219-231 Dundas Street East - Zoning By-law Amendment Application - Preliminary Report

Date: May 2, 2016
To: Toronto and East York Community Council
From: Director, Community Planning, Toronto and East York District
Wards: Ward 27 – Toronto Centre-Rosedale
Reference Number: 16 137850 STE 27 OZ

SUMMARY

This application proposes to redevelop the site at 219-231 Dundas Street East with a 29-storey tower with retail at grade and residential above. The proposed development includes a total of 20,012 m² of GFA of which 19,801 m² would be residential (295 dwelling units) and 211 m² retail. The proposed building would have a height of 99.84 metres including the mechanical penthouse. The proposal also includes 4 levels of underground parking for cars and bicycles.

This report provides preliminary information on the above-noted application and seeks Community Council's directions on further processing of the application and on the community consultation process. It is anticipated that a Community Consultation meeting will be held in the fourth quarter of 2016. Staff anticipate submitting a final report on the application to Community Council in the first quarter of 2017. This target date assumes that the applicant will provide all required information in a timely manner and address issues raised in this report including the appropriate built form.
RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff be directed to schedule a community consultation meeting for the lands at 219-231 Dundas Street East together with the Ward Councillor.

2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.

3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

DECISION HISTORY

Pre-Application Consultation
A pre-application meeting was held with the applicant during which the applicant introduced their proposal and staff itemized initial concerns and issues with the proposed development. Key issues identified at the meeting included: conformity with Official Plan Amendment 82 and the draft Heritage Conservation District plan; building height and potential impact on the St. Michael's Hospital helicopter flight path; shadow impacts particularly on adjacent Neighbourhoods and the L'Ecole Publique Gabrielle Roy; appropriate setbacks; and the potential heritage attributes of existing buildings on site.

ISSUE BACKGROUND

Proposal
The applicant is proposing a 29-storey (91.84 metres excluding mechanical penthouse or 99.84 metres including mechanical penthouse) residential apartment building with 295 dwelling units and commercial uses at grade. The development would be a tower-base form which entails a 5-storey podium with a 24-storey tower above. Projecting balconies are proposed along most faces of the tower. The proposed gross floor area would be 19,801 m² of residential space and 211 m² of retail space for a total of 20,012 m²; this equates to a Floor Space Index of 13.35 under Zoning By-law 569-2013.

The primary entrance for the residential component of the building would be from Dundas Street East. The ground floor would include a residential lobby, commercial space, bicycle parking and the loading area within the building podium. Residential units would be located on floors 3 to 29. Indoor and outdoor amenity space would be located on the second floor. Vehicular parking would be below grade, bicycle parking would be below grade and at grade within the building podium.

According to City records there are at least 3 existing rental housing units on the proposed development site. This would need to be confirmed.
Other details of the proposal are shown in Table 1 below and in Attachment 4

**Table 1 – Summary of Application**

<table>
<thead>
<tr>
<th>Category</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Tower setbacks</td>
<td></td>
</tr>
<tr>
<td>- West property line (school)</td>
<td>Varies from 8.25 to 10 m</td>
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<tr>
<td>- East property line</td>
<td>0 m</td>
</tr>
<tr>
<td>- North property line (Dundas Street)</td>
<td>3 m</td>
</tr>
<tr>
<td>- South property line (school)</td>
<td>Varies from 5 to 7.6 m</td>
</tr>
<tr>
<td>Base (podium) setback at grade</td>
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<tr>
<td>- West property line (school)</td>
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<tr>
<td>- East property line</td>
<td>0 m</td>
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<td>Sidewalk/pedestrian realm width</td>
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<td>Tower floorplate (approximate)</td>
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<td>Ground floor height (approximate)</td>
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<tr>
<td>- Resident</td>
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<td>- Visitor</td>
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<tr>
<td>- Auto-share</td>
<td>4</td>
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<td>- Commercial</td>
<td>21</td>
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<td>Bicycle parking</td>
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<tr>
<td>- Long term</td>
<td>266</td>
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<td>- Short term</td>
<td>30</td>
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<td>Loading spaces</td>
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<td>- Type G</td>
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<td>Amenity space</td>
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<tr>
<td>- Indoor</td>
<td>796 m$^2$</td>
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<tr>
<td>- Outdoor</td>
<td>290 m$^2$</td>
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</table>

**Site and Surrounding Area**

The site is roughly circular in shape with a separate protrusion (right-of-way) extending eastwards to Pembroke Street and an additional protrusion extending to the south. The lot has a frontage of 44 metres on Dundas Street East and a lot area of 1499 m$^2$. There is an existing 3 storey residential structure with commercial space at grade on the east side of the site and a commercial parking lot on the west side of the site. There are 3 existing rental housing units within the building.
The surrounding uses are as follows:

North: Dundas Street East and across the street a paid parking lot. Further north is a mostly low-rise residential neighbourhood.

South: L'Ecole Publique Gabrielle Roy (school), listed on the City's Heritage Register.

West: Intersection of Dundas Street with George Street and further west, 2 to 4-storey mixed residential-commercial structures some of which are subject to development applications or approvals for tall buildings.

East: 3-story apartment buildings with those fronting Dundas Street also having limited at-grade commercial uses.

**Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council’s planning decisions are required, by the Planning Act, to be consistent with the PPS.

Provincial Policy Statement Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs.

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 to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.
Official Plan

This application will be reviewed against the policies in the 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. This designation permits a range of residential, commercial and institutional uses. The Plan includes criteria that direct the form and quality of development in this land use designation. The criteria state that new buildings: provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts; and provide an attractive, safe and comfortable pedestrian environment.

The protrusion portion of the property extending eastwards to Pembroke Street is designated Neighbourhoods. The applicant is not using this land for any use in this application.

This application will be reviewed against the policies in the Official Plan including those in the “Downtown”, “Public Realm”, and “Built Form” sections of the Plan. Compliance with other relevant policies of the Official Plan including environment and transportation will also need to be addressed. Other key policies that are applicable to this development are: Policy 4.8.4 which states that new buildings will be sited and massed to protect hospital helicopter flight paths and Policy 3.1.5 which refers to Heritage Conservation (refer below).

Official Plan Amendment 82 – Downtown East Planning Study

The site is subject to Official Plan Amendment 82 – Downtown East Planning Study which was approved by City Council March 31, 2015 and subsequently appealed to the Ontario Municipal Board. The applicants are one of the appellants. The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. The intent was that most of Dundas Street would develop in a mid-rise form with appropriate setbacks and angular plane provisions.

The site is within the Dundas Corridor Character Area and more specifically Block 3 of that Character Area (this inclusion into Block 3 occurred through a Council amendment of OPA82 as recommended by staff). The relevant policies require: a minimum 60% of frontage to be retail; retail bays to have a frontage no greater than 6 metres; and there shall be a minimum 7.5 metre setback from the rear property line and a 45 degree angular plane from a height of 10.5 metres.

In addition, the general policies of OPA-82 require: a minimum provision of 10% affordable rental housing or affordable ownership housing; 10% of new units will be three bedroom or larger; no net new shadows will be permitted on the playground of Ecole Gabriele Roy September 21 to June 21 from 10:00 am to 4:00 pm; and there will be stepback, podium height, floor plate and tower separation distance standards.
Heritage

L'Ecole Publique Gabrielle Roy is located south of and adjacent to the development site. The school property is listed on the City's Heritage Register. Heritage staff will review the application for any impacts to the adjacent heritage property.

On October 2, 3 and 4, 2012, City Council directed that the Chief Planner and Executive Director, City Planning initiate the Garden District Heritage Conservation District study. This study is currently in the plan phase. The development site is located within the boundaries of the study area.

The development site includes 231 Dundas Street East, which has been identified as a contributing property in the context of the draft Garden District Heritage Conservation District Plan. This property is not currently included on the City's Heritage Register.

Zoning

The site is currently subject to City-wide Zoning By-laws 438-86 and 569-2013. Under By-law 569-2013 the site has three separate zoning designations; the majority of the property being 219 Dundas is zoned CR 1.5 (c1.0; r1.0) SS2 (x1248); the east portion of the site being 231 Dundas is zoned CR 1.5 (c1.0; r1.0) SS2 (x2389); the protrusion on the east side of the site is zoned R (d 1.0) (x984).

Under By-law 438-86 the majority of the property is zoned MCR T1.5 C1.0 R1.0 with the protrusion to the east zoned R3 Z1.0.

With the exception of the protrusion on the east side of the site, both By-laws permit a variety of commercial and residential uses with a maximum density of 1.5 times the site area and a maximum building height of 12.0 metres. By-law 569-2013 also includes site specific exception 984, 2389 and 1248 which references a number of site specific provisions, prevailing By-laws and prevailing Sections. Key provisions include: parking rates for residential uses; restrictions on non-residential gross floor area; requirements for residential uses above first storey; and prohibitions on commercial parking facilities.

Zoning Order

On May 3, 2016 the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports. The purpose of this Order is to protect health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael's Hospital and The Hospital for Sick Children. This Regulation is revoked on September 30, 2017. The Zoning Order identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate. The subject site is outside but adjacent to this obstruction limitation surface.
St. Michaels Hospital Flight Path
St. Michael's Hospital is a provincially designated regional trauma centre. The hospital receives some of its most critically ill patients by air ambulance. As previously cited, the Official Plan requires that all new buildings be sited and massed to protect helicopter flight paths. The Provincial Policy Statement also has a number of policies to protect against development which may negatively impact public health and safety as well as the efficient use of public service facilities. The provincial interests relate to the health care system in Ontario and the role of hospitals and emergency air ambulance services, including the hospital flight path for St. Michael’s Hospital.

St. Michael's Hospital has produced a flight path map (dated August 6, 2015) which appears to indicate that the site is adjacent and potentially outside the Flight Path Height Restricted Area but within the Flight Path Obstruction Marking Area. Structures within this area may require aeronautical obstruction marking and/or lighting in accordance with Canadian Aviation Regulations. In order to comply with the helicopter flight path and the related Official Plan policy, the proposed tower including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below the protected flight path.

Staff will work with the applicant to ensure the proposal does not penetrate into the St. Michael's Hospital flight path and conforms with the Flight Path Obstruction Marking Area provisions.

Site Plan Control
The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

City-Wide Tall Building Design Guidelines
In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at http://www.toronto.ca/planning/tallbuildingdesign.htm

Downtown Tall Buildings: Vision and Supplementary Design Guidelines
This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. This site is not identified as a Tall Building site as per Map 1 – High Streets Map which identifies those parts of downtown streets along which tall buildings are considered appropriate.
The Downtown Tall Buildings Guidelines are available at http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports and the project are available on the following website: www.toronto.ca/tocore.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second 'planning and analysis' phase, which involves drafting policies, plans and strategies. A report back to TEYCC is targeted by the end of 2016 on the results of Phase 2 and next steps on implementation. The review of this application will be informed by the issues being considered under TOcore.

Reasons for the Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height. Additional areas of non-compliance may be identified through the circulation and review process.

COMMENTS

Application Submission

The following reports/studies were submitted with the application:

- Planning Report
- Community Services and Facilities Study
- Functional Servicing Report
- Transportation Impact Study
- Preliminary Pedestrian Level Wind Study
- Shadow Studies
A Notification of Incomplete Application was issued May 2, 2016. This Notice indicates that a Geotechnical Study (Hydrological Review) needs to be submitted.

**Issues to be Resolved**

The following issues will need further review and will need to be addressed by the applicant:

- Consistency with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe;

- Conformity with Official Plan policies particularly with respect to built form and transition to and shadowing of Neighbourhoods designated lands;

- Conformity with Official Plan Amendment 82 policies particularly with respect to those policies related to built form, the provision of affordable housing, shadowing and tower design and setback provisions;

- Confirmation that there are no net new shadows on the playground of L'Ecole Publique Gabrielle Roy measured from September 21 to June 21 from 10:00 am to 4:00 pm in accordance with Official Plan Amendment 82;

- Conformity with the city-wide Tall Buildings Design Guidelines including the sections on tower setbacks, step backs and shadowing impacts;

- Conformity with the Downtown Tall Buildings: Vision and Supplementary Design Guidelines which do not identify this site as a Tall building site;

- Confirmation that the building height does not intrude into the St. Michael's Hospital Heliport Obstacle Limitation Surfaces map as identified on the Minister's Zoning Order dated April 27, 2016;
- Confirmation that the building height does not intrude into the St. Michael's Hospital helicopter flight path (obstacle limitation surfaces) and that the proposed development conforms to the Flight Path Obstruction Marking Area as identified on the St. Michael's Hospital Registered Flight Paths map dated August 6, 2015;

- Confirmation as to whether the existing building at 231 Dundas Street East is a contributing building to the draft Garden District Heritage Conservation District Plan and whether it should be designated or listed;

- Podium compatibility with the draft Garden District Heritage Conservation District Plan objectives and guidelines and relationship to adjacent low rise buildings;

- The need to undertake an Archaeological Stage 2 Property Assessment;

- Confirmation that there are only 3 rental housing units on site;

- Treatment of the ground floor of the building and its conformity to the retail provisions in Official Plan Amendment-82 in addition to the relationship to the public realm;

- Appropriateness of the proposed reduced on-site parking provision;

- Appropriateness of the proposed reduced amenity space provision;

- Appropriate use and treatment for that portion of the site extending from the east side of the property to Pembroke Street and a second smaller area extending to the south;

- Appropriate servicing to accommodate the development;

- Adequacy of community services and parkland in the area; and

- Identification and securing of public benefits pursuant to Section 37 of the Planning Act should the proposal be approved in some form.

The TGS Checklist has been submitted by the applicant and is currently under review by City staff for compliance with the Tier 1 performance measures.
Additional issues may be identified through the review of the application, agency comments and the community consultation process.

**CONTACT**
Derek Waltho, Planner  
Tel. No.  416-392-0412  
E-mail:  dwaltho@toronto.ca

**SIGNATURE**

______________________________________
Gregg Lintern, MCIP RPP  
Director, Community Planning  
Toronto and East York District

**ATTACHMENTS**
Attachment 1:  Site Plan  
Attachment 2:  Elevations  
Attachment 3:  Zoning  
Attachment 4:  Application Data Sheet
Attachment 1: Site Plan

Site Plan
219 & 231 Dundas Street East

Applicant’s Submitted Drawing
Not to Scale
04/13/2016

File # 16 137850 STE 27 OZ

Staff report for action – Preliminary Report – 219-231 Dundas Street East
Attachment 2: Elevations

West Elevation

Elevations

219 & 231 Dundas Street East

 Applicant's Submitted Drawing

Not to Scale

04/13/2016

File #: 16 137850 STE 27 OZ

Staff report for action – Preliminary Report – 219-231 Dundas Street East 13
South Elevation

Elevations
219 & 231 Dundas Street East

Applicant's Submitted Drawing

Not to Scale
04/13/2016

File # 16 137850 STE 27 DZ
East Elevation

Elevations

Applicant's Submitted Drawing

219 & 231 Dundas Street East

Not to Scale
04/13/2016

File # 16 137850 STE 27 OZ

Staff report for action – Preliminary Report – 219-231 Dundas Street East

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Attachment 3: Zoning

219 & 231 Dundas Street East

Zoning By-law 569-2013

File # 16 137850 STE 27 OZ

Location of Application
R Residential
CR Commercial Residential
CR Mixed Use District
MCR Mixed Use District
R3 Residential District

Not to Scale
Extracted: 04/13/2016

Staff report for action – Preliminary Report – 219-231 Dundas Street East
Attachment 4: Application Data Sheet

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<th>Application Type</th>
<th>Rezoning</th>
<th>Application Number:</th>
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<tr>
<td>Details</td>
<td>Rezoning, Standard</td>
<td>Application Date:</td>
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Municipal Address: 219-231 DUNDAS ST E
Location Description: PLAN D48 LOT 4A PT LOTS 5 5B 6 & 6A **GRID S2714
Project Description: Zoning By-law Amendment to facilitate the construction of a 29-storey residential building with retail at grade.

Applicant: SHERMAN BROWN
Agent: Turner Fleischer

PLANNING CONTROLS
Official Plan Designation: Mixed Use Areas
Zoning: CR1.5 (c1.0; r1.0) SS2 (x2389)
Height Limit (m): 12
Historical Status:
Site Plan Control Area:

PROJECT INFORMATION
Site Area (sq. m): 1499
Frontage (m): 44.39
Depth (m): 0
Total Ground Floor Area (sq. m): 519
Total Residential GFA (sq. m): 19801
Total Non-Residential GFA (sq. m): 211
Total GFA (sq. m): 20012
Lot Coverage Ratio (%): 34.6
Floor Space Index: 13.35

Total

Parking Spaces: 96
Loading Docks: 1

FLOOR AREA BREAKDOWN (upon project completion)

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<td>Bachelor:</td>
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<td>Retail GFA (sq. m): 211</td>
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<td>3 + Bedroom:</td>
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<td>Institutional/Other GFA (sq. m): 0</td>
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<tr>
<td>Total Units:</td>
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CONTACT: PLANNER NAME: Derek Waltho, Planner
TELEPHONE: 416-392-0412