

TORONTO STAFF REPORT

September 24, 2004

To: Toronto and East York Community Council

From: Director, Community Planning, South District

Subject: Final Report
Application to amend the Official Plan and Zoning By-law 438-86, as amended
317 Dundas Street West - Art Gallery of Ontario
Art Gallery of Ontario (Frank Gehry International Limited)
04 108169 STE 20 OZ
Trinity Spadina, Ward 20

Purpose:

This report reviews and recommends approval of an application to amend the Official Plan and the Zoning By-law for an addition to and renovation of the Art Gallery of Ontario at 317 Dundas Street West.

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.7;
- (2) amend the Zoning By-law 438-86, as amended for the former City of Toronto substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.8;



- (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 the issuance of a building permit, require the applicant to enter into a Site Plan Agreement under Section 41 of the Planning Act;
- (5) prior to the issuance of a building permit require the owner to submit an application for a Zoning By-law Amendment to rezone 4 Grange Road as 'G';
- (6) prior to the introduction of Bills in Council, require the owner to enter into a Section 37 Agreement to secure the implementation and maintenance of a parking strategy to the satisfaction of the Commissioner of Works and Emergency Services;
- (7) endorse the proposed encroachment of the canopy over the Dundas Street West frontage of the site;
- (8) require the owner to:
 - (i) fulfil the conditions of the Commissioner of Works and Emergency Services as set out in Attachment 6;
 - (ii) prior to the issuance of a building permit enter into an Encroachment Agreement with the City of Toronto on terms satisfactory to the City Solicitor and the Commissioner of Works and Emergency Services to permit the encroachment of the canopy over Dundas Street West;
 - (iii) prior to the issuance of a building permit provide the Commissioner of Urban Development Services with confirmation that the encroachment of the staircase from Art Gallery lands onto lands belonging to the Ontario College of Art and Design is permitted;
 - (iv) provide final plans for alterations to the property that are to the satisfaction of the Commissioner of Economic Development, Culture and Tourism;
 - (v) enter into a heritage easement agreement, satisfactory to the Commissioner of Economic Development, Culture and Tourism, and that authority be given for City officials to enter into such agreement, prior to the issuance of any building permit for the proposed alterations including any permit for excavation or demolition in order to provide permanent protection of the Grange, Walker Court, and the Moore Gallery and;
 - (vi) provide detailed landscape plans to the satisfaction of the Commissioner of Urban Development Services and the Commissioner of Economic Development, Culture and Tourism;

- (9) protect at all times the privately owned trees inventoried as tree nos. 12, 13, and 14 in accordance with the Tree Preservation Plan, Sheet No. A1-1.02, prepared by Gehry International Inc., date stamped as received by Urban Development Services on August 19, 2004. The applicant is required to contact Urban Forestry Services at 416-392-1891, to inspect the tree protection hoarding once it has been installed;
- (10) advise the owner that:
- (i) it must be demonstrated to the satisfaction of the Chief Building Official that the development is a non-profit institution in order to be exempt from the parkland dedication or payment in lieu thereof requirements;
 - (ii) issuance of any permit by the Chief Building Official will be conditional upon the proposal's full compliance with all relevant provisions of the Ontario Building Code;
 - (iii) the proposal is subject to Education Development Charges, pursuant to the Toronto Catholic District School Board By-law 2003 No.153;
 - (iv) it is necessary to contact staff of the South District Traffic Operations Section of the Department of Works and Emergency Services at least 6 months prior to the opening of the facility in order to provide staff with sufficient time to prepare the necessary report for the enactment of the by-laws for changes to the on-street parking, standing and bus loading regulations on Dundas Street West;
 - (vi) it is necessary to submit, in conjunction with an application for a building permit, plans and documentation, detailing how the proposed addition/renovations to the existing building will be constructed in accordance with the Ontario Building Code relating to the provisions for fire fighting; and
 - (vii) it is necessary 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 right-of-way and enter into encroachment agreements as may be required;
 - (viii) it is necessary to provide confirmation that the encroachment of the existing staircase on Ontario College of Art and Design lands is permitted; and
 - (iv) it is necessary to complete the tree removal on City property process prior to the completion of the Site Plan Approval process.
- (11) that By-laws 282-71, 209-74 and 156-89 be repealed.

Background :

Proposal

This application is to permit additions and renovations to the existing Art Gallery building to accommodate the recent donation of art from Mr. Ken Thomson, a major Canadian donor. The new portions of the Art Gallery will be constructed at the front and at the rear of the existing building.

The Dundas Street or north addition consists of a clear curved glass facade running along the entire length of the building that projects approximately to the Dundas Street curb line. The underlying heavy timber construction forms a uniform arc along the north side of the block interrupted at either end by an upswEEP of the materials. These curving design features will create a visual interest for the pedestrian as they approach the building from either direction and also provide a visible element along Dundas Street.

The major massing addition is the gallery and function space located on the southerly side of the building. It is approximately 21 m high, located in the centre of the building, for a total height of 40m (equivalent to approximately 13 residential floors or 10 commercial floors) to the top of the gallery. Its curtain wall cladding is a combination of light blue titanium panels with a centre section of transparent glass. Stairwells on either side of this addition jut out into the area adjacent to the Grange House but not beyond its southern most façade.

The interior of the building will also undergo major renovations within the Gallery's existing footprint. There will be no exterior changes to the Beverley and McCaul Street frontages and no changes to The Grange or to Grange Park.

Portions of the existing building on the Dundas Street side, including the tower element, front entrance steps, and portions of the lower level, encroach onto a previously City-owned strip of land that runs between McCaul and Beverly streets. This property was acquired by the City from the AGO in 1973 for a road widening of Dundas Street, which subsequently did not occur. It was subject to a right-of-way in favour of the AGO until such time as the strip was required for public highway purposes.

In 2003, City Council declared this strip to be surplus and it was offered for purchase to the AGO at a cost of \$160,000. City Council at its February 17, 2004 meeting authorized the sale of these lands back to the AGO for \$160,000. At the same time, Council authorized a grant of \$160,000 to the AGO. The AGO agreed to enter into an agreement to apply \$80,000 of those monies to improvements to Grange Park subject to agreement by the Commissioner of Economic Development, Culture and Tourism. Up to \$30,000 of that grant may be used for the purpose of the AGO's share of a study of Grange Park to be undertaken jointly between the City and the AGO.

To assist in the completion of the project, the Governments of Ontario and Canada have each pledged \$24 million toward the expansion.

Site History

Founded in 1900 by a group of Toronto citizens as the Art Museum of Toronto, the Art Gallery of Ontario began as an outgrowth of the Ontario Society of Artists. In 1911, a private bequest from Harriette Boulton Smith provided a building, The Grange, one of Toronto's first brick buildings, and six acres of land for the Society.

The conditions of Harriette Boulton Smith's will provided that the grounds of The Grange were to be used as public park, and that a gallery building was to be constructed to the north of The Grange. This new building opened in 1918. In the same year, the Art Museum of Toronto was renamed as the Art Gallery of Toronto.

Throughout the 1920s and 1930s, the Art Gallery of Toronto underwent a number of additions and expansions. In 1966, the Art Gallery of Toronto entered into a partnership with the Province of Ontario and was renamed the Art Gallery of Ontario (AGO).

In 1974 the Art Gallery began a major expansion program that spanned several decades. It culminated in 1989 with an application for Official Plan and Zoning By-law Amendments to implement Phase 3. This phase included the expansion of the building to the front toward Dundas Street to provide additional gallery space. Following an Ontario Municipal Board hearing, this phase was permitted by By-law 156-1989.

Site and Surrounding Area

The site is located at 317 Dundas Street West, on the south side of Dundas Street between Beverly and McCaul Streets.

It is surrounded by the following uses:

North: low density mixed commercial/residential area on the north side of Dundas Street;

South: Grange Park and Grange House;

East: Ontario College of Art and Design, Village by the Grange condominiums;

West: low density residential area on the west side of Beverly Street.

Official Plan

The (former) City of Toronto Official Plan designates the AGO as Institutional Area, and Grange Park as Open Space Area.

Section 10 of the Plan recognizes the importance of the arts in the City. Section 10.8 permits a density increase in excess of what is permitted in the Official Plan of up to 10 percent of the gross floor area for arts or cultural facilities.

The AGO is located within the boundaries of the 1994 South-East Spadina Part II Official Plan. It is designated 'Institutional Area E', an area containing cultural and education facilities related to the fine arts. The Part II Plan permits a maximum density of 2.3 times the area of the lot: 2.0 for institutional uses and 0.3 for ancillary commercial uses. The additional 10 percent permitted by the Part I Plan would permit a total density of 2.5 times the area of the lot. The total floor area of 45,000 sqm (including 7,200 sqm of new floor area) yields a density of 2.9 times the area of the lot, which is more than permitted under this additional density provision. Grange Park is designated as Local Park in the Part II Plan.

Section 2.11 of the Part II Plan states that:

"It is the policy of Council to employ its available powers of regulation to:

- (a) establish maximum non-residential gross floor areas for general institutions in the Institutional Area along Dundas Street and McCaul Street, which permit the appropriate functioning of such institutions and ensure a physical form compatible with adjacent and surrounding residential areas and low density mixed commercial-residential areas;"

Section 6.1 states that:

"Institutional Area 'E' shall be regarded as an area containing cultural and educational facilities related to fine arts. In accordance with Section 2.11(a), Council shall employ its available powers of regulation and review to prohibit the future expansion of general institutions in Institutional Area 'E' into the Grange Park and the Residence Areas of South-East Spadina."

The AGO is not intending to expand into Grange Park or into the surrounding residential area.

The AGO meets the general intent of the 1994 Part II Plan, however, it exceeds the density. The AGO therefore requires an Official Plan Amendment to accommodate the additional density.

New Official Plan

On November 26, 27, and 28, 2002, City Council adopted the new Official Plan for the City. The Minister of Municipal Affairs and Housing approved the 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. Pre-hearings on the new Plan were held in April and September 2004. A third pre-hearing is scheduled for December, 2004.

Once the Plan comes into full force and effect, it will designate the property as part of an 'Institutional Area'. While the Plan deletes the South-East Spadina Part II Plan, Site-Specific Policy 223 of the 2002 Official Plan states that:

“The expansion of the Art Gallery of Ontario and the Ontario College of Art and Design, will not take place within Grange Park or the adjacent neighbourhood.”

This proposal does not contemplate expansion into the park or the adjacent neighbourhood.

Section 3.15 of the 2002 Official Plan permits additional gross floor area beyond what is permitted in the Zoning By-law if the development preserves a heritage building on the lot, up to the gross floor area of the preserved buildings. The building must be designated under the Ontario Heritage Act. It is anticipated that since the Grange is designated (1991), the gross floor area may therefore be added to the density permitted in the Zoning By-law.

Zoning By-law 438-86, as amended

By-law 20623, the previous City-wide zoning by-law, zoned the park and the Art Gallery as G or open space. The current City-wide by-law, By-law 438-86, zones the portion of the AGO property that contains the gallery building and the Grange House as Q T2.0, which is an institutional use district with a total permitted density of 2.0 times the area of the lot. The maximum permitted height of the AGO gallery building is 14.0 metres, while the maximum height permitted on the Grange House portion of the lands is 12.0 metres.

The Q district has a wide range of permitted uses, including general institutions; community services, cultural and arts facilities; retail and service shops; office uses; parks and recreation uses, places of amusement and assembly; some limited workshop and studio uses; parking garages, and some forms of shared housing such as nursing homes.

The portion of the property containing Grange Park is zoned G, which is a park district, with a maximum height limit of 14.0 metres. The Grange Park is owned by the AGO and leased to the City.

The G district permits a number of park-related uses, as well as a daycare provided it is in a community centre and operated by a non-profit institution.

Section 12 (2) 226 refers to Zoning By-law 156-89 and restricts the non-residential gross floor area of the gallery building to 25,300 square metres.

Site Plan Control

A concurrent application for Site Plan Approval has been filed and will be executed prior to the issuance of a building permit.

Tree Removal By-law

An application was submitted for permission to remove a tree adjacent to the south façade. A ‘Notice’ of application sign was posted for the requisite 14-day posting period and no objections were received. The Commissioner of Economic Development, Culture and Tourism is therefore

authorized under provisions of the former City of Toronto Municipal Code to issue a permit for the removal of the tree once Site Plan Approval has been completed.

An application to remove trees on City property was submitted at the same time. The completion of this process is required prior to Site Plan Approval.

Reasons for Application

The proposal exceeds the permitted density and height permissions contained in the Official Plans and Zoning By-laws. Therefore, both Official Plan and Zoning By-law Amendments are required. Other variances associated with the Zoning By-laws include building outside the approved building envelope, the provision of parking, and the provision of a driveway.

Community Consultation

At its meeting of June 8, 2004, Community Council directed that an Art Gallery of Ontario Working Group be established with the following purpose:

“To provide a forum where representatives of the institutions and residents located in the vicinity of the Art Gallery of Ontario can exchange information and views with respect to:

- (i) the Art Gallery of Ontario Official Plan and Zoning By-law amendments application;
- (ii) the work of the Grange Park Study Group and proposed improvements to Grange Park; and
- (iii) other related matters of concern to members.”

The Working Group was composed of the following representatives:

City of Toronto Ward 20 Councillor (Chair), 2 AGO representatives including the architectural firm, Ontario College of Art and Design, the Church of the Martyr, University Settlement House, Grange Park Residents Association, Village by the Grange Residents Association, Grange Park Preservation Group, Grangetown Association, area business representative, 3 members at large. Representatives of other groups and institutions could be invited as required.

In addition, City staff provided support to the group.

A total of 7 meetings were held with the group during which time the architects tabled design changes that reflected the discussion topics.

A community consultation meeting was held on June 21, 2004 at the Ontario College of Art and Design (OCAD). Approximately 110 people attended the meeting.

Issues/Concerns

Similar concerns were raised at the Working Group meetings, the public meeting and in written form. The following is a consolidation of the issues:

Past Agreement on Future Expansion

Concern was raised on several occasions by some residents that the AGO had agreed at the time of the last expansion in 1989 that it would be the Gallery's last expansion application. At that time, Council asked the City Solicitor to provide an opinion as to the ability of Council to do this. The City Solicitor indicated that a limitation on building density could be added to the Site Specific Zoning By-law 156-89 to the extent that the maximum non-residential gfa not exceed 25,300 sqm. Consequently, this figure was added to the implementing By-law 156-89. There is nothing however, that eliminates the AGO's ability to come back and re-apply at a future date. This current application, therefore, does not violate any past provisions, agreements or Council actions.

Review of Alternate Locations

The question was asked as to whether there was potential for the AGO to move either all or part of their program to another location, or to locate the addition to the southeast corner of the site either by demolishing the Henry Moore wing or building on top of it. The intent of these alternatives was to eliminate the need for the proposed addition. It is staff's understanding that the Gallery assessed these options and found them inappropriate for the Gallery.

Adequacy of Public Process

Community consultation on this application was extensive. Notification of the neighbourhood community consultation meeting was significantly extended beyond the standard 120m radius. In addition, seven Working Group meetings were held with members of the public and a public meeting was held on June 21, 2004.

Importance of Heritage Building Stewardship

The Grange and the original Boulton lands to the south were previously designated on architectural and historical grounds. The building was constructed in 1817 to 1820 and is protected under By-law No. 130-91 as passed by City Council on February 25th, 1991.

The owner has agreed to enter into a Heritage Easement Agreement for the proposed additions to the Art Gallery in order to provide permanent protection for the Grange, Walker Court, and the Moore Gallery. The Agreement will be required prior to the issuance of a building permit for this proposal.

Potential to Permit Access between the Gallery and Grange Park

Currently, there is no access from the park to the Art Gallery or the Gallery to the park. In discussions with the Gallery Working Group and the Grange Park Working Group, the potential for access between the two spaces was explored to allow for greater exposure and permeability. While there are varying opinions in the neighbourhood as to the desirability of such access, the Gallery has indicated that they will consider the possibility. It is intended that discussions will continue with the Grange Park Working Group on this topic.

Inclusion of 4 Grange Road into Grange Park

Four Grange Road is a piece of land located between the Ontario College of Art and Design and the Art Gallery that in the recent past both institutions have used for parking. The Art Gallery has agreed that the lands will no longer be used for parking but will be incorporated into the park. An application to rezone the land from 'Q' (Institutional) to 'G' (Open Space) is required prior to the issuance of a building permit.

South Façade

The primary exterior change to the built form of the Gallery is the addition of gallery space on the south side of the existing building. This addition is approximately 21m high for a total height of 40m or 13 residential storeys in that location. It is centered over the Grange House.

While the application does not include the park, the south addition does face onto it. Consequently, the design of the south facade has been of critical importance to residents and users of the park alike. In response to concerns raised by the community and staff, the AGO has made changes that improve the relationship of the south façade to Grange Park and Grange House. While the height and massing of the addition have not changed, the original large graphic / mural element has been removed and replaced by simple metal (titanium) and glass cladding that minimize the visual impact of the addition on the park. The introduction of the large glass panels on this facade has increased transparency which will allow gallery visitors to view the park from a new vantage point while at the same time allowing park visitors glimpses into the Gallery's interior spaces. Wood louvers and detailing on the exterior will also soften the facade and visually break down the scale of the south elevation. The result is a façade that balances the need for an interesting cladding while minimizing its impact on the Grange and Grange Park.

Changes to the design of the new exit stairs that flank the Grange House have resulted in a more dynamic and sculptural form than the original proposal. A complementary staircase between upper floors emphasises the art form of the staircases, which are visible from the park. These changes to the façade have resulted in an appealing visual termination of the axis from John Street.

Resident concerns were also raised as to the impact of this addition on the park with respect to wind and shadows. In reviewing this application, staff determined that there were no significant impacts on the park.

North façade

Changes have been made to the north facade which improve the conditions for the public realm. The overhanging canopy, which overlaps the sidewalk, was originally proposed to be of metal, possibly titanium. In response to concerns about its transparency, the overhang has been redesigned in glass to maximize light penetration. In addition, the underside of the canopy has been raised in order to bring more light to the sidewalk. These increases to the transparency of the north facade have the added benefit of improving views to and from the interior gallery spaces.

Other changes include architectural enhancements at the McCaul and Beverly Street ends of the building. These curving design features will create a visual interest for the pedestrian as they approach the building from either direction and also provide a more visible element along Dundas Street.

Encroachment

The proposed canopy, portions of the 2nd floor walkway and entranceway steps will encroach over the 2.32 m wide strip of land to be retained for the widening of Dundas Street West. The canopy encroaches over the existing dedicated portions of the Dundas Street West public right-of-way and is set back at least 1 m from the south curb line.

Approval of the canopy/walkway encroachment will be subject to engineering issues such as possible ice sheeting, being satisfactorily addressed and liability and indemnity agreements being entered into. In addition, the Owner must confirm that the vertical clearance over the existing hydro vault is acceptable to Toronto Hydro.

Approval of this development in its present form is also contingent on City Council endorsing the encroachment in principle and on the Owner entering into agreements with the City, satisfactory to the City Solicitor and the Commissioners of Facilities and Real Estate and Works and Emergency Services, in respect of the encroachment.

In order to provide more time to finalise the terms for the required encroachment agreement, the Commissioner of Works and Environmental Services has recommended that the encroachment agreement be entered into prior to the issuance of a building permit.

There is an existing staircase that encroaches on Ontario College of Art and Design lands. The owner has been requested to provide confirmation that this is permitted.

Traffic and Parking

In 1989, as a condition of approval for additions to the AGO, By-law No. 156-89, required that 125 off-site parking spaces be provided within 300 m of the site. As a result, parking was leased in the Village by the Grange development immediately across the street from the AGO. These arrangements were discontinued by the AGO when it

became apparent that the arrangement had no direct benefit to the AGO or its customers. (The AGO was paying a fee for public parking which was already available to AGO patrons, however, AGO was deriving no perceptible benefit from this lease such as reduced rates for AGO customers).

The Chief Building Official has estimated that the Zoning By-law would require the provision of 228 parking spaces in respect of the enlarged AGO, consisting of the 125 parking spaces required by Site Plan By-law No. 156-89 plus 103 in respect of the current additions.

The traffic consultant estimated that the current art gallery generates a peak visitor/staff parking demand for about 350 to 400 parking spaces on weekends and 175 to 275 parking spaces on weekdays. The additional incremental demand related to the proposed additions is estimated at 110 additional spaces on weekends and between 35 and 60 on weekdays. The consultant further notes that the additional peak demand can be readily accommodated by the parking facilities in the area and points out that the Village by the Grange public parking garage directly across the street from the gallery typically has a vacancy of over 300 parking spaces on weekends and 150 parking spaces on weekdays.

Given the infill nature of the additions, it is not feasible to provide the parking on the site. The previous leased parking arrangements for AGO have not been effective. In this regard, the consultant has recommended that consideration be given to implementing a parking strategy in lieu of the more typical mechanisms of leased parking and/or cash payment into the Municipal Parking Fund in lieu of providing parking.

The proposed parking strategy is summarized as follows:

- improve way-finding between area public parking garages (specifically the Toronto Parking Authority's (TPA) Larch Street Parking Lot and the Village-by-the-Grange Parking Garage) and AGO;
- request that the parking lot operators offer AGO visitors a discount;
- advertise availability of parking in these facilities in AGO literature;
- support the TPA's mandate to continue to monitor on-street parking rates in the area (which are currently priced at a much lower rate than the on-street parking facilities);
- consider offering a discounted admission to customers with a valid T.T.C. Transit Pass during major exhibits;
- provide secure bicycle parking areas, with change rooms and shower facilities for staff;

- encourage transit use by applying to rename the St. Patrick Subway Station to “St. Patrick/Art Gallery Subway Station”;
- improve way-finding to and from the St. Patrick Subway Station to the AGO by implementing signage and on-street identifiers;
- consider extending the AGO’s prominence along Dundas Street West by introducing “branding treatment” on Dundas Street West in front of the Gallery and possibly extending between the St. Patrick Subway Station and the Toronto Parking Authority Garage at Spadina Avenue, if fundraising permits;
- consider encouraging private sector initiatives such as a bicycle jitney service, shuttle service and valet parking service; and
- provide 21 on-site parking spaces for staff and support initiatives to lease surplus parking spaces in neighbourhood parking garages (such as at 50 Stephanie Street).

The on-site parking supply has now been reduced from 21 spaces to 6 spaces which is inconsistent with the parking strategy previously reviewed that recommended, among other things, that 21 on-site parking spaces be provided for staff. The Commissioner of Works and Emergency Services requires the refinement of the parking strategy, prior to occupancy of the building. Therefore, rather than revising the parking strategy at this time to reflect the reduction in the on-site parking supply, the refined parking strategy that must be submitted for review and acceptance prior to occupancy of the renovated Art Gallery, must reflect the correct number of on-site parking spaces.

The AGO has committed to working closely with the City of Toronto and other concerned stakeholders to ratify a refined parking strategy for implementation when the new facility opens. Accordingly, discussions are underway between the traffic consultant and the Toronto Parking Authority to promote the use of its Larch Street garage by AGO employees, volunteers and patrons as part of the parking strategy.

The traffic consultant has also submitted a letter dated September 7, 2004, addressed to the Toronto Parking Authority asking for approval in principle to enter into an arrangement for a discount voucher system, similar to the current arrangement between the TPA and the Royal Ontario Museum. No response has been received to date. The Owner will be required to establish a formalised arrangement with the Toronto Parking Authority prior to the occupancy of the renovated AGO.

In order to ensure the implementation and maintenance of the parking strategy, this strategy will be secured in a Section 37 Agreement. Furthermore, the AGO will monitor and modify as necessary the (parking) marketing strategy over the first 3 years of operation on the enlarged art gallery and thereafter review/update the strategy should circumstances change. These updates must be subject to the review and acceptance of the City.

It is understood that the AGO is receiving funding from the Federal and Provincial levels of government for the proposed addition, and has requested that the City consider contributing

to the initiative. In this regard, the Owner is advised that the City's acceptance of the above noted parking strategy over the more conventional lease or payment-in-lieu processes represents very substantive financial savings for the AGO, and effectively represents a cash contribution by the City.

Charter Bus Management Plan

The Owner's traffic consultant has recommended that the AGO implement a charter bus management plan as part of the protocol for accommodating group visits including the following elements:

- create a formal bus loading zone on Dundas Street West;
- in conjunction with proposed modifications to the Dundas Street West parking and loading regulations, relocate and reduce the number of metered parking spaces from 15 to 8;
- consultation with school groups and charter bus operations to schedule arrival and departure times;
- have trained staff available to monitor and direct pick-up/drop-off activities during peak periods; and
- consider securing off-site bus parking (e.g. the Cherry Street bus parking facility), whereby bus operators pre-pay for bus parking and would be given a parking voucher upon arrival at the AGO bus drop off facility.

This proposal is acceptable in principle to the Commissioner of Works and Emergency Services. The Owner is required to contact the South District Traffic Operations West Section at (416) 392-9836 at least 6 months prior to the opening of the facility in order to provide City staff with sufficient time to prepare the necessary report for the enactment of the by-laws with respect to proposed changes to the Dundas Street West on-street parking regulations, including the establishment of a bus loading zone, and to install the necessary regulatory signage. Details of the proposed changes to the parking/stopping/loading regulations will be established in connection with the implementation report to be considered by City Council. Any charges related to a reduction in metered parking spaces as a result of these changes, can be considered in the context of the report implementing the changes to traffic regulations.

The Commissioner of Works and Emergency Services is requiring that the Owner implement and maintain a charter bus management plan generally as set out in the Urban Transportation Considerations report prepared under date of February, 2004 by BA Consulting Group Limited.

Loading

The existing loading facilities are comprised of 2 Type A loading spaces plus 1 Type C loading space. This exceeds the requirement of the Zoning By-law and typical estimated demand for the enlarged gallery for 2 Type B loading spaces, and is acceptable to the Commissioner of Works and Emergency Services.

The traffic consultant has made recommendations for improvements to the loading facilities based on surveyed use of the existing loading facilities, including consolidation of the refuse collection facilities and the redesignation of 4 of the AGO on-site parking spaces to loading spaces. There is no objection to these revisions.

Landscape Details

The landscape plans will be reviewed during the Site Plan Review process at which time it is expected that the herb and rose gardens adjacent to the Grange will be removed during construction. When completed, plantings and open areas are intended to be located in their place.

Use of Grange Park as a Construction Staging Area

A number of concerns were raised with respect to the use of Grange Park as a staging area during the period of construction, including the need for noise control and tree protection, and the potential disruption of park usage. In response to these concerns, the Ward Councillor has indicated that she will initiate a Community Construction Committee with membership from residents and the Art Gallery to review concerns during the period of construction, should the project be approved.

Agency Circulation

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

Conclusions:

This application is for additions and renovations to the existing Art Gallery which will allow the Gallery to continue its commitment to the preservation and provision of art in the City of Toronto. City staff have reviewed this application in detail and care has been given to minimize its impacts on the Grange, Grange Park and the neighbourhood. Extensive community consultation has occurred which led to significant design changes. This report, therefore, recommends approval of this application.

Contact:

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E-mail hcoombs@toronto.ca

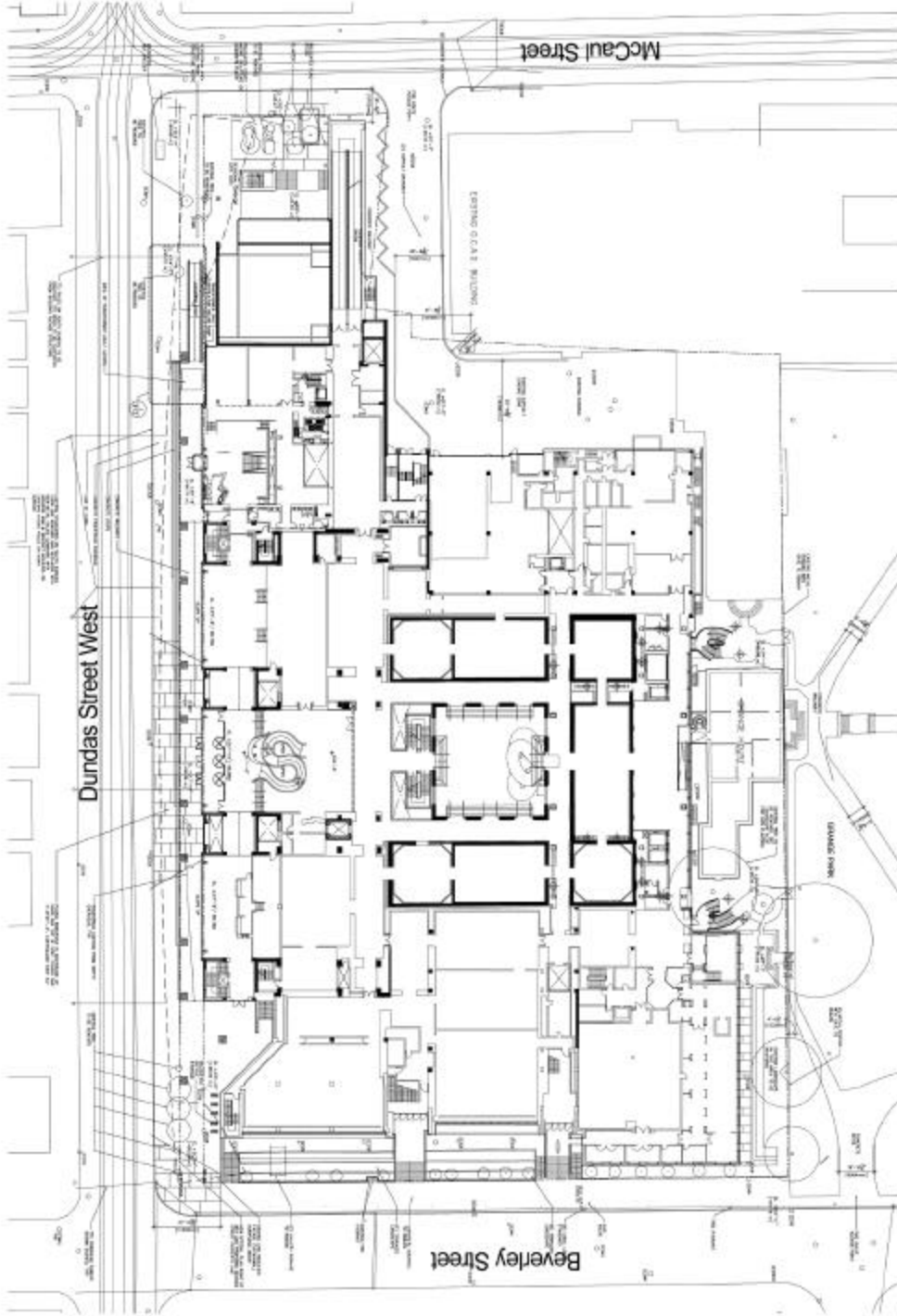
Ted Tyndorf
Director, Community Planning, South District

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List of Attachments:

Application Data Sheet
Attachment 1: Site Plan
Attachment 2: North and South Elevations
Attachment 3: East and West Elevations
Attachment 4: Zoning
Attachment 5: Official Plan
Attachment 6: Agency Comments
Attachment 7: Draft Official Plan Amendment
Attachment 8: Draft Zoning By-law Amendment

Attachment 1: Site Plan



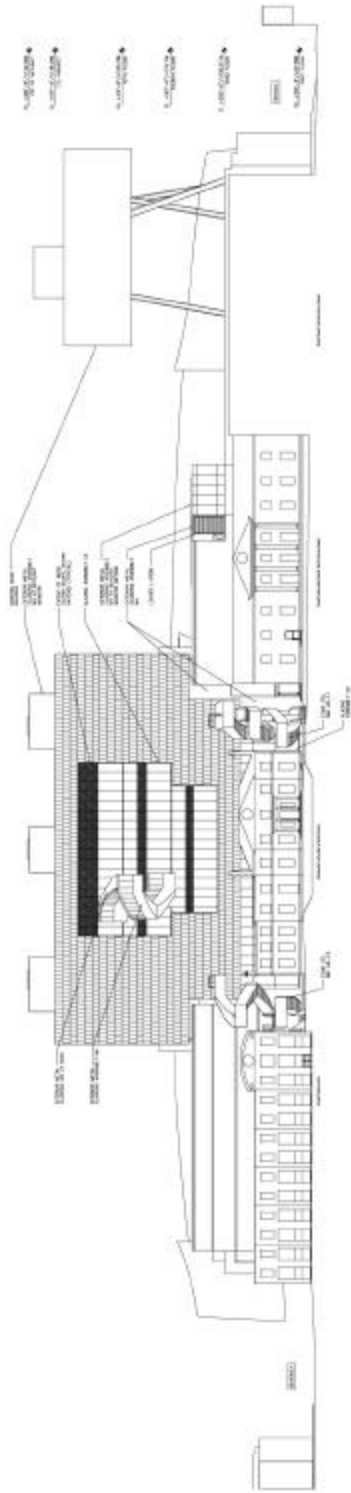
317 Dundas Street West

Site Plan
Applicant's Submitted Drawing

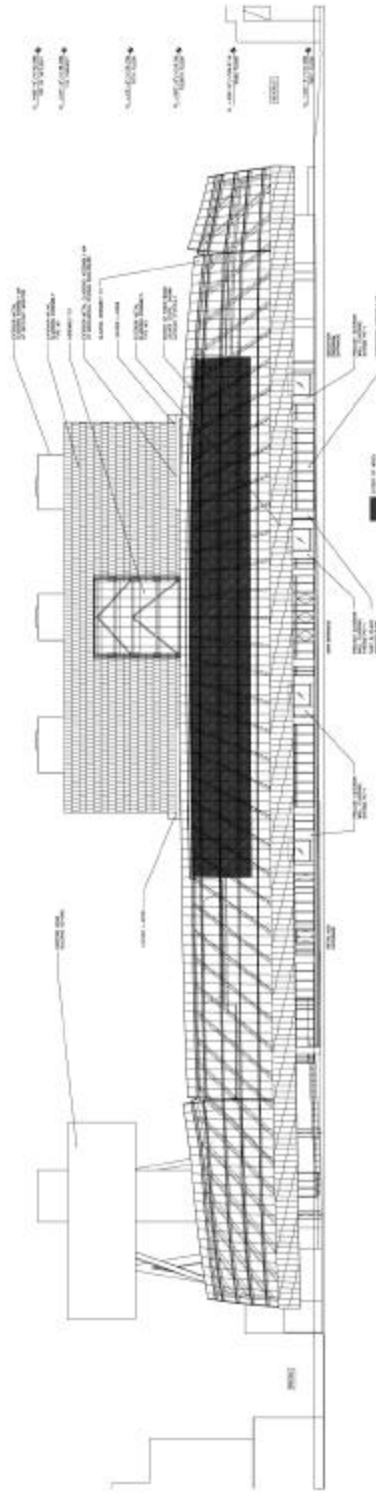
Not to Scale
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File # 04_108169

Attachment 2: North and South Elevations



South Elevation



North Elevation

North and South Elevations

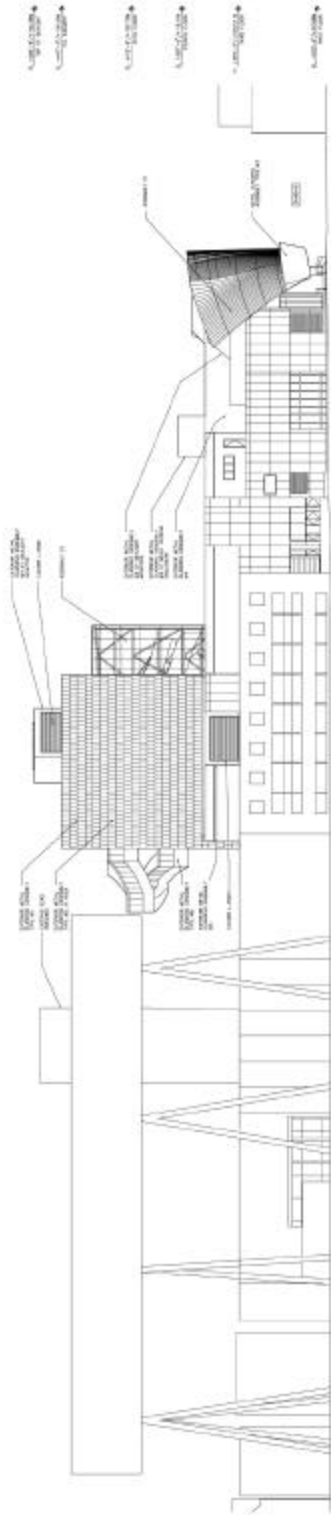
Applicant's Submitted Drawing

Not to Scale
05/20/04

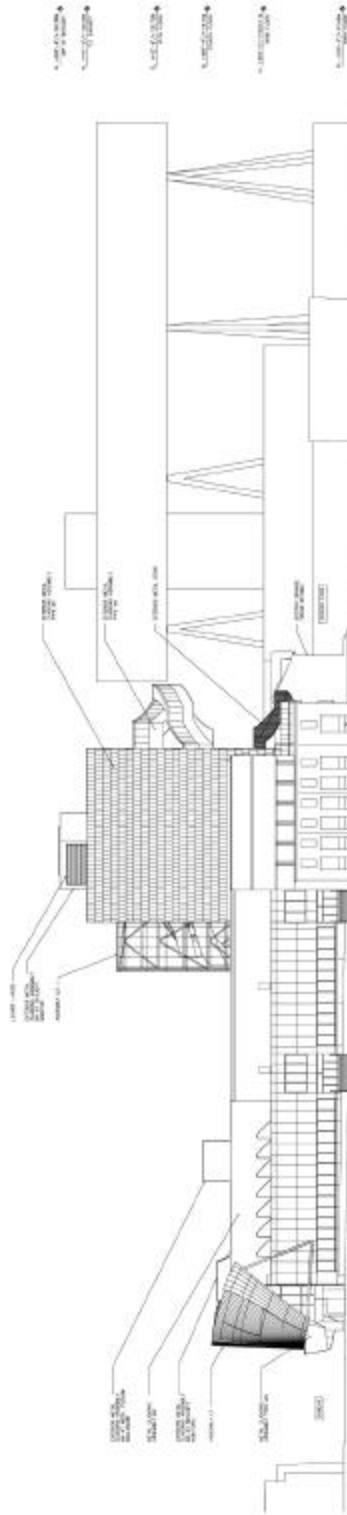
317 Dundas Street West

File # 04_108169

Attachment 3: East and West Elevations



East Elevation



West Elevation

East and West Elevations

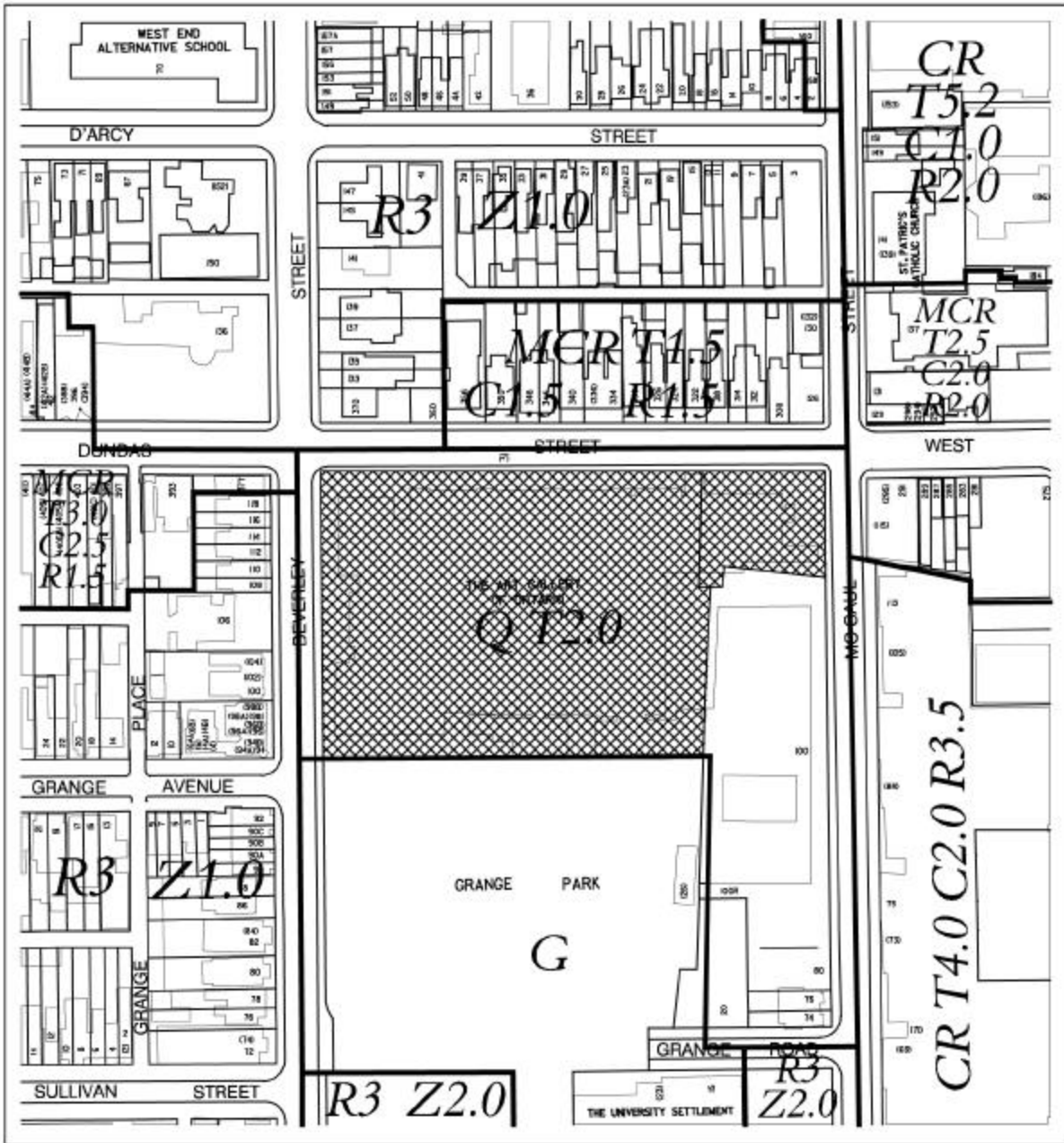
Applicant's Submitted Drawing

Not to Scale
05/20/04

317 Dundas Street West

File # 04_108169

Attachment 4: Zoning



 **TORONTO** Urban Development Services
Zoning

317 Dundas Street West

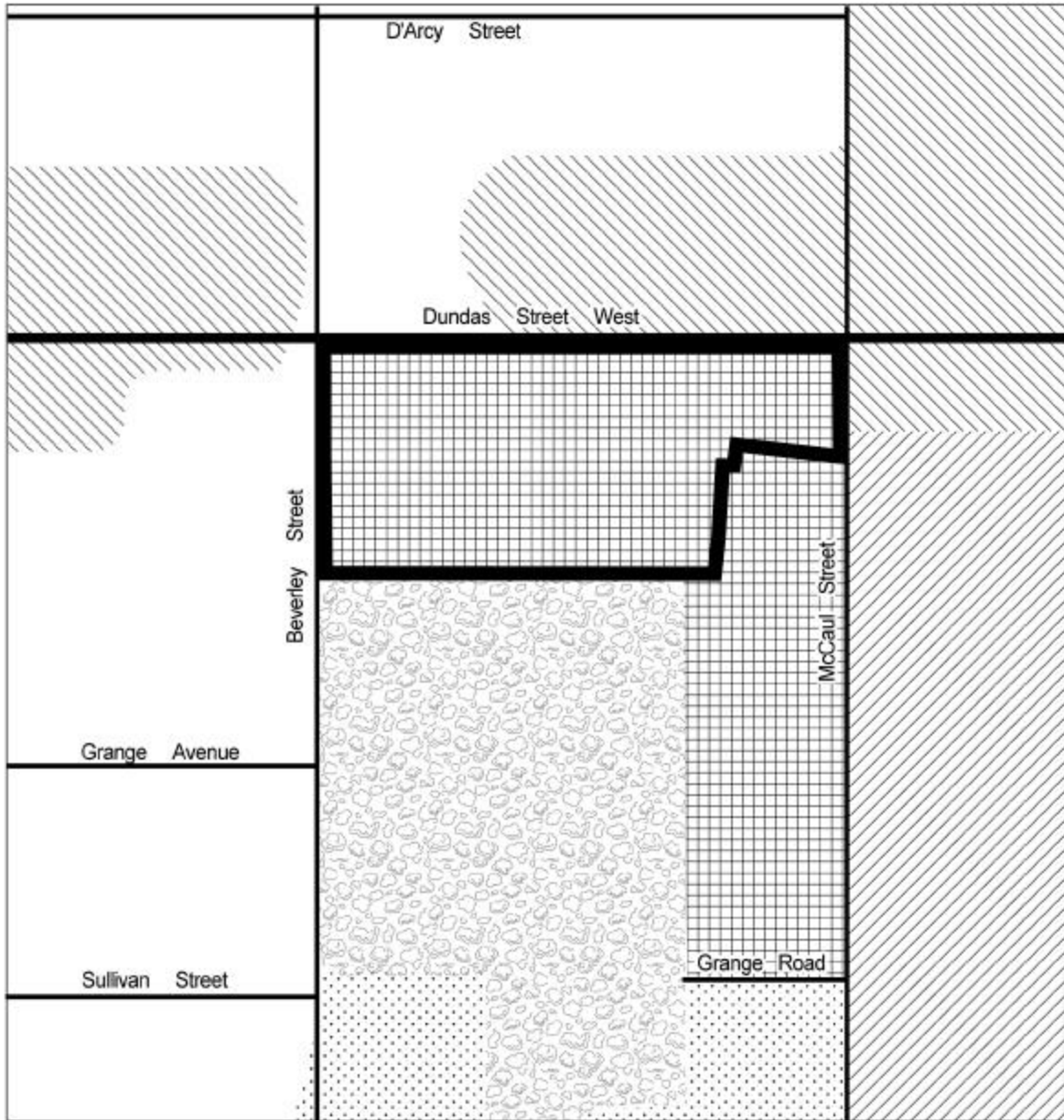
File # 04_108169

- G Parks District
- R3 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District
- O Mixed-Use District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/27/04 - EM

Attachment 5: Official Plan Map



 **TORONTO** Urban Development Services
Official Plan

317 Dundas Street West

File # 04_108169

- | | | |
|--|---|--|
|  Site |  Low Density Mixed Commercial-Residential Areas |  Open Space |
|  Low Density Residence Areas |  Medium Density Mixed Commercial-Residential Areas | |
|  Medium Density Residence Areas |  Institutions | |


Not to Scale
02/26/04

Attachment 6: Agency Comments

1. Works and Emergency Services Conditions, September 24, 2004

CONDITIONS:

1. That the proposal in its current form be contingent on:
 - (a) The 4.08 m wide strip of surplus land comprising the southerly portion of the 6.4 m wide strip of land previously conveyed to the City in 1973 for the widening of Dundas Street West being conveyed to the Art Gallery of Ontario pursuant to the Council authority on March 2, 2004; and
 - (b) City Council endorsing the proposed encroachment of the canopy over the Dundas Street West frontage of the site, and that the Owner enter into an Encroachment Agreement with the City of Toronto on terms satisfactory to the City Solicitor and the Commissioner of Works and Emergency Services, such agreements to be entered into prior to the issuance of a building permit;
2. That the Owner be advised that approval of any encroachments over Dundas Street West, as widened, will be subject to:
 - (a) Providing adequate vertical clearance over any Hydro transformer vault to be retained under the encroachment;
 - (b) Satisfactory resolution of engineering issues related to the canopy, such as ice sheeting; and
 - (c) Entering into the necessary agreements with the City including, but not limited to, lease agreements (if required), indemnity, easement and maintenance agreements to permit the encroachment on terms satisfactory to the City Solicitor and the Commissioners of Works and Emergency Services and Corporate Services, such agreements to be entered into prior to the issuance of a building permit.
3. That the appropriate City Officials be authorized to execute any other implementing agreements as may be required in connection with Condition Nos. 1 and 2 above;
4. That, as a condition of approval of the requested amendment to the zoning by-law, the Owner be required to:
 - (a) Agree to work with the City of Toronto in the refinement of the parking strategy and submit this strategy to the Commissioner of Works and Emergency Services for both review and acceptance prior to occupancy of the renovated Art Gallery of Ontario;

- (b) Agree to review, monitor and refine the parking strategy for the first 3-years after occupancy and thereafter as circumstances change;
 - (c) Agree that changes to the accepted Parking Strategy will be subject to review and acceptance of the Commissioner of Works and Emergency Services;
 - (d) Implement and maintain a parking strategy, generally as set out in the “Urban Transportation Considerations” report prepared by BA Consulting Group, dated February, 2004;
 - (e) Agree to implement and maintain a charter bus management plan, generally as set out in the “Urban Transportation Considerations” report prepared by BA Consulting Group, dated February, 2004;
 - (f) Comply with the loading requirements of the Zoning By-law;
 - (g) Pay for the relocation costs of hydro poles/street lights/traffic signals, and Toronto Transit Commission’s poles/streetcar wires, as required in connection with the construction of the canopy for the development;
 - (h) Submit to the Commissioner of Works and Emergency Services, a Reference Plan of Survey, in metric units and integrated with the Ontario Co-ordinate system, which may be required for the conveyance, dedication and the preparation of legal description for any agreements that may ensue;
 - (i) Submit to the Commissioner of Works and Emergency Services, at least three weeks prior to the introduction of Bills in Council, final approved drawings of the development with sufficient horizontal and vertical dimensions of the exterior walls of the proposed additions to enable the preparation of building envelope plans;
 - (j) Pay for all streetlighting costs associated with development of the site including any required upgrades, relocation and changes to the existing lighting as required on Dundas Street West, McCaul Street and Beverley Street;
 - (k) Submit to the Commissioner of Works and Emergency Services, in connection with Condition No. 4(j) and prior to the issuance of a building permit, a certified cheque, made payable to the Treasurer, City of Toronto, in an amount to be determined by Works and Emergency Services staff.
5. That as a condition for approval of the site plan application, the Owner be required to, among other things:
- (a) Continue private solid waste refuse collection services for the site; and

- (b) Submit to the Commissioner of Works and Emergency Services, for review and acceptance, prior to the issuance of a building permit for the development;
 - (i) A final grading and servicing plan; and
 - (ii) A final stormwater management report.
6. That the Owner be advised:
- (a) That failure to implement and maintain the parking strategy in accordance with Condition Nos. 4(a), 4(b), 4(c), and 4(d) above, will result in the City enforcing the previously approved requirement to provide 125 parking spaces off-site, as per Site Plan By-law No. 156-89;
 - (b) Of the need to contact staff of the South District Traffic Operations Section of the Department of Works and Emergency Services at least 6 months prior to the opening of the facility in order to provide staff with sufficient time to prepare the necessary report for the enactment of the by-laws for changes to the on-street parking, standing and bus loading regulations on Dundas Street West;
 - (c) Submit, in conjunction with an application for a building permit, plans and documentation, detailing how the proposed addition/renovations to the existing building will be constructed in accordance with the Ontario Building Code relating to the provisions for fire fighting; and

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 right-of-way and enter into encroachment agreements as may be required.

2. Economic Development, Culture and Tourism (Parks and Recreation, September 23, 2004)

This will acknowledge the revised plans pertaining to the above noted development application which were circulated to Urban Forestry Services on August 18 and August 20, 2004, and the application for permission to injure and destroy trees on private property, received by Urban Forestry Services on September 10, 2004. We have reviewed the circulated plans and application and advise that:

The protection of all trees on the City street allowance is the responsibility of Mr. Mark Procnier (416-392-7390) Supervisor of Urban Forestry Planning and Protection, South District. Please ensure that all required conditions have been met in relation to any City trees.

An application was submitted for permission to remove tree no. 19, as inventoried in the Arborist Report prepared by Shady Lane Expert Tree Care Inc., date stamped as received by Urban Development Services on February 9, 2004, As required under Section 331-13.B. of former City of Toronto Municipal Code, Chapter 331, Trees, Article III, a 'Notice' of application sign was

posted on the subject property for the minimum 14 day posting period. No letters of objection were received in response to the 'Notice' of application to destroy the trees.

Under provisions of Section 331-14.A.(3) of former City of Toronto Municipal Code, Chapter 331, Trees, Article III, the Commissioner of Economic Development, Culture and Tourism is authorized to issue a permit for the destruction of tree no. 19 once site plan approval for the development has been obtained. Please advise Andrew Pickett at 416-392-1891 once the Undertaking/Statement of Approval in connection with this development has been issued.

The following are Urban Forestry Services, City Forester's Office recommended conditions of approval for this application:

The owner shall protect at all times the privately owned trees inventoried as tree nos. 12, 13, and 14 in accordance with the Tree Preservation Plan, Sheet No. A1-1.02, prepared by Gehry International Inc., date stamped as received by Urban Development Services on August 19, 2004. The applicant is required to contact Urban Forestry Services at 416-392-1891, to inspect the tree protection hoarding once it has been installed.

I advise that the plans prepared by Gehry International Inc., Architect, date stamped as received by Urban Development Services on August 17, 2004, and the plans prepared by Envision – The Hough Group, date stamped as received by Urban Development Services on August 19, 2004, all plans on file with the Commissioner of Urban Development Services are acceptable.

Please contact Andrew Pickett at 416-392-1891 if you require additional information.

Attachment 7: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Report No. •, Clause No. •
as adopted by City of Toronto on October 26, 27 and 28, 2004

Enacted by Council: •

CITY OF TORONTO

BY-LAW No. -2004

To adopt an amendment to the Official Plan for the former City of Toronto respecting the lands municipally known in the year 2003 as No. 317 Dundas Street West.

The Council for 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.
2. This is Official Plan Amendment No. •.

ENACTED AND PASSED this • day of October, 2004.

SCHEDULE "A"

1. Section 18 of the Official Plan for the former City of Toronto is amended by adding a new Section 18.● and Map 18.● as follows:

"18.● Lands known as 317 Dundas Street West.

Notwithstanding any of the provisions of this Plan, Council may pass by-laws applicable to the lands shown on Map 18.● to permit the erection and use of a building or buildings containing *arts or cultural facilities* and *commercial* uses, and uses accessory thereto, provided that:

- (i) the *lot* on which such building or buildings are erected and used comprises at least the lands outlined by heavy lines as shown on Map 18.●; and
- (ii) the *total floor area* of the building or buildings does not exceed 45,000 square metres; and
- (iii) the owner of the *lot* enters into one or more agreements pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13 to secure the following facilities, services and matters:
 - a) the implementation of a parking strategy satisfactory to the Commissioner of Works and Emergency Services prior to the issuance of a building permit.

Attachment 8: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council Report No. •, Clause No. •
as adopted by City of Toronto on October 26, 27 and 28, 2004

Enacted by Council: •

CITY OF TORONTO

BY-LAW No. -2004

To amend By-law No. 438-86 of the former City of Toronto as amended, with respect to the lands municipally known in the year 2003 as No. 317 Dundas Street West.

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

1. None of the provisions of Section 2(1) with respect to the definitions of *bicycle parking spaces*, *grade*, *height* and *lot* and Sections 4(2)(a), 4(5), 4(8), 4(13), 8(2)5., 8(2)7., 8(3) PART I, 8(3) PART III 1. and 12(2) 226. of Zoning By-law No. 438-86, being “A By-law To regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection and use of a building or buildings for a *public art gallery* and *restaurant* uses, and uses *accessory* thereto, on the *lot*, provided that:
 - (a) the *lot* comprises at least those lands delineated by a heavy line on Plan 1 attached hereto;
 - (b) the *total floor area* on the *lot* shall not exceed 45,000 square metres of which not more than 2,880 square metres of *total floor area* shall be used for commercial *accessory* uses to a *public art gallery*;
 - (c) the *total floor area* for *restaurant* uses that are not *accessory* commercial uses to a *public art gallery* shall not exceed 600 square metres;
 - (d) no portion of any building or buildings above *grade* is located otherwise than wholly within the areas delineated by heavy lines as shown on Plan 2;
 - (e) the height of any building or structure shall not exceed those *heights*, in metres above *grade*, following the symbol “H” shown on Plan 2, but this paragraph does not prevent the erection or use of:
 - (i) a structure identified in Section 4(2)(a)(ii) of By-law 438-86 provided that:

- A. the maximum height of the top of the structure is no higher than the sum of 3.0 metres and the *height* limits shown on Plan 2; and
 - B. the structure does not enclose space so as to constitute a form of penthouse or other room or rooms;
- (f) the following building elements and structures are permitted beyond the heavy lines and above the *height* limits shown on Plan 2;
- (i) cornices, lighting fixtures, awnings, canopies, signs, ornamental elements, ornamental architectural elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, landscape and public art features;
- (g) none of the provisions of this By-law shall apply to prevent the erection and use of an above *grade* portion of the building or buildings within Area A as shown on Plan 1 and Plan 2;
- (h) none of the provisions of this By-law shall apply to prevent the erection and use of any above or below *grade* portion of the building or buildings within Area B as shown on Plan 1 and Plan 2;
- (i) bicycle parking racks shall be provided to accommodate a minimum of 60 bicycle parking spaces on the *lot*;
- (j) a minimum of two *loading spaces - type B* shall be provided and maintained on the *lot*;
- (k) a minimum of 525 square metres of *landscaped open space* shall be provided on the *lot*;
- (l) the owner of the *lot* enters into one or more agreements pursuant to Section 37 of the *Planning Act*, R.S.O. 1990, c. P.13 to secure the following facilities, services and matters:
- (i) the implementation of a parking strategy satisfactory to the Commissioner of Works and Emergency Services prior to the issuance of a building permit.

2. Definitions:

- (i) The terms set forth in italics, subject to Section 2.(ii) of this By-law, have the same meaning as such terms have in Zoning By-law No. 438-86, as amended; and
- (ii) the following definitions shall apply:

“*grade*” means 96.16 metres Canadian Geodetic Datum;

“*height*” means the vertical distance measured between the *grade* and the highest point of the roof; and

“*lot*” means those lands outlined by heavy lines on Plan 1 attached hereto.

3. Despite any existing or future severance, partition, or division of the *lot*, the provisions of this By-law shall apply to the whole of the *lot* as if no severance, partition or division occurred.
4. By-law Nos. 282-71, 209-74 and 156-89 of the former City of Toronto are hereby repealed and Section 13 of By-law No. 428-86, as amended, is amended by deleting the following: “By-law Nos. 282-71, 209-74 and 156-89 respecting 317 Dundas Street West”.