

**252-258 Victoria Street and 19-21 Dundas Square –  
Rezoning Application  
Final Report**

<b>Date:</b>	October 16, 2009
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	08 153950 STE 27 OZ

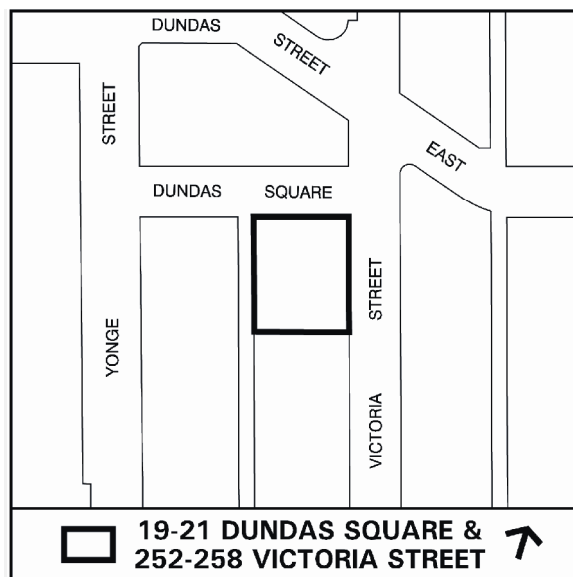
**SUMMARY**

This application was made on or after January 1, 2007 and is subject to the new provisions of the *Planning Act* and the *City of Toronto Act, 2006*.

This application proposes to demolish 258 Victoria Street, a historical listed building, along with a commercial building at 252 Victoria Street. Two other buildings which form part of the site, 19 and 21 Dundas Square, which are listed in the City of Toronto Heritage Properties Inventory, will be retained. The applicant proposes to redevelop the site with a 39-storey mixed residential commercial building containing five-storeys of office space and 230 square metres of retail, 238 residential units and six levels of underground parking.

The proposal meets the intent of the City’s Official Plan for intensification in *Mixed Use Areas* and reflects the principles expressed in the City’s Design Criteria for the Review of Tall Building Proposals.

This report reviews and recommends approval of the application to amend the Zoning By-law.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council amend 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. 5.
2. City Council authorize the City Solicitor, in consultation with the Chief Planner and Executive Director of City Planning, to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required to give effect to the intent of the recommendations contained in this report.
3. A demolition permit not be issued until a first below grade building permit has been issued for the tower portion and a Heritage Easement Agreement has been signed.
4. Heritage Preservation Services write a report for consideration by the Toronto Preservation Board, Community and City Council early in 2010 for the demolition of a listed property at 258 Victoria Street.
5. Prior to the submission of the Bill to City Council for enactment, require the owner to enter into an Agreement pursuant to Section 37 of the *Planning Act* to secure the following public benefits:
  - a) Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrade of 19-21 Dundas Square (HNR Building) and \$400,000 towards capital improvements to O'Keefe Lane and additional street improvements within the immediate area;
  - b) Require that the cash amounts identified in a) shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
  - c) Provide a letter of undertaking to the satisfaction of the Manager, Heritage Preservation Services indicating the applicant's support, as a condition of planning approvals, for the designation and entering into of an HEA for each of the properties at 19 and 21 Dundas Square, the reasons for designation and identification to be based on the Heritage Impact Statement and the Conservation Plan prepared by ERA Architects Inc. dated April 14, 2008 and March 24, 2008 respectively;

- d) Provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structure to be erected on the site;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- e) Provide a Detailed Conservation Plan and estimate of costs for the implementation of the Detailed Conservation Plan to be prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services;
- f) Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture;
- g) Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing;
- h) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
- i) Prior to the issuance of any building permit for 252-258 Victoria Street including a permit for demolition of the existing buildings, excavation and/or shoring of the subject property the applicant shall:
  - a. provide a letter of credit in an form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the detailed Conservation Plan referenced in Recommendation 5(e) above; and
  - b. provide building permit drawings including construction specifications for the proposed conservation work prepared by the

heritage architect satisfactory to the Manager, Heritage Preservation Services;

- j) Prior to the release of the Letter of Credit the applicant shall:
  - a. complete the conservation work satisfactory to the Manager, Heritage Preservation Services; and
  - b. provide a notice of substantial completion prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- k) Provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, 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 General Manager, Technical Services;
- l) Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
- m) Improve the laneway from Shuter Street to Dundas Square for access into the site to the satisfaction of Executive Director of Technical Services and Chief Planner and Executive Director, City Planning Division;
- n) Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
- o) Provide knock-out panels at the northwest corner of the site on the Dundas Square wall to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- p) Prior to final site plan approval, the owner will:
  - 1. Submit architectural plans, elevations and landscaping including 1:50 scale elevations to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
  - 2. Undertake improvement of the street right-of-ways abutting the lot, including streetscaping and tree installation, to the satisfaction of

the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division.

3. Provide continuous weather protection with a minimum clear depth of three metres on Victoria Street.
  4. Complete a Wind Assessment study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- q) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 4, 2009.
6. Authorize City officials to take all necessary steps, including the execution of agreements and documents, to give effect to the above-noted recommendations.

## **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant, Fraser Milner Casgrain LLP, representing HNR Properties Limited, proposes to develop the site with a 39-storey mixed-use residential commercial building with five commercial storeys on floors one to five, indoor and outdoor amenity space on the sixth floor, and 33 floors of residential uses above, containing 238 residential units. These residential units are made up of 12 bachelor units, 82 one-bedroom units and 144 two-bedroom units. Two of the three listed buildings (19 and 21 Dundas Square) are to be retained.

To accommodate the units the applicant is proposing 453 square metres of indoor amenity space and 430 square metres of outdoor amenity space.

The proposal provides six levels of underground parking for total of 97 parking spaces (82 resident parking spaces and 15 visitor/office shared). Parking and on-site pick-up/drop-off activity is accessed from Victoria Street. The O'Keefe laneway will also be used to access the loading area on the west side of the property.

The proposed redevelopment has a total gross floor area of 30,980 square metres, including the retained office building, comprised of 18,650 square metres of residential, 3,950 square metres of office and 230 square metres of retail at-grade plus 8,150 square metres of office space in the retained buildings (19-21 Dundas Square).

## Site and Surrounding Area

The site is located at the southwest corner of Dundas Square and Victoria Street. The site is rectangular in shape and is approximately 1,670 square metres in area.

The property is currently occupied by a commercial office building at the north end of the site fronting onto Dundas Square. The western portion of the building at the southeast corner of Dundas Square and O'Keefe Lane is nine storeys and was constructed in 1913. The building component to the east, added in 1930, is 15 storeys and steps down to 14 storeys at the southwest corner of Dundas Square and Victoria Street. The buildings function as one, and both are to be retained with internal changes for a new office lobby and retail spaces.

The existing seven-storey brick building on the site to the south (Hermant Annex) fronts onto Victoria Street (258-260) and backs onto O'Keefe Lane and was built in 1930. Further south, within the same site, is a two-storey commercial building at 252-256 Victoria Street, which is to be redeveloped as part of the proposed 39-storey mixed-use building. The buildings at 21 Dundas Square (Hermant Building) and 258 Victoria Street (Hermant Annex) were listed in the City of Toronto Heritage Properties Inventory by City Council in 1990.

North: Yonge-Dundas Square, which is a unique urban space with granite surfaces, a raised stage and computer-programmed fountains that emerge from the surface of the square. The square sits upon an underground parking garage, operated by the Toronto Parking Authority, and contains 250 parking spaces. The square functions as an urban plaza and accommodates displays and cultural events and concerts throughout the year.

East: Victoria Street and beyond which are low to medium rise commercial buildings with some surface parking.

South: The Canon Theatre at 244 Victoria Street, a designated heritage property, and is subject to a heritage conservation easement.

West: O'Keefe Lane and beyond which is a two to four storey commercial building fronting along Yonge Street, opposite the Eaton Centre on the west side of Yonge Street.

For further statistical information refer to Attachment 4, the Application Data Sheet.

## Provincial Policy Statement and Provincial Plans

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe. The Growth Plan generally contains policies to accommodate population and employment growth by directing a significant portion to built-up areas through intensification; reducing auto dependence through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments; and achieving higher densities and appropriate transition of built form to adjacent area. The site is located within Toronto's Downtown Urban Growth Center, one of a number of centres identified as a focus for intensification.

## Official Plan

The Official Plan places the site within the Downtown and Central Waterfront urban structure area. The site is designated *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan.

*Mixed Use Areas* permit a broad range of commercial, residential and institutional uses, in single or mixed use buildings. The Plan contains development criteria that will direct the form and quality of development in this area. The criteria direct that the massing of new buildings provide a transition between areas of different development intensity and scale; minimize shadow impacts onto adjacent areas; provide an attractive, safe and comfortable pedestrian environment; that parking, loading, amenities and other good site planning principles are complied with; and that transit services are in proximity and accessible to the site.

The Plan also states that the *Downtown and Central Waterfront* area, with its dramatic skyline, is Toronto's image to the world and to itself: comfortable, cosmopolitan, civil, urbane and diverse. Parts of the downtown will see development to house new residents and new jobs. Every home built within the downtown area offsets the need for in-bound commuting each day. Mixed use is a key ingredient to the successful functioning of downtown.

The Plan states that the highest buildings and greatest intensity occur in the downtown. As such, the proposal was reviewed for conformity with the Built Form – Tall Building policies of the Plan, which outline built form principles that are applied to the location and design of such buildings.

The Toronto Official Plan is available on the City's website at:  
[www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

The City's Design Criteria for Review of Tall Building Proposals study is also available on the City's website at: [www.toronto.ca/planning/pdf/tallbuildings\\_udg\\_aug17\\_final.pdf](http://www.toronto.ca/planning/pdf/tallbuildings_udg_aug17_final.pdf)

## **Zoning**

Under the former City of Toronto Zoning By-law 438-86, as amended, the site is zoned CR T7.8 C4.5 R7.8, a mixed-use area district, which permits a number of residential uses, as well as other complementary non-residential uses. The site has a total density permission limit of 7.8 times the lot area, 4.5 times the lot area for commercial uses and 7.8 times the lot area for residential uses. The height permission is 61 metres. Attachment 3 provides an excerpt of the zoning map for the site and immediate area.

## **Site Plan Control**

An application for site plan control approval has not been filed at this time but is required.

## **Heritage Resources**

The proposed development site includes three listed heritage properties; 19 and 21 Dundas Square and 258 Victoria Street. There is a designated heritage property located immediately to the south of the proposed development site (Canon Theatre, 244 Victoria Street), and a second designated heritage property to the west, separated from the development site by O'Keefe Lane, (Hard Rock Cafe, 279-283 Yonge Street).

The 10-storey Hermant Building at 19 Dundas Square designed by architects Bond and Smith and constructed in 1913, is one of Toronto's tallest surviving office buildings faced with white terra cotta, a cladding rarely found in Toronto. The 15-storey Hermant Building (east tower) at 21 Dundas Square was constructed in 1929 by Benjamin Brown, an individual who is culturally significant as the first practicing Jewish Architect in Toronto. These two buildings with the adjacent Hard Rock Cafe, have significant contextual value in defining the entire southern edge of Dundas Square which contributes to their landmark status.

The development proposal requires the demolition of the listed property at 258 Victoria Street, the Hermant Annex building constructed in 1920, as well as the unlisted building at 252 Victoria Street, for construction of the new 39-storey office / residential tower. Staff consider the loss of this listed property a necessary compromise in order to secure



the long term preservation of the two highly prominent heritage properties fronting on Dundas Square. This includes extensive rehabilitation of these buildings, including the restoration of principle character defining features that have been altered over the years; namely, the replacement of the existing ground floor storefront to replicate the original design at 19 Dundas Square, and the restoration of the lobby entry sequence at 21 Dundas Square based on drawings by Benjamin Brown and archival photographs. The applicant has also agreed to the designation and securing of Heritage Easement Agreements for these properties.

### Conservation Strategy

A Heritage Impact Statement (April 14, 2008) and Conservation Plan (preliminary) (March 24, 2008) were prepared by ERA Architects Inc. The Conservation Strategy can generally be summarized to include the following:

#### 19 Dundas Square

- a) preservation of building massing;
- b) rehabilitation of north elevation windows, decorative metal guardrail and terra cotta units;
- c) replacement of existing ground floor storefront, signage and upper level window assembly with historically appropriate design; and
- d) exterior lighting of principal facades.

#### 21 Dundas Square

- a) preserve the building massing;
- b) repair masonry as required;
- c) rehabilitation of original bronze entry and lobby design; and
- d) exterior lighting of principal facades

Additionally, an interpretive plaque will be provided with information on the development and historical significance of the Hermant Buildings.

Given the backlog created by the municipal labour disruption in June/July of this year, a designation report cannot be completed in time to coincide with this report on the rezoning application. A designation report will be forwarded for consideration by the Toronto Preservation Board, Community Council and City Council early in 2010.

### Reasons for Application

The applicant seeks to amend Zoning By-law 438-86, as amended to permit a residential building, with existing and new office as well as retail on the ground floor. Variances to the zoning by-law include:

- a) the proposed overall density of 18.5 times the area of the lot exceeds the permitted density of 7.8 times the area of the lot;

- b) the proposed height of 122 metres to the top of the mechanical penthouse exceeds the permitted height of 61 metre; and
- c) the proposal requires relief from a number of other Zoning By-law standards, as discussed in this report and set out in the draft Zoning By-law attached in this report.

## **Community Consultation**

A community consultation meeting was held on Tuesday November 25, 2008 and was attended by 16 residents. Issues raised at the meeting and submitted on comment sheets distributed at the meeting include:

- Height of the building and loss of views;
- Protection of the heritage buildings;
- Access/loading into the site; and
- Privacy – separation distance from other buildings.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate by-law standards and Section 37 agreement requirements.

## **COMMENTS**

### **Provincial Policy Statement and Provincial Plans**

The proposal is consistent with Section 2 of the Planning Act and the Provincial Policy Statement (PPS). Section 1.4.3 of the Housing Section of the PPS requires that an appropriate range of housing types and densities be provided to “meet the social, health and well-being requirements of current and future residents.” The built form in this case will provide a range of unit sizes.

The residential use adjacent to public transit and amenities is consistent with the goals of the PPS. The redevelopment of this site for office, retail and residential purposes is in keeping with the intent of the PPS.

Similarly, Council’s planning decisions are required to be consistent with the Growth Plan for the Greater Golden Horseshoe. In this case, the proposal conforms and does not conflict with the Growth Plan. Section 2.2.2 of the Plan stated that:

1. Population and employment growth will be accommodated by:
  - (a) directing a significant portion of new growth to the built-up areas of the community through intensification.

As this site is located in a built up area, and the proposal is intensifying the use of land for housing, the proposal is not in conflict with the Growth Plan.

## **Land Use/Built Form**

The proposed use of this site for a mixed use building is a permitted use in the Zoning By-law.

Official Plan policies encourage new housing, residential intensification and infill development. The applicant proposes to redevelop the site with a 238-unit residential building. The location is well served by public transit, retail and services. The proposal provides a balanced approach to the site's redevelopment and is consistent with the overall policy objectives of the Official Plan.

Development criteria in *Mixed Use Areas* are set out in Section 4.5 of the Official Plan and include the following:

- (a) create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the need of the local community;
- (b) locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or a stepping down of heights;
- (c) take advantage of nearby transit services;
- (d) locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- (e) provide good site access and circulation and an adequate supply of parking for residents and visitors; and
- (f) locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

The proposal places the building on the eastern portion of the property in order to reduce the shadow impact on Dundas Square. The site will have direct vehicle and pedestrian access to Victoria Street and the location of the service areas and garbage storage will be located at the back of the property on O'Keefe Lane. The proposed tower is located parallel to the street with a consistent front yard set back and the ground floor uses have a view into and, where possible, access to adjacent streets, parks and open spaces.

## **Density, Height, Massing**

The proposed mixed use building is in keeping with the *Mixed Use Areas* designation. The density of the development is 18.5 times the lot area. This is significantly higher than the 7.8 times coverage currently permitted on the site. The site is suitable for intensification, due to its location in the downtown area and its proximity to Yonge Street and Dundas Street and its location close to the Yonge Street subway line.

The proposed density is in keeping with similar developments within the immediate area of this site.

The proposal is in line with certain criteria outlined in the Design Criteria for the Review of Tall Building Proposals. The proposed development has an approximate floorplate of 606 square metres which is smaller than the recommended tall buildings' design guideline maximum of 743. The distance separation between the proposed tower and adjacent residential towers on Shuter Street is greater than the design guideline minimum of 25 metres.

The Tall Buildings Urban Design Guideline also recommends a three-metre to five-metre stepback for a tower above the podium. The applicant proposes a 7.5 metre stepback above the five-storey podium along O'Keefe Lane and no podium on Victoria Street. In light of the highly urban character of this section of Victoria Street and adjacent Dundas Square this stepback is satisfactory.

The residential tower has been sited on the easterly portion of the property, to ensure that the massing of the building does not cast a significant shadow on Dundas Square.

## **Sun, Shadow, Wind**

The proposed 39-storey building will introduce some additional shadow impact on the neighbouring properties and Dundas Square beyond that experienced under as-of-right conditions.

The applicant has submitted shadow studies to illustrate the shadows created by the proposed building March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup> between the hours of 9:18 a.m. and 6:18 p.m. The proposed development does cast an increased shadow as compared to its as-of-right permissions, including shadows cast on Dundas Square. The shadow impacts of the development are acceptable.

## **Traffic Impact, Access, Parking**

A Traffic Impact Study prepared by the BA Group and subsequent addendum have been submitted and reviewed by Technical Services Division staff. Staff are satisfied with the results of the Study and any additional trip generation can be accommodated by the area road network.

As noted earlier, the access to the 97 parking spaces within the six levels of underground parking garage will be from Victoria Street. Access to the loading area will directly be from O'Keefe Lane.

The Official Plan encourages development at locations well serviced by a full range of transportation options so as to reduce reliance on the private automobile. The site is in very close proximity to the Dundas subway station and its location in the downtown provides convenient walking and cycling opportunities to a range of destinations.

A total of 179 resident and visitor bicycle parking spaces are proposed, which meets the requirements of Zoning By-law 438-86, as amended.

## **Pedestrian Infrastructure**

The applicant proposes a continuous weather protected canopy with a minimum clear depth of 3 metres along the new portion of the building on Victoria Street above the ground floor.

This area has a high concentration of pedestrians. Wide and clear sidewalks are a key component of City Councils approved Accessibility Plan and the Pedestrian Charter. The proposed pedestrian infrastructure including design, width and location of sidewalks, and the design location of the canopies will be reviewed in detail at the Site Plan approval application stage. Staff will seek further improvements to the streetscape through the Site Plan approval process.

## **Servicing**

The applicant has satisfied Technical Services staff that the existing municipal infrastructure has adequate capacity to support the development proposal in terms of storm and sanitary drainage. The costs of any municipal service upgrade, if required, to support the proposed development will be borne by the applicant.

## **Residential Amenity Space**

The Zoning By-law 438-86, as amended, requires 476 square metres each of shared indoor and outdoor amenity space (two square metres per unit). The proposal includes indoor residential amenity space of 453 square metres and exterior amenity space of 430 square metres. The proposed shared indoor and outdoor amenity space is located on the sixth floor.

## **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

Parks, Forestry and Recreation staff has advised that the development site is subject to alternative parkland dedication. The parkland contribution that would apply to the residential component of the development is 10%. The non-residential component of the development would be subject to a 2% parkland dedication requirement under Chapter 165 of the former City of Toronto Municipal Code (which remains in full force and effect) to implement Section 42 of the *Planning Act* RSO 1990, c.P.13.

The applicant proposes to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site parkland dedication requirement would not be of a useable size. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

## **Toronto Green Development Standard**

The Toronto Green Development Standard contains performance targets and guidelines that relate to site and building design to promote better environmental sustainability of development in Toronto. The Standard has 63 possible green development targets. Based on the applicant's submission of the Toronto Green Standard Checklist, the proposed development is intended to achieve 37 targets. Some of the targets proposed to be met include:

- 10% of materials harvested, manufactured and supplied within 800 km of project;
- secure bicycle storage for long-term parking;
- major entrance located within 200 metres of a transit stop;
- direct integration with existing pedestrian routes;
- provide opportunities for shade, reduced ultraviolet exposure and protection from inclement weather;
- stormwater run-off – 80% of total suspended solids removed from all runoff leaving the site; and
- a combination of green roof and light coloured roofing materials.

## **Section 37**

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act

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

- c) Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrade of 19-21 Dundas Square (HNR Building) and \$400,000 towards capital improvements to O’Keefe Lane and additional street improvements within the immediate area;
- d) Require that the cash amounts identified in a) shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- c) Provide a letter of undertaking to the satisfaction of the Manager, Heritage Preservation Services indicating the applicant's support, as a condition of planning approvals, for the designation and entering into of an HEA for each of the properties at 19 and 21 Dundas Square, the reasons for designation and identification to be based on the Heritage Impact Statement and the Conservation Plan prepared by ERA Architects Inc. dated April 14, 2008 and March 24, 2008 respectively;
- d) Provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structure to be erected on the site;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- e) Provide a Detailed Conservation Plan and estimate of costs for the implementation of the Detailed Conservation Plan to be prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services;
- f) Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture;

- g) Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing;
- h) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
- i) Prior to the issuance of any building permit for 252-258 Victoria Street including a permit for demolition of the existing buildings, excavation and/or shoring of the subject property the applicant shall:
  - a. provide a letter of credit in an form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the detailed Conservation Plan referenced in Recommendation 5(e) above; and
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  - d. provide a notice of substantial completion prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- k) Provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, 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 General Manager, Technical Services;
- l) Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development,



according to the site servicing review accepted by the Executive Director of Technical Services;

- m) Improve the laneway from Shuter Street to Dundas Square for access into the site to the satisfaction of Executive Director of Technical Services and Chief Planner and Executive Director, City Planning Division;
- n) Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
- o) Provide knock-out panels at the northwest corner of the site on the Dundas Square wall to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- p) Prior to final site plan approval, the owner will:
  - 1. Submit architectural plans, elevations and landscaping including 1:50 scale elevations to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
  - 2. Undertake improvement of the street right-of-ways abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division.
  - 3. Provide continuous weather protection with a minimum clear depth of three metres on Victoria Street.
  - 4. Complete a Wind Assessment study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- q) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 4, 2009.

## **Tenure**

The original submission was for all rental units. The applicant is now proposing that all residential units be part of a condominium corporation. An application for draft plan of condominium approval is required.

## **Development Charges**

It is estimated that the development charge for the residential component will be \$1,623,614. The estimated development charge for the proposed retail uses on the ground floor is \$22,839. These are estimates. The actual charge is assessed and collected upon issuance of the building permit.

## **CONTACT**

Michael Hynes, Senior Planner  
Tel. No. 416-397-1761  
Fax No. 416-392-1330  
E-mail: mhynes@toronto.ca

## **SIGNATURE**

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Raymond David, Director  
Community Planning, Toronto and East York District

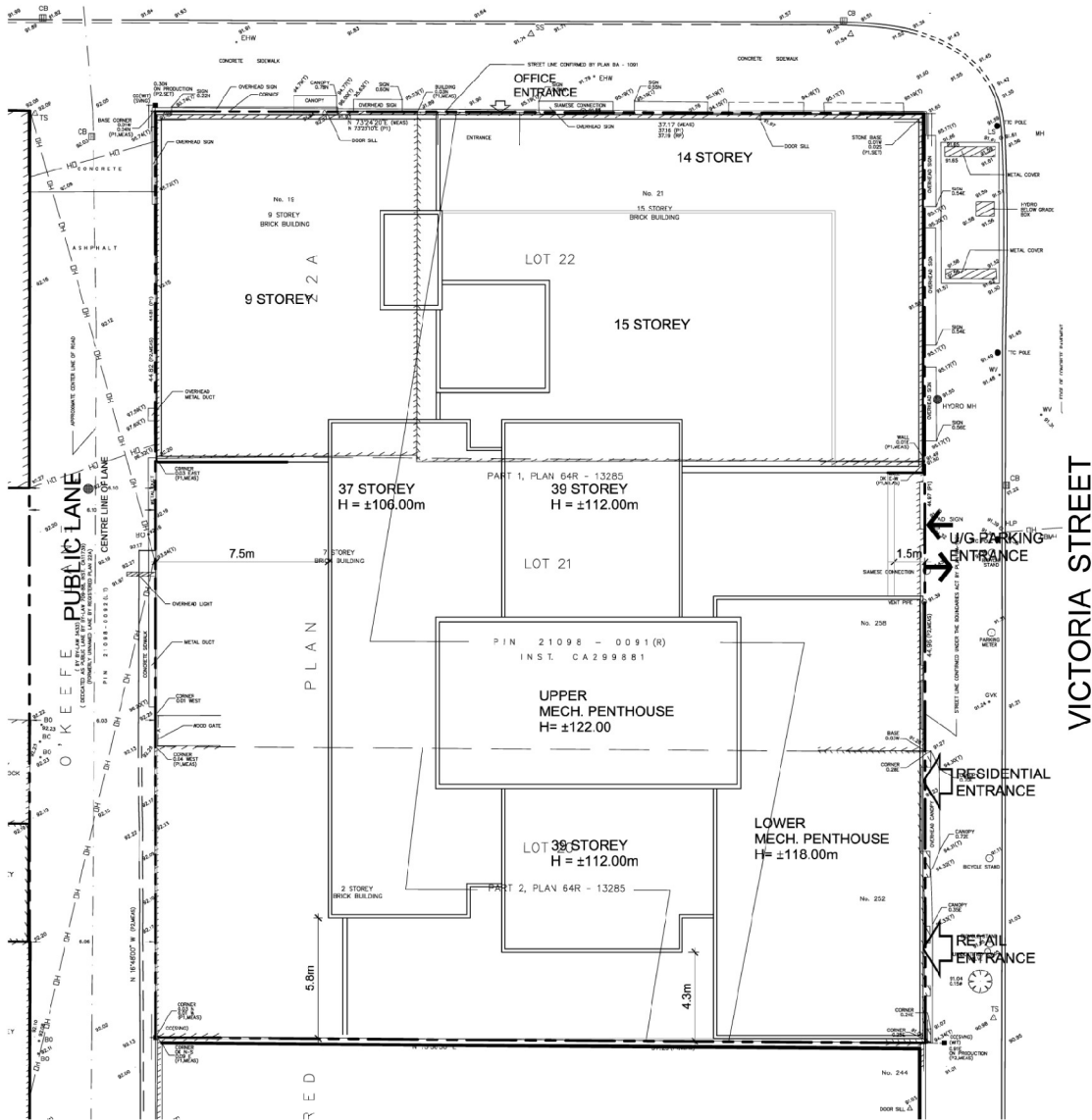
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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: West Elevation  
Attachment 2b: North Elevation  
Attachment 2c: East Elevation  
Attachment 2d: South Elevation  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet  
Attachment 5: Draft Zoning By-law Amendment

# Attachment 1: Site Plan

## DUNDAS SQUARE



### Site Plan

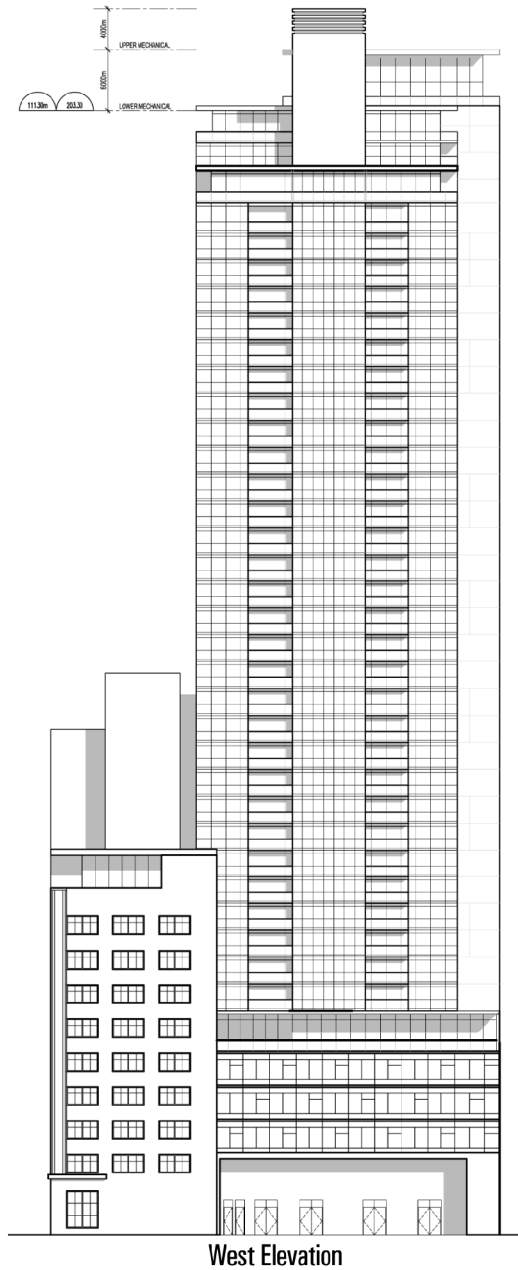
### 19 - 21 Dundas Square & 252 - 258 Victoria Street

Applicant's Submitted Drawing

Not to Scale 

File # 08\_153950

## Attachment 2a: West Elevation



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### Elevations

### 19 - 21 Dundas Square & 252 - 258 Victoria Street

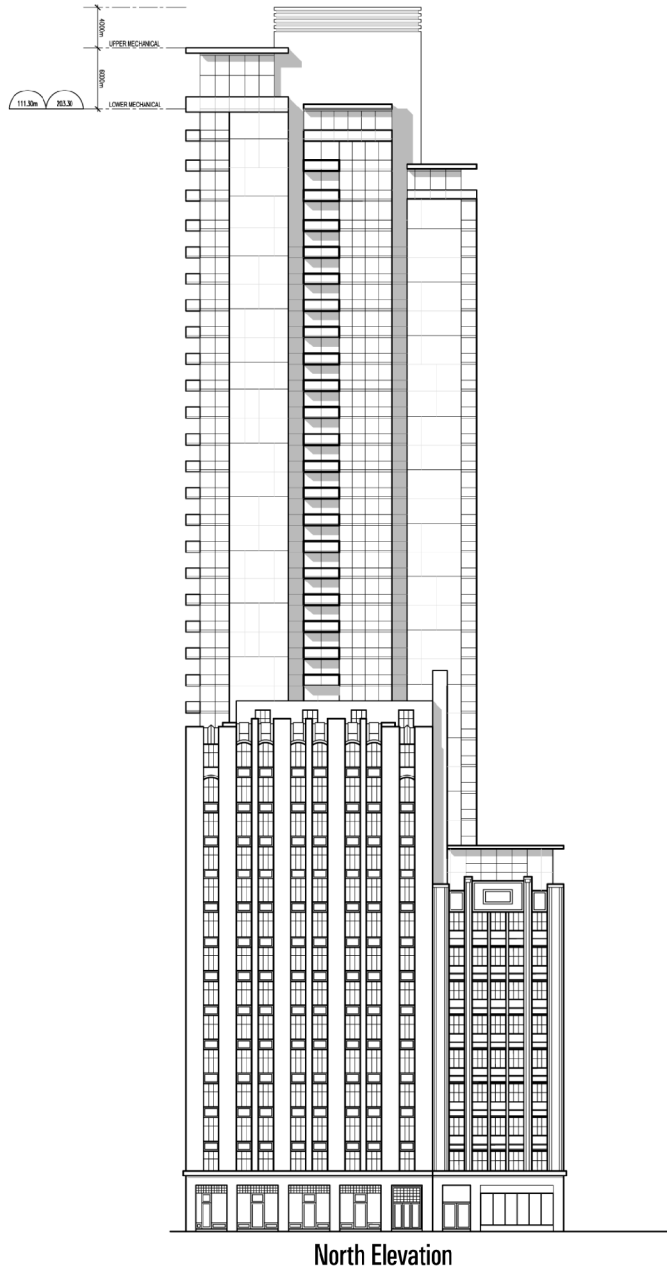
Applicant's Submitted Drawing

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10/05/2009

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## Attachment 2b: North Elevation



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### Elevations

### 19 - 21 Dundas Square & 252 - 258 Victoria Street

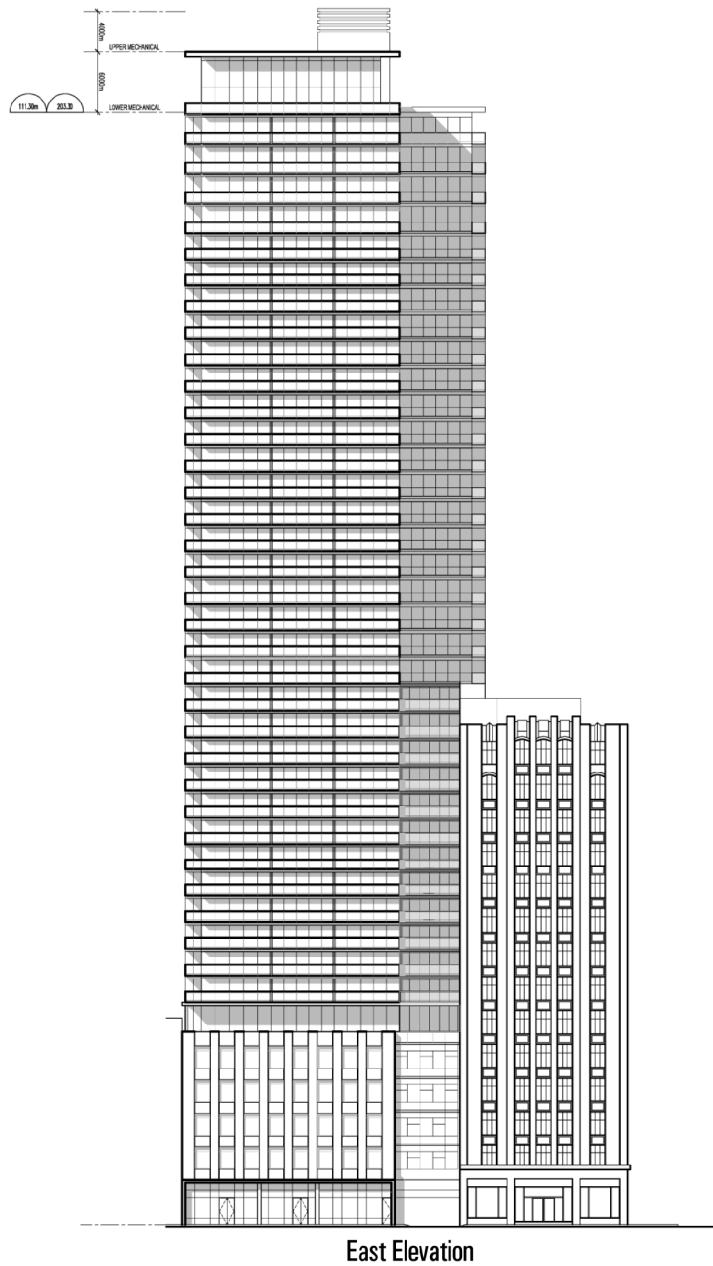
Applicant's Submitted Drawing

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## Attachment 2c: East Elevation



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### Elevations

### 19 - 21 Dundas Square & 252 - 258 Victoria Street

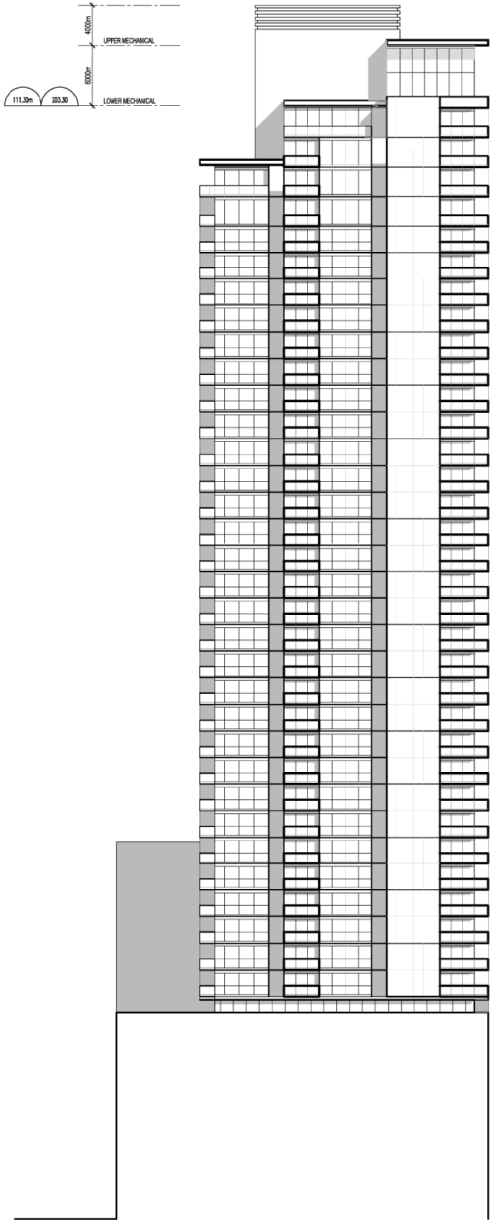
Applicant's Submitted Drawing

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File # 08\_153950

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**Attachment 2d: South Elevation**



South Elevation

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**Elevations**

**19 - 21 Dundas Square & 252 - 258 Victoria Street**

Applicant's Submitted Drawing

Not to Scale  
10/05/2009

File # 08\_153950

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## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	08 153950 STE 27 OZ
Details	Rezoning, Standard	Application Date:	May 1, 2008
Municipal Address:	252-258 Victoria Street and 19-21 Dundas Square		
Location Description:	Southwest corner of Victoria Street and Dundas Square		
Project Description:	The application includes demolition of one and retention of two historically listed buildings and demolition of 2 storey commercial building. Proposal for a 39 storey mixed-use building with commercial on floors 1-5, and residential above in 238 residential units and with 6 levels of underground parking.		

<b>Applicant:</b>	<b>Architect:</b>	<b>Owner:</b>
Fraser Milner, 1 First Canadian Place Suite 3900 Toronto, ON M5X 1B2	Diamond and Schmitt Architects 384 Adelaide Street West Suite 300 Toronto, ON M5V 1R7	HNR Properties Ltd. 21 Dundas Square Toronto, ON

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	CR T7.8 C4.5 R7.8	Historical Status:	Yes
Height Limit (m):	61 metres	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1670	Height:	Storeys:	39
Frontage (m):	37		Metres:	122.5 (10 metres- mech)
Depth (m):	45			
Total Ground Floor Area (sq. m):	749			<b>Total</b>
Total Residential GFA (sq. m):	18650		Vehicle Parking Spaces:	97
			Bicycle Parking Spaces:	179
Total Non-Residential GFA (sq. m):	12330 (including existing offices)		Loading Docks	1 Type G 1 Type C
Total GFA (sq. m):	30,980			
Lot Coverage Ratio (%):	81			
Floor Space Index:	18.5			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

			Above Grade	Below Grade
Tenure Type:	Condo			
Rooms:	0	Residential GFA (sq. m):	18650	0
Bachelor:	12 5%	Retail GFA (sq. m):	230	0
1 Bedroom:	82 34%	Office GFA (sq. m):	12330	0
2 Bedroom:	144 61%	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	238			

**CONTACT: PLANNER NAME: Michael Hynes, Senior Planner, 416-397-1761 or mhynes@toronto.ca**

**Attachment 5: Draft Zoning By-law Amendment**

**CITY OF TORONTO  
BY-LAW No. \_\_\_\_\_ - 2009**

**To amend the General Zoning By-law No. 438-86 of the former City of Toronto  
with respect to lands municipally known as 252 - 258 Victoria Street  
and 19-21 Dundas Square.**

WHEREAS the Council of the City of Toronto has been requested to amend its by-law pursuant to Section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, with respect to lands known municipally in the year 2009 as 252-258 Victoria Street and 19-21 Dundas Square; and

WHEREAS the Council of the City of Toronto conducted a public meeting under Section 34 of the *Planning Act* regarding the proposed zoning by-law amendment; and

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of the Municipality may, in a by-law passed under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond that otherwise permitted by By-law No. 438-86, as amended, in return for the provision of such facilities, services and matters as are set out in the By-law; and

WHEREAS the *owner* of the lands that is subject of this By-law has elected to provide the facilities, services and matters as are hereinafter set forth; and

WHEREAS the increase in the density and height permitted hereunder, beyond those otherwise permitted on the land by By-law No. 438-86, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and to be secured by one or more agreements between the *owner* of such land and the City of Toronto (hereinafter referred to as the "City"); and

WHEREAS the Official Plan for the former City of Toronto contains provisions relating to the authorization of the height and density of development; and

WHEREAS Council has required the *owner* of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

THEREFORE, the Council of the City of Toronto HEREBY ENACTS as follows:

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the

*owner* of the *lot* of the following facilities, services and matters set out in Appendix 1 hereof, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 4(1) of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Appendix 1 hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the *lot*.
4. None of the provisions of Sections 4(2)(a); 4(5)(b); 4(8)(b); 4(12); 4(13)(a) & (c); 8(3) PART I, 1, 2 and 3(a); 8(3) PART II 1(a)(ii); 8(3) PART III 1(a); and 12(2)216 of Zoning By-law No. 438-86 of the former City of Toronto, 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 or use of a mixed use building on the lands municipally known as 252 - 258 Victoria Street and 19-21 Dundas Square (hereinafter referred to as the *lot*), provided that:
  - (a) the *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
  - (b) the *residential gross floor area* shall not exceed 18,650 square metres;
  - (c) the *non-residential gross floor area* shall not exceed 12,330 square metres;
  - (d) the *residential gross floor area* and *non-residential gross floor area* shall not exceed 30,980 square metres;
  - (e) no portion of the building or structure erected on the lot or used above *grade* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
    - (i) canopies, awnings and building cornices are permitted outside the heavy line shown on Map 2; and
    - (ii) lighting fixtures, ornamental elements, parapets, trellises, eaves, window sills, guardrails, balustrades, railings, stairs, stair enclosures, wheel chair ramps, vents, underground garage ramps, landscape and public art features which may extend beyond the

heavy lines shown on the attached Map 2;

- (iii) balconies, which may extend to a maximum horizontal projection from an exterior building wall of 2.0 metres beyond the heavy lines shown on Map 2, provided that such balcony does not project beyond the dashed line on Map 2 indicating the boundary of the *lot*.
  - (f) the *height* of any building or structure, or portion thereof, does not exceed those *heights* as indicated on the attached Map 2;
  - (g) a minimum of 97 *parking spaces* shall be provided and maintained below *grade* on the *lot* in accordance with the following:
    - (i) a minimum of 82 *parking spaces* for residents; and,
    - (ii) a minimum of 15 shared *parking spaces* for residential visitors, the retail space and office space.
  - (h) a minimum of 179 *bicycle parking spaces* shall be provided and maintained on the *lot* for the residents of and visitors to the building in accordance with the following:
    - (i) a minimum of 143 *bicycle parking spaces* for residents on the ground floor, P1 or P2;
    - (ii) a minimum of 36 *bicycle parking spaces* for visitors on the ground floor;
    - (iii) *bicycle parking spaces* shall be common element and not combined with storage lockers for *dwelling units*.
  - (i) at least one *loading space-type G* shall be provided and maintained on the *lot*;
  - (j) at least one *loading space-type C* shall be provided and maintained on the *lot*;
  - (k) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*;
  - (l) a *commercial parking garage* is not permitted within the *lot*.
5. None of the provisions of By-law 438-86 shall apply to prevent a *temporary sales*

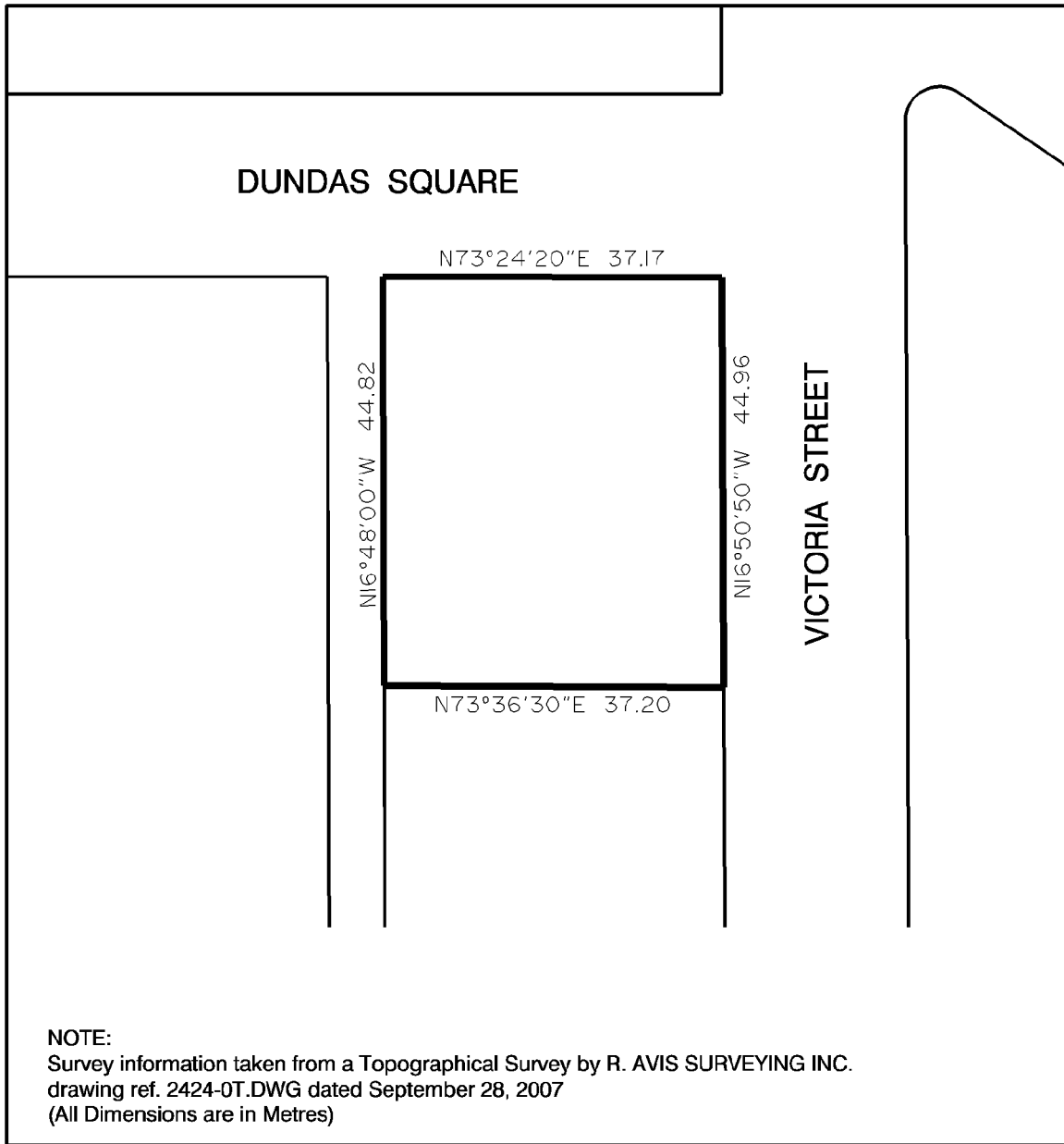
*office on the lot.*

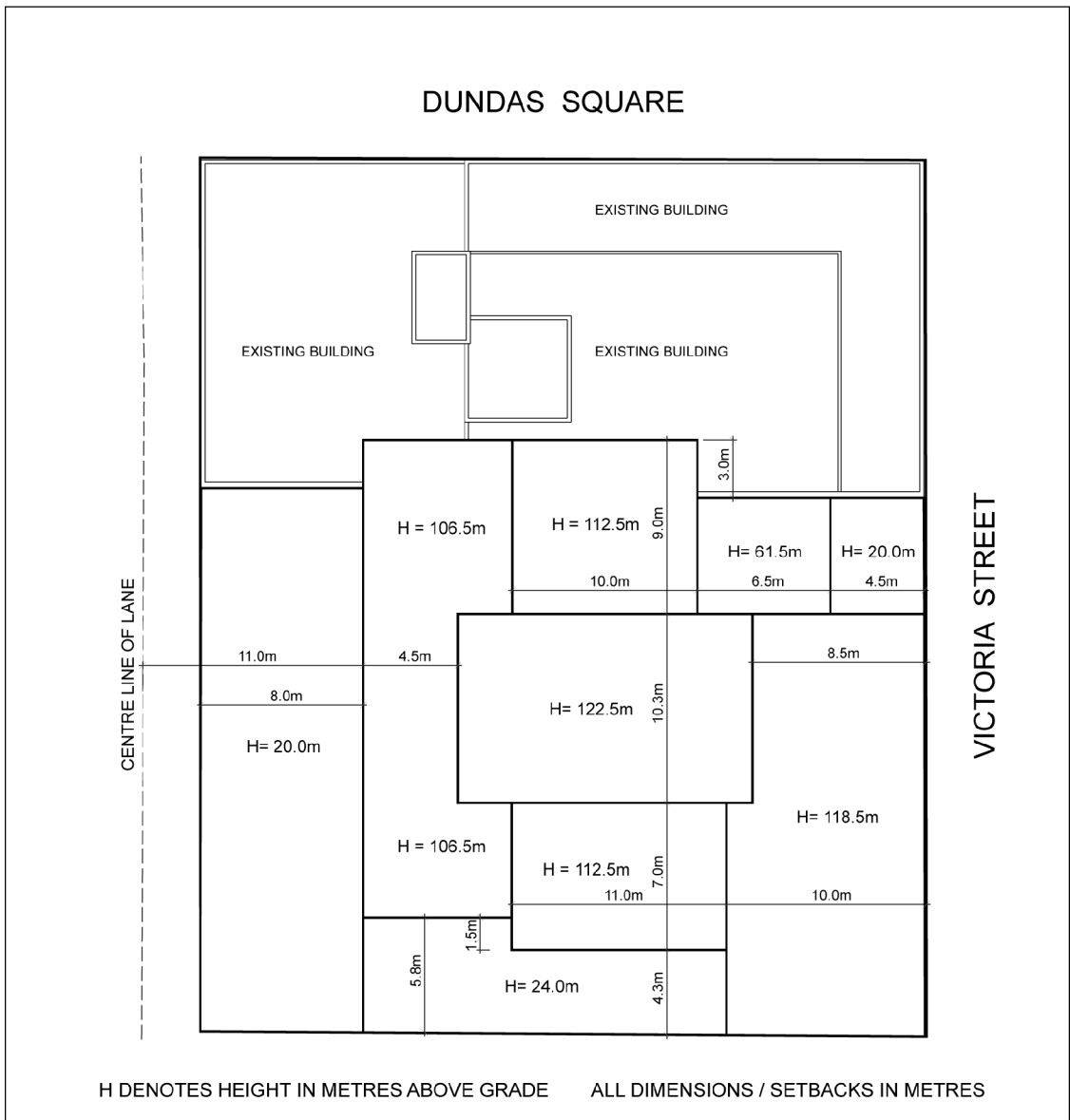
6. Notwithstanding Section 8(1) (f) of By-law No. 438-86, no person shall use a lot or erect or use a building within the site for any purpose except one or more of the following uses,
  - (i) *mixed-use building*;
  - (ii) offices having a maximum of 12,100 square metres;
  - (iii) a *retail store, restaurant, take-out restaurant* having a maximum of 230 square meters on the ground floor;
  - (iv) uses *accessory* thereto, including a *parking garage* located below finished ground level;
  
7. For the purposes of this By-law,
  - (a) *grade* means 92.000 metres Canadian Geodetic Datum.
  - (b) *temporary sales office* means a building, structure, facility or trailer on the *lot* used for the purpose of sale of *dwelling units* to be erected on the *lot*.
  - (c) each word or expression that is italicized in the By-law herein shall have the same meaning as each word or expression as defined in By-law No. 438-86, as amended.
  
8. Building permit issuance with respect to the lands to which this By-law applies shall be dependant upon satisfaction of the provisions in the By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

ENACTED AND PASSED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk





APPENDIX 1  
Section 37 Provisions

The facilities, services and matters set out herein are the facilities, services and matters required to be provided by the *owner* of the *lot* to the *City* in accordance with an agreement or agreements, pursuant to Section 37(3) of the *Planning Act*, in a form satisfactory to the *City* with conditions providing for indexed escalation of all financial contributions, no credit for development charges, indemnity, insurance, GST, termination and unwinding, and registration and priority of agreement:

- a) Prior to the issuance of the first above grade permit, pay to the City the sum of \$1,000,000 consisting of \$600,000 towards the heritage upgrade of 19-21 Dundas Square (HNR Building) and \$400,000 towards capital improvements to O’Keefe Lane and additional street improvements within the immediate area;
- b) Require that the cash amounts identified in a) shall be indexed in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of the funds by the owner to the City;
- c) Provide a letter of undertaking to the satisfaction of the Manager, Heritage Preservation Services indicating the applicant's support, as a condition of planning approvals, for the designation and entering into of an HEA for each of the properties at 19 and 21 Dundas Square, the reasons for designation and identification to be based on the Heritage Impact Statement and the Conservation Plan prepared by ERA Architects Inc. dated April 14, 2008 and March 24, 2008 respectively;
- d) Provide and maintain public art works pursuant to a Percent for Public Art Program to be located on publicly accessible portions of the site to a value not less than one percent of the gross construction costs of all buildings and structure to be erected on the site;

Although the following matters are not considered to be Section 37 contributions or benefits, they will be secured in the Section 37 Agreement as a convenience:

- e) Provide a Detailed Conservation Plan and estimate of costs for the implementation of the Detailed Conservation Plan to be prepared by a qualified heritage architect to the satisfaction of the Manager, Heritage Preservation Services;



- f) Retain a consultant archaeologist, licensed by the Ministry of Culture under the provisions of the Ontario Heritage Act (R.S.O 1990 as amended) to carry out a Stage 1 archaeological assessment of the entire development property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The assessment is to be completed in accordance with the 2009 Final Draft - Standards and Guidelines for Consulting Archaeologists, Ministry of Culture;
- g) Incorporate significant archaeological resources and findings into the proposed development through either in situ preservation and interpretation where feasible, or commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing;
- h) Ensure no demolition, construction, grading or other soil disturbances shall take place on the subject property prior to the City's Planning Division (Heritage Preservation Services Unit) and the Ministry of Culture (Heritage Operations Unit) confirming in writing that all archaeological licensing and technical review requirements have been satisfied;
- i) Prior to the issuance of any building permit for 252-258 Victoria Street including a permit for demolition of the existing buildings, excavation and/or shoring of the subject property the applicant shall:
  - a. provide a letter of credit in an form and an amount satisfactory to the Chief Planner and Executive Director, City Planning Division, to secure the work identified in the detailed Conservation Plan referenced in Recommendation 5(e) above; and
  - d. provide building permit drawings including construction specifications for the proposed conservation work prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services;
- j) Prior to the release of the Letter of Credit the applicant shall:
  - e. complete the conservation work satisfactory to the Manager, Heritage Preservation Services; and
  - f. provide a notice of substantial completion prepared by the heritage architect satisfactory to the Manager, Heritage Preservation Services.
- k) Provide and maintain an irrigation system at the owner's expense for any proposed trees within the public road allowance, 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 General Manager, Technical Services;

- l) Provide for any improvements to the municipal infrastructure in connection with the site servicing review, should it be determined that upgrades are required to the infrastructure to support this development, according to the site servicing review accepted by the Executive Director of Technical Services;
- m) Improve the laneway from Shuter Street to Dundas Square for access into the site to the satisfaction of Executive Director of Technical Services and Chief Planner and Executive Director, City Planning Division;
- n) Incorporate in the construction of the building, and maintain, design and exterior materials satisfactory to the Chief Planner and Executive Director;
- o) Provide knock-out panels at the northwest corner of the site on the Dundas Square wall to accommodate a potential future connection to the PATH system, satisfactory to the Chief Planner and Executive Director, City Planning Division;
- p) Prior to final site plan approval, the owner will:
  - 1. Submit architectural plans, elevations and landscaping including 1:50 scale elevations to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the owner will be required to, in conjunction with each Site Plan Application submit 1:50 scale drawings in conformity with this requirement;
  - 2. Undertake improvement of the street right-of-ways abutting the lot, including streetscaping and tree installation, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager, Parks, Forestry and Recreation Division, and the Executive Director, Technical Services Division.
  - 3. Provide continuous weather protection with a minimum clear depth of three metres on Victoria Street.
  - 4. Complete a Wind Assessment study and employ the results of the study into the design of the building, satisfactory to the Chief Planner and Executive Director, City Planning Division.
- q) The Owner shall be encouraged to build in conformity with the Green Development Standard Checklist on file with the Chief Planner and Executive Director, date stamped August 4, 2009.

