

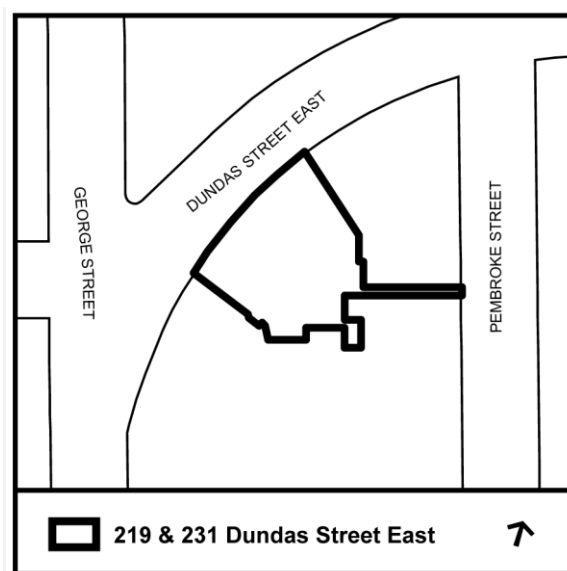
219-231 Dundas Street East – Zoning Amendment Application – Final Report

Date:	March 15, 2018
To:	Toronto and East York Community Council
From:	Acting 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 21-storey tower with retail at grade and residential above. The proposed development includes a total of 14,324 m² of GFA of which 14,111 m² would be residential (222 dwelling units) and 213 m² retail. The proposed building would have a height of 65.5 metres including the mechanical penthouse. The proposal also includes 4 levels of underground parking for cars and bicycles.

City Planning recommends that Council approve the Zoning By-law Amendment application. The proposed development fits within the planned and built form context and is of a height that reinforces the existing transition in height and density between the areas to the west and east. In addition, the proposed massing appropriately addresses heritage policies. The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan and complies with the City's Official Plan. Section 37 contributions have also been agreed upon and will be secured in a Section 37 agreement.



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

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86 for the lands at 219-231 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report from the Acting Director, Community Planning Toronto East York dated March 15, 2018.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 219-231 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 6 to this report.
3. City Council direct the City Solicitor to request the Ontario Municipal Board to modify Official Plan Amendment 82 for the lands at 219-231 Dundas Street East to exempt 219-231 Dundas Street East from Policy 4.2 of Official Plan Amendment 82.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.
5. Before introducing the necessary Bills to City Council for enactment, require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. A Section 37 contribution in the amount of \$1.5 million in community benefits to be allocated 1/3 to park improvements and/or streetscape improvements, 1/3 to community, recreation and/or cultural space improvements and 1/3 for land for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office.
 - b. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. Confirmation be required from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

A Preliminary Report on the application was considered by the Toronto East York Community Council on June 14, 2016. Key issues identified in the Preliminary Report included:

- built form issues including tower height, setbacks, stepbacks and appropriate transition;
- shadowing impacts on *Neighbourhoods* and playground of L'Ecole Publique Gabrielle Roy;
- potential intrusion into the helicopter flight path;
- whether 231 Dundas Street East is a heritage resource and podium compatibility with the policies of the Garden District Heritage Conservation District Plan (under appeal);
- ground floor uses and relationship to the public realm;
- appropriateness of the proposed reduced on-site parking and reduced amenity space provision; and
- appropriate use of the site protrusions on the east and south sides of the property.

Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE17.63>

On May 24, 2017 City Council approved the inclusion of 231 Dundas Street East on the City's Heritage Register. The report is available at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE24.14>

ISSUE BACKGROUND

Proposal

The applicant is proposing a 21-storey (60 metres excluding mechanical penthouse or 65.5 metres including mechanical penthouse) residential apartment building with 222 dwelling units and retail uses at grade. The development would be a tower-base form which entails a 3-storey podium with an 18-storey tower above. Balconies are typically, although not exclusively, recessed into the building. The proposed gross floor area would be 14,111 m² of residential space and 213 m² of retail space for a total of 14,324 m²; this equates to a Floor Space Index of 9.73 under Zoning By-law 569-2013.

The primary entrance for to the building would be from Dundas Street East. The ground floor would include a residential lobby, retail space, bicycle parking and the loading area within the building podium. Residential units would be located on floors 3 to 21. Indoor and outdoor amenity space would be located on the second floor and partly at grade. Vehicular parking would be below grade, bicycle parking would be below grade and at grade within the building podium. The existing protrusions (portions of the site that extend outwards from the main part of the site) are proposed as passive open space to be owned by the proposed condominium.

Other details of the proposal are shown in Table 1 below and in Attachment 10.

Table 1 – Summary of Application

Category	Proposed
Tower setbacks (above podium)	
- North-east (adjacent property on Dundas)	2.45 m
- East	varies from 5.75 to 8.5 m
- North-west (Dundas Street)	2.1 m
- South (school)	varies from 5.35 to 8.7 m
Base (podium) setback at grade	
- North-east (adjacent property on Dundas)	0 m
- East	0.8 m
- North-west (Dundas Street)	3.0 m
Sidewalk/pedestrian realm width	varies from 5.7 m to 6.0 m
Tower floorplate (approximate)	749 m ²
Ground floor height (approximate)	5.5 m
Vehicular parking	
- Resident	64
- Visitor	13
- Car-share	2
Bicycle parking	
- Long term	180
- Short term	43
Loading spaces	
- Type G	1
Amenity space	
- Indoor	700 m ²
- Outdoor	219 m ²
Unit Mix	
- Bachelor	35
- One bedroom	106
- Two bedroom	58
- Three + bedroom	23
- Total	222

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 m². 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.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities under the Act, including, the conservation of features of significant architectural, cultural or historical interest, and the promotion of built form that is well-designed and encourages a sense of place.

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and

- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character;
- Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of policies and

guidelines including OPA 82 for Downtown East (Garden District), OPA 352 for tall buildings in the Downtown, and the Tall Building Design Guidelines.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform with the Growth Plan.

Official Plan

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The proposed development is located in the Downtown area as defined by Map 2. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different intensity and scale.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. The Built Form policies also identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building which is addressed by Policy 3.1.3.

Other key policies that are applicable to this development include: Policy 4.8.4 which states that buildings will be sited and massed to protect hospital helicopter flight paths and Policies 3.1.5.5 and 3.1.5.26 which refer to development being designed to conserve heritage values.

The subject site is within the boundaries of Official Plan Amendment 82 (OPA 82), the Garden District Area Specific Policy. A key Policy of OPA 82 is that there shall be no net new shadows permitted on playground of Ecole Gabriele Roy measured from September 21 to June 21 from 10:00 am to 4:00 pm. In addition, any development on

this site is subject to a minimum setback of 7.5 m from the rear property line and a 45 degree angular plane from a height of 10.5 m above the 7.5 m setback line. OPA 82 is in full force and effect, except for site specific appeals, as a result of an OMB verbal Order of December 7, 2017. There remains a site-specific appeal of OPA 82 for 219-231 Dundas Street (the subject site).

Heritage

The proposed development site includes 231 Dundas Street East. City Council approved the property for inclusion on the City's Heritage Register on May 24, 2017.

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 resulted in the adoption by City Council on January 31, 2017, of the Garden District Heritage Conservation District. This decision was subsequently appealed to the Ontario Municipal Board. The development site is located within the boundaries of the Garden District Heritage Conservation District.

The subject site is also adjacent to 14 Pembroke Street, commonly known as Ecole Gabriele Roy School. The school property is listed 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 the first storey; and prohibitions on commercial parking facilities.

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

Policy 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building

Design Guidelines on May 7, 2013 for use in evaluating tall building proposals.
<http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm. 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. More specifically, the guidelines provide recommendations for: building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation distances, pedestrian realm considerations and sustainable design and transition.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals. The Downtown Tall Buildings Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>. 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.

TOcore

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north, and the Don River the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A

series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

This consideration and analysis is provided in Attachment 9.

More information on Council direction pertaining to TOcore can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be found at www.toronto.ca/tocore.

Reasons for Application

An application to amend the Zoning By-laws is required to permit the proposed height and density as well as to amend other applicable provisions.

Community Consultation

A community consultation meeting was held on September 21, 2016, which was attended by approximately 31 members of the public. Specific comments related to the zoning amendment component of the development were:

Heritage

- Suggestion to evaluate the merit of preserving 231 Dundas and /or incorporating the building into the design and whether there is any remaining heritage integrity to the building
- Questions as to whether proposed development is in keeping with the draft HCD plan, and whether it complements the scale, character and form of adjacent

designated school

- Suggestions to use traditional material on the podium (more stone/masonry) and increase tower setbacks

Planning

- Need wider pedestrian realm
- Questions about required minimum setbacks and potential for additional towers to the east
- Potential to be a negative precedent to the draft HCD and Garden District plan
- Concern over; shadows on the school yard, shadowing on other adjacent properties, skyview for the school, need for a height transition toward the school, wind impacts
- Potential to expand development site thereby improving setbacks
- Overlook issues especially with respect to outdoor balconies and minimal setbacks
- Concern with the 70% of units being studio units
- Street should be mid-rise
- Too much residential in the area
- Potential shadowing of community garden at George and Dundas streets
- Good to develop parking lot and get more eyes on the street

Architecture

- Positive comments on design, loading within podium, balcony treatment, density and height
- Negative comments on bland design, too big/tall, building should be consistent with community
- Concern with minimal setbacks next to heritage homes, podium façade/blank wall and height facing residents and adjacent heritage buildings, need to ensure ramp/servicing screened/separated from adjacent residents
- Building should better reflect street curve

Engineering

- Confirmation that the sewer system has sufficient capacity and whether ground water discharge has been adequately accessed

Transportation

- Issues with existing traffic operations, in particular, sightlines towards east and west with the road curvature at Dundas and George streets, cyclists not following traffic rules, illegal parking, pedestrian crossing of Dundas is dangerous
- Questions as to whether accidents and adjacent proposed developments were incorporated into the traffic analysis
- Outbound left turning should not be permitted
- Inadequate parking provision

- Questions about loading space and how to manage deliveries and pick-up/drop-off

Comments received at the community consultation meeting have been considered in the review of this application.

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.

COMMENTS

Staff have reviewed the proposed development and are of the opinion the proposed development is appropriate as the proposed built form is supportable in its current form for reasons outlined below.

Provincial Policy Statement and Growth Plans

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while 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. In the Official Plan the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards. The proposed development site, as a location for intensification, is consistent with those PPS policies that refer to appropriate locations for intensification and redevelopment and as such the proposal is consistent with the PPS.

Growth Plan

Guiding Principle 1.2.1 of the Growth Plan supports the achievement of *complete communities* with an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Policy 2.2.1 states that the vast majority of growth will be directed to *settlement areas* and within *settlement areas* growth will be focused in *delineated built-up areas*. Policy 2.2.3 further states that *Urban Growth Centres*, the *Downtown* is one such Centre, will be planned to accommodate significant population and employment growth. The proposed development conforms to the Growth Plan.

Land Use

The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The uses proposed for the project are residential and retail at grade. This proposed mixed-use development, as a land use, would be permitted in the *Mixed Use Areas*.

Official Plan Amendment 82 further states that a minimum of 60% of the Dundas Street frontage will be retail and that retail bays shall have frontages no greater than 6m. The application proposes approximately 35 % of the frontage as retail and retail bays approximately at 6 m width. Although the proposal does not meet the 60% requirement,

it is felt that the applicant has maximized retail frontage. The frontage not used for retail uses is limited to the driveway and a relatively small and narrow residential lobby.

While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space areas which is further discussed in the following section of this report.

Built Form

Context, Transition and Tower Massing

Official Plan Healthy Neighbourhoods Policy 2.3.1.2 states that developments in *Mixed Use Areas* will provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from *Neighbourhoods*. Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. Tall Building Policy 3.1.3.2 c) states that tall buildings relate to their existing and/or planned context. For the *Mixed Use* areas designation, Policy 4.5.2 c), d) and e) state that the location and massing of new developments provide a transition and frame street edges in good proportion. OPA 352 (under appeal) Policy B i) refers to tower setbacks so that the cumulative effect of multiple tall buildings within a block contribute to building strong healthy communities by fitting in with the existing and/or planned context. Policy B ii) further references access to natural light, a reasonable level of privacy and views between towers.

OPA 82 identifies this site as a Tall Building site subject to complying with setback and angular plane provisions. More specifically, a minimum setback of 7.5 m from the rear property line and a 45 degree angular plane from a height of 10.5 m above the 7.5 m setback line. These site specific provisions remain under appeal at the OMB.

These policies are further informed by Tall Building Design Guidelines. Guideline 1.1 refers to context, 1.3 addresses Fit and Transition in scale, 2.1 refers to Building Placement, 3.2.1 addresses floor plate size and Guideline 3.2.3 addresses separation distances. For tower development the guidelines recommend a minimum 25 m setback between towers (12.5 m to lot line or mid-point of the right-of-way) to ensure sufficient sky view, privacy and light to residents and a maximum floor plate of 750 m² in order to, among other things, minimize shadow impacts and loss of sky view from the public realm.

The existing and planned context can be characterised as higher density and higher profile buildings to the west and lower densities and lower profile buildings as you move eastwards. The buildings at the Jarvis/Dundas intersection are in the 42 to 50-storey range while buildings at the Pembroke/Dundas intersection range from 2 to 11-stories. Across the George/Dundas Street intersection, at 200 Dundas Street East, there is an under construction 50-storey tower development with a 19-storey podium (the podium

being 59.5 m in height excluding projections). This 19-storey podium element would be directly across the street (in a westerly direction) from the subject site.

The application proposes a 21-storey tower with a height of 59.5 m (excluding the mechanical penthouse) and a 749 m² tower floorplate. Tower setbacks would be a minimum of 12.1 m to the mid-point of the Dundas Street right-of-way and would increase somewhat with the curvature of the road. To the east and south the irregular property line results in a varied setback that ranges from 5.35 to 8.7 m, with the setback adjacent to the property protrusions being up to 18 m. When including the property protrusions, the proposed tower achieves the 12.5 m setback identified in the guidelines.

To the north-east, the adjacent properties on Dundas Street, the curvature of the road combined with the narrow lot depth of those properties makes those properties inappropriate for tower development. As such, a reduced tower setback to the north-east is acceptable in this instance.

The proposed 21-storey tower, being the same metric height as the adjacent 19 storey podium across the George Street intersection, fits within the planned and built form context. The tower would fit within and form part of the transition from the 50-storey towers to the west with the lower scale developments to the east. The tower setbacks generally conform to the 7.5 m setback identified in OPA 82, although it is acknowledged that the setback varies from 5.35 m to 18 m with the irregular property line. Although the tower does not conform to the 45 degree angular plane identified in OPA 82 (not in full force and effect), in this context it is acceptable. The proposed development within a context of existing towers to the west and lower scale development to the east and with an appropriate built form and massing conforms to the in-force Official Plan policies.

Tower Height – Shadowing

The proposed tower height is further reviewed through an assessment of shadowing impacts and helicopter flight paths.

Healthy Neighbourhoods Policy 2.3.1.2 c) states that developments in *Mixed Use Areas* will maintain adequate light and privacy for those residents in *Neighbourhoods*. Built Form Policy 3.1.2.3 e) refers to adequately limiting shadowing on neighbouring streets, properties and open spaces. For the *Mixed Uses Areas* designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces. OPA 82 Policy 3.6 further states that there shall be no net new shadows permitted on playground of Ecole Gabriele Roy measured from September 21 to June 21 from 10:00 am to 4:00 pm. The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development for March and June 21. The submitted shadow studies show the proposed towers would shadow:

- *Neighbourhoods* designated lands (March 21) from 9:18 to 11:18 (it is noted these shadows have a marginal impact on only a couple of properties).

- *Neighbourhoods* designated lands (June 21) from 3:18 to 6:18 (shadowing is limited to one property at 3:18 and approximately six at 6:18 with the impacts occurring to front and rear yards).

The shadowing that would be generated by the proposed development does not impact *Parks* and *Other Open Space Areas* and does not shadow the adjacent Ecole Gabriele Roy School, who has confirmed they have no concerns with the proposed development.

Official Plan Policy 4.8.4 states that new buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. City Council at its meeting of December 5, 2017, adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect. In order to comply with the helicopter flight path and the related Official Plan policy, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below or outside the protected flight path. The proposed tower is located adjacent but outside of the flight path. Confirmation has been received from St Michael's Hospital that the proposed towers do not intrude into the helicopter flight paths. However, as crane information was not provided as part of the review, it is recommended that as a legal convenience in a Section 37 Agreement that confirmation be required from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path.

The proposed tower does not shadow *Parks* and *Other Open Space areas*, has minimal shadowing on *Neighbourhoods* designated lands and does not intrude into the helicopter flight paths. As such, the proposed height is acceptable.

Podium Height and Transition

There are a number of Official Plan policies that reference the need to protect adjacent developments by providing an appropriate transition through setbacks and stepbacks. Built form Policy 3.1.2.3 c) refers to appropriate transitions in scale to neighbouring existing and/or planned buildings. For the *Mixed Use Areas* designation, Policy 4.5.2 c) refers to locating and massing new buildings to provide a transition between areas of different development intensity and scale through setbacks and/or stepping down of heights.

The Tall Building Design Guideline 1.3 expands on this by referring to an appropriate transition in scale down to lower-scale buildings, parks and open space. Guideline 3.1.1 provides greater clarity by referring to the base building (podium) height being consistent with the existing street wall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way.

The proposed podium height is 3-stories (11.1 m) in height. The width of the Dundas Street East right-of-way is 20 m which suggests a maximum podium height of 16 m based on the 80% of right-of-way provision. An appropriate podium height is also

informed by the height of adjacent developments. Adjacent buildings to the east are 3-stories in height (approximate 12 m to the top of the mansard roof).

The proposed podium height is consistent with the existing street wall and, as further assessed below, satisfies heritage adjacency and infill policy issues, and as such the proposed podium is appropriate.

On Site Heritage and Heritage Adjacency

Official Plan Policy 3.1.5.4 states that properties on the Heritage Register will be conserved and in Policy 3.1.5.5 that development adjacent to a property on the Heritage Register will ensure that the integrity and attributes of those properties will be retained. Policy 3.1.5.26 refers to new construction on or adjacent to a heritage property will be designed to conserve the cultural heritage values, attributes and character and to mitigate visual and physical impacts.

Tall Building Design Guideline 1.6 states that tall buildings are to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and more specifically; to design new base (podium) buildings to respect the urban grain, scale, setbacks and proportions through such means as additional setbacks and stepbacks. This is further informed by Guideline 3.1.1e and in the Downtown Tall Buildings Guideline, by Guideline 3.4 which reference the established streetwall height and respecting the scale, character, form and setting of adjacent heritage buildings.

The development site includes 231 Dundas Street East, a listed property on the City's Heritage Register also identified as a contributing building within the Garden District Heritage Conservation District, under appeal to the OMB. In addition, the site is adjacent to 14 Pembroke Street (Ecole Gabriele Roy School) which is listed on the City's Heritage Register. The applicants have submitted a Heritage Impact Assessment (HIA). The applicant's proposal is to demolish 231 Dundas Street East and to redevelop the site with a built form that appropriately addresses heritage adjacency issues.

Heritage staff has reviewed the development proposal and the amended HIA (dated January 26, 2018). Heritage staff have concluded that the demolition of 231 Dundas Street is appropriate given that the building has been found to have compromised structural integrity as identified in the amended HIA. Further, the proposed lower floor treatment of the building responds to the adjacent heritage buildings and infill policies of the Garden District Heritage Conservation District and that any fine tuning of the architectural expression can be addressed as part of a subsequent Site Plan application.

It is noted that the owners of 14 Pembroke Street, Ecole Gabriele Roy School, have not yet provided a comment on the 21-storey proposal despite being circulated.

Public Realm

For development in the *Downtown*, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient

movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The application proposes a pedestrian realm along Dundas Street ranging from 5.7 m to 6.0 m as the road curves. In addition, the applicant's pedestrian level wind study concludes that pedestrian comfort conditions will be suitable for the area's intended purpose and that wind mitigation is not required. The proposed public realm is in conformity with and meets the intent of the guidelines.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas* development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. These requirements are implemented through Zoning By-law 438-86 and Zoning By-law 569-2013 which respectively require a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit.

The development proposal includes both indoor and outdoor amenity space. A total of 700 m² (3.2 m² per dwelling unit) of indoor and 219 m² (1.0 m² per dwelling unit) of outdoor space is proposed for a total of 919 m² (4.1 m² per dwelling unit). The total amount of amenity space provided meets City requirements and as such is acceptable.

Family Sized Units and Affordable Housing

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. In implementing this policy, staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. The applicant is proposing 23 three-bedroom units (10.4% of the total units). This provision is broadly in line with City standards and as such is appropriate.

The City also encourages the provision of affordable housing. Official Plan Policy 5.1.1.6 provides for the provision of affordable housing as a potential Section 37 benefit. The applicant has proposed \$0.5 million (as part of an overall \$1.5 million) Section 37 contribution be allocated to Toronto Community Housing and/or affordable housing. These funds would provide a meaningful contribution towards the provision of affordable housing and is acceptable.

Transportation, Traffic and Parking/Loading

A Transportation Impact Study was submitted with the application and has been reviewed by staff. Vehicular access and egress would be from Dundas Street. Parking would be below grade and loading would be at the ground level within the podium. The proposal includes 79 parking spaces, 223 bicycle parking spaces and 1 Type G loading space.

Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's assertion that anticipated traffic impacts will have minimal impacts at the intersections within the study area and that the traffic impacts will be acceptable. Transportation Services also commented that the owner will be required to pay all costs associated with the implementation of outbound left-turn prohibitions in conjunction with any subsequent site plan application. The proposed parking and loading space standards is also acceptable and have been incorporated into the implementing draft by-law.

Site Servicing and Solid Waste

The applicant submitted a Functional Servicing Report and Groundwater Control Investigation. Engineering and Construction Services has reviewed the reports and advise that no revisions are required for the zoning portion of the application. Engineering and Construction Services has also advised that further comments related to stormwater management, site servicing and grading will be provided at the site plan application stage.

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 acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is proposing a zoning by-law amendment to permit the construction of a mixed use building, which will include 295 residential units and a 5-storey podium with 211m² of non-residential gross floor area and amenity space. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 3,933m² or 265% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 149m² or 9.92%.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as a dedication of 149m² is not of a suitable size to develop a programmable park within the existing context of this development site. At the same time, the site does not abut an existing city park which could be expanded through this dedication. The actual amount of cash-in-lieu to be paid will be determined at the time of issuance of the building permit.

Urban Forestry

An Arborist Report and landscape plan were submitted by the applicant. Urban Forestry have reviewed the plans and commented that at the Site Plan Control stage of this development they will require detailed landscape plans to indicate the planting of large growing shade tree, if space exists, within the City road allowance and on site. Additionally, as part of any subsequent site plan application the applicant must provide

detailed landscape plans and indicate soil volumes for each continuous soil trench and planting bed.

Section 37

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development.

A Community Services and Facilities Study was submitted by the applicant. City staff reviewed the study and commented that there is a need for Section 37 funds for the provision of purpose built rental units (affordable and/or mid range) and capital improvements to the Moss Park Redevelopment Project (this project includes the replacement and/or expansion of the John Innes Community Recreation Centre). Additionally, the Public Library has indicated a need for Section 37 funds for the Parliament and St. Lawrence branches of the library and Parks has identified a need for funds for parkland improvements within the Ward.

This report recommends that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan \$1.5 million in Section 37 contributions should be secured under Section 37 of the *Planning Act* for the following community benefits within the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office:

- 1/3 to park improvements and/or streetscape improvements;
- 1/3 to community, recreation and/or cultural space improvements; and
- 1/3 to land for purpose built rental housing with mid-range or affordable rents and/or land for affordable housing and/or affordable ownership housing.

The amount and recommended community benefits are comparable to those secured for similar developments in the area. The \$1.5 million should be indexed upwardly 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 payment of such funds by the Owner to the City.

The following matters is also recommended to be secured as a legal convenience in the Section 37 Agreement to support development:

1. Confirmation be required from St Michael's Hospital, or their representative, that any temporary (including construction cranes) and permanent structures are below or outside the protected flight path.

Conclusion

City Planning recommends that Council approve the Zoning By-law Amendment application. The proposal for a 20-storey tower with commercial uses at grade fits within the planned and built form context and is of a height that reinforces the existing transition in height and density between the areas to the west and east. In addition, the proposed massing appropriately addresses heritage policies. The proposal is consistent with the PPS, conforms to the Growth Plan and complies with the City's Official Plan and relevant design guidelines. Section 37 contributions have also been agreed upon and will be secured in a Section 37 agreement.

CONTACT

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Tel. No. 416-392-0412
E-mail: Derek.Waltho@toronto.ca

SIGNATURE

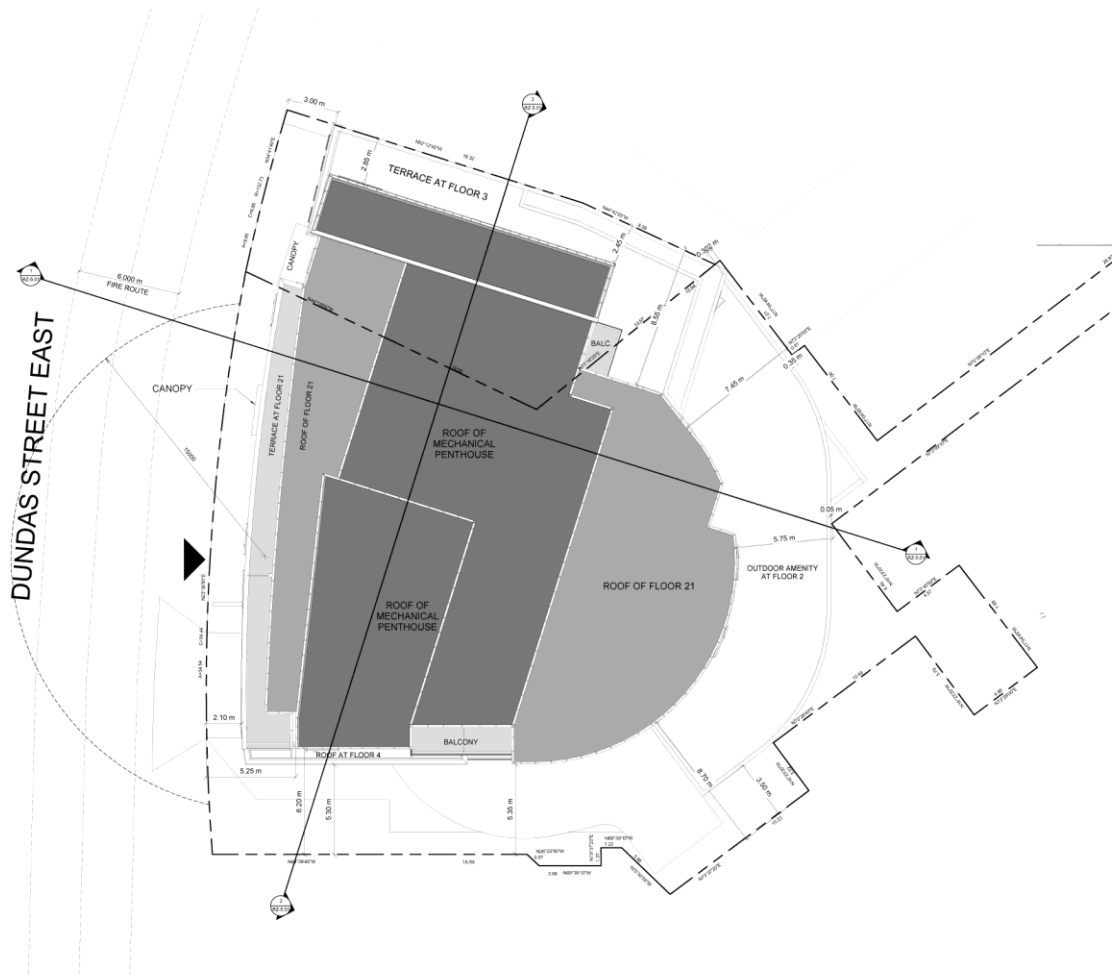
Lynda H. Macdonald
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: West Elevation
Attachment 3: North Elevation
Attachment 4: South Elevation
Attachment 5: East Elevation
Attachment 6: Zoning
Attachment 7: Draft Zoning By-law Amendment 438-86
Attachment 8: Draft Zoning By-law Amendment 569-2013
Attachment 9: Draft Downtown Plan – Key Policies
Attachment 10: Application Data Sheet

Attachment 1: Site Plan



Site Plan

219 & 231 Dundas Street East

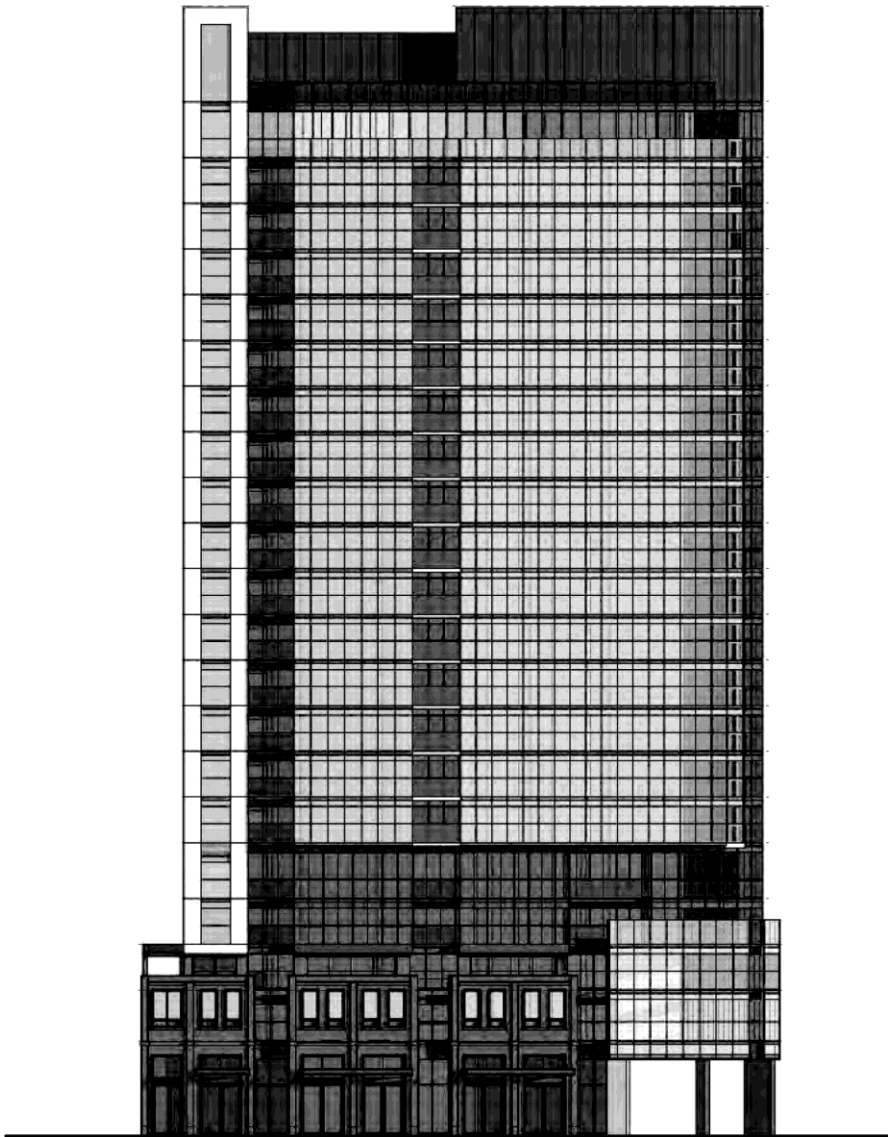
Applicant's Submitted Drawing

Not to Scale
02/12/2018



File # 16 137850 STE 27 02

Attachment 2: West Elevation



West Elevation

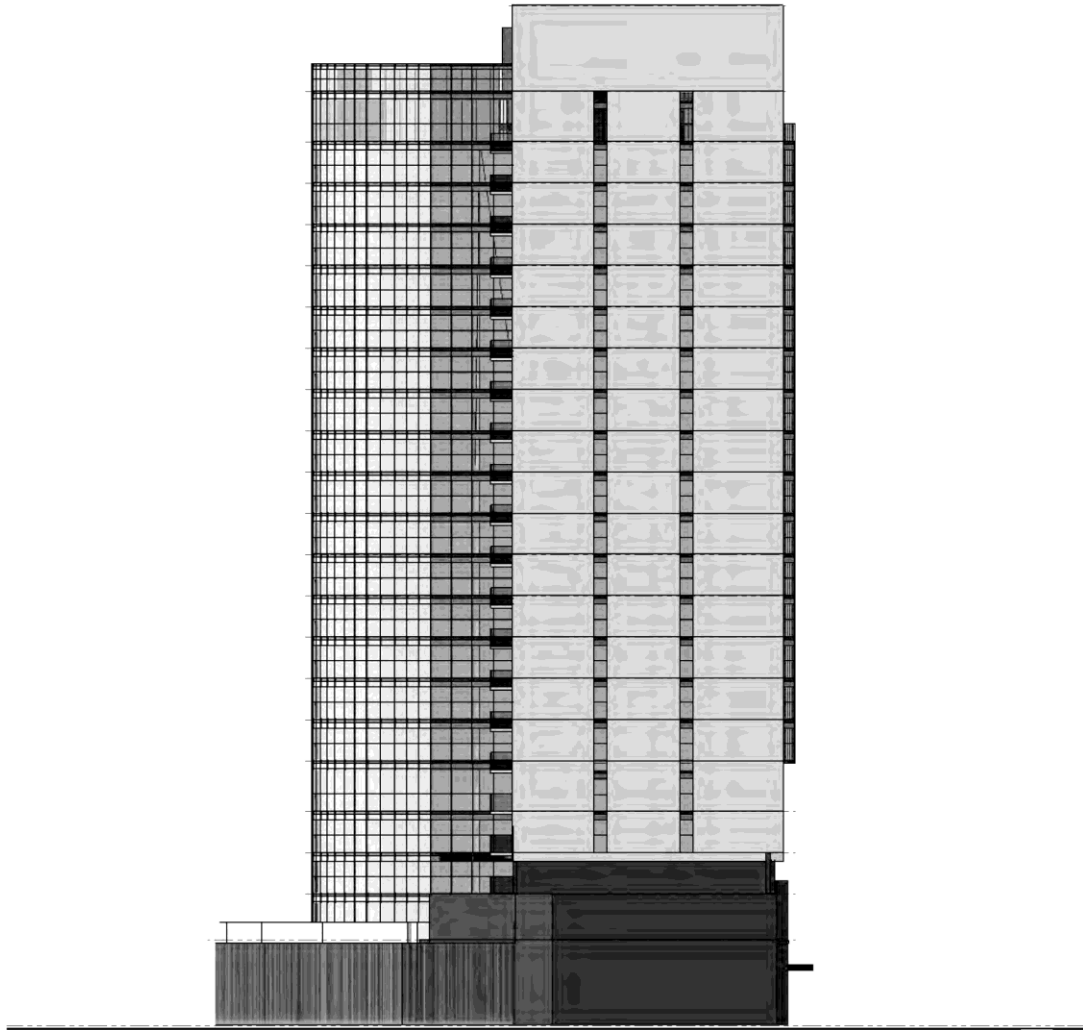
219 & 231 Dundas Street East

Applicant's Submitted Drawing

Not to Scale
03/13/2018

File # 16 137850 STE 27 02

Attachment 3: North Elevation



North Elevation

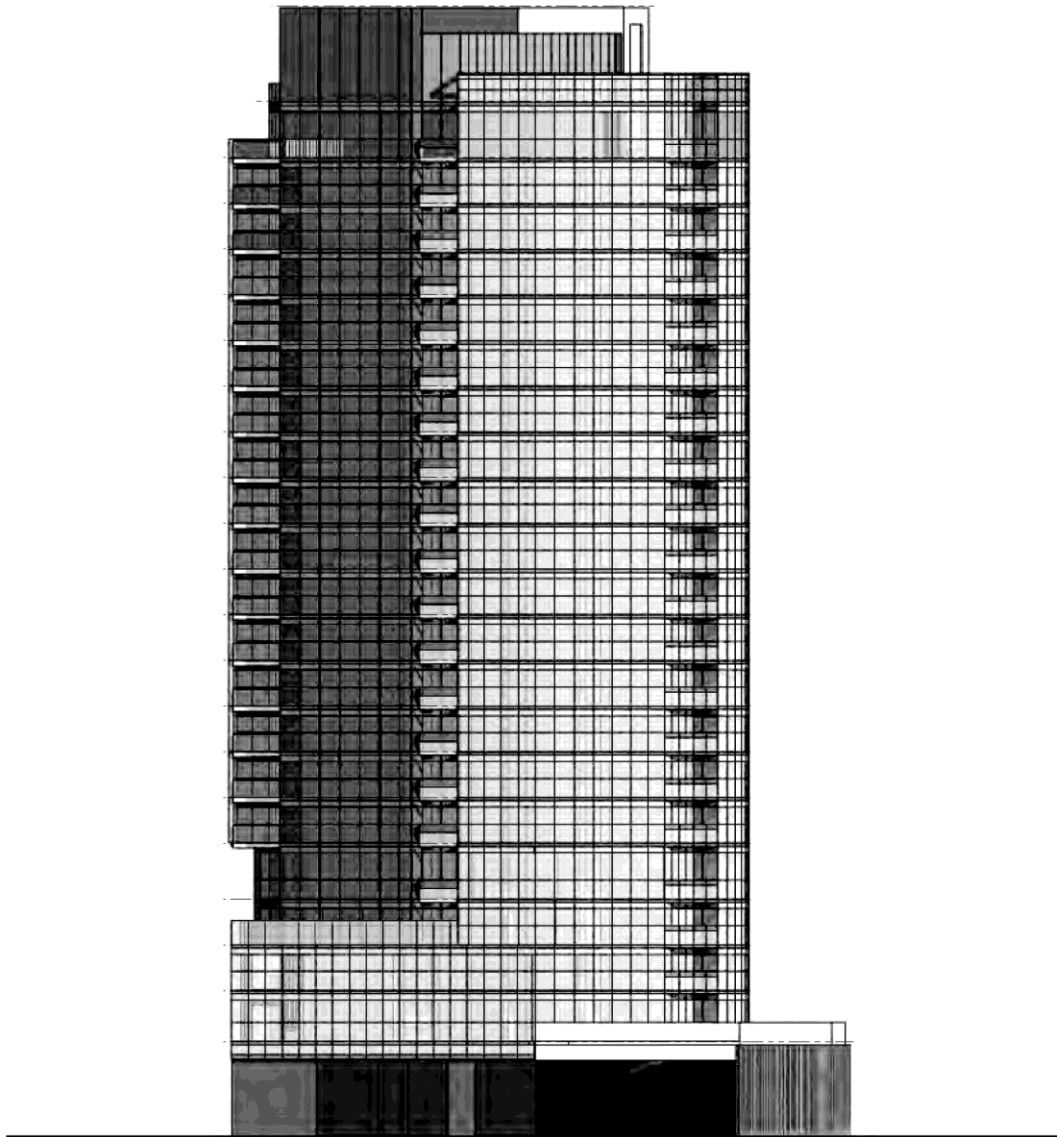
219 & 231 Dundas Street East

Applicant's Submitted Drawing

Not to Scale
03/13/2018

File # 16 137850 STE 27 0Z

Attachment 4: South Elevation



South Elevation

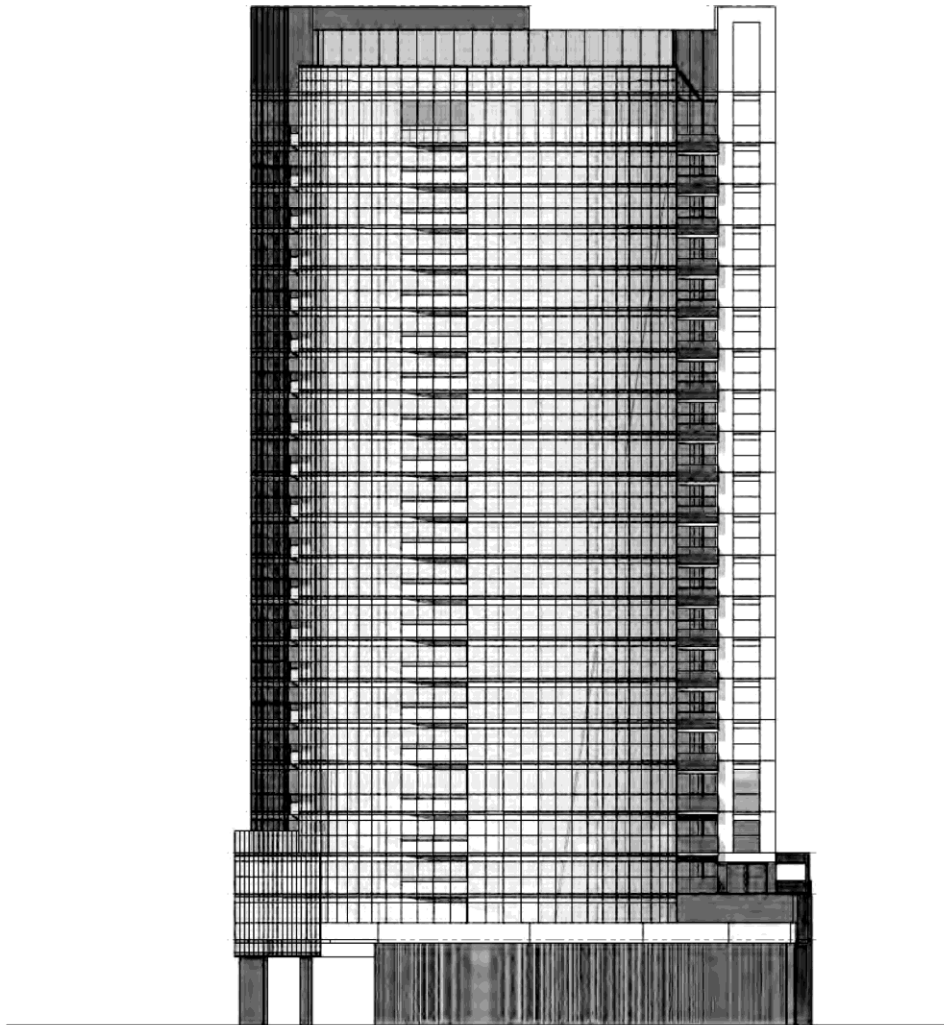
219 & 231 Dundas Street East

Applicant's Submitted Drawing

Not to Scale
03/13/2018

File # 16 137850 STE 27 0Z

Attachment 5: East Elevation



East Elevations

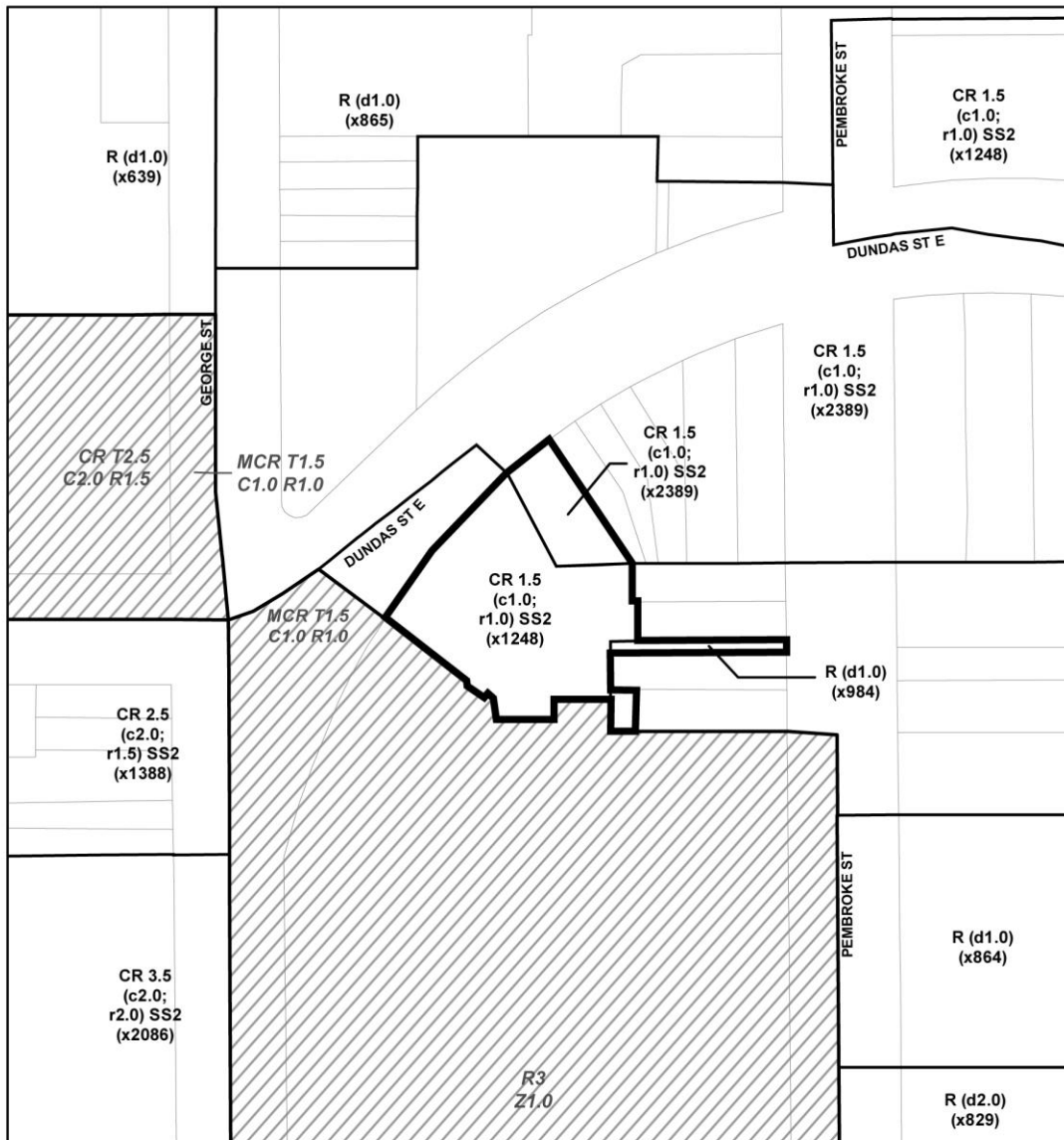
219 & 231 Dundas Street East

Applicant's Submitted Drawing

Not to Scale
03/13/2018

File # 16 137850 STE 27 0Z

Attachment 6: Zoning



Zoning By-law 569-2013

219 & 231 Dundas Street East

File # 16 137850 STE 27 02



Location of Application

R

Residential

CR

Commercial Residential



See Former City of Toronto Bylaw No. 438-86

CR

Mixed-Use District

MCR

Mixed-Use District

R3

Residential District



Not to Scale
Extracted: 04/13/2016

Attachment 7: Draft Zoning By-law Amendment 438-86

Authority: Toronto and East York Community Council Item _____

CITY OF TORONTO

BY-LAW No. _____

To amend the former City of Toronto Zoning By-law No. 438-86, as amended, with respect to lands known municipally as 219 and 231 Dundas Street East,

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act may authorize increases in the height and density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 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 which are secured by one or more agreements between the owner of the land and the City of Toronto;

The Council of the City of Toronto enacts:

1. This by-law applies to the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
2. Except as otherwise provided herein, the provisions of By-law 438-86 shall continue to apply;

3. None of the provisions of Section 2 with respect to the definition of the terms *lot*, *grade* and *height*, and Sections 4(2)(a), 4(3), 4(5)(b), 4(8), 4(12), 4(13), 4(17), 8(3)PART I, 8(3)PART II, 8(3) Part III, 8(3)PART XI, 12(2)270, 12(2) 380 of Bylaw 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 lands 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 219 and 231 Dundas Street East in the year 2018 (hereafter 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) for the purposes of this By-law the front lot line shall be Dundas Street East;
 - (c) the total gross floor area shall not exceed 14,900 square metres;
 - (d) the minimum non-residential shall be 190 square metres;
 - (e) no portion of the building or structure erected or used above *grade* shall be located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2;
 - (f) no part of any building or structure erected on the *lot* shall be located above the building *heights* shown in metres specified by the number following the symbol “HT” on Map 2
 - (g) notwithstanding Section 3.(e) and (f), no portion of any building or structure shall extend beyond the solid and dashed lines delineating the building envelope and above the height shown on Map 2 attached hereto, with the exception of:
 - (i) bollards, cornices, lighting fixtures, awnings, canopies, architectural features, ornamental structures, parapets, trellises, balconies, balcony roof or canopies, privacy screens, mechanical and architectural screens, elevator overrun, terraces, columns, eaves, window sills, window washing equipment, chimneys, vents, stacks, mechanical fans, guardrails, balustrades, railings, stairs, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, stair landings, retaining walls, monitor wells, driveways, bicycle parking areas, walkways, patios, fences and safety railings, planters and elements or structures on the roof of the building used for outside or open air

recreation, wheelchair ramps, underground garage ramps and their associated structures, green roofs, safety or wind protection purposes, and landscape features, all of which may extend beyond the heavy lines and above the heights on the attached Map 2 within the *lot*;

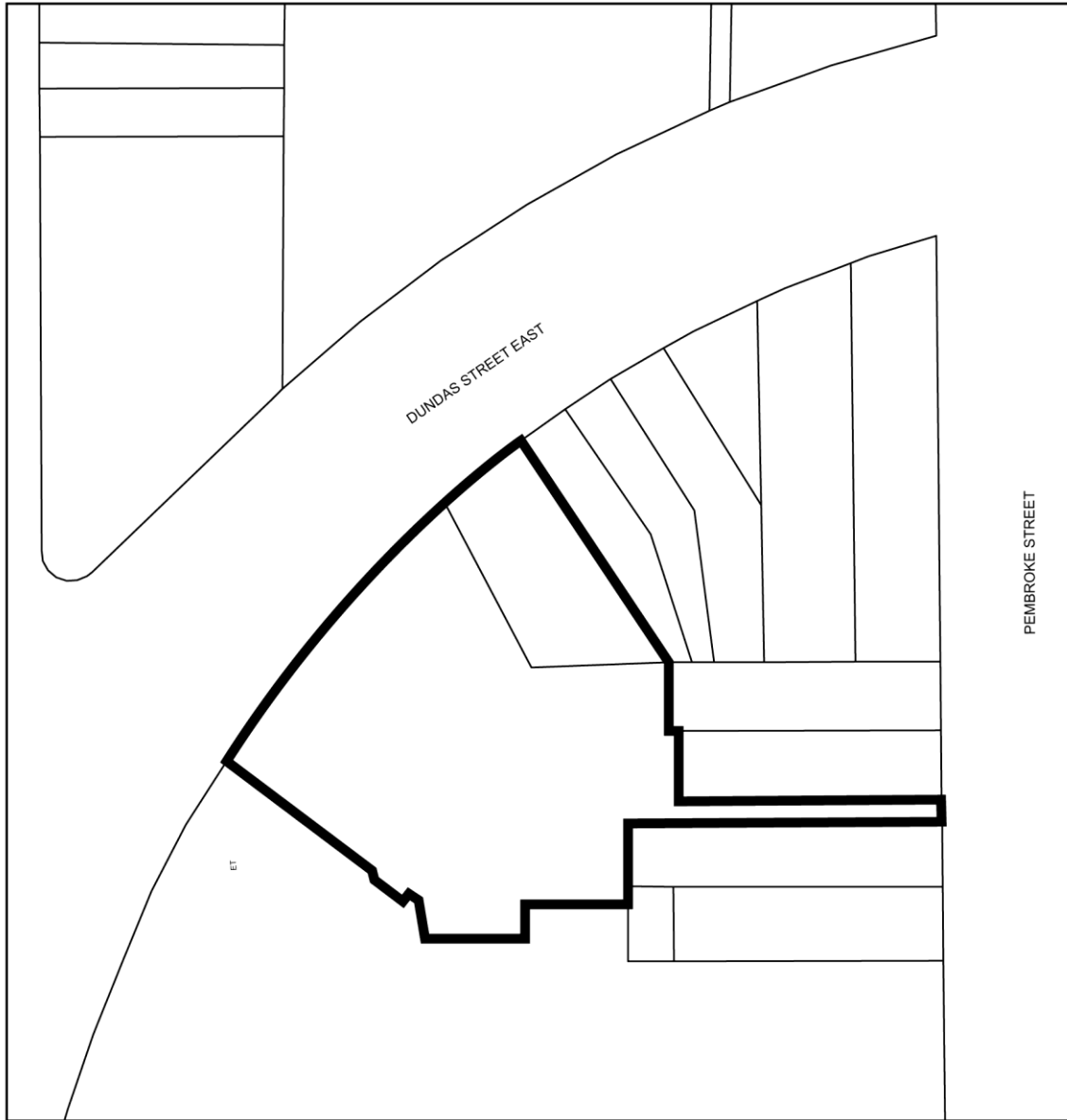
- (g) notwithstanding Section 4(3) *parking spaces* must be provided and maintained on the *lot* in accordance with the following:
 - (i) a minimum of 0.27 parking spaces per *dwelling unit*;
 - (ii) a minimum of 0.06 visitor parking spaces per *dwelling unit*; and
 - (iii) a minimum of two (2) *car share* spaces; and
 - (iv) 0 *parking spaces* for non-residential uses;
- (h) the total number of parking spaces which do not comply with Section 4(17)(e) of Zoning By-law 438-86 shall not exceed six(6);
- (i) the total number of parking spaces which do not comply with Section 4(17)(a) of Zoning By-law 438-86 shall not exceed eight (8);
- (j) a minimum of 2.0 square metres of indoor *residential amenity space* per *dwelling unit* shall be provided on the *lot* in a multipurpose room or rooms at least one of which contains a washroom and a kitchen;
- (k) a minimum of 0.73 square metres of outdoor *residential amenity space* per *dwelling unit* shall be provided of which at least 40 square metres is to be provided in a location adjoining or directly accessible from the indoor residential amenity space;
- (l) notwithstanding Section 4(13) a minimum of 200 *bicycle parking spaces – occupant* and 20 *bicycle parking spaces – visitor* shall be provided on the *lot*;
- (m) *bicycle parking spaces – visitor* may be located in a secured room or unsecured room;
- (n) *bicycle parking spaces – occupant* and *bicycle parking spaces – visitor* may be located in a bicycle stacker with a minimum height of 1.2m for each space; and
- (m) a minimum of one *loading space - type G* shall be provided and maintained on the *lot*;

4. Despite any existing or future consent, severance, partition or division of the *lot*, the provisions of this By-law shall apply to the *lot* as if no consent, severance, partition or division occurred.
5. Definitions:
- (a) For the purposes of this By-law, the terms set forth in italics, subject to Section 3ii) of this By-law, have the same meaning as such terms have for the purposes of By-law No. 438-86 of the former City of Toronto, as amended; and
- (b) The following definitions shall apply:
- (i) “*grade*” means 89.00 metres Canadian Geodetic Datum;
- (ii) “*height*” means the highest point of the roof above *grade* except for those elements prescribed in this By-law which may contain a maximum height of 8.0 m; and
- (iii) “*lot*” means the lands outlined by heavy lines on Map 1 attached to this By-law.
- (iv) “*car share*” means the practice where a number of people share the use of one or more cars that owned by a profit or non-profit car-sharing organization and where such organization may require that use of the cars to be reserved in advance, charge fees based on time and / or kilometres driven and set membership requirements of the car-sharing organization, including the payment of a membership fee that may or may not be refundable.
6. None of the provisions of By-law No. 438-86 of the former City of Toronto, as amended, or of this By-law shall apply to prevent the erection or use on the *lot* of a temporary sales office.

ENACTED AND PASSED this day of , A.D. 2018.

JOHN TORY
Mayor
(Corporate Seal)


ULLI S. WATKISS,
City Clerk



 **Toronto**
Map 1

219-231 Dundas Street East

File # 16 137850 STE 27 OZ


City of Toronto By-Law 438-86
Not to Scale
2/12/2018

Attachment 8: Draft Zoning By-law Amendment 569-2013

Authority: Toronto and East York Community Council Item _____

CITY OF TORONTO

BY-LAW No. _____

To amend Zoning By-law No. 569-2013, as amended, with respect to lands known municipally as 219 and 231 Dundas Street East,

Whereas Council of the City of Toronto has the authority to pass this By-law pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P.13, as amended; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

Whereas the Official Plan for the City of Toronto contains such provisions relating to the authorization of increases in height and density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matter as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters in return for an increase in the height or density of development, a municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height and density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law which are secured by one or more agreements between the owner of the land and the City of Toronto; and

The Council of the City of Toronto enacts:

1. This by-law applies to the lands delineated by heavy lines on Diagram 1 attached to and forming part of this By-law.
2. Except as otherwise provided herein, the regulations of Zoning By-law 569-2013 continue to apply to the lands delineated by the heavy lines on Diagram 1 attached to and forming part of this By-law.

3. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.
4. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines to CR 1.5 (c1.0; r1.0) SS2 (x##), and R (d1.0)(x984) as shown on Diagram 2 attached to this By-law.
5. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number () so that it reads:

Exception CR XXXX

The lands are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On 219 and 231 Dundas Street East, if the requirements in Section 6 and Schedule A are complied with, none of the provisions of 40.10.40.10(2), or 40.10.40.40(1), apply to prevent the erection or use of a **mixed use building** permitted in compliance with (B) to (V) below;
- (B) For the purposes of this By-law, the **Front Lot Line** shall be Dundas Street East;
- (C) Despite regulation 40.10.40.40(1), the maximum residential **gross floor area** of all **buildings** must not exceed 14,500 square metres;
- (D) Despite regulation 40.10.40.40(1), a minimum non-residential **gross floor area** is 200 square metres;
- (E) Despite regulation 40.5.40.10(1), the height of a **building** or **structure** is measured as the vertical distance between the Canadian Geodetic Datum elevation of 89.00 metres and the highest point of the **building** or **structure**;
- (F) Despite regulations 40.5.40.10(3)-(7) and 40.10.40.10(2), the height of any **building** or **structure** must not exceed the maximum height in metres specified by the numbers following the symbol “HT” as shown on Diagram 3 of By-law [City Clerks to supply by-law ##], excluding:

- i. a **structure** on the roof of the **building** used for outside or open air recreation, a roof top amenity room, roof top stair enclosure, roof top mechanical equipment that includes a chimney stack or other heating, cooling or ventilating equipment, window washing equipment on the roof of a **building**, elevator overrun, antennae, staircases or enclosures, privacy screens, mechanical and architectural screens, balcony & terrace guards and dividers, railings, access hatches, airshafts, landscaping, planters and other landscaping structures, elements of a **green roof**, , , may exceed the **height** limit on the attached Diagram 3 by no more than 5.5 metres, in addition to the projections permitted in regulation 40.5.40.10 (3)-(7), where these sections do not conflict with the items above;

(G) Despite regulation 40.10.40.60, in addition to all portions of a **building** or **structure** above ground must be located within the areas delineated by heavy lines on Diagram 3 of By-law [Clerks to supply by-law ##], excluding:

- i. cornices, lighting fixtures, awnings, canopies, architectural features, , balconies and guards, balcony roof or canopies, privacy screens, mechanical and architectural screens, , window sills, chimneys, vents, stacks, mechanical fans, , , stairs, stair landings, covered stairs and/or stair enclosures associated with an entrance or exit from an underground parking garage, retaining walls and curbs, monitor wells, bicycle parking areas, fences and safety railings, terraces, planters, balustrades, bollards, wheelchair ramps, underground garage ramps and their associated **structures**, and landscape and public art features by no more than 5.0 metres, in addition to the encroachments permitted in regulation 40.10.40.60, where these sections do not conflict with the items above;

(H) Regulation 40.10.40.70(2) with respect to building setbacks shall not apply;

(I) Despite regulation 40.10.40.50 (1) with respect to amenity space:

- i. A minimum 2.0 square metres of indoor **amenity space** per **dwelling unit** must be provided; and
- ii. A minimum of 0.73 square metres of outdoor **amenity space** per **dwelling unit** must be provided;

(J) Regulation 40.10.40.1(1) with respect to location of commercial uses in a mixed use building, does not apply;

- (K) Regulation 40.10.50.10(2) -(3) with respect to fence requirement and landscaping does not apply;
- (L) Regulation 40.10.40.70(2) with respect to setbacks and angular planes does not apply;
- (M) Despite regulation 200.5.10.1 and 900.11.10(2)(B) **Parking spaces** must be provided and maintained in accordance with the following requirements:
- (i) A minimum of 0.27 **parking spaces** per **dwelling unit** must be provided for residents;
 - (ii) A minimum of 0.06 **parking spaces** per **dwelling unit** must be provided for visitor parking;
 - (iii) a maximum of 2 **parking spaces** may be used for car share purposes;
- (N) Despite regulation 200.5.1.10(2), a maximum of 6 **parking spaces** may be obstructed and 8 **parking spaces** may be a minimum of 5.4m in length;
- (O) Despite regulation 220.5.10.1 (2) – (9) and 40.10.90.40(3) a minimum of one type “G” **loading space** must be provided and may have access through the main wall that faces a street;
- (P) Regulation 200.15.1.5 with respect to location of Accessible Parking Spaces does not apply;
- (Q) Regulation 200.15.1 and 200.15.1 with respect to Accessible Parking does not apply;
- (R) Regulation 230.5.1.10(4) with respect to bicycle parking space dimensions does not apply;
- (S) Despite regulation 230.5.10.1(5) *bicycle parking spaces* shall be provided as follows:
- a. a minimum of 195 long-term *bicycle parking spaces* shall be provided on the lot; and
 - b. minimum of 20 short-term *bicycle parking spaces* shall be provided on the lot and may be located within an enclosure or secured room at ground level; and
 - c. all *bicycle parking spaces* may be located in a bicycle stacker with a minimum height of 1.2 m

Despite regulation 230.5.1.10(9) with respect to long term bicycle parking space location does not apply;

(T) Despite regulation 600.10.10, setbacks are as shown on Diagram 3;

(U) Despite any existing or future severance, partition, or division of the **lot**, the provisions of this by-law must apply to the whole of the **lot** as if no severance, partition or division occurred.

(V) Prevailing By-laws and Prevailing Sections:

(a) Exception CR 1248 does not apply; and

(b) Exception CR 2389 does not apply

6. Section 37 Provisions

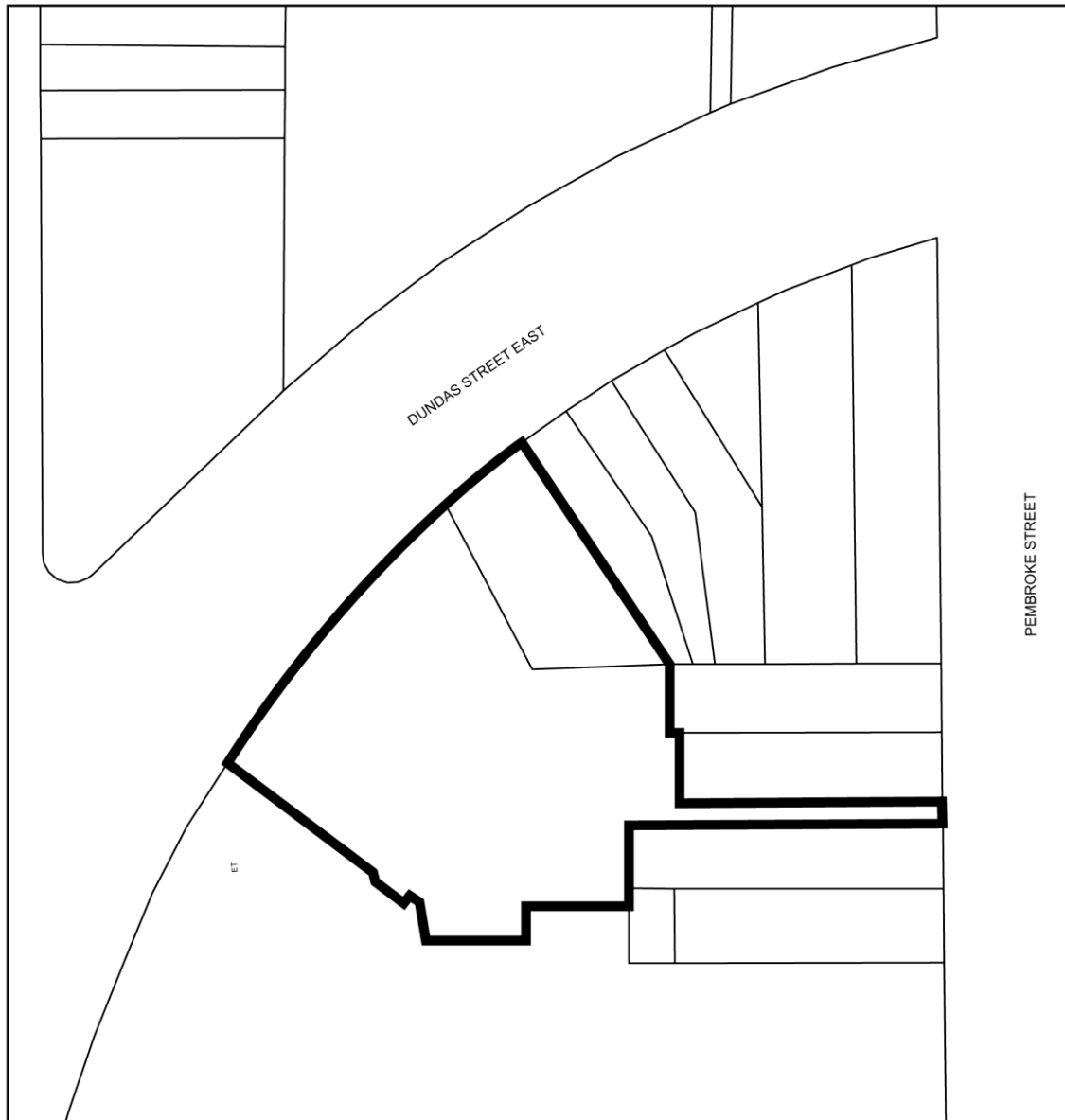
- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram [1] in return for the provision by the owner, at the owner's expense of the facilities, services and matters set out in Schedule A hereof and which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor.
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent on satisfaction of the same.
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all provisions of Schedule A are satisfied.

ENACTED AND PASSED this day of , A.D. 2018.

JOHN TORY
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)



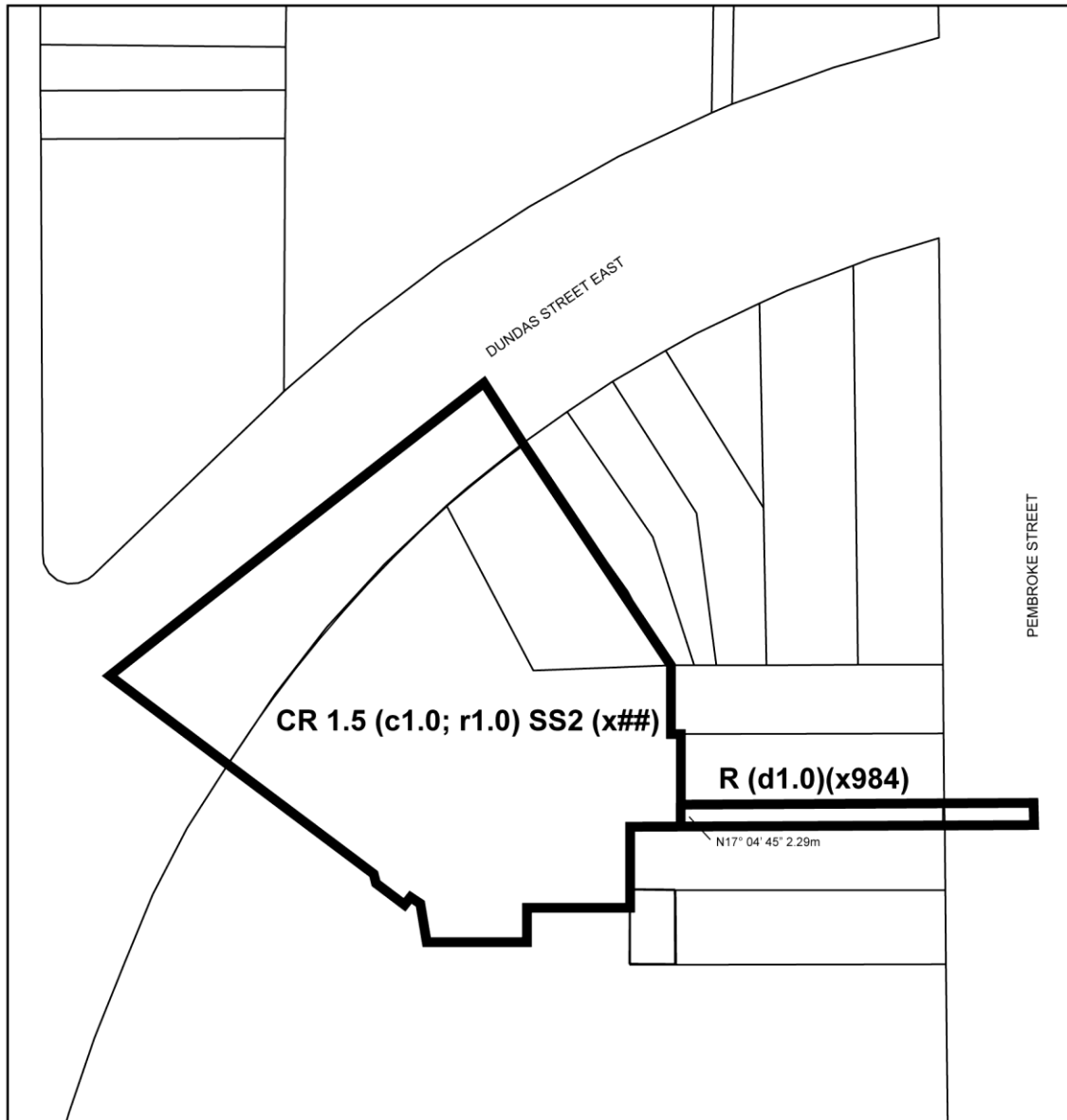
Toronto
Diagram 1

219-231 Dundas Street East

File # 16 137850 STE 27 OZ

City of Toronto By-Law 569-2013
Not to Scale
2/12/2018



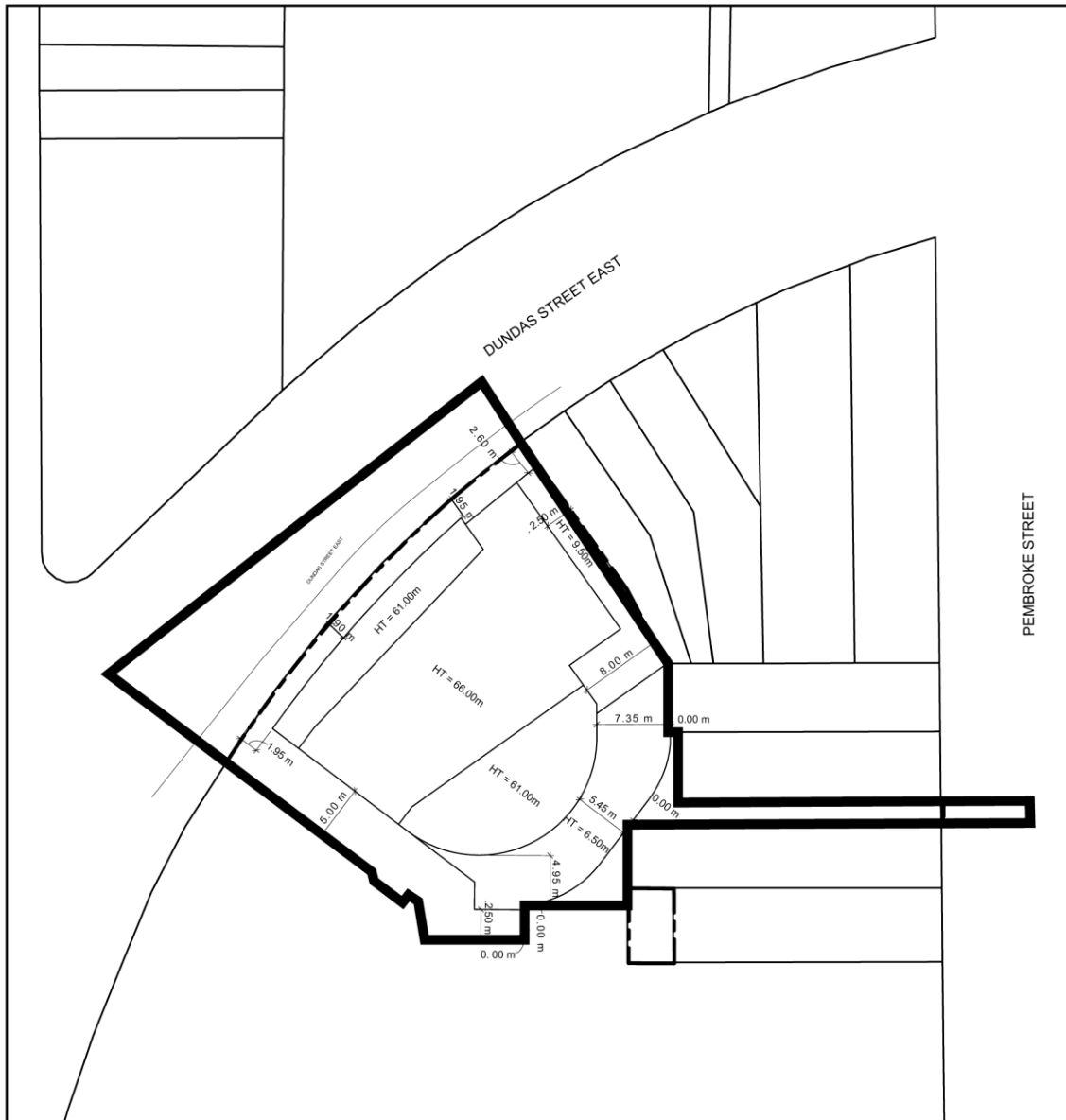


Toronto
Diagram 2

219-231 Dundas Street East

File # 16 137850 STE 27 OZ

City of Toronto By-Law 569-2013
Not to Scale
2/12/2018



Toronto
Diagram 3

219-231 Dundas Street East

File # 16 137850 STE 27 0Z

City of Toronto By-Law 569-2013
Not to Scale
2/21/2018

Attachment 9: Draft Downtown Plan – Key Policies

Policy	Policy Description	Proposed Development and Analysis
6.4	Tall building locations	Planned context (OPA 82) permits tall buildings subject to setbacks
6.5	Tall building floorplates (750m ²)	Proposed 749 m ² ; meets recommended 750m ²
6.6 - 6.8	Base building design	Proposed base (podium) fits harmoniously within context of neighbouring streetwall heights including adjacent heritage buildings
6.11 & 6.12	Setback curb to building face (6m)	Generally meets 6m setbacks
6.15	POPS	POPS is not proposed
6.17	No net new shadowing on Parks and Open Spaces	Conforms
6.18	No net new shadows on school yards (Ecole Gabriele Roy, March-Sept 10:18-4:18)	Conforms in March – studies not submitted for September and December
6.19	Maintain 3 hours sunlight on street	Conforms
6.20	Pedestrian level wind conditions	Wind impacts will be suitable for the intended purpose
6.24 – 6.26	Transition in scale	Proposed height represents appropriate transition from 54 stories (Jarvis/Dundas) to 3-stories (Pembroke/Dundas)
6.27	Tall building transition to parks/streets	Proposed tower provides appropriate setback and stepbacks from adjacent school yard
6.31	Helicopter flight paths	Proposal does not intrude into flight path
6.35 & 6.37	Amenity space	Indoor amenity space is connected to outdoor amenity space. No details about dedicated space for pets
7.6	On-site Parkland priority	Proposed cash-in-lieu
7.42	Maintain existing protected trees	Existing street trees would be protected
8.26 & Map 11	Development to be low or mid-rise	Site in Mixed Use Areas 3, does not conform
9.3	Provision of Community Facilities	Section 37 funds include allocation towards community facilities
11.2	Number and sizes of 2 and 3 bedroom units	Does not meet required 20% 3 bedroom requirement. Unit size statistics not available
11.4	Required on-site affordable housing	Section 37 funds include allocation towards affordable housing

Attachment 10: Application Data Sheet

Application Type	Rezoning	Application Number:	16 137850 STE 27 OZ
Details	Rezoning, Standard	Application Date:	April 8, 2016
Municipal Address:	219 DUNDAS ST E		
Location Description:	PLAN D48 LOT 4A PT LOTS 5 5B 6 & 6A **GRID S2714		
Project Description:	Proposed mixed-use building, with a tower height of 21 storeys with a 3 storey podium. Retail uses are proposed at grade. The proposed development includes 14,324 m2 of Gross Floor Area (GFA) and 222 residential units.		
Applicant:	Agent:	Architect:	Owner:
SHERMAN BROWN		Turner Fleischer	ABTIL REALTY LIMITED

PLANNING CONTROLS

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

PROJECT INFORMATION

Site Area (sq. m):	1499	Height:	Storeys:	21
Frontage (m):	44.39		Metres:	
Depth (m):				
Total Ground Floor Area (sq. m):	471.9			Total
Total Residential GFA (sq. m):	14,111		Parking Spaces:	79
Total Non-Residential GFA (sq. m):	213		Loading Docks	1
Total GFA (sq. m):	14,324			
Lot Coverage Ratio (%):	31			
Floor Space Index:	9.73			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	14,424	0
Bachelor:	35	Retail GFA (sq. m):	213	0
1 Bedroom:	106	Office GFA (sq. m):	0	0
2 Bedroom:	58	Industrial GFA (sq. m):	0	0
3 + Bedroom:	23	Institutional/Other GFA (sq. m):	0	0
Total Units:	222			

CONTACT: **PLANNER NAME:** **Derek Waltho, Senior Planner**
TELEPHONE: **416-392-0412**