

# **TORONTO** STAFF REPORT

May 25, 2004

To: Toronto South Community Council

From: Director, Community Planning, South

Subject: Final Report  
Official Plan Amendment & Rezoning Application 02 035148 SHY 18 OZ  
Owner: Marca Development Corporation  
Architect: Quadrangle Architects  
1245 Dupont Street  
Ward 18 - Davenport

## Purpose:

This report reviews and recommends approval of a revised application to amend the Official Plan and the Zoning By-law for a phased mixed-use commercial residential development containing 1600 residential units at the southwest corner of Dufferin and Dupont Streets, the site of the existing Galleria Mall.

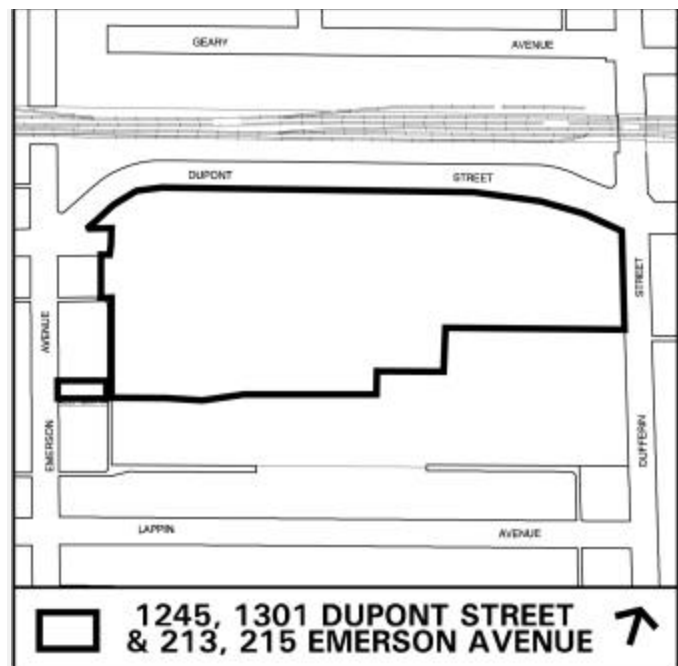
## Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

## Recommendations:

It is recommended that City Council:

- (1) amend the Official Plan for the former City of Toronto substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 11;
- (2) amend the Zoning By-law for the former City of Toronto as described in the body of the report;
- (3) 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) prior to introducing the necessary Bills to Council for enactment, require the owner to enter into a Section 37 agreement with the City;
- (5) prior to introducing the necessary Bills to Council for enactment, require the owner to submit a letter to the City Solicitor confirming their withdrawal of its appeal to the new Official Plan pertaining to these lands;
- (6) require the owner to:
  - (a) provide space within the development for the construction of any transformer vaults, hydro, gas, bell and sewer and communications maintenance holes and pedestals required in connection with the development of each phase;
  - (b) submit to the Commissioner of Works and Emergency Services for review and acceptance;
    - (i) a functional road plan/detailed cross section drawings of the new proposed street system;
    - (ii) a pavement marking and signage plan for all new public roads including any modifications required to the pavement markings and signage on existing public roads;
    - (iii) an overall infrastructure phasing plan to describe the roads and municipal services and utilities including the relocation of the watermain within the easement that will be required to accommodate each phase of development, and to indicate, among other things, the demolition/construction sequencing/construction access and staging areas;
    - (iv) an overall municipal servicing report to: determine the storm runoff, sewage flow and water demand resulting from the redevelopment of the entire development site; describe how the entire site is to be serviced including the relocation of the existing watermain within an easement; and whether the existing municipal infrastructure is adequate or upgrades to it are required to service this development;
    - (v) an overall stormwater management report to describe how stormwater run-off generated by the redevelopment of the entire site is to be managed and how the objectives of the City's Wet Weather Flow Management Master Plan are to be satisfied;

- (vi) an overall municipal lighting assessment for the proposed internal street network and for Dupont Street, Dufferin Street and Royce Street, along the boundaries of the site;
- (c) submit to the Commissioner of Works and Emergency Services, for review and acceptance, at least three weeks prior to the introduction of Bills in Council:
- (i) a Reference Plan of survey in metric units and referenced to the Ontario Co-ordinate System delineating thereon by separate PARTS the lands under application, lands to be conveyed as indicated in Recommendation No. 6(e)(ii) and any appurtenant rights-of-way and the remainder of the site;
  - (ii) final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed buildings and townhouse unit blocks to enable the preparation of building envelope plans;
- (d) pay for all costs associated with:
- (i) streetlighting for the development of the site including any required upgrades to the existing lighting on Dupont Street, Dufferin Street and Royce Street, along the boundaries of the site;
  - (ii) energizing the lighting of the proposed City streets and walkways, until assumption of the streets or walkways by the City;
  - (iii) new municipal infrastructure and/or upgrades to existing municipal infrastructure required to service this development including the relocation of the existing watermain within the easement and construction of the public roads noted in Recommendation No. 6(b)(iv);
  - (iv) the installation of regulatory signage and pavement markings, prior to the issuance of any building permit, that are required in connection with the development including any modifications required to the pavement markings and signage on existing public roads, shown in the accepted plan referred to in Recommendation No. 6(b)(ii);
  - (v) construction of the proposed streets and associated infrastructure identified in the infrastructure phasing plan in Recommendation No. 6(b)(iii);

- (e) enter into an agreement with the City, prior to the issuance of a below-grade building permit for the site, to the satisfaction of the Commissioner of Works and Emergency Services in consultation with the City Solicitor, to secure, among other matters, the design, relocation of the existing watermain within the easement, construction and conveyance of the public roads and associated municipal services and facilities, the Owner's financial obligations and responsibilities for this development respecting:
  - (i) the design and construction of the proposed streets and associated municipal services and utilities in accordance with the approved engineering drawings and City standards and specifications, and at no cost to the City;
  - (ii) conveyance to the City on a phased basis, for a nominal fee, prior to the issuance of building permits for each of the phases, the lands required by the City for the construction of the proposed new public rights-of-way, as identified Drawing No. A102 (date stamped October 9, 2003, by Urban Development Services), and in respect of Street "A", convey a strata conveyance of a minimum of 1.5 m from finished grade, or such lesser depth as may be acceptable to the Commissioner of Works and Emergency Services such lands to be free and clear of any encumbrances, and subject to a right-of-way for access purposes in favour of the Grantor until such time as the said lands have been laid out and dedicated for public highway purposes;
  - (iii) retention of a qualified municipal consulting engineer to carry out and certify all necessary engineering design and inspection works required for the provision and construction of the new roads and associated municipal services and utilities;
  - (iv) submission of all reports (e.g. stormwater, geotechnical, construction management plan, environmental site assessment, soil and groundwater, remediation, etc.), drawings, legal plans, calculations, and certifications deemed necessary by the Commissioner of Works and Emergency Services for review and acceptance;
  - (v) relocation of the existing 400 mm diameter watermain presently located within an easement (Registered on title as Instrument No. 59672WH, dated January 11, 1951), while maintaining a looped system at all times, as approved by and to the satisfaction of the Commissioner of Works and Emergency Services, at no expense to the City, to facilitate the construction of the development and grant the appropriate easements for the relocated watermain;

- (vi) granting the necessary easements as determined by the Commissioner of Works and Emergency Services, for the portion(s) of any municipal services that are required to service a specific phase and extend onto proposed street(s) that are yet to be conveyed to the City;
- (vii) submission of functional road plans at the time of future site plan applications for a development phase or portion(s) thereof, including pavement and lane widths, pavement marking and signage plans for the proposed streets including modifications to existing public streets as may be required by the Commissioner of Works and Emergency Services, detailed engineering and grading design drawings, in accordance with the City's design standards and specifications and policies;
- (viii) submission for each phase or portion(s) thereof, of a street lighting system plan for the proposed streets, lanes, walkways and abutting public streets, and walkways, in accordance with the approved overall municipal lighting assessment, to be constructed in conjunction with the development;
- (ix) submission to the Commissioner of Works and Emergency Services, updated Traffic Impact Studies in conjunction with future site plan applications for each respective block or portion(s) thereof, for review and acceptance, and agree to pay for all costs associated with the implementation of any mitigating measures or road improvements required by the Commissioner of Works and Emergency Services based on the review of the studies;
- (x) payment for all costs associated with the installation and maintenance of the traffic control signals at the future intersection of Dupont Street and Street "B" as determined by the Commissioner of Works and Emergency Services prior to the issuance of the 1<sup>st</sup> building permit for either phase 1 or phase 2;
- (xi) receipt of and/or submission of all permits, letters of credit, proof of insurance, fees, applicable Certificate of Approvals from the Ministry of the Environment, engineering drawings, easement documents, and any other documentation deemed necessary by the Commissioner of Works and Emergency Services for acceptance prior to commencing construction of the new roads and its associated municipal services;
- (xii) the repairs to any damages to any existing City infrastructure caused during the construction of the roads and the associated municipal services including but not limited to the driveways,

water, sewer and lighting systems, until assumption by the City of such services, to the satisfaction of the Commissioner of Works and Emergency Services;

- (xiii) submission of all progress reports at the request of the Commissioner of Works and Emergency Services;
- (xiv) the access by the Commissioner of Works and Emergency Services or his designate to the site to inspect the construction of the new roads and the associated municipal services and utilities;
- (xv) the repairs to the roads and the municipal services that have been deemed by the Commissioner of Works and Emergency Services as not having been constructed properly;
- (xvi) installation of all new utilities within the proposed new streets underground, and that any existing and above-ground utilities will be phased out as development proceeds, unless otherwise approved by the Commissioner of Works and Emergency Services;
- (xvii) submission of dewatering plans outlining the proposed measures to comply with Municipal Code, Chapter 681, Sewers, the City's Sewer Use By-law No. 457-2000), as amended from time to time, for any future development application of individual projects for the block or portion(s) thereof, prior to any building permits issued by the City, if applicable based on findings of a geotechnical report;
- (xviii) submission of Completion Certificates in a format and with wording satisfactory to the Commissioner of Works and Emergency Services;
- (xix) compliance with standard City conditions relating to the acceptance of the works, guarantee of works and assumption of works as they relate to the construction of the roads and associated municipal services and utilities;
- (xx) provision for winter maintenance for the roads, until its acceptance and/or assumption by the City, to the satisfaction of the Commissioner of Works and Emergency Services;
- (xxi) installation of all temporary street signs as determined by the Commissioner of Works and Emergency Services;

- (xxii) compliance with standard City conditions relating to the Construction Lien Act as it relates to the construction of the new roads and associated municipal services;
  - (xxiii) the design and construction of the roof of the underground garage structure to be in accordance with the Ontario Highways and Bridge Design standards;
- (f) in connection with the stratified conveyance noted in Recommendation No. 6(e)(ii), execute an agreement, binding on successors on title to:
- (i) indemnify the City from and against all actions, suits, claims, or demands and from all loss, costs, damages, charges, and expenses that may result from the construction of the garage underneath the public highway;
  - (ii) maintain the structure in good and proper repair and a condition satisfactory to the Commissioner of Works and Emergency Services;
  - (iii) indemnify the City from and against any loss or damage to the waterproofing and structure resulting from the maintenance and reconstruction of the street pavement, unless such loss or damage is caused by negligence of the City;
  - (iv) include additional conditions as the City Solicitor and the Commissioner of Works and Emergency Services may deem necessary in the interests of the Corporation;
- (g) provide and maintain parking spaces on the site to serve the residential component of the development, in accordance with the following minimum ratios:

<u>Unit Type</u>	<u>Parking Ratio</u>
1 bedroom Units	0.7 space/unit
2 bedroom Units	1.0 space/unit
Live/Work Units	1.0 space/unit
Visitor parking	0.12 spaces/unit

- (h) provide and maintain 3-Type G loading spaces (1 loading space for each of the Phases) on the site;
- (i) provide a continuous drop curb across the private road (east/west leg of Street A) /Street “A” intersection;

- (j) submit, prior to the issuance of the 1<sup>st</sup> below-grade building permit regardless of the construction phasing sequence, all environmental site assessment reports describing the current site conditions and the proposed remedial action plans to the Commissioner of Works and Emergency Services, for peer review;
- (k) pay all costs associated with the City retaining a third-party peer review consultant and submit, prior to the issuance of the 1<sup>st</sup> building permit for the development regardless of the construction phasing sequence, a certified cheque payable to the Treasurer, City of Toronto, in the amount of \$3,000.00 as a deposit towards the cost of peer review;
- (l) submit, prior to the issuance of the 1<sup>st</sup> above-grade building permit for each phase of the development, a statement from a Professional Engineer (sealed and dated), for peer review and concurrence, that based on all the necessary supporting environmental documents:
  - (i) the respective phase of the site including the lands to be conveyed for public highway purposes is suitable for its intended use;
  - (ii) the condition of the respective phase is adequately protected from re-contamination from adjacent phases which are yet to be cleaned up;
  - (iii) it is unlikely that there is any off-site contamination, resulting from the past land uses on the site, that has migrated from the site to the adjacent rights-of-way that would exceed applicable MOE guidelines, objectives, or regulations;
- (m) enter into an agreement with the City, prior to the issuance of the 1<sup>st</sup> above-grade building permit for the development regardless of the construction phasing sequence, should it be determined that remediation of the adjacent rights-of-way is required, in which the Owner, or the party responsible for the contamination, commit to carrying out a remedial work plan acceptable to the City;
- (n) submit, prior to occupancy of the 1<sup>st</sup> building in each of the phases of the development, a Record of Site Condition (RSC) to the Commissioner of Works and Emergency Services, with respect to the statement from the Professional Engineer submitted prior to the issuance of the 1<sup>st</sup> above-grade building permit;
- (o) apply to the Commissioner of Works and Emergency Services, prior to filing a formal application for the 1<sup>st</sup> building permit regardless of the construction phasing sequence, for revised municipal numbering which



must include a site plan showing entrances to the proposed buildings and townhouse unit blocks;

- (p) submit to the Commissioner of Works and Emergency Services, a name for the proposed roads in accordance with the City of Toronto Street Naming Policy so that it can be circulated for comments and forwarded to the appropriate Community Council for consideration;
  - (q) submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to approval of the requested amendments to the Zoning By-law, revised drawings/documentation in respect to Recommendation Nos. 6(c)(i), 6(c)(ii), 6(e)(ii), 6(h) and 6(i);
- (7) advise the owner:
- (a) that this development is subject to an easement agreement for the watermain within private property, registered on title as Instrument No. 59672WH, dated January 11, 1951;
  - (b) that a detailed review of the vehicular access arrangements will be conducted for each development phase in conjunction with the future site plan applications, and additional analysis or conditions may be required accordingly at that time;
  - (c) to submit in conjunction with an application for a building permit, plans and documentation, detailing how the proposed building will be constructed in accordance with the Ontario Building Code relating to the provisions of fire fighting, as discussed in the body of this memorandum;
  - (d) that the storm water runoff originating from the site should be disposed of through infiltration into the ground and that storm connections to the sewer system will only be permitted subject to the review and acceptance by the Commissioner of Works and Emergency Services of an engineering report detailing that site or soil conditions are unsuitable, the soil is contaminated or that processes associated with the development on the site may contaminate the storm runoff;
  - (e) of the need to make a separate application to the Commissioner of Works and Emergency Services for permits to carry out any works involving construction in, or occupancy of, the abutting public rights-of-way;
  - (f) that although the transferring/collection of refuse to and from the storage rooms in any of the phases can be done using a small tractor, at no time are container bins to be transported over portions of the public rights-of-way;

- (g) of the City's requirement for payment of a service charge associated with the provisions of City containerized garbage collection;
  - (h) that in the event the on-site staff member is not available at collection time, the vehicle will leave the site and not return until the next scheduled collection day;
  - (i) of the need to contact the Solid Waste Management Services Section of Works and Emergency Services to complete the necessary application and waiver forms prior to the commencement of City waste collection for this project; and
- (8) the owner shall provide and maintain an irrigation system, for the proposed trees within the public road allowances, including an automatic timer, designed to be water efficient by a Certified Landscape Irrigation Auditor (CLIA) and constructed with a back flow preventer to the satisfaction of the Commissioner of Works and Emergency Services, including requirements to maintain in good order and operation.

Background:

Proposal

The applicant is proposing to develop a mixed-use commercial residential project over three phases that will gradually replace the existing Galleria Mall. The final build-out of the site would result in 1,600 residential condominium units in 6 buildings ranging between 6 and 19 storeys in height as well as a block of twenty, 3 ½ storey stacked townhouses. The proposal includes the introduction of 4 new public streets within the site as well as approximately .55 hectares of additional parkland that will complement the existing Wallace-Emerson Park. The final build out of the site will also include a total of 1,449 parking spaces (including 186 visitor spaces) in a two-level below grade garage.

The applicant has submitted an Official Plan and Zoning By-law amendment to provide for the future build-out of the site in accordance with an overall Concept Plan for the site.

It should be noted that this is a revised application for Official Plan and Zoning By-law amendment to permit a comprehensive redevelopment of the Galleria site for a mixed-use development. Staff did not support the original application submitted in August 2002.

The original application for Official Plan Amendment for this site was submitted in 2002 to permit a mixed-use proposal with 1,610 residential condominium units in 6 buildings ranging between 7 and 20 storeys. In addition, the applicant submitted a rezoning application for phase 1 of the project to permit the development of a 20-storey residential building at the corner of Dupont and Dufferin Streets, wrapping around the northeast portion of the site.

In its report to Humber York Community Council dated August 28, 2002, staff identified a number of key issues with the original application which needed to be addressed prior to receiving support from City staff. The application was considered premature, particularly given that a master plan was not prepared which would provide the appropriate planning and urban design rationale to introduce a significant amount of new development to this site.

The report identified a number of outstanding issues contributing to the premature nature of the application. These issues included:

- illustrating the scale, massing and height of buildings to achieve appropriate transitions both within the site and to adjacent areas, while minimizing potential impacts related to matters such as light, view and privacy;
- the need for a comprehensive open space plan that would address matters including landscaped open space, public access, walkways, park improvements, pedestrian circulation and connections to surrounding areas such as transit stops and community facilities;
- Section 37 contributions related to increases in height and density, as authorized by the Official Plan; and
- the need for a clear and comprehensive phasing plan addressing matters such as interim and proposed future access, servicing, parking, landscaping and community improvements.

The staff report also suggested that the applicant retain an urban design consultant to bring additional focus to the project and to assist with the planning process.

As a result of the various issues raised, the staff report recommended that the proposed Zoning By-law amendment be refused in its current form, and that the applicant be requested to revise the Official Plan Amendment application in a manner that addressed the issues raised in the report.

At its meeting of September 2002, Humber York Community Council did not adopt the recommendations of the staff report, but rather directed staff to continue to resolve identified issues with the applicant with a view to enabling a satisfactory redevelopment of the Galleria lands.

As a result of the issues raised in the staff report, and further meetings with staff, the applicant decided to retain an urban designer, new architects, and new traffic and planning consultants to prepare a revised master concept plan that would more appropriately address the city's concerns.

## Site History

The Galleria Mall site was developed in the early 1970's and occupies a large area at the southwest corner of Dufferin and Dupont Streets in the Wallace-Emerson Neighbourhood. The site's size, accessibility to transit, single-storey commercial uses and large amount of surface parking create several possible redevelopment opportunities. However, the site as currently developed, exhibits a poorly defined street edge, lacks clear pedestrian and vehicular routes and has very little connection with the surrounding neighbourhood.

Through previous work, Planning staff have acknowledged and explored the potential of the Galleria site to provide for a variety of residential and complementary uses while improving the site and its relationship with the surrounding area. Previous proposals to introduce residential uses were considered in the 1980's, however, these projects were not successful.

In 1982, in conjunction with the review of a development proposal, planning staff prepared a study entitled "Housing on Shopping Plaza Sites" which explored the potential for mixed-use development on existing west-end plaza properties, including the Galleria Mall. The study was intended to encourage appropriate mixed commercial and residential development and guide development applications. The study included overall general redevelopment guidelines as well as more specific guidelines for the Galleria site.

One of the key principles emerging from the study of the Galleria site was the need for an appropriate integration of existing and new buildings, streets and open spaces both internally and with the surrounding neighbourhood. This would be achieved through measures such as varying scale and massing, appropriate pedestrian and vehicular circulation, and suitable relationships between the various elements of a mixed-use area. The study suggested that the tallest structures should exist where they would be least intrusive to the surrounding residential neighbourhood, park and lower-scale elements of the new development itself.

A 1989 Preliminary Report for a further residential development application on the Galleria site referenced the 1982 study and suggested that the planning issues identified in the guidelines and through review of the previous application were still valid. The review of the August 2002 proposal included a consideration of the major principles in the study and this study was also taken into consideration in the review of the current revised proposal.

## Site and Surrounding Area

The site is approximately 5 hectares (12 acres) and located at the southwest corner of Dufferin and Dupont Streets. The site is currently developed with the Galleria Mall, and a McDonald's restaurant and a gas bar at the eastern portion of the site. Vehicular access to the site is provided on both Dufferin and Dupont Streets.

A CPR line and industrial uses are north of the site, the Wallace-Emerson Community Centre and park and low density residential uses are to the south, and primarily low-density residential uses are to the east and west.

## Official Plan

The Official Plan of the former City of Toronto designates the site “Low Density Mixed Commercial-Residential Area”. These areas are described as containing a mix of commercial, residential and institutional uses in low-rise form, generally within the range of three to five storeys. Map 1B “Mixed Commercial Residential Density Map” identifies the Galleria site as being subject to a density and floor area mix which permits a density of 2.5 times the area of the lot with a maximum density of 2.0 times the area of the lot for commercial uses and a maximum of 1.0 times the area of the lot for residential uses. Council may pass by-laws to permit buildings with a maximum density of 3.0 times the area of the lot.

The Official Plan provides additional policies, including those related to the development of large sites. Other applicable policies include the provision of affordable housing, alternative parkland conveyance requirements, and the use of Section 37 provisions to secure features such as community or park facilities.

## Wallace-Emerson Secondary Plan

The Galleria Mall is located within the Wallace-Emerson Neighbourhood, which is a predominantly residential area with pockets of industrial and commercial uses. It is identified in the Wallace-Emerson Secondary Plan as “Area B – Galleria Plaza”. The Plan provides for the potential redevelopment of mixed uses on the site, including a future residential population in a variety of housing types. The Plan further states that development must be compatible in function and scale with the existing neighbourhood and in particular, with adjacent residential areas.

The Plan requires that prior to the establishment of any residential uses on the site, Council must be satisfied that appropriate regard has been given to a number of factors including the arrangement and scale of buildings on the site; the relationship of the site to adjacent areas; vehicular and pedestrian access and circulation; the internal road system; parking; recreation space; social and educational services; and the quality of the living environment.

While the Wallace-Emerson Secondary Plan has not been carried forward into the new City of Toronto Official Plan, the relevant policies of the Secondary Plan specific to the Galleria Mall site have been included in the new Plan in the form of a site-specific policy.

## New Toronto Official Plan

At its meeting of November 26, 2002, City Council adopted the new Official Plan for the City of Toronto. The Minister of Municipal Affairs and Housing approved the new plan, in part, with modifications. The Minister's decision has been appealed in its entirety. The Official Plan is now before the Ontario Municipal Board. The first pre-hearing on the new Official Plan was held on April 19<sup>th</sup> and 20<sup>th</sup>, 2004. The next pre-hearing has been scheduled for September 2004.

When the plan comes into full force and effect, the site will be designated “Mixed Use Area”. Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed-use buildings, as well as parks and open spaces and utilities. The proposal conforms to the policies in the new Official Plan.

The new Plan also contains development criteria for Mixed Use Areas including the need to create a balance of uses, to locate and mass new buildings to provide a transition between areas of different development intensity and scale, to locate and mass new buildings to frame the edges of streets and parks with good proportions, and to take advantage of nearby transit services, to name a few.

The approval of this application, therefore, would not constitute the need for an amendment to the new Official Plan as the form and massing of the proposed development meets the development criteria in Mixed Use Areas of the Plan.

#### Site Specific Policy

The Galleria Mall site has been included in chapter 7 of the new Official Plan as Site Specific Policy number 213, “Southwest Corner of Dupont Street and Dufferin Street”. This policy contemplates the potential for large-scale redevelopment of the site, however states that the redevelopment should occur in a planned and orderly progression.

The site specific policy states that development on these lands will be compatible in scale and function with the existing community, particularly the adjacent neighbourhoods and parks and open space areas and that higher buildings be located away from the low-scale neighbourhood lands and Wallace-Emerson Community Centre and Park. Further, new buildings should be located along the edge of Dufferin and Dupont Streets with no surface parking between the front of the building and sidewalk.

Staff is satisfied that the proposal is complementary to, and compatible with this site-specific provision in the new Official Plan, and therefore, no amendment to the Site Specific Policy is needed.

#### Zoning

The lands are zoned CR T0.6 C0.6 R0 in Zoning By-law 438-86 of the former City of Toronto, as amended. Commercial uses are permitted, with a maximum density of 0.6 times the area of the lot and a maximum height of 14.0 metres. Although the Official Plan contemplates future residential uses on the Galleria Mall site, the Zoning By-law does not permit residential uses.

#### Reasons for the Application

The applicant is seeking an Official Plan Amendment to establish a concept plan for the comprehensive redevelopment of the site. This concept plan will also include mechanisms for staging the various phases of the project.

The proposed Zoning By-law Amendment has been requested in order to permit residential uses on the site. The Amendment will also address issues such as height, density and setbacks. The Draft Zoning By-law Amendment will be available at the Community Council Meeting.

### Community Consultation

In addition to a number of workshop sessions organized by the applicant with the various ratepayers' and neighbourhood associations in the Dufferin/Dupont area, staff held a Community Consultation Meeting in May 2003.

Approximately 40 people attended this meeting and the proposal was generally well received. There were concerns with respect to the perceived additional traffic that the residential development might generate and with the proposed height of some of the buildings. In addition, there were a number of people who were quite concerned that with the eventual removal of the Galleria Mall, there would be no local grocery store that would be accessible by foot, particularly with respect to the number of elderly people who currently use the grocery store in the Mall for their shopping needs. Some people were also concerned that the proposal was too dense and would result in bringing too many people into an already crowded area that was not particularly well served by transit.

The consultants for the proposal did advise that although the development was to be primarily residential in nature, there was approximately 3,500 m<sup>2</sup> of commercial/retail space proposed and that some of this space could potentially be used for some type of grocery store use.

### Comments:

The revised application represents a significant departure from the originally submitted proposal. The proposal shows a comprehensive redevelopment of the Galleria Mall based on an overall concept plan that shows the development happening in three phases including an addition to the existing Wallace-Emerson Park and 4 new roads into the site. The overall proposed density for the development is 2.75 times the area of the lot. The roads (except for the north/south street at the west limit of the development that will be a private road) will be dedicated to the City as public roads and help to integrate the site into the adjacent neighbourhood. The east/west road, which forms the southern boundary of the site adjacent to Wallace Emerson Park, provides for "eyes on the park" which will add a greater element of safety to park users and facilitate traffic flow into and out of the development.

Through much consultation with city staff and the community, the revised proposal has addressed many of the issues originally outlined in the August 2002 staff report. The concept plan submitted shows a keen emphasis on urban design. It appropriately sites the buildings with the tallest elements situated adjacent to Dufferin and Dupont Streets with a gradual transition in heights as the development approaches the existing parkland and adjacent low rise neighbourhood.

While the first phase of development has not yet been determined by the applicant, it is expected that the development will occur starting from the west end for phase I and moving eastward, particularly given that the McDonald's restaurant at the northeast end of the site has a long term lease (approximately 15 years). McDonald's have indicated they do not wish to move from this location.

The demolition of the Mall will be concurrent with the phases of development – as phase I gets built, that portion of the Mall will come down and the remaining stores and associated parking will remain, until eventually the entirety of the Mall will come down as the final phase gets built. It should be noted however, that there may need to be some minor alterations or additions to the portion(s) of the Mall that will remain standing. Staff do not have a concern with additions or modifications to these portions of the Mall provided that new additions total no more than 500 m<sup>2</sup>.

#### Agency Comments

The revised application has been circulated to City departments and other agencies for their review. As a result of this review, the following issues have been raised.

#### Parks

Comments received from the City's Parks and Recreation staff have advised that due to the size of the site, the alternative parkland dedication requirement as outlined in Section 4.18 of the Official Plan for the former City of Toronto allows for the implementation of a parkland dedication rate of 0.6 hectares for every 830 dwelling units. With a proposed unit count of 1,600 units, the resulting dedication would be approximately 0.94 hectares. The applicant has proposed a parkland dedication of 0.55 hectares. Parks staff have agreed to a reduced parkland dedication in order to accommodate a proper built form and functional road system within the proposed development.

The lands to be conveyed to the City as parkland are to be free and clear, above and below grade, of all obstructions, easements, encumbrances and encroachments. The final location, grading, configuration and development of the parklands to be conveyed will be subject to the approval of the Commissioner of Economic Development, Culture and Tourism.

Parks comments further stated that the owner shall be responsible for an environmental assessment of the lands to be dedicated and shall assume any associated costs or remediation works required as a result of the assessment. The owner would also be responsible for any costs associated with the dedication, including any Land Transfer Tax and the preparation and registration of all relevant documents.

The owner will also be responsible for the base construction and installation of the parkland, including:

- grading (inclusive of topsoil supply and placement);



- sodding;
- fencing;
- all necessary drainage systems;
- electrical and water connections to the street line; and
- street trees along all public road allowances abutting City owned parkland.

Parks staff have indicated that the development of the park block in base park condition will be required in conjunction with the development of phase II.

Prior to the issuance of the first above grade building permit for the phase II residential development, the owner will post a Letter of Credit as security for the base park improvements.

#### Works and Emergency Services (WES)

Comments received from Works and Emergency Services include a review from transportations and technical services staff. These comments have been incorporated into the report as recommendations.

#### Toronto Transit Commission (TTC)

In its comments regarding the proposed development, the Toronto Transit Commission has stated that it requires a farside bus bay running along the Dufferin Street frontage of the site sufficient to accommodate 2 to 3 TTC vehicles. This bus bay is needed in order to accommodate the increased demand in ridership that the development will generate. The owner will be responsible for any conveyance of lands and all costs associated with the design and construction of a bus bay at this location. This requirement will be associated with the redevelopment of the eastern most portion of the site, likely phase 3, and will be secured through the Section 37 Agreement.

The TTC has also stated that it requires the installation of transit signal priority at the intersections of Dupont and Dufferin, Dupont and new Street "B", and Dupont and Lansdowne. The installation of the transit signal priority will be in relation to the first phase of the development, payment of which will be the responsibility of the owner. This will be secured through the Section 37 Agreement. The TTC has further requested a westbound left turn lane at the intersection of Dupont Street and new Street "B". City staff are reviewing this request and this facility may be required as a condition of Site Plan Approval for the construction of phase I or phase II.

#### Community Benefits and Section 37 Agreement

The applicant and the City have discussed a package of community benefits that contribute to the planning merit of the proposal and implement Official Plan policies related to well managed and balanced growth. An agreement has been reached on the following:

- (a) \$325,000 towards improvements for the Wallace-Emerson Community Centre to be associated with phase I of the development;
- (b) \$150,000 towards improvements for Wallace-Emerson Park. In addition to the parkland dedication, this will be associated with phase II of the development;
- (c) the provision of a 20 year lease for a 2,000 square foot, at grade, non-residential unit to be used for community purposes. The lease would be in favour of the City and the rent would be nominal (i.e., \$1 a year). The value of this benefit has been estimated at \$520,000. It will be associated with phase II of the development; and
- (d) \$200,000 contribution toward public art to be located on the site. This will be associated with phase III of the development.

In total, the community benefits amount to approximately \$1,950,000 in cash and community space. All contributions will be indexed.

These benefits and other matters such as phasing of development, the need for updated Traffic Impact Studies with each phase of development, dedication of roads to the City, and TTC requirements will be secured in a Section 37 Agreement executed between the City and applicant.

Conclusions:

The Galleria Mall site offers excellent potential for redevelopment with an appropriate range and form of both commercial and residential uses that are well integrated with the surrounding community.

The revised application represents a substantial departure from the originally submitted proposal. The applicant's consultant team has addressed previous city concerns through much consultation with both residents and staff, and have presented a Concept Plan for the comprehensive redevelopment of the Galleria Mall that clearly meets the City's objectives and criteria for redevelopment of this important site.

Contact:

Carlo Bonanni, Senior Planner - East Section  
Telephone: (416) 397-4648  
Fax: (416) 392-1330  
Email: cbonanni@toronto.ca

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Ted Tyndorf  
Director, Community Planning, South District

List of Attachments:

- Attachment 1: Site Plan
- Attachment 2: Zoning
- Attachment 3: Official Plan
- Attachment 4: Building B – North Elevation
- Attachment 5: Building D – North Elevation
- Attachment 6: Building F1/F2 – North Elevation
- Attachment 7: West Elevation
- Attachment 8: Building B, C – West Elevation
- Attachment 9: Townhouse Block Elevations
- Attachment 10: Application Data Sheet
- Attachment 11: Draft Official Plan Amendment

Attachment 1: Site Plan



1245 Dupont Street

Site Plan

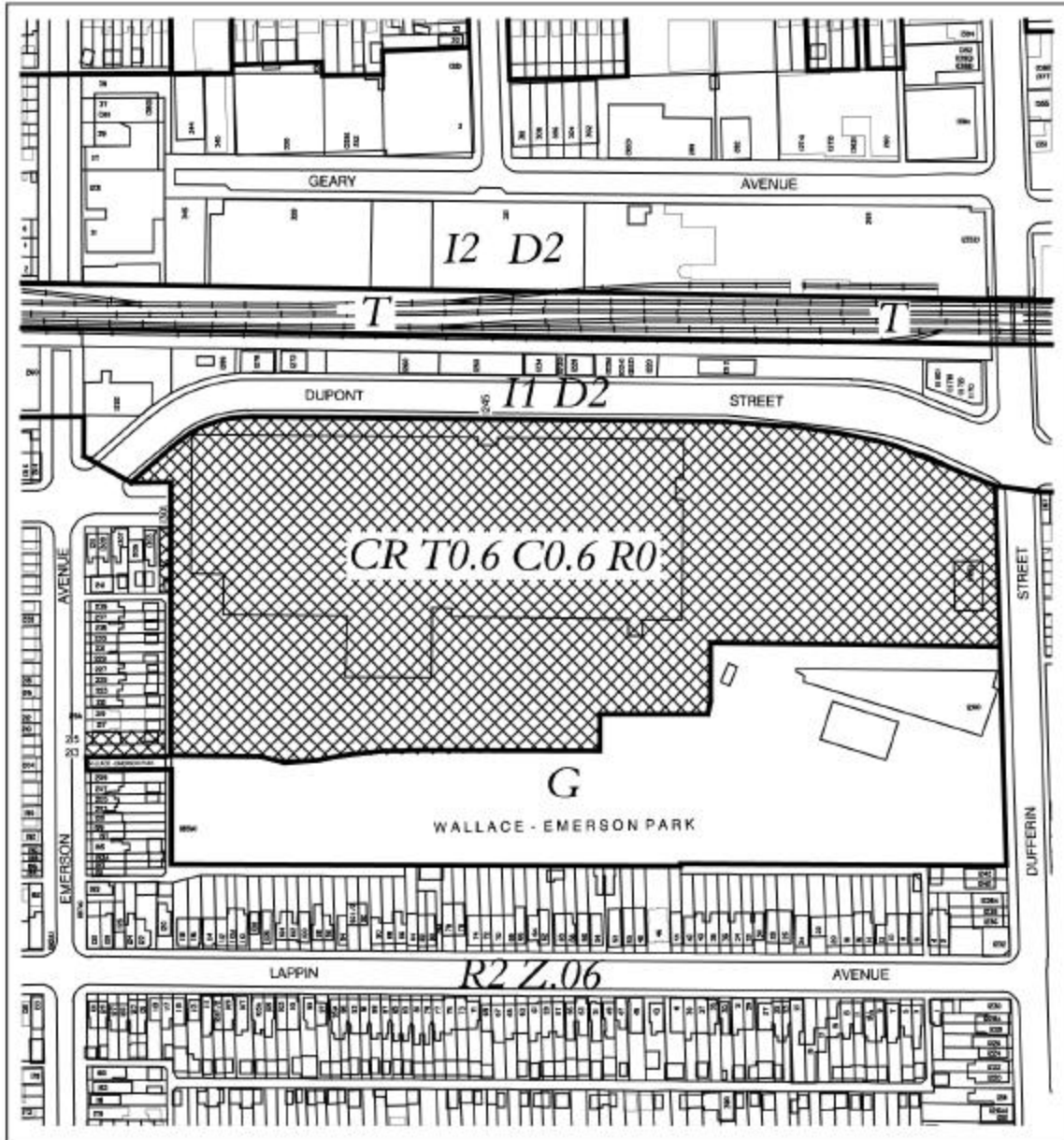
Applicant's Submitted Drawing

Not to Scale  
04/13/04



File # 02\_035148

### Attachment 2: Zoning



 **TORONTO** Urban Development Services  
**Zoning**

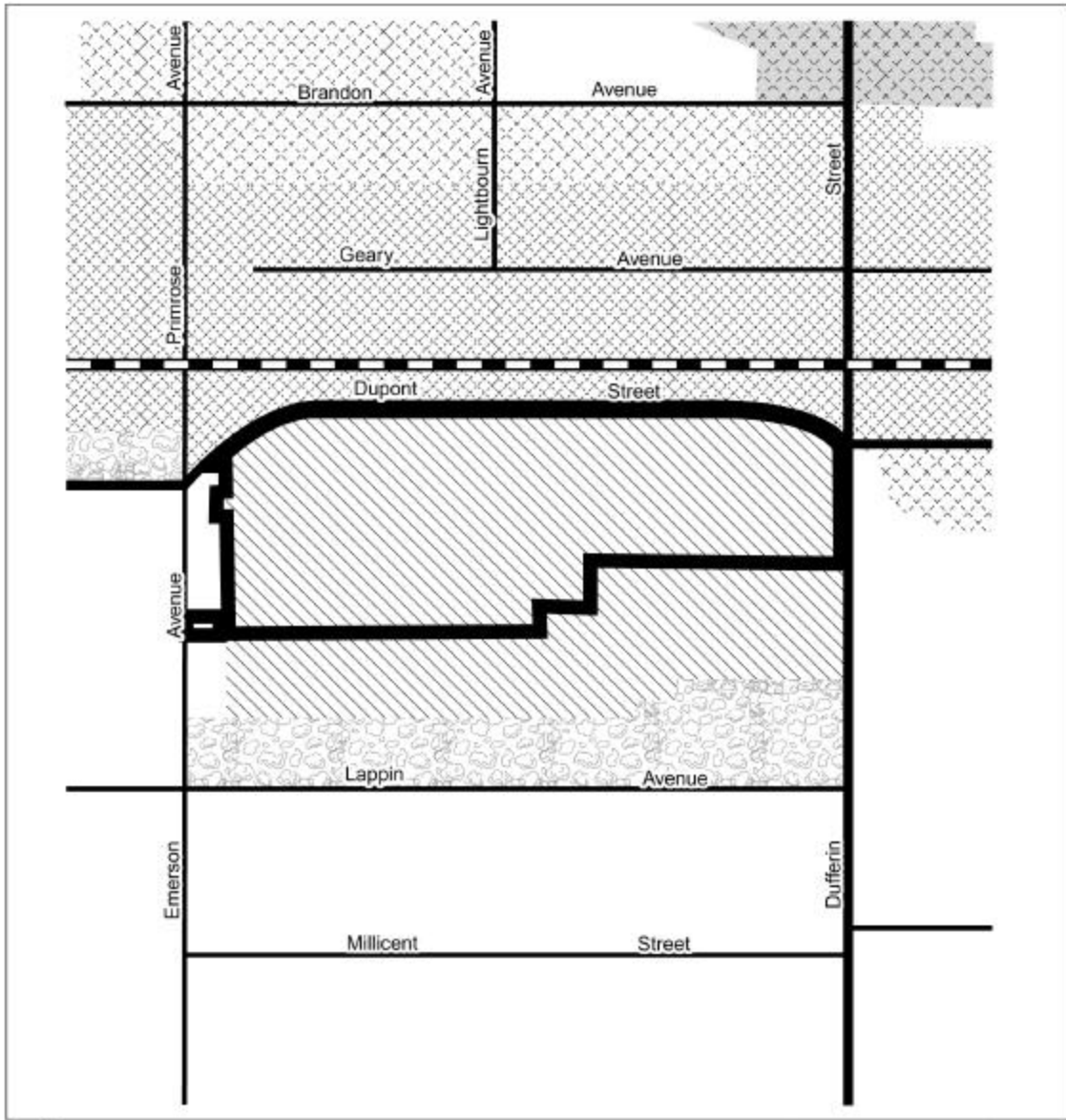
1245 & 1301 Dupont Street  
& 213 & 215 Emerson Avenue  
File # 02\_035148

- G Parks District
- R2 Residential District
- I1 Industrial District
- I2 Industrial District
- T Industrial District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 04/06/04 - DR



### Attachment 3: Official Plan



 **TORONTO** Urban Development Services  
Official Plan

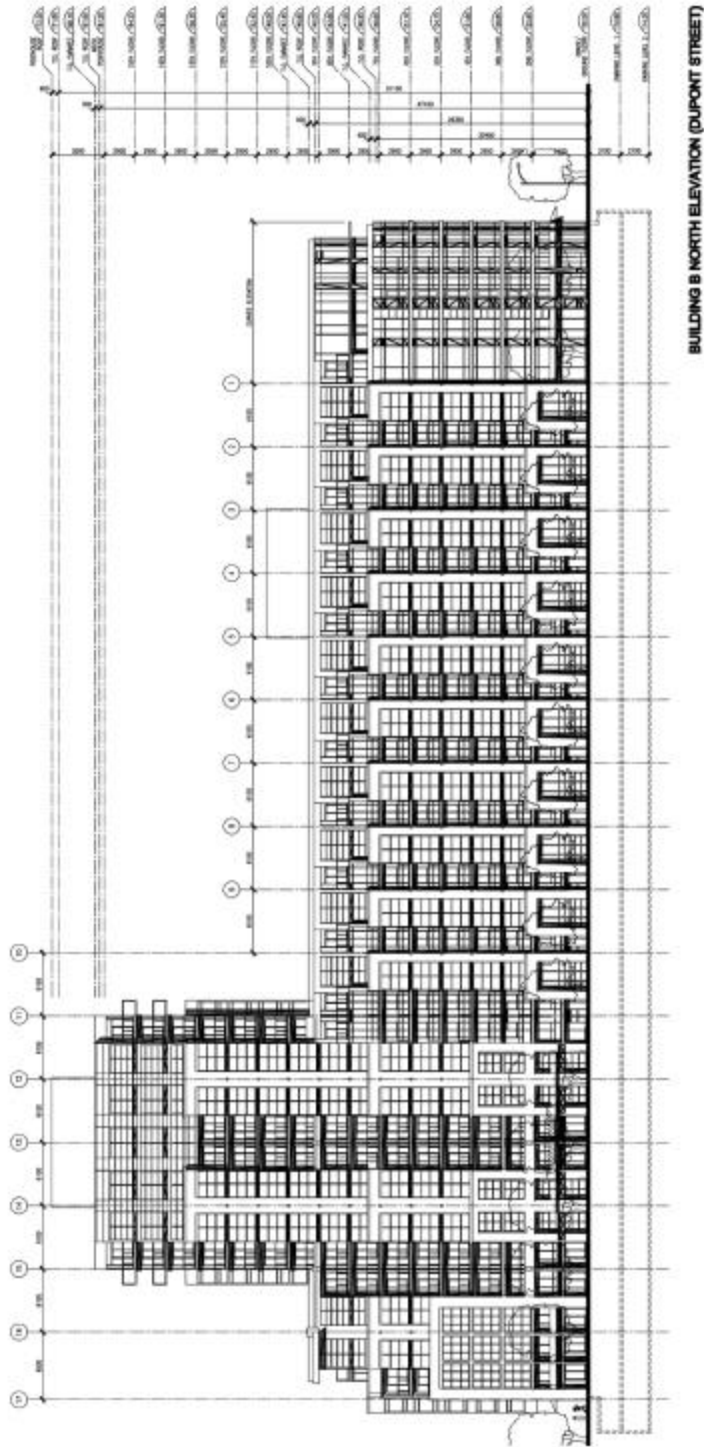
1245 & 1301 Dupont Street  
& 213 & 215 Emerson Avenue

File # 02\_035148

- |  |  |  |
|--|--|--|
|  Site   |  Mixed Industrial-Residential Areas |  Open Space |
|  Low Density Residence Areas                    |  Restricted Industrial Areas        |  |
|  Low Density Mixed Commercial-Residential Areas |  Public Utility Corridor            |  |

  
Not to Scale  
040604

Attachment 4: Building B – North Elevation



1245 Dupont Street

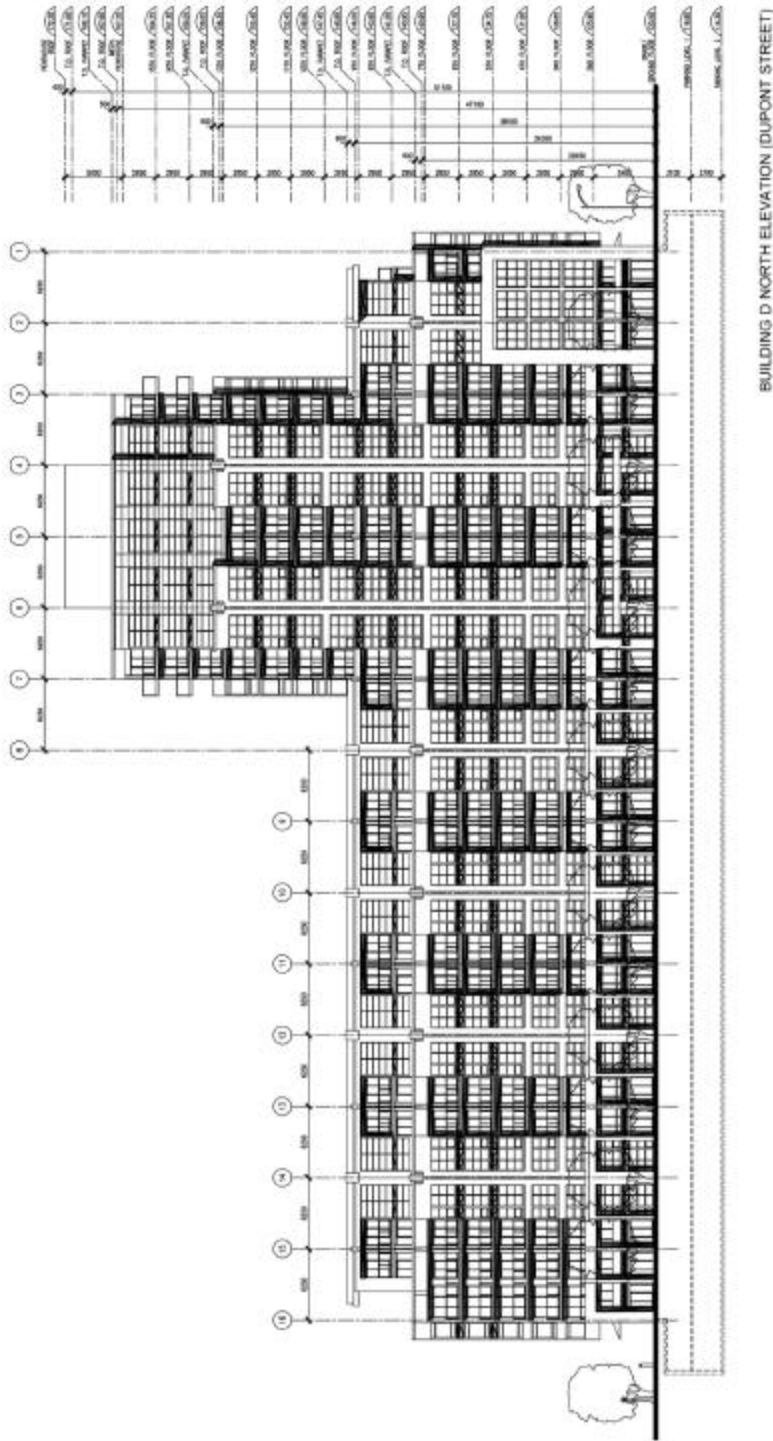
File # 02\_035148

Elevations

Applicant's Submitted Drawing

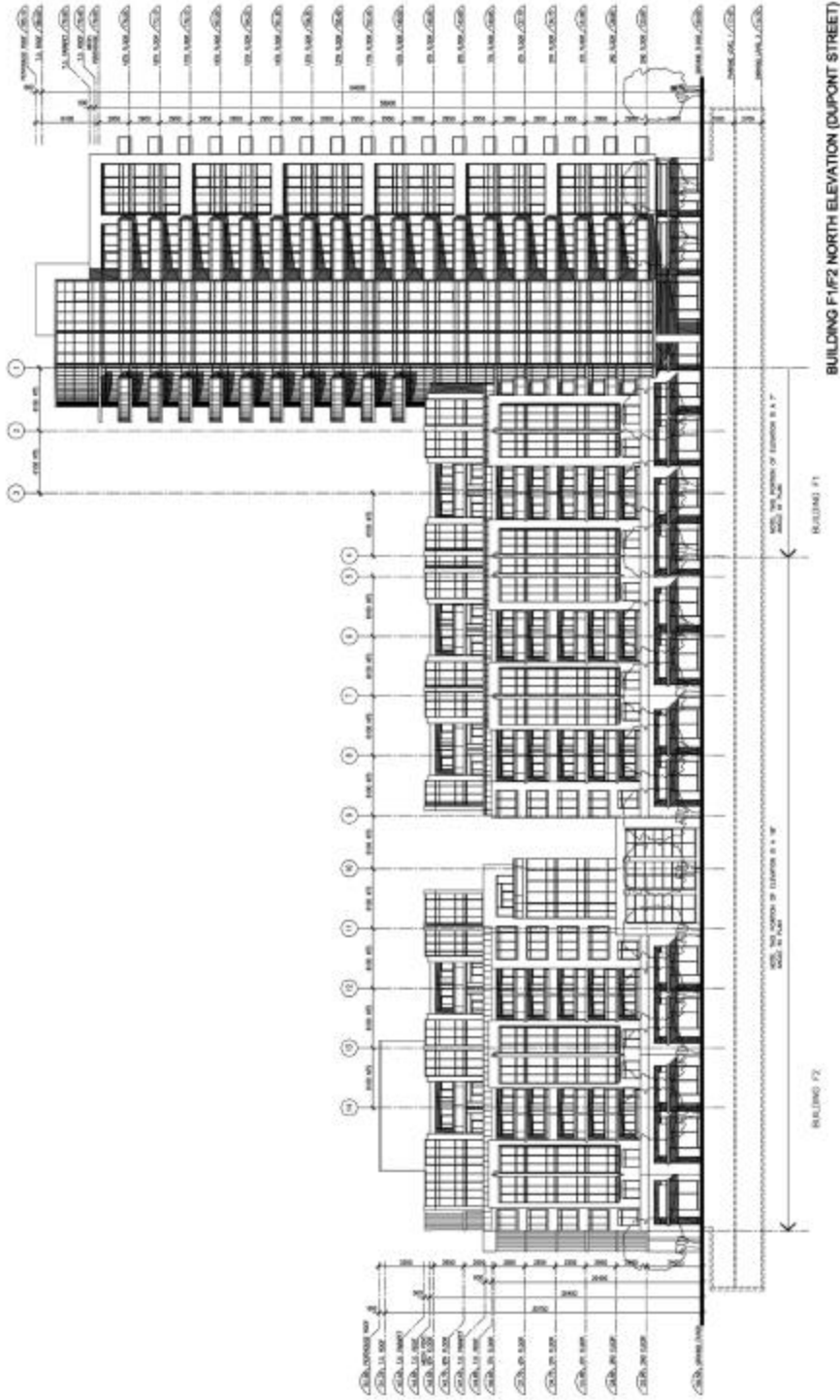
Not to Scale  
00/1304

Attachment 5: Building D – North Elevation





Attachment 6: Building F1/F2 – North Elevation



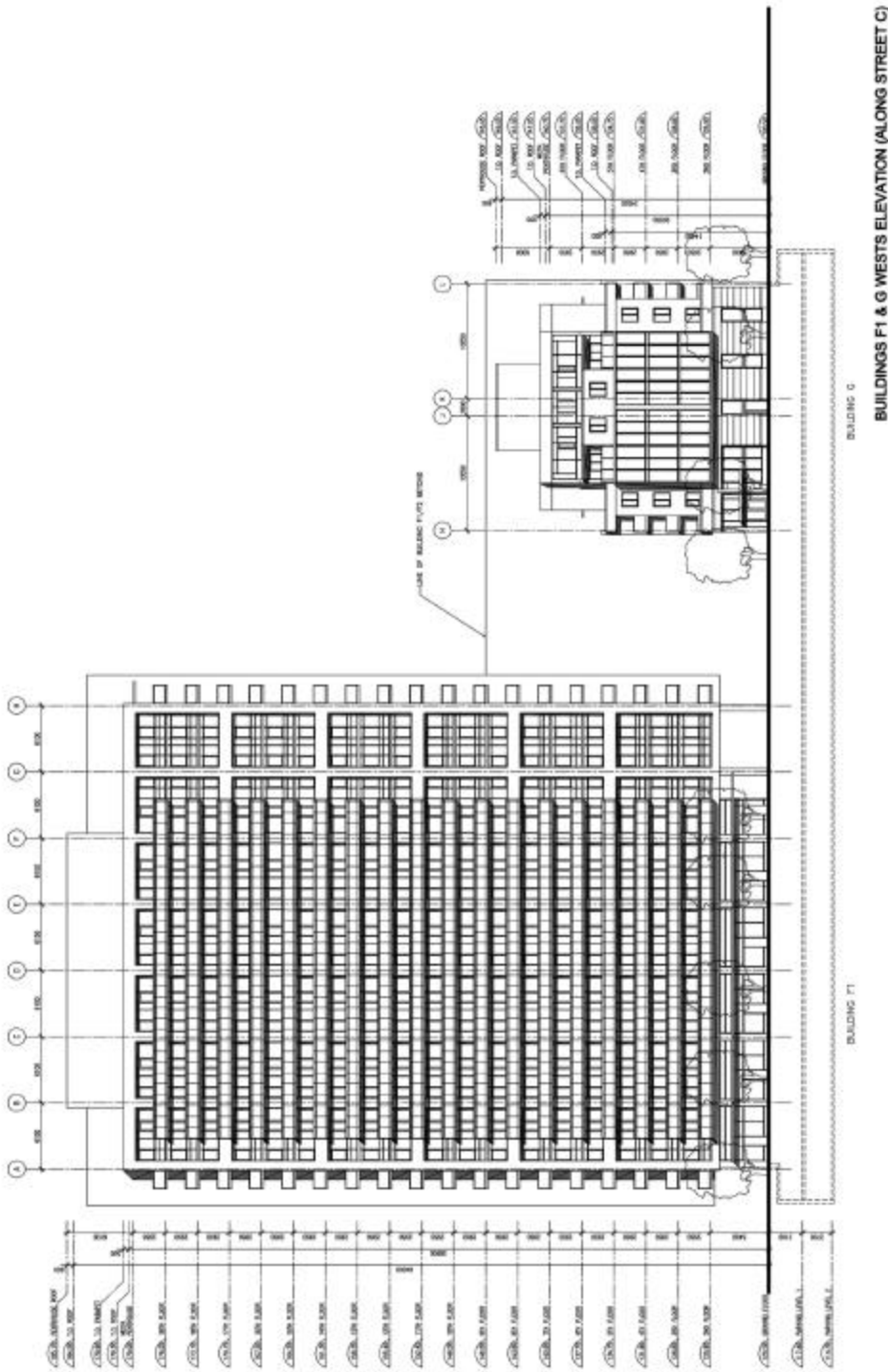
1245 Dupont Street

Elevations  
Applicant's Submitted Drawing

Not to Scale  
001304

File # 02\_035148

Attachment 7: West Elevation



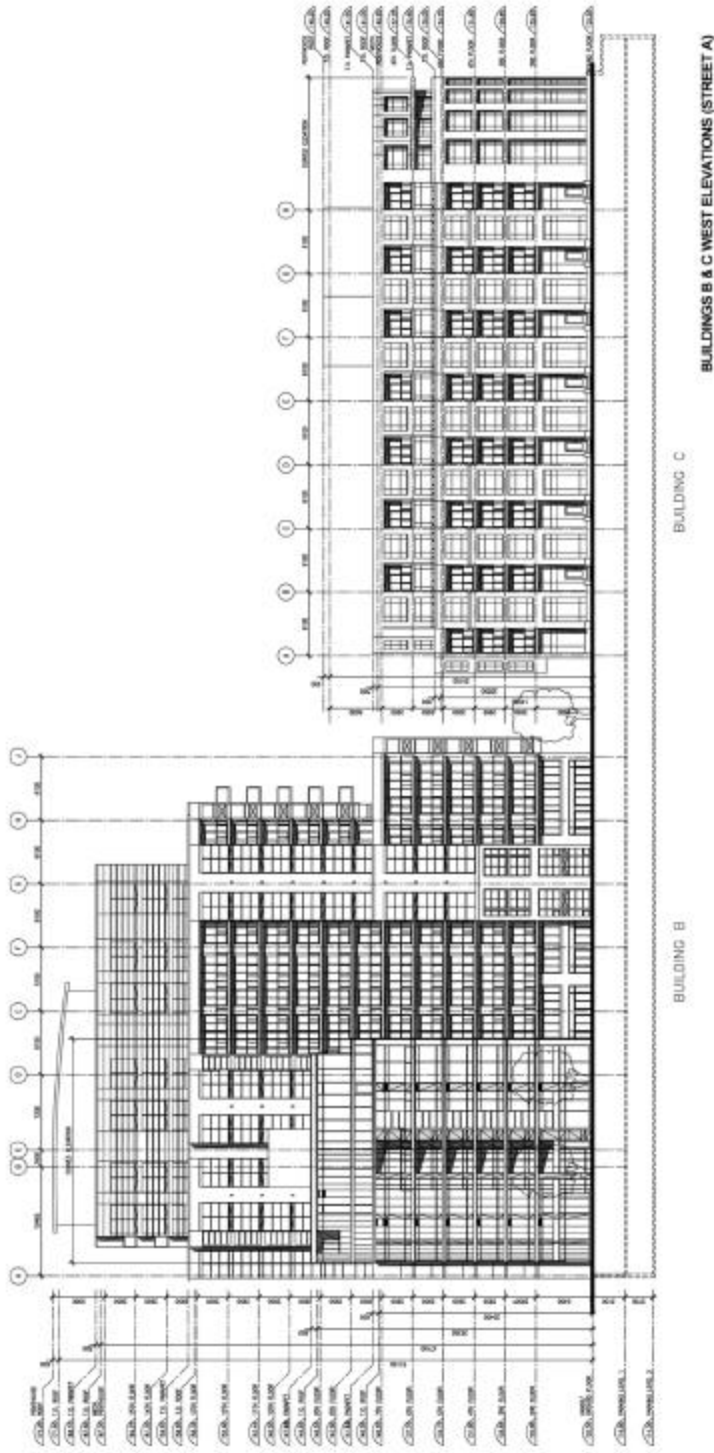
**Elevations**  
 Applicant's Submitted Drawing  
 Not to Scale  
 00/1304

1245 Dupont Street

BUILDINGS F1 & G WESTS ELEVATION (ALONG STREET C)  
 BUILDING C  
 BUILDING F1  
 BUILDING G  
 LINE OF BUILDING PLATE BEYOND  
 APPROX. 100' x 70'  
 15' x 10' x 15'  
 20' x 10' x 15'  
 25' x 10' x 15'  
 30' x 10' x 15'  
 35' x 10' x 15'  
 40' x 10' x 15'  
 45' x 10' x 15'  
 50' x 10' x 15'

File # 02\_035148

Attachment 8: Building B, C – West Elevation



1245 Dupont Street

Elevations  
Applicant's Submitted Drawing

Not to Scale  
04/13/04

File # 02\_035148

Attachment 9: Townhouse Block Elevations



1245 Dupont Street

Elevations  
Applicant's Submitted Drawing

Not to Scale  
00/1304

File # 02\_035148

**APPLICATION DATA SHEET**

Application Type            Official Plan Amendment &            Application Number:    02 035148 SHY 18 OZ  
   Rezoning  
Details                            OPA & Rezoning, Standard            Application Date:            April 15, 2002

Municipal Address:            1245 DUPONT ST, Toronto ON  
Location Description:        1245 DUPONT ST  
Project Description:        Galleria Mall site. Redevelopment of lands to accommodate 1565 residential condominium units together with ancillary retail uses.

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
MCCARTHY TETRAULT LUCY CAMERON		Quadrangle Architects	ONTARIO POTATO DISTRIBUTING INC

**PLANNING CONTROLS**

Official Plan Designation:	LDMCRA	Site Specific Provision:	
Zoning:	CR T0.6 C0.6 R0	Historical Status:	
Height Limit (m):	14	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area:	48745	Height:	Storeys:	19
Frontage:	72.95		Metres:	27
Depth:	380			
Ground Floor GFA:	17210		<b>Total</b>	
Residential GFA:	130750	Parking Spaces:		1449
Non-Residential GFA:	3490	Loading Docks		4
Total GFA:	134240			
Lot Coverage Ratio:	35			
Floor Space Index:	2.75			

**DWELLING UNITS**

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	1007
2 Bedroom:	483
3 + Bedroom:	75
Total Units:	1565

**FLOOR AREA BREAKDOWN**

	<b>Above Grade</b>	<b>Below Grade</b>
Residential GFA:	130750	0
Retail GFA:	3490	0
Office GFA:	0	0
Industrial GFA:	0	0
Institutional/Other GFA:	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Carlo Bonanni, Senior Planner – East Section</b>
	<b>TELEPHONE:</b>	<b>(416) 397-4648</b>

**Attachment 11: Draft Official Plan Amendment**

**CITY OF TORONTO**

**BY-LAW No. \_\_\_\_\_-2004**

**To adopt an amendment to the Official Plan for the former City of Toronto  
respecting  
lands known as 1245 Dupont Street**

WHEREAS the Council of the City of Toronto has been requested to amend its Official Plan, pursuant to Section 21 of the *Planning Act*, R.S.O. 1990 c. P. 13, respecting the lands municipally known in the year 2004 as 1245 Dupont Street; and

WHEREAS the Toronto South Community Council conducted a public meeting on, 2004 under Section 17 of the *Planning Act* regarding the proposed Official Plan Amendment; and

WHEREAS the Council of the City of Toronto, at its meeting held on, 2004 determined to amend the Official Plan for the former City of Toronto;

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

1. The text and map annexed hereto as Schedule "A" are hereby adopted as an amendment to the Official Plan for the former City of Toronto; and
2. This is Official Plan Amendment No. 298.

ENACTED AND PASSED this \_\_\_\_\_day of \_\_\_\_\_, A.D. 2004.

DAVID MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**City of Toronto By-law No. \_\_\_\_\_-2004**

**Schedule "A"**

Section 18 of the Official Plan Part I for the former City of Toronto is hereby amended by adding the following Section 18.627 as follows:

**"18.627 LANDS KNOWN AS 1245 DUPONT STREET**

1245 Dupont Street

See Map 18.627 at the end of this Section

- (a) Notwithstanding any of the provisions of this Plan, Council may pass by-laws, pursuant to Section 37 of the *Planning Act*, respecting the lands shown on Map 18.627, (the "Site"), to increase the height limits and the maximum *residential gross floor area* permitted on the *Site* to 130 750 square metres, provided that,
1. the total *gross floor area* for all buildings and structures on the *Site* does not exceed 134 240.00 square metres,
  2. pursuant to Section 37 of the *Planning Act*, such by-law requires the owner of the *Site* to provide the City of Toronto, in return for the densities and height permissions thereby granted, with the following facilities, services and matters:
    - (a) the owner is to ensure that the phased development of the *Site* is to the satisfaction of the City, including requirements for the matters to be secured such as an overall municipal servicing and grading plan and a Stormwater Management Report and requirements with respect to each phase such as, site integration, loading, interim use of balance of *Site*, construction staging and temporary landscaping,
    - (b) the owner is to satisfy all environmental matters such as soil and groundwater management, the environmental remediation of the entire *Site* and lands to be conveyed to the City, provision of a Record of Site Condition, remediation of any contamination from the *Site* into adjacent streets, demolition and dust control, air quality, noise and vibration, the monitoring of de-watering and a commitment to mitigate as and where required by the City,
    - (c) the owner is to agree to development control matters such as, urban design and site plan conditions,

- (d) the owner shall provide all matters needed to service the *Site*, including the retention of a satisfactory consulting engineer, the conveyance and construction of a new public streets and all required letters of credit, detailed design drawings, inspection fees, utilities, and timing of the completion of the new public street, all costs associated with any required traffic alterations and the provision of space within the development for the construction of any transformer vaults, Hydro, Bell maintenance and sewer maintenance holes,
- (e) the owner shall enter into an escrow agreement to hold the lands to be conveyed, prior to the issuance of the first building permit, agree to the timing of the remediation and conveyance of all lands,
- (f) the owner shall convey a minimum of 5 520.00 square metres of land to the City for public park purposes and, provided that no further requirement is made of the Owner for park land conveyance or for the payment of money in lieu thereof pursuant to the Planning Act or Condominium Act,
- (g) the owner shall, in respect of the park land, also agrees to the construction and installation of base park improvements, provide a street planting plan, all required letters of credit, certification of completed work and be responsible for an environmental assessment of the lands to be conveyed as parkland,
- (h) the owner shall make a payments of: \$150,000.00, prior to the first above grade building permit in the second phase as established by the Commissioner of Urban Development Services, for improvements to the Wallace Emerson Park,
- (i) the owner shall, prior to the first occupancy of any building in the third phase as established by the Commissioner of Urban Development Services, (or earlier if agreed) provide and maintain one or more works of public art on the *Site* with a minimum combined value of \$200,000.00,
- (j) the owner shall make a payments of: \$325,000.00, prior to the first above grade building permit, for improvements to the a community centre,
- (k) the owner shall, prior to the first occupancy of any building in the second phase, as established by the Commissioner of Urban Development Services, provide to the City, at no cost to the City, a 20 year lease for a unit accessible from finished ground level and containing at least 158.8 square metres of *non-residential gross floor area*, to be used for *community uses* acceptable to the City and the owner, to be delivered at the owner's expense,
- (l) the owner shall agree to such other matters as are specified by the reports of Urban Development Services recommending the passage of the by-law or as specified by the Council as a condition of the passage of the by-law.



3. The owner of the Site is required to enter into an agreement with the City pursuant to Section 37 of the *Planning Act*, to secure the provision of the said facilities, services and matters, in a form satisfactory to the City with conditions providing for indexed escalation of financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement.
4. Notwithstanding the foregoing, the owner and the City may modify or amend the said agreement(s), from time to time and upon the consent of the City and the owner, without further amendment to those provisions of this Official Plan Amendment which identify the facilities, services and matters to be secured.

# MAP 18.627

## DRAFT

