

Consolidated Clause from Report No. 11 of the Humber York Community Council, which was before the Council of the City of Toronto at its meeting held on October 29, 30 and 31, 2002.

59a

**Refusal and Directions Report - 1245 and 1301 Dupont Street
and 213 and 215 Emerson Avenue; Application to Amend the
Official Plan and Zoning By-law to Permit a Phased Mixed-Use
Development at the Galleria Mall;
Harzuz Holdings Ltd. and Ontario Potato Distributing Ltd.
(Davenport, Ward 18)**

(The Clause was struck out and referred back to the Humber York Community Council for further consideration, and the Director, Community Planning, West District, was requested to continue to meet with the applicant to discuss outstanding issues.)

(City Council on October 1, 2 and 3, 2002, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on October 29, 2002.)

The Humber York Community Council recommends:

- (1) the following report (August 28, 2002) from the Director, Community Planning, South District, not be adopted;**
- (2) staff be directed to schedule a community consultation meeting together with the Ward Councillor;**
- (3) the notice for the community consultation meeting be given to landowners and residents within 120 metres of the Galleria Mall site;**
- (4) the notice for the Public Meeting under the Planning Act be given according to the regulations under the Planning Act; and**
- (5) staff continue to resolve identified issues with the proponent with a view to enabling a satisfactory redevelopment of the lands at the corner of Dupont Street and Dufferin Street (which lands that are the subject of the rezoning component of the application) without adversely prejudicing long-term comprehensive redevelopment options for the remainder of the Galleria Mall property (which lands that are the subject of the Official Plan Amendment component only of this application).**

Purpose:

To recommend that the proposed Zoning By-law Amendment be refused in its current form and that the applicant be requested to revise the Official Plan Amendment application to address the issues raised in this report.

Financial Implications and Impact Statement:

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

Recommendations:

It is recommended that:

- (1) the proposed Zoning By-law Amendment application be refused in its current form; and
- (2) the applicant be requested to revise the Official Plan Amendment application in a manner that addresses the issues raised in this report.

Background:

The Galleria Mall site was developed in the early 1970s and occupies a large area at the southwest corner of Dufferin and Dupont Streets in the Wallace-Emerson Neighbourhood. The site's size, accessibility to transit, single-storey commercial uses and large amount of surface parking create several possible redevelopment opportunities. At the same time, the site as currently developed exhibits a poorly defined street edge, lacks clear pedestrian and vehicular routes and has virtually no connection with the surrounding neighbourhood.

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

In 1982, in conjunction with the review of a development proposal, Planning staff of the (former) City of Toronto prepared a study titled "Housing on Shopping Plaza Sites" which explored the potential for mixed-use development on existing west-end plaza properties, including the Galleria Mall. The study was intended to encourage appropriate mixed commercial and residential development and guide development applications. It concluded with general guidelines as well as more specific guidelines for the Galleria site.

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

park and lower-scale elements of the new development itself. The study reasoned that buildings should step up gradually from the site's edges to a maximum height in the range of 10 to 12 storeys.

A 1989 Preliminary Report for a further residential development application on the Galleria site referenced the 1982 study and suggested that the planning issues identified in the guidelines and through review of the previous application were still valid. Similarly, the review of the current proposal has included a consideration of the major principles established in the study and those considered in the review of previous proposals on the site.

Comments:

Proposal

The applicant is currently proposing to develop a mixed-use project over a period of time, gradually phasing out the existing Galleria mall. The final build-out of the site, as proposed, would result in 1,610 residential condominium units in 6 buildings ranging between 7 and 20 storeys (23.5 to 61.5 metres) in height. The applicant has submitted an Official Plan Amendment application to provide for the future build-out of the site in accordance with the proposed preliminary concept plan.

In addition, the applicant has submitted a rezoning application for Phase 1 of the project to permit the development of a 20-storey residential building in the vicinity of the Dupont and Dufferin Street intersection, wrapping around the northeastern portion of the site. The building is proposed to contain 398 residential units and 425 parking spaces in two underground levels. Phase 1 is proposed to operate in conjunction with the existing mall and to incorporate at-grade commercial uses, including a drive-through restaurant with surface parking.

The proposed project density is approximately 3.5 times the area of the lot for the Phase 1 component and approximately 2.7 times the area of the lot for the eventual build-out of the site. Any calculation of parcel density would be based on the proposed built form, as well as on the applicant's future lot pattern still to be determined. The final build-out of the site would include a total of 1,534 parking spaces in a two-level below-grade garage, plus the surface parking spaces that are proposed as part of Phase 1. Four new internal streets are proposed. (Please refer to the Application Data Sheet for additional project information).

Site Description

The highly visible site is approximately 5 hectares in size, with 73 metres frontage on Dufferin Street and 377 metres frontage on Dupont Street. The site is currently developed with the Galleria Mall, and a restaurant and gas bar on the eastern portion of the site. Vehicular access to the site is provided via both Dufferin Street and Dupont Street.

The surrounding land uses represent a variety of conditions, as follows:

- North - Dupont Street and industrial uses; CPR line to the rear of the industrial uses;
- South - Wallace-Emerson Community Centre and Park and low density residential uses;
- East - Dufferin Street and low density residential uses; mixed uses on Dupont Street to the east;
- West - low density residential uses fronting on Emerson Avenue.

Official Plan

The Official Plan of the (former) City of Toronto designates the site “Low Density Mixed Commercial-Residential Area”. These areas are described as containing a mix of commercial, residential and institutional uses in low-rise form, generally within the range of three to five storeys. Council may pass by-laws to permit buildings with a maximum density of 3.0 times the area of the lot. Such by-laws are also expected to establish maximum heights consistent with the other Official Plan policies and compatible with local conditions and objectives.

The Official Plan provides additional policies, including those related to the development of large sites. Other applicable policies include: the provision of affordable housing, alternative parkland conveyance requirements, and the use of Section 37 provisions to secure features such as community or park facilities where increases in height and/or density are desirable and consistent with Official Plan objectives.

Part II Plan

The Galleria site is located within the Wallace-Emerson Neighbourhood, which is a predominantly residential area with pockets of industrial and commercial uses. It is identified in the Part II Plan as “Area B – Galleria Plaza”. The Part II Plan provides for the potential redevelopment of mixed uses on the site, including a future residential population in a variety of housing types. To ensure the orderly progression of development and to minimize potential impacts on the Wallace-Emerson Neighbourhood, development must be compatible in function and scale with the existing neighbourhood and, in particular, with the adjacent residence areas.

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

Proposed Toronto Plan

The proposed Toronto Plan, which has not yet been endorsed by Council, designates the Galleria Mall site a “Mixed Use” Area. These areas contain a variety of residential and other uses and over time are expected to absorb a large proportion of the city’s anticipated increase in commercial employment and housing. The proportion of commercial and residential uses will vary widely among Mixed Use Areas, as will the scale and intensity of development.

The proposed Toronto Plan contains a number of development criteria for Mixed Use Areas, including the need to create a balance of uses, to minimize impacts on adjacent lower scale Neighbourhoods, and to take advantage of transit services. Other important policies include those related to the built environment, housing, community facilities, parks and open spaces, and the development of new neighbourhoods.

The policies of the current Wallace-Emerson Part II Plan that are specific to the Galleria Mall site and which are not referenced elsewhere in the proposed Toronto Plan have been carried forward into the new Plan in the form of a site-specific policy.

Zoning

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

Residential Properties Included in the Proposal

The developer owns three residential properties that are part of the Official Plan Amendment application for the overall project. These properties are located on Dupont Street and on Emerson Avenue and abut the west side of the mall. The applicant is considering opportunities for some of these lands to provide pedestrian access to the Galleria site in the future.

These residential properties are designated “Low Density Residence Area” by the (former) City of Toronto Official Plan and Part II Plan, and are designated “Neighbourhoods” Area in the proposed Toronto Plan. The properties are zoned R2 Z0.6 to permit residential uses.

Reasons for the Application

The applicant is seeking an Official Plan Amendment to establish a concept plan and site-specific policies and urban design guidelines for the comprehensive redevelopment of the site. These guidelines would set out a framework for evaluating future detailed development proposals. The guidelines are to be developed through a master planning exercise that would include mechanisms for staging the various phases of the project and would consider matters such as built form, the establishment of a local street network, open spaces, pedestrian and vehicular circulation, parkland dedication, services and community improvements.

The proposed Zoning By-law Amendment has been requested for the first phase of the development in order to permit residential uses at the northeast corner of the site along with the existing mall. The applicant is also requesting modifications to Zoning By-law standards, including matters such as height, density and setbacks. The applicant intends to submit a Zoning Amendment Application for the balance of the site in the future.

Issues to be Resolved

The location, size and configuration of the Galleria Mall site and its identification in the Official Plan as a candidate for the introduction of residential uses create a number of opportunities for the site's reurbanization, and its development as a focal point within the local neighbourhood and the larger community surrounding the site. Common themes have emerged from the review of the previous redevelopment proposals as well as the "Housing on Shopping Centre Sites" study. Factors of key importance that were not adequately addressed in the past are the need to approach the development of the site on a comprehensive basis and for the site to be integrated with the surrounding area.

Through a detailed master planning exercise that addresses a range of issues and engages the local neighbourhood and larger community in a thoughtful consultation process, this site could be developed in a manner that integrates it with the surrounding area and achieves a number of City objectives. At the request of Planning staff the applicant has begun to develop a comprehensive plan for the site, but this plan must be developed much further before additional evaluation of the site's potential can be undertaken. Staff have suggested that the applicant may wish to retain an urban design consultant to bring additional design focus to the project and to assist with the planning process.

With respect to built form, the applicant's current proposal is to establish new heights of 16 to 20 storeys along the balance of the site's Dupont Street and Dufferin Street frontages, and 7 storeys at the rear of the site. The proposed development is clearly in excess of the established heights in the area and cannot be supported by staff. Appropriate heights, scale and massing need to be developed through the consideration of matters such as the City's policy framework, the surrounding area context, potential impacts on adjacent properties and the streetscape, and the particular merits of the project. Until such time as an appropriate master plan has been prepared, the approval of any proposed Zoning By-law Amendment to introduce a significant new development is premature.

The proposed Zoning By-law Amendment application for Phase 1 cannot be supported in its current form because it would result in the development of a building that is significantly larger in scale than the surrounding area. Although the northeast corner could potentially support more height than could the remainder of the site, the applicant's proposed building would extend to a maximum of 20 storeys and does not respond to the local neighbourhood context. An appropriately scaled building, potentially reaching heights in the general range of 6 to 14 storeys distributed suitably across the parcel, would be more compatible with the neighbourhood. Appropriate built form, heights and transition of scale will need to be developed for this corner, along with other design elements, as part of the master planning process for the overall site.

Once the first phase of the project is constructed, the mall could potentially remain for some time before subsequent phases are commenced and the build-out is completed. It is essential that a satisfactory phasing strategy be developed to address a range of issues, including but not limited to those highlighted in this report. The phasing plan would attempt to minimize potential activity pattern conflicts, would secure appropriate community improvements at each stage, and would ensure that the initial phases do not preclude the successful future build-out of the site.

Because of the size and visibility of the site and its proximity to a variety of residential, community and business uses, a comprehensive public consultation strategy will also need to be developed in conjunction with the development of a vision and master plan for the site. The applicant has begun this process by conducting a series of open houses based on the original submissions, however the consultation strategy needs to be developed much further.

The issues identified to date with respect to the overall development of the site are summarized below. Further issues may be identified in the future as part of the review by civic officials and public consultation process. These issues include:

- the conformity of the project with the intent of relevant Official Plan policies;
- the type, mix and location of residential and non-residential uses, and housing objectives including an appropriate range of units and affordable housing;
- scale, massing and height of buildings and distribution of built form to achieve appropriate transitions both within the site and to adjacent areas, while minimizing potential impacts related to matters such as light, view and privacy;
- the relationship of buildings to public and private streets and open spaces;
- appropriate parkland dedication in the form of land or land and cash-in-lieu through the Official Plan's alternative parkland provision;
- a comprehensive open space plan that addresses matters including landscaped open space, public access, walkways, park improvements, pedestrian circulation and connections to surrounding areas such as transit stops and community facilities;
- vehicular access, loading, traffic, and the provision of adequate parking facilities for residents, visitors, and commercial uses;
- desirability of maintaining the proposed drive-through, given potential impacts on residential uses such as visual intrusion, noise, odour, and pedestrian amenity;
- the provision of services to the site, including water, sewer and stormwater services and emergency access;
- the accommodation of anticipated demands on local facilities such as schools, parks, transit and community facilities;
- Section 37 contributions related to possible desired increases in height and density, as authorized by the Official Plan;
- the provision of public art in conformity with Official Plan provisions;

- the need for a clear and comprehensive phasing plan addressing matters such as interim and proposed future access, servicing, parking, landscaping and community improvements;
- any other information, drawings or study requirements that may be identified through the review process, including urban design, environmental, or traffic and parking studies; and
- an appropriate possible future subdivision of the lands.

Conclusions:

The Galleria Mall site offers excellent potential for redevelopment with an appropriate range and form of both commercial and residential uses that are well integrated with the surrounding community. Potential development options for this important site must be considered through a master planning exercise and comprehensive community consultation process.

The redevelopment of any part of this site is premature until such time as an appropriate master plan has been developed in response to the issues identified in this report. It is therefore recommended that the proposed Zoning By-law Amendment be refused in its current form, and that the applicant be requested to revise the Official Plan Amendment application in a manner that addresses the issues referenced above.

The timing of a further report and community consultation meeting related to this application will depend upon the timing of the applicant's submission of a satisfactory proposal based on the comments provided above.

Contact:

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(The Attachments referred to in the foregoing report were forwarded to all Members of the Humber York Community Council with the Agenda for its meeting on September 17, 2002, and copies are on file in the office of the City Clerk, York Civic Centre.)

(City Council on October 29, 30 and 31, 2002, had before it, during consideration of the foregoing Clause, a communication (October 17, 2002) from Aldo Lorenzetti, President, Marca Development Corporation, forwarding comments with respect to an application to amend the Official Plan and Zoning By-law pertaining to 1245 and 1301 Dupont Street and 213 and 215 Emerson Avenue.)