetation and other natural heritage features.

A portion of the site is included in the *Natural Heritage System* on Map 9 of the Official Plan as it is in the Humber River Valley. Development is generally not permitted in the natural heritage system. Where the underlying land use designation provides for development, it will maximize opportunities to reduce negative impacts on, protect, restore, enhance and extend the system. Under Policy 3.4.8, development will be set back at least 10 metres from the top-of-bank of valleys, ravines, bluffs and other natural hazards.

The site is located on an *Avenue* on Map 2 – Urban Structure. Avenues are areas where growth and reurbanization are intended to occur. The Dundas Street West Avenue Study, which includes these properties, was completed and adopted by City Council in 2006 and was implemented through Official Plan Site and Area Specific Policy No. 277 (SASP 277) and Zoning By-law 717-2006.

SASP 277 retains the *Mixed Use Areas* designation and policies, but excludes townhouses on properties fronting on Dundas Street West. OPA 277 also includes an Appendix which sets out the design and development guidelines for the Dundas Street West Avenue Study area.

Zoning

Zoning By-law 717-2006 governs the properties fronting Dundas Street West between Royal York Road and the Humber River. The developable part of the site is in Area 3 of the CG-AV-H (General Commercial – Avenues - Holding) zone. Part of the north end of the site, which is in the Humber River valley, is zoned POS (Private Open Space) (Attachment 5).

The CG-AV-H zone category permits apartment houses with a maximum height of 5 storeys and 14 metres. The first floor must have a minimum height of 3.6 metres and shall have a build-to-area of least 75 per cent of the frontage abutting a public street. The building entrance must also front onto the primary street frontage.

The By-law permits developments to have a maximum GFA of 3.0 FSI as long as that GFA can be accommodated in a building with a maximum height of 18.5 metres/ 6 storeys, if the owner has agreed to enter into a Section 37 Agreement to provide public benefits such as parkland and streetscape improvements and public art (see Section 37 below).

The minimum front yard setback must be the average of the front yard setbacks of the properties in Area 3 (4174-4210 Dundas Street West), which is approximately 10 metres. A further 1.5 metre setback is required at the fourth storey. A 5 metre rear yard setback from the Hazard Line/Stable Top-of-Bank is required.

As there are no specific parking requirements for seniors' residence parking in By-law 717-2006, the former City of Etobicoke Zoning Code requirement of 0.25 stalls per unit with an additional 0.1 stalls per unit for visitors will apply.

The By-law does not specify bicycle parking requirements for seniors' residences, therefore the Toronto Green Standard (TGS) and previous experience with bicycle parking usage in seniors' residences was reviewed to assist in determining the need for bicycle parking facilities at this project.

Indoor and outdoor amenity spaces are required to be provided at the rate of 2 square metres each per unit, with at least 40 square metres of the outdoor space adjacent to the indoor space. A loading dock is required and garbage storage areas must be contained within a building.

The site is subject to a Holding Symbol ("H") which can be removed by City Council subject to the satisfactory availability of any road, infrastructure, servicing and school capacity improvements necessary to accommodate the proposed development.

The Private Open Space (POS) zone allows a variety of recreational, institutional and public uses, including parks.

Site Plan Control

The site is in an area of Site Plan Control. An application has not yet been submitted.

Ravine Control

The site is partially within the Humber River valley and the limits of the Toronto and Region Conservation Authority regulated area and City of Toronto Ravine Protection and Natural Feature By-law.

Reasons for Application

Official Plan

The *Mixed Use Areas* policies in the Official Plan allow the proposed use. SASP 277, which implements the Dundas Street West Avenues Study, also permits the use.

Official Plan Policy 3.4.8 requires new buildings to be set back at least 10 metres from the top-of-bank of valleys or from areas where slope stability presents a significant risk to life or property. In this case, a Hazard Line/Stable Top-of-Bank has been established (see Ravines below) from which the proposed building should be set back at least 10 metres. The proposed building encroaches into the setback, from between 0 to 2.5 metres. (Attachment 2)

Zoning By-law 717-2006

The proposal does not comply with Zoning By-law 717-2006 as follows:

	Permitted / Required	Proposed
Height	Maximum 6 storeys/18.5 metres	8 storeys/28.5 metres
Density	Maximum 3.0 FSI	3.9 FSI
Size of Mechanical Penthouse/Sunroom	Maximum 25 square metres	220 square metres plus a sunroom with an area of 120 square metres
Entrance	Must front onto street frontage	One entrance fronts on Dundas Street West and a second entrance opens onto the Motor Court on the east side of the building
Garbage Storage Areas	Must be wholly contained in a building	Outdoor storage area is not within building
Front Yard Setback	Minimum approximately 10 metres	Minimum 3.0 metres, Maximum 4.0 metres

The proposed development may not proceed until the “H” Holding Symbol is removed from the properties.

Community Consultation

A Community Consultation Meeting was held on January 25, 2011. Residents and property owners within an expanded area were notified.

Approximately 30 members of the public attended the meeting. Eight written communications were received from the public after the meeting.

Concerns were raised, at the meeting and afterward, about:

- Proposed height and density. Some felt these were excessive and would cause the building to be visible from the Humber River valley. Commenters felt that the proposal should not be permitted to exceed the existing limits set by the Dundas Street West Avenue Study and Zoning By-law.
- Insufficient setback from the street, creating a canyon-like effect and leaving insufficient room for appropriate streetscaping. Side setbacks were also a concern, especially on the west side where windows will allow a view of the condo apartment on the neighbouring property.
- Insufficient parking for residents and employees, which could cause overflow onto neighbouring properties.
- Difficulties that may ensue from sharing access to Dundas Street West with property to the west (4196 Dundas Street West).
- The proper handling of storm drainage and erosion control, to protect neighbouring properties and the valley slope.

All the issues identified by interested parties are addressed in the Comments section of this report.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. As an infill project it supports the policy objectives of focusing growth in existing settlement areas (intensification). The development promotes efficient land use, reduces land consumption and utilizes existing services and infrastructure.

The proposal conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposals' compact and efficient form helps to optimize the utilization of existing services and infrastructure and to reduce the need to convert rural land to urban uses.

Land Use

The proposed uses are permitted and contemplated by the Official Plan and Zoning By-law. A seniors' residence will bring population to the area, thereby increasing street life, patronage of

local businesses and transit use. In addition, the site is on an Avenue. Avenues are among the areas of the City that are expected to grow through redevelopment and urbanization.

Density, Height, Site Organization

The Built Form policies in Chapter 3 of the Toronto Official Plan require new development to fit with the surrounding area or planned context. (Section 3.1.2) The planned context for the area is set out in the Dundas Street West Avenues Study which is implemented by SASP 277 and Zoning By-law 717-2006.

The Avenue Study has a number of Guiding Principles for the type and form of buildings that should develop in the Dundas Street West Avenue area. These are:

- Create a safe and enjoyable pedestrian environment
- Encourage a diversity of uses
- Select an appropriate building scale and density for the street width and neighbourhood context
- Encourage high quality architecture and diversity of building forms
- Protect the natural environment and enhance its enjoyment
- Transform the area with a new, distinctive identity

As detailed below, the proposal assists in achieving these objectives. Even though it does not meet some of the detailed requirements of the zoning by-law, it is considered to be appropriate development for the site.

Height and Density

The applicant has applied for approval of an 8 storey building with a height of 28.5 metres. This is a reduction from the initial proposal of 9 storeys. Zoning By-law 717-2006 imposes a maximum height of 6 storeys or 18.5 metres along Dundas Street West. The Avenue study recommended this height limit since it had been in effect in the previous zoning dating from the 1960s and it was felt that keeping buildings to this height would contribute to an enjoyable pedestrian environment along Dundas Street West.

Older buildings in the area have a height of 2 to 3 storeys. Newer buildings to the east and west in the Avenues area have heights of 6 storeys. In 2008 the Ontario Municipal Board approved a 7 storey building (subsequently revised to 8 storeys) with a height of 24.4 metres directly across the street from this site (4187 Dundas Street West, OMB Case No. PL070056). The building has not been constructed.

The proposed building is set back from the front property line by 3 metres, providing a total setback of six metres from the curb. There are setbacks at the fifth floor (1.5 metres), seventh floor (additional 6 metres), eighth floor (additional 4 metres) and the mechanical penthouse (2 metres) which will ensure that the proposed building will read as a 6 storey structure from the pedestrian sidewalk on Dundas Street West. Adjacent mid-rise buildings will not be impacted by the additional height on the rear three-quarters of the building.

The footprint of the mechanical penthouse exceeds that permitted by the zoning by-law. As it is also setback from the eighth floor facade and has a narrow configuration, it is not expected to create any adverse impact on the pedestrian streetscape and is therefore acceptable.

The zoning by-law establishes a maximum density of 3.0 FSI. The applicant's proposal is for a density of 3.9 FSI. The OMB-approved development at 4187 Dundas Street West has an FSI of 3.3. Given the acceptability of the proposed increased height of this development, a corresponding increase in the allowable density is reasonable.

Site Organization

The zoning by-law requires that the setback from the front lot line should be an average of the front yard setbacks of the properties within Area 3 (4174 to 4210 Dundas Street West). The average setback is approximately 10 metres. The proposed building is set back 3 metres.

In other parts of the Avenue the zoning by-law provides for a maximum front yard setback of 3 metres. This, along with build-to requirements, helps to frame the street and provides an attractive pedestrian environment while still leaving room for trees and landscaping. Many of the buildings to the east of the site currently have no front yard setback. As development proceeds on this Avenue, including this section, it is expected that buildings will be sited close to the street. City Planning finds the 3 metre front yard setback appropriate.

The ground floor of the building facing Dundas Street West has been redesigned to provide large windows, doors and active uses, including the main entrance to the lobby and public areas, creating an interesting façade for passers-by. (Attachment 3) Another entrance is provided from the internal "motor court" and would be used for passenger pick-up and drop-off and deliveries. As the main entrance is provided from the street, a secondary public entrance not fronting on the street is acceptable. Good quality building design will be secured at the Site Plan Approval stage.

Avenues typically do not require a side yard setback in order to minimize gaps in the building walls at the street. Adequate separation distance is provided between the proposed building and its neighbours to the east and west.

The applicant proposes an exterior loading and garbage area. The zoning by-law requires garbage storage areas to be integrated within the building envelope in all new developments. In this development the exterior garbage area will only be used on pick-up day. At other times garbage and recyclables will be held in a facility in the underground parking garage. This condition is acceptable.

Sun, Shadow

The applicant has provided a shadow study. It shows shadowing of the neighbouring properties to the west until the mid-morning and to the east after the mid-afternoon. These impacts are reasonable.

Noise

The Canadian Pacific Railway mainline is located approximately 200 metres north of the property. The Railway requested a noise assessment to be carried out to determine what impact railway noise would have on the residents and to recommend mitigation measures, if required.

The study was completed and found that the railway's noise impact on the building's residents would not exceed acceptable levels, except for suites facing north. For these units special windows would be required to bring the indoor sound levels within Ministry of the Environment guidelines and air-conditioning should be installed to allow these windows to be kept closed. These measures will be secured during the Site Plan Approval process. (Attachment 9)

Traffic Impact, Access, Parking

Traffic Impact

Due to the limited number of vehicles expected in this seniors' residence, no Traffic Impact Study was required.

Access

Transportation Services is prepared to accept access to the development through an existing driveway informally shared with the three-storey commercial building to the east (4174 Dundas Street West). (Attachment 1) The proposal has been designed to provide a fully useable mutual driveway between the two buildings. (Attachment 2) Full turning movements will be permitted from this access.

The owner has indicated that he will secure an agreement regarding the legalization (through easements registered on title) of the shared use of this driveway between the owner and the owner of the property to the east. Both owners will apply to the Committee of Adjustment for consent for the necessary easements. City Planning staff recommend that the Bill enacting the site-specific Zoning By-law not be introduced to City Council until both owners have made the applications and the owner of the site has provided evidence, to the satisfaction of the City Solicitor and the Director, Community Planning, Etobicoke York District, of agreement by both parties to expeditiously register the easements on title.

Parking

In accordance with the former City of Etobicoke Zoning Code, parking for the seniors' residence is to be provided at a ratio of 0.25 spaces per unit plus 0.1 spaces per unit for visitors, for a total requirement of 51 spaces. The applicant proposes to supply 51 spaces, plus 6 additional tandem spaces.

For bicycle parking, City Planning recommends a reduction in the TGS mid-rise building standard, as this project is a seniors' residence. Information provided by the applicant shows minimal use of bike parking facilities at other seniors' residences. The recommended ratios are 0.1 bike parking spaces per unit for residents and employees ("long-term") plus 0.1 spaces per unit for visitors ("short-term") for the independent living units. No bike parking spaces will be required for assisted living suites.

Servicing

Development Engineering has advised that sanitary sewer capacity and water supply demand resulting from this development can be serviced by existing infrastructure. Storm water run-off can and will be appropriately and safely handled according to the City's Wet Weather Flow Guidelines. The City will supply garbage and recycling collection service for the proposed building.

Open Space/Parkland

The site is in the highest quintile of current provision of parkland, as per Map 8B/C of the Official Plan. At the Alternative Parkland Rate of 0.4 hectares per 300 units, to a maximum of 10 percent of the development site, specified in By-law 1420-2007, the parkland dedication would be 0.05 hectares.

Parks, Recreation and Forestry has advised that the owner's proposal to satisfy the parkland dedication requirement by cash-in-lieu is appropriate, as the required amount of parkland is too small to be of a functional size. In addition, Lambton Park and Etienne Brule Park are in close proximity to the development.

The portion of the dedication above the base 5 percent is to be used to acquire or improve parkland that is accessible to the development. As such the additional cash-in-lieu will be used for improvements to Lambton Park and Lambton Kingsway Park

Ravines

Hazard Land

The northern section of this site is part of the Humber River valley and the natural heritage system. It is protected by the City's Ravine and Natural Feature Protection By-law and is within the TRCA's Regulated Area. City Planning, Urban Forestry, Ravine and Natural Feature Protection and the TRCA have reviewed the application. The TRCA's policy objective is to prevent new development from occurring within areas that may introduce a risk to life and property associated with erosion and slope instability.

In 2006 the "top-of-bank" was staked. In May 2010 the top-of-bank was restaked and a Slope Stability Report prepared. This work showed that, because of erosion at the toe of the slope where the Humber River makes a bend, the long-term (100 year) stable slope line would be 10.5 metres south of the 2010 staked top-of-bank, provided that necessary slope remediation is implemented. The stable slope line is marked on the plans as the Hazard Line/Stable Top-of-Bank. (Attachment 2) All lands to the north are hazard lands and may not be developed. These lands will be conveyed to the TRCA at the Site Plan Approval stage, designated *Parks and Open Space Areas (Natural Areas)* (Attachment 8) and zoned POS (Private Open Space). (Attachment 9)

Currently, all of the land to the south of the existing top-of-bank, including the 10.5 setback to the Hazard Line/Stable Top-of-Bank, is developed with buildings or asphalt parking areas. Part of the slope at the west end of the site has failed (i.e. suffered significant erosion), probably due to storm water run-off. The asphalt will be removed from the area to be dedicated to the TRCA,

renaturalized and the failure area remediated to restore the top-of-bank in this area to its 2006 location.

This area will also be subject to an enhanced slope remediation plan, ravine stewardship plan and comprehensive planting plan. City and TRCA staff are working with the owner to develop and implement these plans, which will be secured at the Site Plan Approval stage. Other necessary plans, including Concept Construction Access and Material Storage and Landscaping Plans, Tree Protection Plan and Sediment Protection Plan will also be secured at the Site Plan Approval stage.

Valley Corridor

The limit of the valley corridor is normally defined as the Hazard Line/Stable Top-of-Bank plus 10 metres, as provided for by the TRCA and the City's Official Plan. Generally the Official Plan permits no new development within this setback, which should also be renaturalized and the hazard lands dedicated to the TRCA.

City Planning and TRCA staff review each application for development on its merits and may exercise some flexibility within valley corridors that are already developed. In this case, City and TRCA staff advise that minor incursions by the proposed building, including the underground parking garage, garbage loading area and outdoor patio, into the 10 metre setback from the Hazard Line/Stable Top-of-Bank are acceptable. (Attachment 2) An amendment to Policy 3.4.8 of the Official Plan is required to do this. (Attachment 8)

Removal of the "H" (Holding Symbol)

By-law 717-2006 states that the "H" Holding Symbol may be removed if City Council is satisfied as to the availability of all road improvements, infrastructure, servicing and school capacity to accommodate the proposed development. Relevant Divisions have advised that the infrastructure is in place to support the proposal. As it is a seniors' residence, there will no impact on local schools.

City Planning advises that the requirements for removing the "H" Holding Symbol have been met. Therefore the "H" may be removed from the site. (Appendix 9)

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: Automobile Infrastructure, Cycling Infrastructure, Storage and Collection of Recycling and Organic Waste.

Other applicable TGS performance measures will be secured through the Site Plan Approval process.

Section 37

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. \$150,000 cash contribution to be used for parkland and streetscape improvements, abutting and beyond the development site including trees, planters, benches, pedestrian level street lighting, walkways, landscaped medians and public art.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The conveyance of the land north of the “Hazard Line/Stable Top-of-Bank” as shown on Attachment 2 of this report to the Toronto and Region Conservation Authority as a condition of Site Plan Approval for the proposed development.
2. The design, implementation, securing and warranty, by the owner, of slope remediation works, comprehensive planting and ravine stewardship for the land north of the “Hazard Line/Stable Top-of-Bank” as shown on Attachment 2 of this report, to the satisfaction of the Toronto and Region Conservation Authority and the Director of Urban Forestry, Ravine and Natural Feature Protection, as a condition of Site Plan Approval for the proposed development.
3. The provision of noise attenuation measures as detailed in the Aercoustics Engineering Limited report titled 4180/4190 Dundas Street West/Impact of Railway Noise dated April 4, 2011.
4. The provision of easements, registered on title, permitting joint use of a shared right-of-way permitting vehicular and pedestrian access to the Lands and to the abutting property to the east (4174 Dundas Street West) as a condition of Site Plan Approval for the proposed development.

Tenure

The proposal is for a rental building.

Development Charges

It is estimated that the development charges for this project will be \$834,000. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

CONTACT

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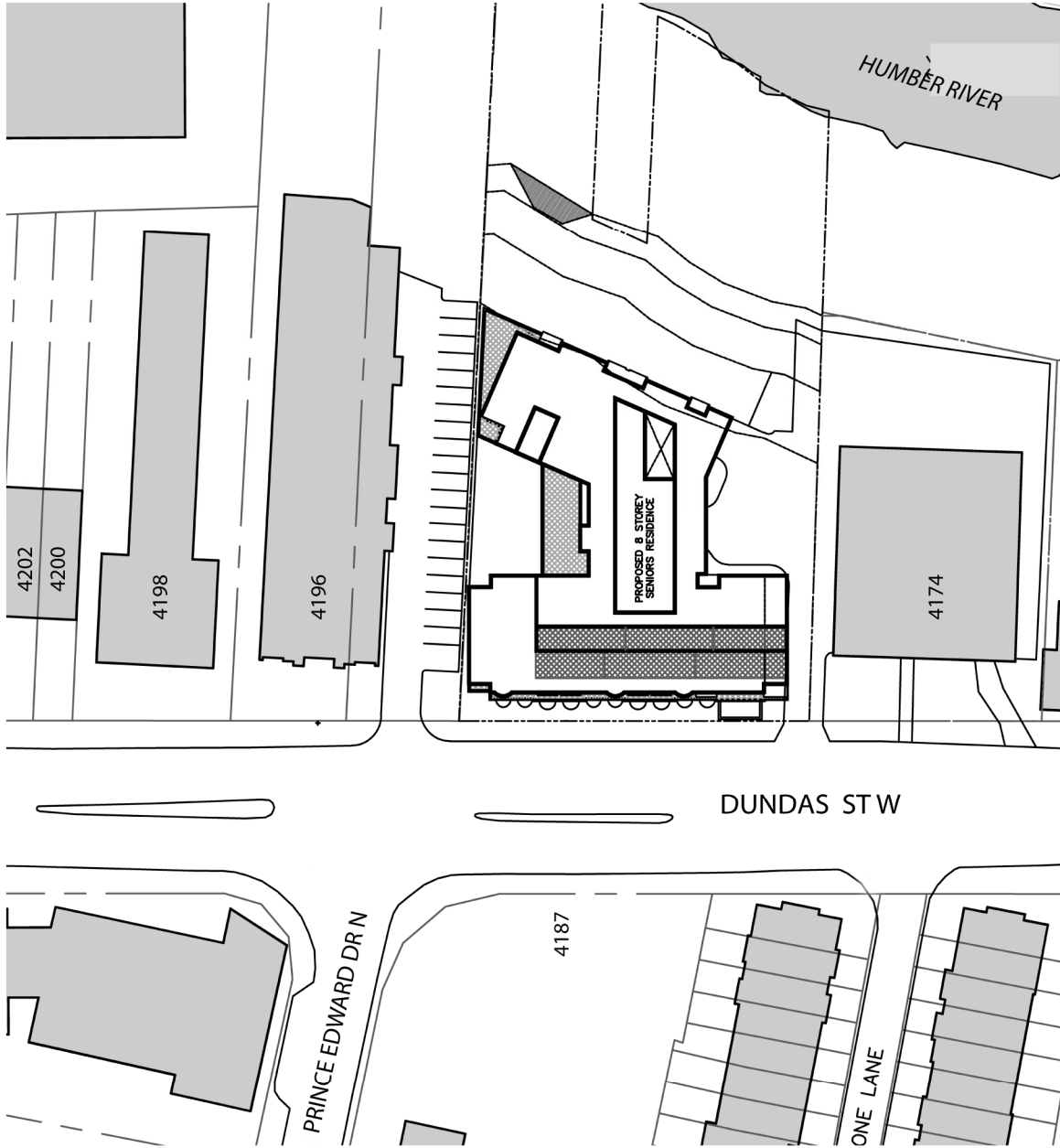
SIGNATURE

Thomas C. Keefe
Director, Community Planning
Etobicoke York District

ATTACHMENTS

Attachment 1: Context Plan
Attachment 2: Site Plan
Attachments 3A and 3B: Elevations
Attachment 4: Perspective View
Attachment 5: Zoning
Attachment 6: Official Plan
Attachment 7: Application Data Sheet
Attachment 8: Draft Official Plan Amendment
Attachment 9: Draft Zoning By-law Amendment

Attachment 1: Context Plan



Context Plan

4180 - 4190 Dundas Street West

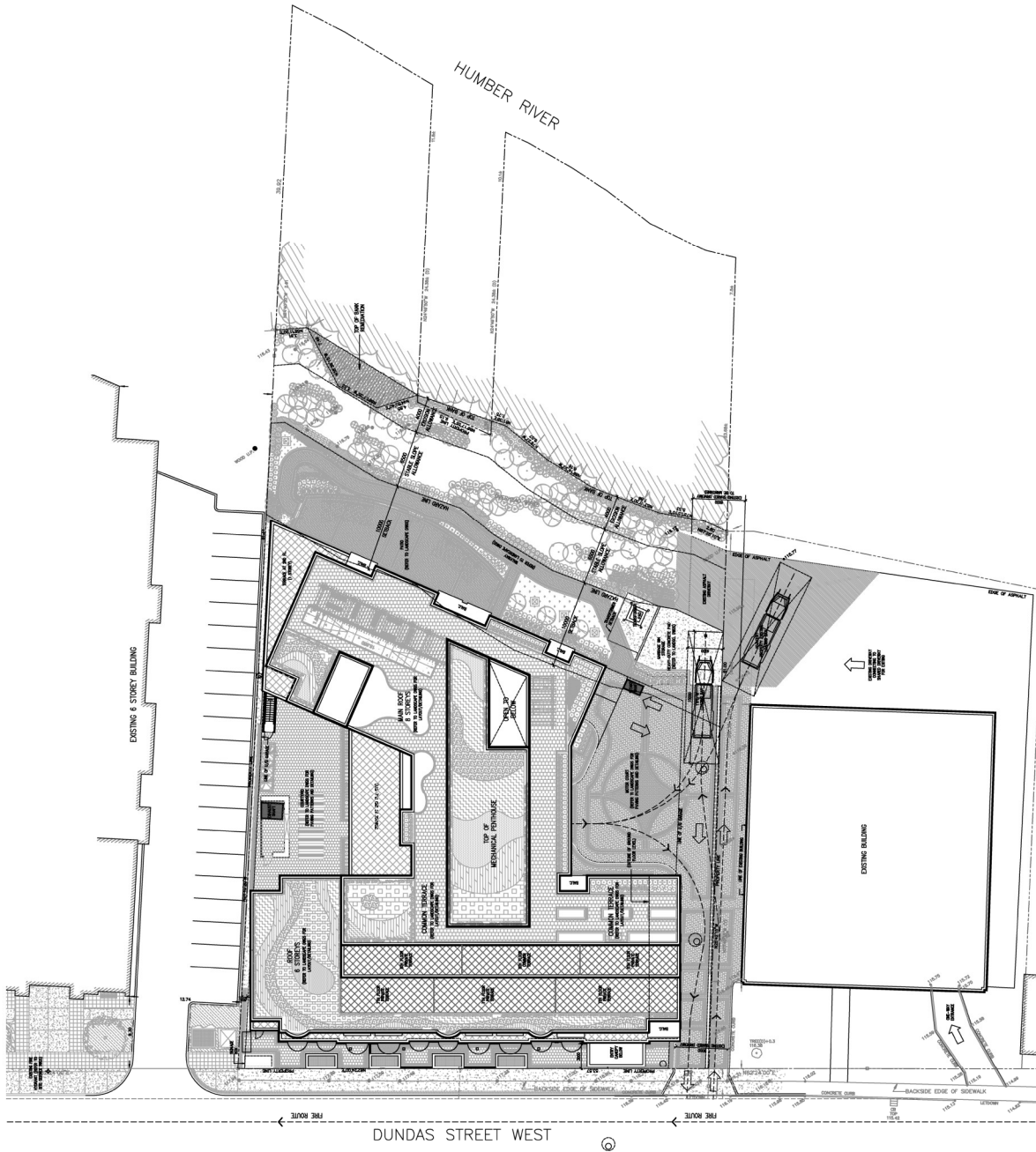
Applicant's Submitted Drawing

Not to Scale
11/30/11



File # 10 223112 WET 04 02

Attachment 2: Site Plan



Site Plan

4180 - 4190 Dundas Street West

Applicant's Submitted Drawing

Not to Scale
11/30/11



File # 10 223112 WET 04 OZ

Attachment 3A: Elevations



North Elevation Ravine



West Elevation

Elevations

Applicant's Submitted Drawing

Not to Scale
11/30/11

4180 - 4190 Dundas Street West

File # 10 223112 WET 04 OZ

Attachment 3B: Elevations



Elevations

Applicant's Submitted Drawing

Not to Scale
11/30/11

4180 - 4190 Dundas Street West

File # 10 223112 WET 04 0Z

Attachment 4: Perspective View



Perspective

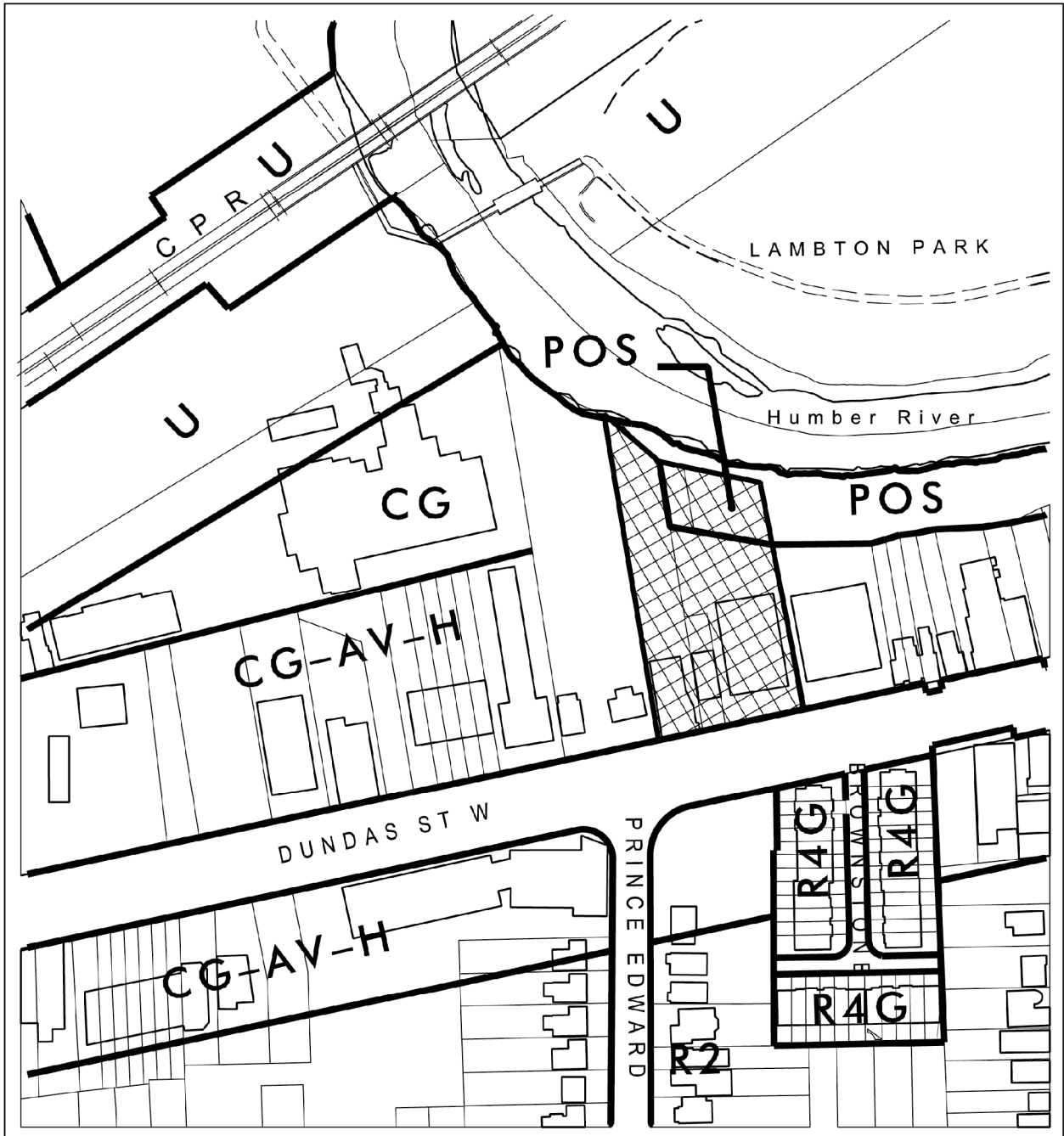
Applicant's Submitted Drawing

Not to Scale
11/30/11

4180 - 4190 Dundas Street West

File # 10 223162 WET 04 0Z

Attachment 5: Zoning



TORONTO City Planning
Zoning

4180 - 4190 Dundas Street West

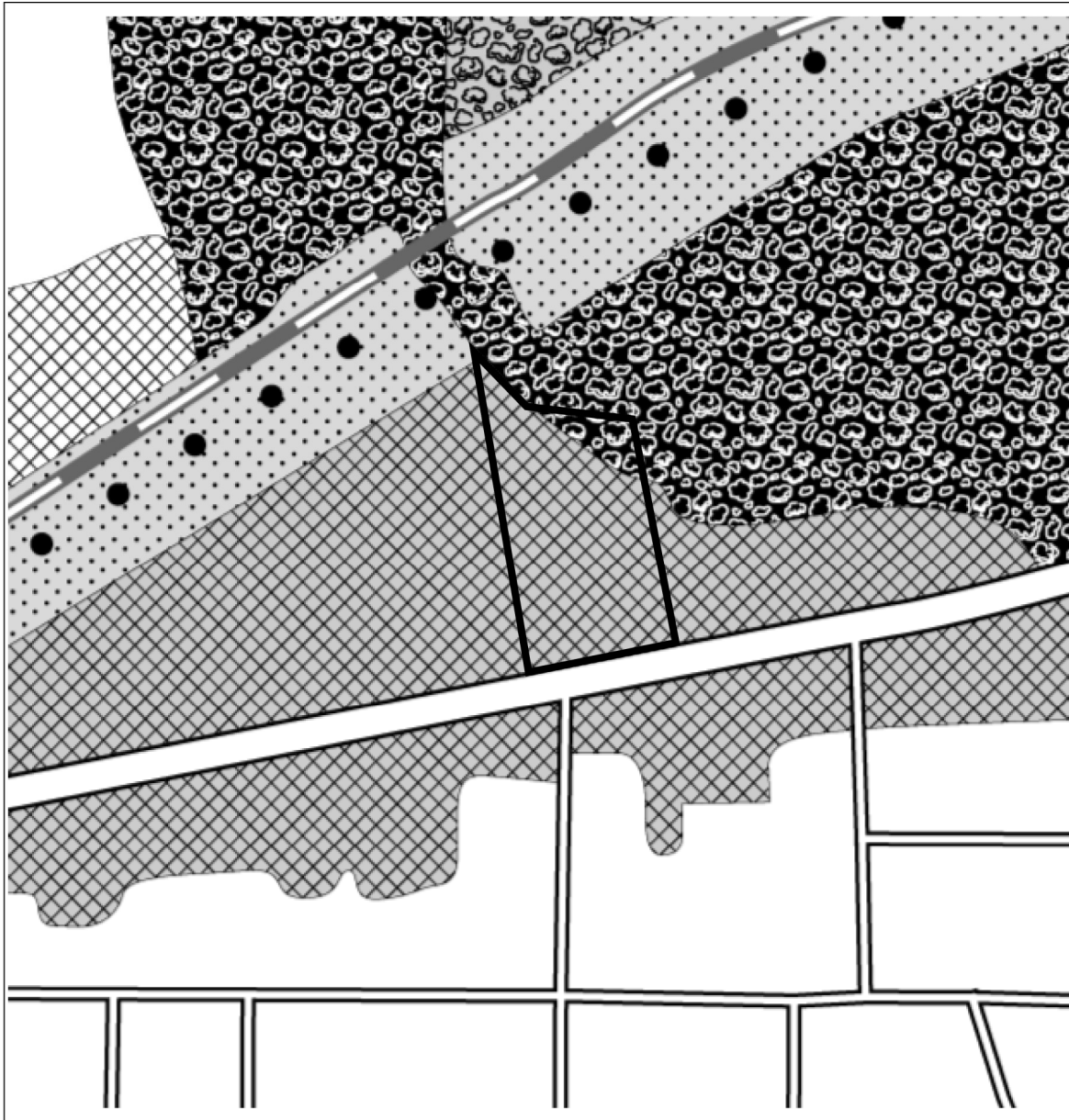
File # 10 223162 WET 04 0Z

- R2 Residential Second Density
- R4G Residential Fourth Density Group
- CG Commercial General
- AV Limited Commercial - Avenues
- POS Private Open Space



Not to Scale
Zoning By-law 11,737 as amended
Extracted 11/23/2010

Attachment 6: Official Plan



TORONTO City Planning
Official Plan

4180 - 4190 Dundas Street West

File # 10_223162 WET 04 0Z



↑
 Not to Scale
 11/18/10

Attachment 7: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	10 223162 WET 04 OZ
Details	OPA & Rezoning, Standard	Application Date:	July 19, 2010

Municipal Address: 4180, 4186, 4186A and 4190 DUNDAS STREET WEST
 Location Description: CON C PT LOT 10 **GRID W0406
 Project Description: To construct one 8 storey seniors' apartment building with 145 dwelling units.

Applicant:	Agent:	Architect:	Owner:
STEVE DANIELS (Tridel)			ARCWAY INVESTMENTS LTD

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas, Avenue	Site Specific Provision:	SASP No 277
Zoning:	CG-AV-H and POS	Historical Status:	N/A
Height Limit (m):	18.5 m or 6 storeys	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	5377.16 total 3242.86 non-hazard	Height:	Storeys:	8
Frontage (m):	53.57		Metres:	28.45
Depth (m):	Varies			
Total Ground Floor Area (sq. m):	1822.44			Total
Total Residential GFA (sq. m):	12855.95		Parking Spaces:	51 + 24 bicycle
Total Non-Residential GFA (sq. m):	0		Loading Docks	1
Total GFA (sq. m):	12855.95			
Lot Coverage Ratio (%):	0.56			
Floor Space Index:	3.96			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	29	Residential GFA (sq. m):	12855.95	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	100	Office GFA (sq. m):	0	0
2 Bedroom:	16	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	145			

CONTACT: PLANNER NAME: Brian Gallagher, Senior Planner
TELEPHONE: (416) 394-8230

Attachment 8: Draft Official Plan Amendment

City of Toronto By-law No. ~~-20~

AMENDMENT NO. 181 TO THE OFFICIAL PLAN

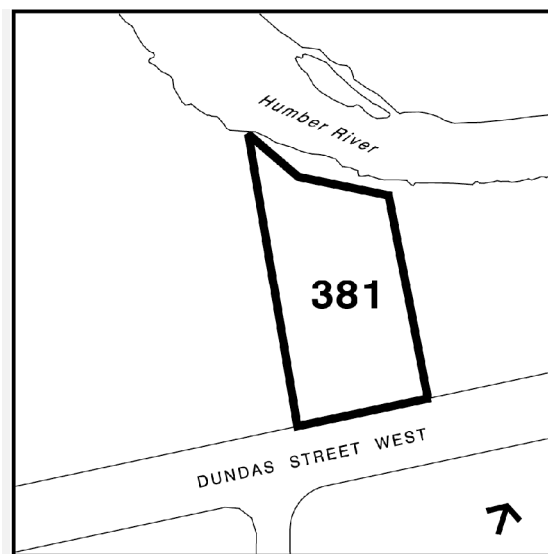
LANDS MUNICIPALLY KNOWN IN THE YEAR 2010 AS 4180, 4186, 4186A AND 4190 DUNDAS STREET WEST

The Official Plan of the City of Toronto is amended as follows:

1. Map 14, Land Use Plan, is amended by re-designating the northerly portion of the lands known municipally as 4180, 4186, 4186A and 4190 Dundas Street West from *Mixed Use Area* to *Parks and Open Space Areas - Natural Areas*, as shown on the attached Schedule A.
2. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 381 for the lands known municipally in 2010 as 4180, 4186, 4186A and 4190 Dundas Street West, as follows:

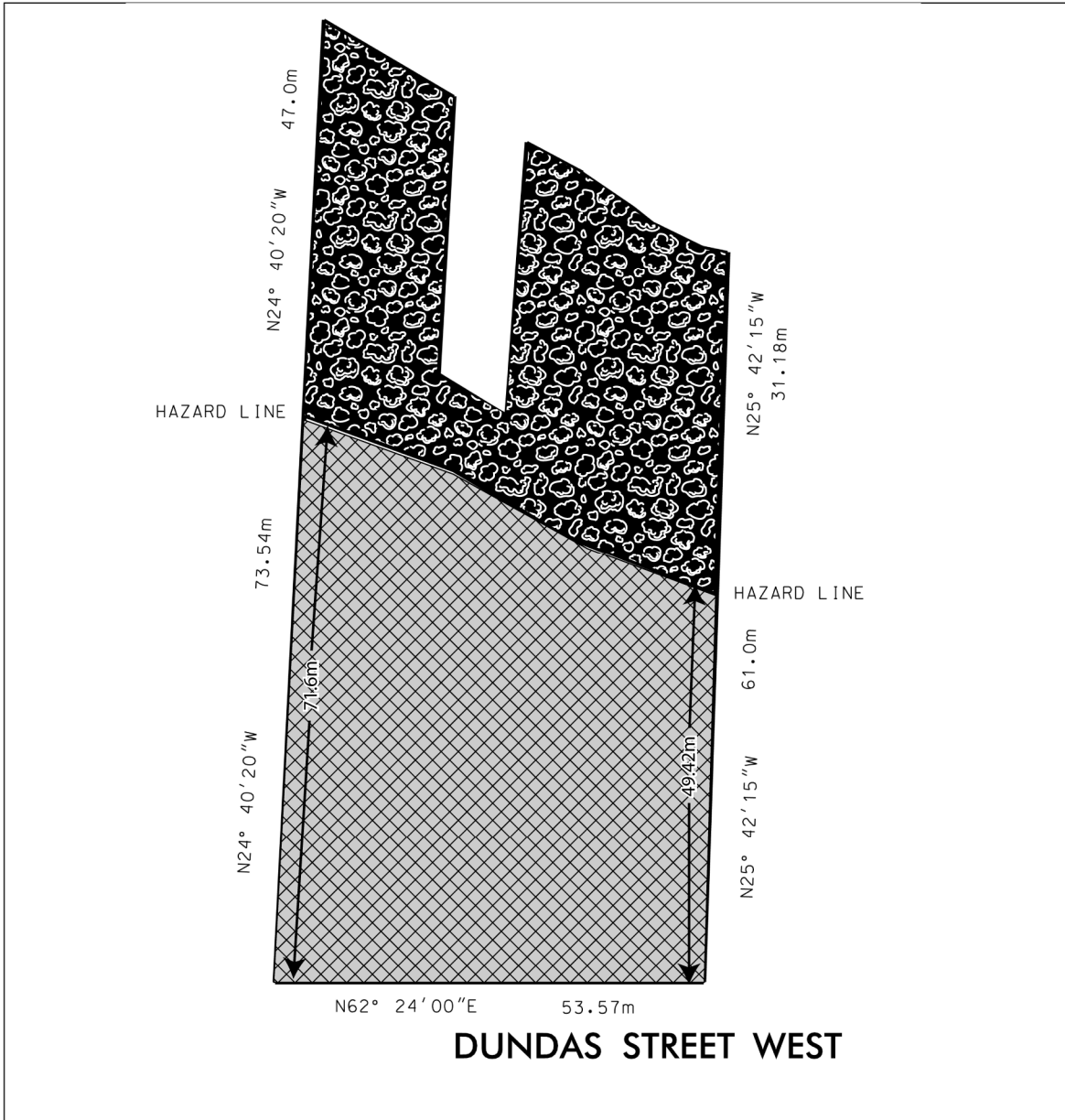
381. 4180, 4186, 4186A and 4190 Dundas Street West

Development (above and below grade buildings and structures) will be set back a minimum of 7.5 metres from the stable top-of-bank.



3. Chapter 7, Map 25, Site and Area Specific Policies, is revised to add the lands known municipally in 2010 as 4180, 4186, 4186A and 4190 Dundas Street West shown on the map above as Site and Area Specific Policy No. 381.

SCHEDULE A



4180 - 4190 Dundas Street West

Official Plan Amendment # 181

Revisions to Land Use Map 25

File # 10 223162 WET 04 02

Site Location	Parks & Open Spaces Areas		Utility Corridors
Neighbourhoods	Natural Areas	Institutional Areas	
Apartment Neighbourhoods	Parks	Regeneration Areas	
Mixed Use Areas	Other Open Space Areas	Employment Areas	

12/09/11

Attachment 9: Draft Zoning By-law Amendment

Authority: Etobicoke York Community Council Item ~ as adopted by City of Toronto
Council on ~, 20~
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To amend the Etobicoke Zoning Code and By-law 717-2006, as amended,
with respect to the lands municipally known as
4180, 4186, 4186A and 4190 Dundas Street West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS authority is given to Council by Section 34 and Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to remove the holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied; and

WHEREAS Council has provided notice of the intent to pass this By-law to remove the holding symbol (H); and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The zoning maps referred to in Section 320-5, Article II of the Zoning Code, and originally attached to the Township of Etobicoke By-law No. 11,737 (Etobicoke Zoning Code), and attached as Schedule A-3 to Zoning By-law 717-2006 be and the same are hereby amended by amending the boundary between the lands with a zone symbol General Commercial – Avenues (CG-AV) and the lands with a zone symbol Private Open Space (POS) as described in Schedule 'A' annexed hereto.

Notwithstanding the Etobicoke Zoning Code and By-law 717-2006, the following provisions and development standards shall apply to the Lands.

Where the provisions of this By-law conflict with the provisions of the Etobicoke Zoning Code or By-law 717-2006, the provisions of this By-law shall apply.

2. Definitions

Notwithstanding Section 304-3 of the Etobicoke Zoning Code and By-law 717-2006, for the purposes of this By-law, the following definitions will apply:

“Assisted Living Unit” means a unit located on the second floor of the building and intended for use by seniors with disabilities or special needs;

“Bicycle Parking Spaces – Long-term” means bicycle parking spaces intended for use by residents and employees.

“Bicycle Parking Spaces – Short-term” means bicycle parking spaces intended for use by visitors.

“Building Envelope” means the area delineated by heavy lines and identified on Schedule 'B' to this By-law;

"Building Permit" means a permit issued under Section 8 of the *Building Code Act, 2005*, including a permit for excavation or shoring;

“Grade” means 117.5 metres Canadian Geodetic Datum;

“Gross Floor Area” shall have the same meaning as the Etobicoke Zoning Code definition in Section 304-3, except that the following areas shall also be excluded: Mechanical Penthouse, Mechanical Floor Area, Indoor Amenity Areas up to 2 square metres per unit, storage areas and unenclosed balconies;

“Height” means the vertical distance between Grade and the highest point of the roof surface of the building, excluding the following:

- (i) any mechanical equipment, window washing equipment, Mechanical Penthouse, Sunroom, parapets, railings, trellises, landscape planters, stairs and stair enclosures located on the roof of the building, provided the maximum height of such elements is no higher than 6 metres above the roof surface of the building;
- (ii) Minor Projections which project from a stepped-back wall of the building;

“Indoor Amenity Area” means an indoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

“Lands” means the lands described in Schedule ‘A’ attached hereto;

“Mechanical Floor Area” means a room or enclosed area, including its enclosing walls, above or below grade, that is used exclusively for the accommodation of heating, cooling, ventilating, electrical, mechanical (other than escalators), elevator shafts, or telecommunications equipment that serves only such building;

“Mechanical Penthouse” means an enclosed structure and/or area located on the roof of the building that may include mechanical equipment such as generators, cooling towers, chillers, electrical equipment, and elevator shafts;

“Minor Projections” means minor building elements which may project from the main walls of the building beyond the Building Envelope, including balconies, bay windows, roof eaves, window sills, railings, cornices, guard rails, balustrades, doors, canopies, exterior stairs and covered ramps, parapets and vents, all to a maximum projection of 1.5 metres with the exception of the main entrance canopy, which may extend to a maximum of 3.0 metres;

“Outdoor Amenity Area” means an outdoor common area or areas which are provided for the use of residents of the building, and their guests, for recreational or social purposes;

“Seniors’ Residence” means a residential building that contains self-contained units designed for seniors’ occupancy and common facilities for the preparation and consumption of food, and which may also contain accessory uses and programming such as a beauty salon and spa, library, tuck shop, communal programming space, sanctuary space, medical office space and administrative offices, provided these uses are contained within the seniors’ residence building and are intended primarily for use by residents of the building. Each unit shall have a separate entrance from a common hall and shall contain sanitary facilities but shall not contain kitchen facilities;

"Site Plan Approval" means approval by the Chief Planner and Executive Director, City Planning Division or City Council, pursuant to Section 114 of the *City of Toronto Act, 2006*;

“Storey” has the same meaning as in Section 304-3 of the Etobicoke Zoning Code, but excludes Mechanical Penthouse and Sunroom;

“Sunroom” means an enclosed structure located on the roof of the building that may include stairwells, an elevator lobby, storage, an Indoor Amenity Area and washroom facilities;

3. Permitted Uses

- (a) In addition to the uses permitted in Section 3(A) of By-law 717-2006, and Sections 320-95 (B), (C), and (D) of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol CG-AV the following use is permitted:
 - (i) Seniors’ Residence.
- (b) Notwithstanding Section 320-29 of the Etobicoke Zoning Code, for the portion of the Lands with a zone symbol POS the following use is permitted:
 - (i) Parks used only for conservation purposes.

4. Development Standards – Seniors’ Residence

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors’ Residence, the following Development Standards shall apply:

(a) Building Heights

Notwithstanding Section 3(B)(1) and 3(B)(3) and Schedule A-6 of By-law 717-2006, the maximum Height permitted, in metres above Grade and storeys, is as shown on Schedule ‘B’, attached hereto.

(b) Mechanical Penthouse and Sunroom

Notwithstanding Section 3(B)(5) of By-law 717-2006, the maximum area of a Mechanical Penthouse on the Lands is 220 square metres and the maximum area of a Sunroom on the Lands is 120 square metres.

(c) Maximum Gross Floor Area

Notwithstanding Section 3(D)(2) and Schedule A-6 of By-law 717-2006, the maximum Gross Floor Area permitted on the Lands is 13,150 square metres.

(d) Parking Requirements

(i) Notwithstanding Section 3(E)(3), 3(E)(4) and 3(E)(6) of By-law 717-2006, vehicle parking shall be provided on the Lands at the following minimum ratios: 0.25 stalls per unit with an additional 0.1 stalls per unit for the exclusive use of visitors.

(ii) Notwithstanding Section 320-19 of the Etobicoke Zoning Code, one handicapped automobile parking space, which shall be included in the total number of parking spaces required by Section 4 (d) (i) of this By-law, shall be provided on the Lands.

(iii) Notwithstanding Sections 3(O)(a) and 3(O)(b) of By-law 717-2006, bicycle parking shall be provided on the Lands at the following ratios: 0.1 long-term spaces per unit with an additional 0.1 short-term spaces per unit.

(iv) Notwithstanding Section 4 (d) (iii) of this By-law, no bicycle parking spaces shall be required for assisted living units.

(v) No person shall use any portion of the Lands for surface or above-grade vehicle parking other than the pick-up and drop-off area and trucks for loading within the loading bay area..

(e) Treatment at Grade

- (i) Notwithstanding Section 3(H)(1) of By-law 717-2006 a second access to the entire building that does not front onto the primary street frontage shall be permitted.
- (ii) Notwithstanding Section 3(H)(5) of By-law 717-2006, the finished ground floor of the building shall be constructed at the same grade as the grade at the Dundas Street West entrance to the building.

(f) Service Areas

Notwithstanding Sections 3(J)(3) of By-law 717-2006, garbage storage areas may be located outside of the Building Envelope provided that they are located in the rear yard of the building and wholly within the portion of the Lands with a zone symbol CG-AV and are screened.

(g) Building Setback and Yard Requirements

- (i) Notwithstanding Subsections 3(L)(3)(i)(a), 3(L)(3)(i)(b), 3(L)(5)(i)(b) and 3(M) of By-law 717-2006 and Section 320-80 of the Etobicoke Zoning Code,
 - (A) No building or structure shall be located other than within the Building Envelope shown on Schedule 'B'.
 - (B) The front yard setback shall be a maximum of 4.0 metres.
 - (C) The Mechanical Penthouse shall be set back a minimum of 2.0 metres from the front wall of the eighth floor.
- (ii) Notwithstanding Section 4 (g) (i) of this By-law, any portion of the building or structure which is located below Grade may be located outside of the Building Envelope shown on Schedule 'B' provided such below Grade building or structure is set back a minimum of 7.5 metres from the Hazard Line/Stable Top-of-Bank shown on Schedule "B".
- (iii) Minor Projections are permitted outside the Building Envelope.
- (iv) Permitted accessory structures, wheelchair and covered ramps, exterior stairs and associated covering, parapets and railings related to underground parking structures, vents, safety railings, planters, retaining walls, other landscape features, electrical ducts and electrical transformers are permitted outside the Building Envelope and within the 7.5 metre setback from the hazard line Hazard Line/Stable Top-of-Bank shown on Schedule "B".

5. Removal of the “H” Holding Symbol

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors’ Residence By-law 717-2006 is amended by removing the Holding Symbol (H) from the Lands shown on the attached Schedule 'A'.

6. Section 37

When the portion of the Lands with a zone symbol CG-AV is used for a Seniors’ Residence:

- (a) The density and heights of development permitted by this By-law are subject to the Owner of the Lands, at its sole expense, providing the following cash contributions toward specific facilities in accordance with and subject to the Agreement required in this Section, pursuant to Section 37 of the *Planning Act* as follows, including insurance, indemnity, and letters of credit.
 - (i) Prior to the issuance of the first above-grade building permit for all or any portion of the Lands, the Owner shall pay to the City by certified cheque the sum of one hundred and fifty thousand dollars (\$150,000.00) to be used for streetscape improvements along Dundas Street West, and such sum is to be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto from the date of execution of the Section 37 Agreement to the date of payment to the City.
- (b) The Owner of the Lands must enter into and register on title to the Lands an agreement with the City, pursuant to Section 37 of the *Planning Act*, for the purpose of securing the facilities, services, and matters set forth in Section 12 of this Bylaw, to the satisfaction of the Chief Planner and Executive Director, City Planning Division and the City Solicitor, including:
 - (i) The conveyance of the portion of Lands north of the “Hazard Line/Stable Top-of-Bank” as shown on Schedule ‘A’ of this By-law, to the Toronto and Region Conservation Authority as a condition of Site Plan Approval for the proposed development.
 - (ii) The design, implementation, securing and warranty, by the owner, of slope remediation works, comprehensive planting and ravine stewardship for the land north of the “Hazard Line/Stable Top-of-Bank” as shown on Schedule ‘A’ of this By-law, to the satisfaction of the Toronto and Region Conservation Authority and the Director of Urban Forestry, Ravine and Natural Feature Protection, as a condition of Site Plan Approval for the proposed development.

- (iii) The provision of noise attenuation measures as detailed in the Aeroacoustics Engineering Limited report titled “4180/4190 Dundas Street West/Impact of Railway Noise” dated April 4, 2011.
 - (iv) The provision of easements, registered on title, permitting joint use of a shared right-of-way permitting vehicular and pedestrian access to the Lands and to the abutting property to the east (4174 Dundas Street West) as a condition of Site Plan Approval for the proposed development.
7. Notwithstanding any severance, partition or division of the Lands, the provisions of this By-law shall apply to the whole of the Lands as if no severance, partition or division occurred.
8. Chapter 324, Site Specifics, of the Zoning Code is hereby amended to include reference to this By-law by adding the following to Section 324.1, Table of Site Specific By-laws.

BY-LAW NUMBER AND ADOPTION DATE	DESCRIPTION OF PROPERTY	PURPOSE OF BY-LAW
_____ - 2011	Lands located on the north side of Dundas Street West, east of Prince Edward Drive North and known as 4180, 4186, 4186A and 4190 Dundas Street West.	To provide site specific development standards to permit a seniors’ residence building at 4180, 4186, 4186A and 4190 Dundas Street West.

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

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

