

250 Dundas Street West - Zoning By-law Amendment Application – Final Report

Date: December 13, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Wards: Ward 11 - University-Rosedale

Planning Application Number: 18 150969 STE 20 OZ

SUMMARY

This application proposes to redevelop the site with a 49-storey (164.5 metres, including mechanical penthouse) mixed-use building with 802 square metres of retail uses at grade, 14,548 square metres of office uses within an 8-storey (37.5 metres) base building, and residential uses above. A total of 522 rental residential units including 22 affordable rental housing units of approximately 1,013 square metres of residential gross floor area, are proposed within the tower component of the development. The application proposes 85 vehicular parking spaces and 589 bicycle spaces.

This report reviews and recommends approval of the application to amend the Zoning By-law. The proposed development is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan for the Greater Golden Horseshoe (2019), and is consistent with the relevant policies of the Official Plan, and the Downtown Plan. The application proposes significant new Class A office space, family-sized units in the form of 10 percent 3-bedroom units and 27 percent 2-bedroom units, 22 affordable housing units and represents a built form that is compatible with the surrounding context.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013, for the lands at 250 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.5 to the December 13, 2019 report from the Director, Community Planning, Toronto and East York District.
2. City Council amend City of Toronto Zoning By-law 438-86 for the lands at 250 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No.6 to December 13, 2019 report from the Director, Community Planning, Toronto and East York District.

3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the Owner of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry & Recreation (PFR). The development charge credit shall be in an amount that is the lesser of the cost to the Owner of designing and constructing the Above Base Park Improvements, as approved by the General Manager, PFR, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

5. Prior to the introduction of the necessary Bills to City Council for enactment, the owner of the lands at 250 Dundas Street West shall:

a. Submit revised plans, drawings, and studies to reflect the outstanding requirements outlined in the Engineering and Construction Services memo of November 27, 2019, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

b. Pay for and construct any improvements to the municipal infrastructure in connection with the site servicing assessment, should it be determined that upgrades are required to the infrastructure to support this development.

6. 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. The community benefits recommended to be secured in the Section 37 Agreement are as follows:

i. the owner will construct and operate up to 22 affordable rental housing units comprised of a minimum 1,013 square metres of residential gross floor area at 250 Dundas Street West, substantially in accordance with the Affordable Rental Housing Terms and Conditions outlined in Attachment 7 to the report dated December 13, 2019, from the Director, Community Planning, Toronto and East York District, Housing Secretariat, and the City Solicitor, in consultation with the Ward Councillor, the value for which shall be \$8,000,000.00.

ii. Prior to the issuance of the first above-grade building permit, the owner shall submit a letter of credit, in the City's standard form in the amount of \$500,000 to secure for public art on the lands to the satisfaction of the Chief Planner and Executive Director, City Planning Division. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council; and

iii. Prior to the issuance of the first above grade building permit, the owner shall submit a cash contribution of \$100,000.00 to secure streetscaping and public realm improvements at the southwest corner of Elm Street and Simcoe Street, in consultation with Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, all to the satisfaction of the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

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

i. Prior to issuance of any building permit, including permits for excavation and shoring, the owner shall enter into a municipal capital facility agreement ("Contribution Agreement") to provide Open Door Affordable Housing Program incentives for up to 22 affordable rental housing dwelling units to be developed on the lands at 250 Dundas Street West, subject to the approval of an Open Door Application by the Executive Director, Housing Secretariat. The owner shall provide such affordable rental housing dwelling units in accordance with such agreement(s) to be entered into with the City, all to the satisfaction of the Executive Director, Housing Secretariat, the Chief Planner and Executive Director, City Planning and the City Solicitor.

ii. Prior to the issuance of Final Site Plan Approval, the owner shall have addressed the requirements for the removal of private and City trees on the site and adjacent property as required by the City of Toronto Tree By-law as outlined in the memorandum from Urban Forestry Services staff dated October 31, 2019.

iii. Prior to the issuance of the first above grade building permit, the owner shall submit a revised Pedestrian Level Wind Study, satisfactory to the Chief Planner and Executive Director, City Planning, including wind tunnel analysis, which identifies recommendations for the pedestrian realm and any outdoor amenity space on the site and to mitigate wind impacts year-round, and the owner shall implement and maintain in support of the development all recommended mitigation measures to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

iv. Prior to the commencement of any excavation and shoring work, the owner shall submit a Construction Management Plan to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, the Chief Building Official, in consultation with the Ward Councillor, in consultation with the local community, and thereafter shall implement the plan during the course of construction. The Construction Management Plan will include, but not be limited to the following construction-related details: noise, dust, size and location of staging areas, location and function of gates, dates of

significant concrete pouring, lighting details, vehicular parking and queuing locations, street closures, parking and laneway uses and access, refuse storage, site security, site supervisor contact information, and a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, and the General Manager, Transportation Services, in consultation with the Ward Councillor.

v. As per Toronto Municipal Code Chapter 415-28, prior to the issuance of the first above grade building permit, the owner will be required to convey an off-site parkland dedication equal to the value of the parkland on-site dedication. The subject parkland conveyance is to be free and clear, above and below grade of all physical obstructions and easements, encumbrances and encroachments, including surface and subsurface easements, unless otherwise approved by the General Manager, Parks, Forestry & Recreation.

vi. In the event that the off-site parkland dedication is substantially less than the value of the on-site parkland dedication, then the owner will be responsible for the shortfall of parkland dedication requirement through a payment of cash-in-lieu, to be paid for prior to the issuance of the first above grade building permit.

vii. In the event that the owner is unable to acquire a suitable off-site parkland dedication, after reasonable commercial efforts, the owner will be required to satisfy the parkland dedication requirement through cash-in-lieu. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted based upon the submission to Toronto Building prior to the first above ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

viii. The owner shall provide art on construction hoarding, in accordance with the City's START (Street Art Toronto) program.

ix. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

7. Subject to approval of an Open Door Affordable Rental Housing Program application by the Executive Director, Housing Secretariat, City Council authorize the Executive Director, Housing Secretariat, to negotiate and execute a municipal capital facility agreement (Contribution Agreement) with the owner for up to 22 affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas

Street West to secure rents at or below 80 percent of average market rents, together with any security, financing or other documents required, as well as any amendments thereto required from time to time, on terms and conditions acceptable to the Executive Director, Housing Secretariat, in a form satisfactory to the City Solicitor.

8. Subject to approval of an Open Door Application by the Executive Director, Housing Secretariat, City Council exempt the up to 22 new affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas Street West from taxation for municipal and school purposes for the 30-year term of the municipal capital facility agreement.

9. Subject to approval of an Open Door Application by the Executive Director, Housing Secretariat, City Council authorize that the up to 22 new affordable rental housing dwelling units to be developed on the lands currently known as 250 Dundas Street West be exempt from the payment of development charges and be exempt from the payment of planning, park dedication and building permits fees under existing City policy.

10. City Council authorize the City Solicitor to execute, postpone, confirm the status of and discharge any City security documents registered with respect to the delivery of the affordable rental housing dwelling units as required by normal business practices.

11. City Council authorize staff to cancel or refund any taxes paid pursuant to the by-law exempting the property from taxation if authority is given for an exemption from taxation as set out in Recommendation 8 above.

12. City Council authorize the Executive Director, Housing Secretariat to work with the General Manager, Shelter Support and Housing Administration to secure up to 2 housing benefits (for 10 percent of the affordable rental housing), subject to available funding and the execution of the municipal capital facility agreement referred to in Recommendation 7 above.

13. City Council authorize the General Manager, Shelter, Support and Housing Administration or designate to establish with the owner, the terms and conditions of an affordable housing access plan for the up to 22 affordable rental housing dwelling units, satisfactory to the General Manager, Shelter, Support and Housing Administration or designate and in a form satisfactory to the City Solicitor.

14. The payment amounts referred to in Recommendation 6.a. herein to be increased upwards by indexing in accordance with the Non-residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of the Section 37 Agreement to the date the payment is made to the City; and

15. In the event the cash contributions referred to in Recommendation 6.a. has not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 11.

FINANCIAL IMPACT

There are no financial impacts to the City resulting from the proposed redevelopment at 250 Dundas Street West. However, as part of the Section 37 contribution, 22 affordable rental housing units or approximately 1,013 square metres of residential gross floor area are proposed at an estimated cost of \$8,000,000.00.

This report also recommends City incentives through the Open Door Affordable Rental Housing Program to be provided for the housing at 250 Dundas Street West. Open Door Program incentives include relief from development charges, planning and building permit fees and property taxes for 30 years.

Open Door Program incentive contributions are proposed as follows:

Affordable Rental Homes	Estimated Affordability Period	Estimated Development Charges*	Estimated Planning Fees and Charges**	Estimated Net Present Value of Property Taxes	Estimated Total Value of Incentives
22	30	\$755,967	\$204,015	\$273,540	\$1,233,522

* calculated using November 2020 Rates as per By-law 515-2018.

** includes estimated 2019 building permit fees of \$18,529, planning fees of \$75,486, and parkland dedication fees of \$110,000.

The value of the annual property tax exemption is estimated at \$13,956 at current 2019 rates. The net present value of tax relief over the 30 year term is estimated at \$273,540 as summarized below:

Property Tax	Annual	NPV: 30 years
City	\$10,251	\$200,924
Education	\$3,655	\$71,636
City Building	\$50	\$980
Total	\$13,956	\$273,540

A tax exemption would have no net present impact to the City for the educational portion of taxes remitted to the Province.

In the event of a default, the Contribution Agreement will provide that the by-law providing the property tax exemption will be repealed.

The Chief Financial Officer and Treasurer has been provided the financial impacts associated with this report for review as part of the 2020 budget process.

EQUITY IMPACT

Access to safe, secure, affordable rental housing in all parts of Toronto is a fundamental goal of the City's new HousingTO Action Plan 2020-2030. Providing new affordable housing is also a goal of the City's Poverty Reduction Strategy. The development of the Property will provide the City and the neighbourhood with 22 new affordable rental apartments.

DECISION HISTORY

This application was submitted on April 30, 2018 and deemed complete on May 29, 2018. A Request for Interim Directions Report, from the Acting Director, Community Planning, Toronto and East York District dated June 12, 2018 was adopted by City Council on July 23, 2018, and can be found at the following link:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-117209.pdf>

PROPOSAL

This application proposes a 49-storey mixed-use building at 250 Dundas Street West with a total of 46,800 square metres of gross floor area, containing 31,450 square metres of residential gross floor area, 14,548 square metres of office gross floor area and 802 square meters of retail floor area. The proposed density is 20 times the area of the lot.

The proposal includes 2 levels of underground parking with 85 vehicular parking spaces. A total of 3 loading spaces (1 type B, 1 type C and 1 type G) are proposed on the ground floor. Access to the parking and loading is proposed from Simcoe Street. 589 bicycle parking spaces are proposed with 47 spaces at grade and 542 spaces provided in the mezzanine level.

The form of the proposed building consists of an 8-storey (37.5 metres) base building with a 41-storey tower element above. The base building is set back 3 metres from the front property line along Dundas Street West, allowing for a 6-metre setback from the curb at the ground level to accommodate a sidewalk area and appropriate streetscape improvements. Along both Simcoe Street to the east and St. Patrick Street to the west, the building would be built to the property line, with setbacks from the curb at approximately 6 metres on Simcoe Street and 5.5 metres and on St. Patrick Street. The tower portion of the building is located along Simcoe Street, and steps back 3.1 metres from the base building above the 8th storey along Simcoe Street and Dundas Street West.

The proposal includes retail uses at grade, an office component within the 8-storey base building, and residential uses in the tower which is located on the east side of the lot along Simcoe Street. The entire 9th floor would contain amenity space. The proposed residential portion consists of 522 units, of which 22 (17 1-bedroom and 5 2-bedroom units) are being secured as affordable rental housing. The proposed unit breakdown

includes 330 one-bedroom units (63%), 140 two-bedroom units (27%), and 52 three-bedroom units (10%).

The current proposal incorporates a number of revisions from the original application as summarized below:

- Reduced height from 52-storeys (183 metres) to 49-Storeys (164.5 metres);
- Reduced residential gross floor area from 33,690 square metres to 31,450 square metres;
- Increased office gross floor area from 12,295 square metres to 14,548 square metres;
- Incorporating the provision of three drop-off/pick-up vehicular parking spaces, whereas none were originally provided;
- Incorporation of 22 onsite affordable rental housing units located throughout the building; and
- Securing off-site parkland dedication.

See Attachments Nos. 1: Application Data Sheet and 8-14 (Site Plan, Elevations and 3D Massing Views).

Reasons for Application

The application proposes a tower of 49-storeys (164.5 metres inclusive of the mechanical penthouse). The overall proposed height of the tower exceeds the 37-metre height limit on the site. The overall proposed density of 20 times the area of the lot, exceeds the existing maximum permitted combined density of 4.0 times the area of the lot. A Zoning By-law Amendment application is required as the proposed height and density exceeds the permitted allowances in addition to non-compliance with other performance standards that apply to the lands such as parking and loading requirements.

APPLICATION BACKGROUND

Application Submission Requirements

The application was deemed complete on April 30, 2018. The following documents were submitted in support of the application:

- Site Plan, Architectural Plans, Elevations and Sections
- Concept Landscape Plan
- Planning Rationale
- Community Services and Facilities Study
- Heritage Impact Study
- Sun/Shadow Study
- Arborist/Tree Preservation Report
- Functional Servicing and Stormwater Management Implementation Report
- Preliminary Hydrogeological Investigation

- Geotechnical Investigation Report
- Preliminary Geotechnical Assessment
- Urban Transportation Considerations Study
- Pedestrian Level Wind Study
- Noise and Vibration Impact Study
- Energy Strategy Report
- Toronto Green Standards Checklist
- Draft Zoning By-law Amendments

Copies of the submitted documents are available on the City's Application Information Centre (AIC), at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation Outcomes

The application, together with the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Site and Surrounding Area

The site is located on the north side of Dundas Street West and has an irregular shape, with northern projections on both the eastern and western sides of the site. The site spans the entire width of the block with frontages measuring approximately 74 metres on Dundas Street West, 41 metres on Simcoe Street to the east and 27 metres on St. Patrick Street to the west. It has an area of approximately 2,339 square metres (0.23 hectares).

The site currently consists of an 8-storey office building along Simcoe Street that steps down to 2-storeys towards the west on St. Patrick Street and includes grade related retail uses.

North: Immediately north of the site is a residential complex development (One Park Lane) between Simcoe Street and St. Patrick Street comprised of three buildings ranging in height from 10 to 16 storeys. A private driveway forms the southern boundary of the complex, with an existing easement allowing maintenance, servicing, delivery and loading to the subject site. Beyond the complex is a 14-storey residential building on Elm street. Further to the north, beyond Elm Street, are a number of institutional buildings up to 18-storeys in height, two 6-storey parking garage structures, surface parking and McCaul-Orde Park.

West: The western side of St. Patrick Street is currently occupied by an open area serving St. Patrick's Church that includes surface parking, and a child care play space. Further west along the block are four buildings between 1 and 3-storeys in height incorporating retail, restaurant, and one residential unit. These properties known as 292-294 Dundas Street, are subject to a Zoning Amendment Application (File No. 17

225847 STE 20 OZ) that was approved at the Local Planning Appeal Tribunal in July 2019 for a 29-storey mixed-use building, and a public park at the corner of Dundas St. West and McCaul Street.

Immediately north of the properties subject to the future development is St. Patrick's Church, and the 4-storey Redemptorists Monastery, which are both designated under Part IV, S.29 of the Ontario Heritage Act and Our Lady of Carmel Church fronting onto St. Patrick Street, which is a property listed on the City's Heritage Register.

South: Immediately south of the site on the south side of Dundas St. West is a 3-storey Toronto Police Services Building (52 Division) that encompasses the full block between Simcoe Street and St. Patrick Street.

Southwest of the site is "Village by the Grange" on the corner of Dundas Street West and St. Patrick Street. This is a mixed use complex with a 4-storey base building and a number of residential towers farther to the south, which rise to a maximum of 16-storeys.

East: Immediately opposite the site on the eastern side of Simcoe Street is 480 University Avenue, which is currently being redeveloped to introduce a residential tower on top of the existing office building, for a total height of 55-storeys (207 metres). Southeast of the site, on the corner of University Avenue and Dundas Street West is a 20-storey office building.

See Attachment No. 2: Location Map

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014)

The Provincial Policy Statement (2014) (the "PPS") 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.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the Planning Act and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

Provincial Plans

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan (2019)") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe (GGH) region, of which the City forms an integral part.

The Growth Plan (2019) establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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.

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out

in the Growth Plan. Major Transit Station Area boundaries will not be delineated until such time as the City initiates and completes an MCR in conformity with the Growth Plan (2019).

The Growth Plan (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan (2019) take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2019). The outcome of staff analysis and review is summarized in the Comments section of this Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan as follows:

Chapter 2 - Shaping the City

The subject site is within the Downtown and Central Waterfront, as shown on the Urban Structure Map 2.

Section 2.2 Structuring Growth in the City: Integrating Land Use and Transportation

This section directs that future growth be steered to areas that are well served by transit, including the Downtown. The integration of transportation and land use planning is critical in achieving accessibility throughout the City. Policy 2.2.2 states growth will be directed to the Downtown in order to: concentrate jobs and people in areas well served by surface transit and rapid transit stations; and promote mixed use development to increase opportunities for living close to work.

Section 2.2.1 Downtown: The Heart of Toronto

This section provides direction to create a better urban environment, a competitive local economy and a more socially diverse and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City. Downtown is where our history is richest, but it is also where we continue to rebuild to accommodate a growing economy and a changing society.

Policy 2.2.1.1 states that the Downtown will continue to evolve as a healthy and attractive place to live and work by: achieving a minimum combined gross density target

of 400 jobs and residents per hectare for the Downtown Urban Growth Centre ("UGC"); and building on the strength of Downtown as the premier employment centre in the GTA.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm

This section provides direction to the importance of the public realm including streets, sidewalks, boulevards, PATH, open space areas, parks, and public buildings. Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: providing well designed and coordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and locating and designing utilities within streets, within buildings or underground, in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planting and growth of trees to maturity.

Section 3.1.2 Built Form

This section directs that development must not only fit on its site and program, but also in terms of how the site, building and its street wall fit within the existing and/or planned context of the neighbourhood and the City. Each new development should promote and achieve the overall objectives of the Plan.

Policy 3.1.2.1 states that new development will be located and organized to fit within its existing and/or planned context. Policy 3.1.2.2 states that development will locate and organize vehicle parking, access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 Built Form -Tall Buildings

This section states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right of-way abutting the site.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.4 Public Art

This section states that public art has broad appeal and can contribute to the identity and character of a place and celebrates the cultural diversity and creativity of our communities. Policy 3.1.4.1 states that the creation of public art that reflects our cultural diversity and history will be promoted by encouraging the inclusion of public art in all significant private sector developments across the City.

Section 3.2.3 Parks and Open Spaces

This section provides direction on the need for parks and open spaces. Policy 3.2.3.1 indicates adding new parks and promoting and using private open spaces will be a necessary element of city building.

Section 3.5 Toronto's Economic Health

Policy 3.5.1 states Toronto's economy will be nurtured and expanded to provide for the future employment needs of Torontonians and the fiscal health of the City by maintaining a strong and diverse economic base and attracting new and expanding employment clusters that are important to Toronto's competitive advantage.

Policy 3.5.2 states that a multi-faceted approach to economic development in Toronto will be pursued that stimulates transit-oriented office growth in the Downtown.

Policy 3.5.3 states that a balanced growth of jobs and housing across the City will be pursued to maintain a complete community.

Chapter 4 - Land Use Designations

Section 4.5 Mixed Use Areas

The subject site is designated Mixed Use Areas on Map 18 of the Official Plan. See Attachment No. 3: Official Plan Land Use Map.

Mixed Use Areas are intended to absorb most of the anticipated increase in retail, office, and service employment in Toronto in the coming decades, in addition to new housing and a broad range of commercial, residential and institutional uses. Policy 4.5.2 includes criteria to guide development and its transition between areas of different development intensity and scale which will:

- a) create a balance of high quality commercial and residential uses that reduce automobile dependency;
- b) provide for new jobs and homes for Toronto's growing population, creating and sustaining well-paid, stable safe and fulfilling employment opportunities for Torontonians;
- c) locate and mass new buildings to provide a transition between areas of different development intensity and scale, through means such as stepping down of heights;
- d) locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes; and
- h) take advantage of nearby transit services

Chapter 5 - Implementation

Policy 5.1.1 of the Official Plan allows for an increase in height and/or density in return for the provision of community benefits for a proposed development, in accordance with Section 37 of the Planning Act. The proposed density of the application meets the Official Plan's threshold for Section 37 considerations.

Section 5.6 provides guidance as to the understanding and interpretation of the Official Plan. Policy 1 indicates the Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Further, Section 1.5 – "How to Read the Plan" indicates the Official Plan is a comprehensive and cohesive whole. This proposal has been reviewed against the policies described above as well as the policies of the Official Plan as a whole.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

The Downtown Plan

Official Plan Amendment (OPA) 406, the Downtown Plan, is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as the new Downtown Plan. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities –provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to: align growth management with the provision of infrastructure; sustain liveability; achieve complete communities; and ensure there is space for the economy to grow. The Plan area is generally 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 to the east. The Downtown Plan applies to all applications deemed complete after June 5, 2019. In this instance, the complete application was submitted prior to this date and therefore, in evaluating this application, City staff considered the Downtown Plan for guidance with respect to the planned context.

The site has a split Mixed Use Areas designations, with half the portion of the building on the east side towards Simcoe Street designated as Mixed Use Areas 1- Growth and

the western portion of the building towards St. Patrick Street being designated as Mixed Use Areas 2- Intermediate.

The Downtown Plan can be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

OPA 352 – Downtown Tall Building Setback Area

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.

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently partially under appeal at the Local Planning Appeal Tribunal (LPAT). Therefore, both Zoning By-law 569-2013 and the former City of Toronto Zoning By-law 438-86 currently apply to the site.

The site is zoned Commercial Residential (CR) under Zoning By-law 438-86, as well as under Zoning By-law 569-2013. The by-laws permit a maximum building height of 37 metres and a combined density of 4.0 times the area of the lot for combined residential and non-residential uses, 2.0 times the area of the lot for non-residential uses and 3.5 times the area of the lot for residential uses. The CR zoning category permits a broad range of residential uses including apartment buildings and non-residential and community uses, including office, retail and service uses.

See Attachment No. 4: Existing Zoning By-law Map

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of 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 link to the guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

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. This document identifies where tall

buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

Growing Up Urban Design Guidelines

In July 2017, Toronto City Council adopted the Draft Growing Up Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Guidelines is for developments to increase liveability for larger households, including families with children, at the neighbourhood, building and unit scale. The draft Guidelines are available at:

<https://www.toronto.ca/legdocs/mmis/2017/pg/bgrd/backgroundfile-103920.pdf>

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for Site Plan Control has not yet been submitted.

COMMUNITY CONSULTATION

Community Consultation Meeting

A community consultation meeting was held on February 13, 2019 at 222 St. Patrick's Street (The Michener Institute) and was attended by approximately 70 members of the public. The following issues were raised by the community:

- height and density of the overall building;
- appropriate transitions to the lower density areas;
- size and height of the base building with the office space;
- sufficient school capacity;
- sufficient community facilities to serve proposed development;
- shadow impacts on the pedestrian realm, Neighbourhoods and the courtyard of One Park Lane;
- wind impacts and the creation of a wind tunnel effect;
- lack of street trees on Dundas Street West;
- concern that there is a decrease in the amount of retail proposed compared to what is currently on site;
- traffic generated by the proposed development, in addition to the existing traffic;
- servicing capacity of both soft and hard infrastructure, such as social services and water and sewer;

- with proximity to OCAD and the Art Gallery of Ontario, would like to see a public art component to the proposal;
- construction management process and impacts of multiple nearby developments under construction simultaneously;
- needs a mix of market and affordable rental units; and
- size of 2 and 3 bedroom units.

Following the community consultation meeting, a working group was formed with approximately 16 members of the public including local residents from One Park Lane, 175 Elm Street, the commercial tenant at 250 Dundas Street, and representatives from the Grange Park Association and Baldwin Street Residents Association. Four meetings were held between May and September 2019. The topics discussed at the meetings related to:

- height of the base building/office component and height of the tower;
- overall traffic congestion in area;
- cycling circulation;
- pedestrian safety;
- transportation issues on site: loading/unloading and designated areas for short term deliveries and pickup;
- shadowing on the outdoor landscaping and courtyards of One Park Lane as well as the immediate neighbourhood;
- size and uses of retail spaces;
- loss of views, privacy and natural light for residents at One Park Lane;
- public realm: open/green spaces, tree planting and Grange Green Plan and the idea to permanently close St. Patrick Street at Dundas Street West;
- wind impacts
- light and noise pollution from adjacent buildings;
- construction management issues; and
- design of building needing to be more reflective of the creative Neighbourhood with OCAD and Art Gallery of Ontario in close proximity.

In response to the issues raised through community and City staff feedback, the above issues have been considered through the review of the application and responses are addressed in the comments section below.

COMMENTS

Planning Act

It is staff's opinion that the proposed development has regard to relevant matters of provincial interest, including, sections 2 j), k) and p) of the Planning Act, which speak to the adequate provision of a full range of housing, including affordable housing, the provision of employment opportunities and the appropriate location for growth and development.

These provincial interests are further articulated through the PPS (2014) and the Growth Plan (2019).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2014). The proposal has also been reviewed and evaluated against the Growth Plan (2019), and in particular Policy 5.1 as described in the Policy Considerations and Issues Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as discussed below.

Land Use

The proposed mixed-use building is an appropriate use for the site as it is consistent with the uses permitted within the Mixed Use Areas designation of the Official Plan, the Mixed Use Areas (Eastern Half of the Site is Mixed Uses Areas 1-Growth and the western half is Mixed Use Areas 2- Intermediate) of the Downtown Plan, and the CR zone of both Zoning By-laws.

The two proposed retail spaces on the ground floor will contribute to the mix of retail uses along Dundas Street West, which is consistent with Dundas Street West being identified as a Priority Retail Street in the Downtown Plan, and the objectives of the Official Plan.

The site is also located in the Health Sciences District of the Downtown Plan which identifies that a significant number of hospitals, treatment, academic, education, research and related commercial functions are clustered within close walking distance of one another in an area centered on University Avenue. Policy 6.13. states that opportunities to increase non-residential uses within the Health Sciences District will be protected to support institutional growth and Policy 6.14. states that development within the Health Sciences District will replace existing institutional and non-residential gross floor area either on-site or off-site.

The proposed 8-storey office component replaces the existing Class-C office space on site and is being replaced with Class-A office space including an additional 4,303 square metres of office space. The increase in office gross floor area is supported by both the Official Plan and Downtown Plan, as it will allow for the opportunity to increase the amount of non-residential gross floor area within the Health Sciences District.

The proposed mix of dwelling units includes 140 (27%) two-bedroom units and 52 (10%) three-bedroom units, which meets the Growing Up Guidelines. Of the 522 residential units, 22 are being secured as affordable rental housing units (17 1-bedroom and 5 2-bedrooms).

The proposed mix of uses will create an appropriate balance for the site including retail, office and residential and is supported by staff.

Height and Massing

The proposed building has an overall height of 164.5 metres, inclusive of the mechanical penthouse, with an 8-storey base building at 37.5 metres in height. The base building height is slightly over the as-of-right height permission for the site. The office component of the development is located within the base building. When the application was originally submitted to the City, the podium was proposed at 7-storeys measuring 38 metres. In staff's review of the proposal, it was requested that additional office space be provided within the development. A 9-storey office podium was being considered; however, throughout the consultation process and working groups, the local community, specifically the residents of One Park Lane were concerned with additional height of the podium. After significant discussions at the working group sessions and balancing the request for additional office space, the applicant was able to accommodate the additional office gross floor area within the podium but reduced the floor-to-ceiling heights of each floor in order to accommodate an overall podium height of 37.5 metres, which is 0.5 metres above the as-of-right zoning.

The subject site is located within Mixed Use Areas 1 and 2 of the Downtown Plan. The eastern portion of the site along Simcoe Street is designated Mixed Uses Areas 1-Growth, which allows for the tallest heights in the Downtown. This is the location of the tower portion of the site. The Mixed Use Areas 2 - Intermediate designation is located on the western portion of the site abutting St. Patrick's Street, which allows for mid-rise and some tall buildings. The podium portion of the building containing the office use and a portion of the 9th floor to accommodate the indoor amenity space of the building is located in the Mixed Use Areas 2- intermediate area.

Policy 6.23 Mixed Use Areas 1 allows for tall buildings, with height, scale and massing dependent on site characteristics, and provides for a high proportion of non-residential uses within new mixed-use developments. Policy 6.25 and 6.26 detail that Mixed Use Areas 2 allow for building typologies that correspond to the site context, including low-rise, mid-rise and some tall buildings and that the scale and massing of the buildings will respect and reinforce the existing and planned context of the neighbourhood.

Directly adjacent to the east of the site is 488 University Avenue at the corner of Dundas Street West and University Avenue which is currently under construction for a 55-storey (207 metres, inclusive of the mechanical penthouse) mixed-use building and is designated - Mixed Use Areas 1. To the west of the site is 292-294 Dundas Street West, which was approved at the Local Planning Appeal Tribunal for a 29-storey (100.5 metres inclusive of the mechanical penthouse) mixed-use building that transitions down to grade on the west portion of the property at McCaul Street with the introduction of a public park and is also within Mixed Use Areas 3 - Main Street of the Downtown Plan.

Given the transitional height context of the area and the existing and planned context of the surrounding area, the proposed 164.5 metre building height represents an appropriate transition from the higher height of the buildings from University Avenue (207 metres) transitioning lower in height to the west towards St. Patrick Street (100.5 metres) and McCaul Street which will have a public park at the corner (0 metres).

Setbacks

Council approved OPA 352 (By-law 1105-2016) is based on the City's Tall Building Guidelines and speaks to the importance of providing sufficient setbacks and separation distances between tower portions of tall buildings to provide for privacy, sunlight and sky views. Council-adopted By-laws 1106-2016 and 1107-2016 require any building proposed within the Downtown to provide a minimum setback of 3 metres to the lot line abutting a street, 12.5 metres to the centre line of that street and 12.5 metres to a lot line having no abutting street or public lane. While currently under appeal, these By-laws reflect Council direction to achieving appropriate separation distances.

The proposed tower would have setbacks of 12.5 metres to the centre lines of Dundas Street West and Simcoe Street to the south and east respectively, and a setback of 39 metres to the west property line, which is in accordance with the Tall Building Guidelines and OPA 352.

While the north setback from the tower to the property line is 11.8 metres, there is approximately 25 metres between the tower and the existing 15-storey residential condominium building to the north. The proposed tower separation distances are acceptable.

Sun, Shadow

The Official Plan states that development in Mixed Use Areas will locate and mass new buildings so as to adequately limit shadow impacts on adjacent Neighbourhoods, particularly during the spring and fall equinoxes. The Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

During the working group session, significant discussions were had on the shadow impacts on One Park Lane, the residential development complex directly to the north of the site, the Neighbourhoods to the northwest and local schools. The revised massing of the 8-storey base building improves the shadow impact on the property to the north from the original proposal. The revised height of the tower portion of the proposal limits the shadow impacts on the Neighbourhoods, where shadows will be off by 9:50am on March 21 and by 9:35am on September 21, with no shadow impacts on local school sites.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 49-storey tower and are satisfied that it adequately limits the shadows on the Neighbourhoods to the northwest, and shadow sensitive areas such as One Park Lane. The shadow impact resulting from the proposal is acceptable.

Wind

During the working group session, concerns were raised related to wind effects from the proposed development. A Pedestrian Level Wind Study was submitted on October 8, 2019, which indicates that the wind conditions on the roof of the base building for the outdoor amenity spaces are generally desirable for passive activities, and can be improved by including wind control measures.

It is noted that the approved but unbuilt 29-storey development to the west of the site at 292 Dundas Street West was not incorporated into the current study. A revised study will be required at the Site Plan Control stage in order to incorporate the development to the west and ensure that any additional mitigation strategies and measures such as design features and/or landscaping to minimize uncomfortable wind conditions are incorporated into the design of the building.

Residential Unit Mix

The application proposes 522 dwelling units in total with a unit mix of 63% 1-bedroom, 27% 2-bedroom and 10% 3-bedroom units. This provides a mix of units that meets the intent of housing policies and the Growing Up Guidelines, that are suitable for families with children.

Housing Issues

As part of the Section 37 contribution, 22 affordable rental housing units or approximately 1,013 square metres of residential gross floor area are proposed at an estimated cost of \$8,000,000. The City will also provide incentives through the Open Door Affordable Rental Housing Program for the affordable rental homes, subject to approval of an Open Door application. Open Door incentives include exemption from development charges, planning and building permit fees and property taxes for 30 years.

The affordable units will include a mix of 17 one-bedroom and 5 two-bedroom homes and the developer will develop and manage the ongoing operations of the affordable units once constructed. Rents will be secured at an affordable rate, ensuring they are set at no more than 80 percent of average market rent for the City for a 30 year period. Rents will be determined as of the date that the units are ready and available for occupancy.

As part of the Open Door Program, 10% of the affordable rental units will be made available to households receiving housing benefits referred from the City's Housing Access System. The owner will submit an affordable housing access plan to the City's General Manager, Shelter, Support and Housing Administration for approval. Provisions to ensure that 10% of the affordable rental units will be available to households in receipt of housing benefits and referred from the City's Housing Access System will be included in the affordable housing access plan.

In the event the Executive Director, Housing Secretariat does not approve of the Open Door application, the City will not provide Open Door incentives for the 22 affordable rental units. However, the owner will remain obligated to provide the 22 affordable rental homes at no more than 80 percent of average market rent for a 26 year period under the terms of the Section 37 Agreement. The affordable rental housing terms and conditions set out in Attachment 7 of this report detail the terms to be secured within the Section 37 Agreement and the Open Door Program Contribution Agreement.

Unit sizes of the affordable rental units will correspond generally to those of market units in the proposed development and will be reviewed as part of the site plan approval process.

Amenity Space

Zoning By-law 438-86 requires a minimum of two square metres per unit each of indoor and outdoor amenity space, and By-law 569-2013 requires a combined amenity of four square metres per unit. The applicant is proposing that the entire 9th floor of the building contain both the indoor and outdoor amenity space (1044 square metres and 910 square metres respectively), accounting for 2 square metres of indoor and 1.74 square metres of outdoor amenity space per unit, for a combined total of 3.74 square metres per unit.

The proposed development meets the requirement of 2.0 square metres per unit of indoor amenity space, as it is providing 1044 square metres. The outdoor amenity space is being provided at a rate of 1.74 square metres per unit. A detailed design of the indoor and outdoor space will be further designed at the site plan stage to allow for a range of uses and users including children, seniors and pets.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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 proposes a 49-storey mixed-use building containing 31,450 square metres of residential gross floor area comprising 522 residential units and 16,350 square metres of non-residential gross floor area. 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 6,993 square metres or 296% 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 173 square metres.

The applicant is proposing to satisfy the parkland dedication requirement by providing an off-site dedication within 500 metres of the applicant's site that would create a new park as the required parkland dedication. The size and location of the offsite conveyance is subject to the approval of the General Manager, Parks, Forestry & Recreation and subject to the Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

Should the offsite dedication not be feasible after reasonable commercial efforts are made by the owner, cash-in-lieu of parkland will be accepted. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

Streetscape

Along the 5.5 metre St. Patrick Street right-of-way, three new street trees are proposed with a 2.1 metre sidewalk. Along the 6 metre Simcoe Street right-of-way, landscaping is proposed and a 2.1 sidewalk. Along the Dundas Street West frontage, the right-of-way ranges from 2.5 metres to 3.6 metres with an additional 3 metres from the property line to the building face. Currently no street trees are proposed along Dundas Street West due to utility conflicts. The Dundas Street West streetscape proposes a strip of pavers and bicycle posts along the curbside, with additional bicycle racks and pavers on private property. Further review of the utility conflicts will be undertaken at the site plan process stage to see if it is possible to introduce street trees along Dundas Street West.

Public Art for the proposal has been secured for the project and the details of the location within the streetscape will be reviewed in detail during the site plan process.

City Planning staff will work with the applicant at the Site Plan Control stage to implement an appropriately designed streetscape along all three rights-of-way.

Public Art

Throughout the consultation process, multiple comments were made that given the proximity of the development to the Art Gallery of Ontario (AGO) and OCAD (Ontario College of Art and Design) University, there should be a public art component to this project. The applicant has agreed to provide a Section 37 contribution of \$500,000.00 towards public art and will be providing a Public Art Plan in accordance with the City's Percent for Public Art Guidelines. The addition of public art to the new development will enhance the quality of the public realm and provides for a more interesting streetscape.

Tree Preservation

The Arborist Report and Tree Preservation Plan submitted with the application indicate that there are a total of 19 trees on and within the immediate vicinity of the development

site. 12 trees are proposed to be removed, of which 7 are City Street Trees along Simcoe Street, Dundas Street West and St. Patrick Street and 5 trees that are protected under the Private Tree By-law. Three City Street Trees and four Private Trees are proposed to be protected. Along St. Patrick Street, three additional street trees are proposed. The applicant will be required to obtain the necessary permits and submit a satisfactory replanting plan prior to the removal of any protected trees.

Bicycle Parking

The Official Plan contains policies which encourage reduced dependency on cars as well as promoting alternative modes of transportation. The policies seek to increase the opportunities to improve conditions for walking and cycling for residents as well as employees and the purveyors of the retail businesses along Dundas Street West.

The development proposes 589 bicycle parking spaces, including 47 spaces at grade and on the ground floor and 542 spaces all contained within the mezzanine level, which is accessible through an elevator accessed from St. Patrick Street, as well as the main residential and office elevators. The proposal meets the required number of both short and long terms bicycle spaces in the Zoning By-law and Toronto Green Standard and is acceptable.

Parking, Loading, Pick-up, Drop-off

Vehicular access to the site for parking and loading is proposed from Simcoe Street. The proposed development includes 3 loading spaces at grade and 85 vehicular parking spaces within two levels of underground parking, containing 54 residential spaces and 31 non-residential spaces.

Discussions at the working group sessions were raised about the traffic impacts on Dundas Street West, Simcoe Street and St. Patrick with increased amounts of food delivery services and courier deliveries for parcels as well as drop-off and pick-ups from taxi and ride share services. Following the discussions, the applicant addressed the concerns of the working group by introducing 3 dedicated drop-off and pick-up spaces on the P1 level.

Given the proximity to transit, including the St. Patrick Subway Station, as well the direction of Official Plan policies to reduce automobile dependency in Mixed Use Areas, the reduction of vehicular parking spaces is acceptable to City Planning staff.

Servicing

The applicant is required to address minor revisions related to the submitted Functional Servicing Report and Stormwater Management Report as requested by the Engineering and Construction Services staff. As identified in the Recommendations section of this report, these revisions are required prior to the passing of Bills.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the zoning by-law process related to cycling infrastructure and other applicable TGS performance measures will be secured through the site plan approval process.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. The provision of 22 affordable rental housing units within the development.
2. \$500,000.00 for public art on the lands, to be secured by a letter of credit in the City's standard form, to be provided to the City prior to the issuance of the first above-grade building permit. The owner shall submit a Public Art Plan that is in accordance with the City's Percent for Public Art Guidelines to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and details of the public art process to the satisfaction of City Council.
3. The owner shall make a cash contribution in the amount of \$100,000.000 towards Streetscape improvements at southwest corner of Elm Street and Simcoe Street in consultation with Neighbourhood Improvements Unit within the Design and Project Management Section, Transportation Services Division, to be secured prior to the issuance of the first above-grade building permit.
4. All cash contributions referred to in 2-3 above shall be increased upwards by indexing in accordance with the statistics Canada Construction Price Index for Toronto, calculated from the date of registration of the Section 37 Agreement to the date the payment is made to the City.

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

1. Off-site Parkland Acquisition.

2. The owner agrees to submit, and thereafter implement, a construction management plan to address such matters as noise, dust, street closures, parking and laneway uses and access. Such plan shall be to the satisfaction of the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor and shall be submitted prior to the commencement of any shoring and excavation work.

3. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.

Conclusion

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2019) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2019). Furthermore, the proposal conforms to the Toronto Official Plan and the Downtown Plan.

The development proposes a fully mixed-use building containing retail at-grade, 8 storeys of office space, the provision of 27% 2-bedroom and 10% 3-bedroom units, 22 affordable rental housing units within the building and an off-site parkland dedication. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Draft Zoning By-law Amendment 569-2013
- Attachment 6: Draft Zoning By-law Amendment 438-86
- Attachment 7: Affordable Rental Housing Terms and Conditions

Applicant Submitted Drawings

- Attachment 8: Site Plan/Draft Plan of Subdivision
- Attachment 9: North Elevations
- Attachment 10: South Elevations
- Attachment 11: East Elevations
- Attachment 12: West Elevations
- Attachment 13: 3D Model of Proposal in Context (East)
- Attachment 14: 3D Model of Proposal in Context (Northeast)

Attachment 1: Application Data Sheet

Municipal Address: 250 DUNDAS ST W Date Received: April 30, 2018
 Application Number: 18 150969 STE 20 OZ
 Application Type: OPA / Rezoning, Rezoning
 Project Description: Zoning By-law Amendment application to facilitate the redevelopment of the site for a 49-storey mixed-use building, with a total of 522 residential units, 14,548 square metres of office space and 802 square metres of at-grade retail.

Applicant	Agent	Architect	Owner
DREAM ASSET MANAGEMENT CORPORATION	Urban Strategies	IBI Group	DUNDEAL CANADA (GP) INC

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	Commercial Residential	Heritage Designation:	N
Height Limit (m):	37	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m):	2,339	Frontage (m):	74	Depth (m):	41
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,967	1,967
Residential GFA (sq m):			31,450	31,450
Non-Residential GFA (sq m):	11,296		15,350	15,350
Total GFA (sq m):	11,296		46,800	46,800
Height - Storeys:	8		49	49
Height - Metres:	31		165	165

Lot Coverage Ratio (%):	84.1	Floor Space Index:	20
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
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Residential GFA:	31,450	74
Retail GFA:	802	9
Office GFA:	14,548	9

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			522	522
Freehold:				
Condominium:				
Other:				
Total Units:			522	522

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			330	140	52
Total Units:			330	140	52

Parking and Loading

Parking Spaces: 85	Bicycle Parking Spaces: 589	Loading Docks: 3
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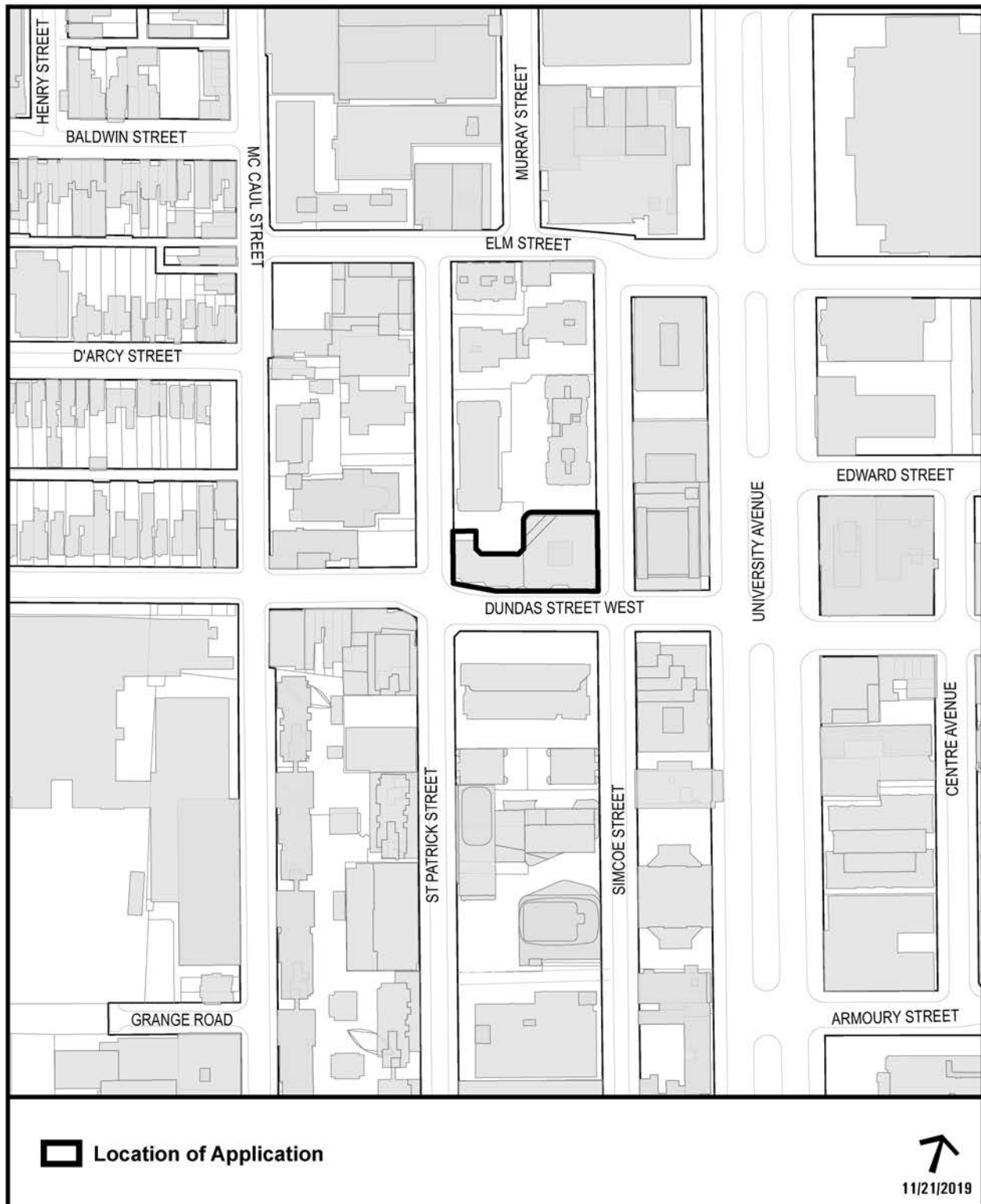
CONTACT:

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416-392-0877

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Attachment 2: Location Map



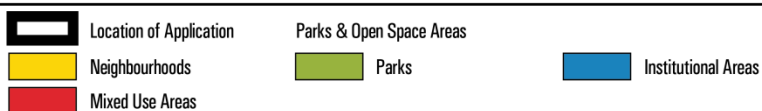
Attachment 3: Official Plan Land Use Map



250 Dundas Street West

Official Plan Land Use Map #18

File # 18 150969 STE 20 02



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Not to Scale
12/04/2019

[illegible]**Toronto**

250 Dundas Street West

Zoning By-law 569-2013

File # 18 150969 STE 20 0Z

Location of Application

See Former City of Toronto By-law No. 438-86

R Residential

I Institutional
IH Institutional Hospital
OR Open Space Recreation

CR Q



Not to Scale
Extracted: 11/21/2019

Attachment 5: Draft Zoning By-law Amendment 569-2013

The draft By-law will be made available on or before the January 8, 2020, meeting of the Toronto and East York Community Council.

Attachment 6: Draft Zoning By-law Amendment 438-86

The draft By-law will be made available on or before the January 8, 2020, meeting of the Toronto and East York Community Council.

Attachment 7: Affordable Rental Housing Terms and Conditions

The affordable rental housing units will be integrated within the residential components of the Proponent's development on the lands currently known as 250 Dundas Street West. The size, layout and general characteristics of the affordable rental units will correspond generally to the overall characteristics of units in the proposed development. The affordable units are not to have a separate entrance and the proposed locations of all affordable units shall be to the satisfaction of the Executive Director, Housing Secretariat, and the Chief Planner and Executive Director, City Planning Division.

The terms and conditions identified in this Attachment will be secured through a Section 37 agreement.

1. General Provisions

- a. Tenants of the affordable rental housing shall have access to the indoor and outdoor amenity spaces associated with the building on the same basis as other units within the development with no separate or additional charges;
- b. all affordable rental housing units will have laundry facilities on the same basis as other units within the development, with no extra charges for appliances;
- c. The tenants of the affordable rental housing will have access to permanent and visitor bicycle parking/bicycle lockers in accordance with the zoning by-law and on the same basis as other units within the development;
- d. Parking will be provided consistent with the by-law requirements on the same basis as other units within the development and is not included as a part of rent. The maximum monthly parking charge to the tenants in the 1st year of the building's occupancy will be agreed to at the time of site plan application to the satisfaction of the Chief Planner and Executive Director, City Planning, and annual increases thereafter will be limited to the same percentage for annual rent increases as the Guideline increase permitted under provincial legislation.

2. Affordable Rental Housing Units

Approximately 22 units, or 1,013 square metres of residential Gross Floor Area, will be constructed and provided as follows:

- 17 one-bedroom units, which shall have a minimum size of 39.0 square metres; and
- 5 two-bedroom units, which shall have a minimum size of 59.0 square metres

Average unit sizes will be higher than the minimum sizes in order to ensure a complete range of types and sizes. The final unit breakdown and sizes will be to the satisfaction of the Chief Planner and Executive Director, City Planning Division.

3. Rents and Tenant Incomes

Rents will be set at affordable rents, where the total monthly shelter cost (including heat, hydro and hot water, excluding parking and internet/cable charges) is at or below 80% of the Average Market Rent for the City of Toronto, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation in the Fall Market Report.

If utilities are not included in the rent and are to be paid by the tenant, a utility allowance will be delivered by way of setting off the amount of the utility allowance against the monthly rental payment, for each separately metered utility, as determined and updated annually by the City, or to the satisfaction of the Chief Planner and the Director of Housing Stability Services in writing.

When entering into a tenancy agreement for an affordable unit, household income cannot exceed four times the annual equivalent of the rent for the unit.

4. Open Door Affordable Rental Housing Program

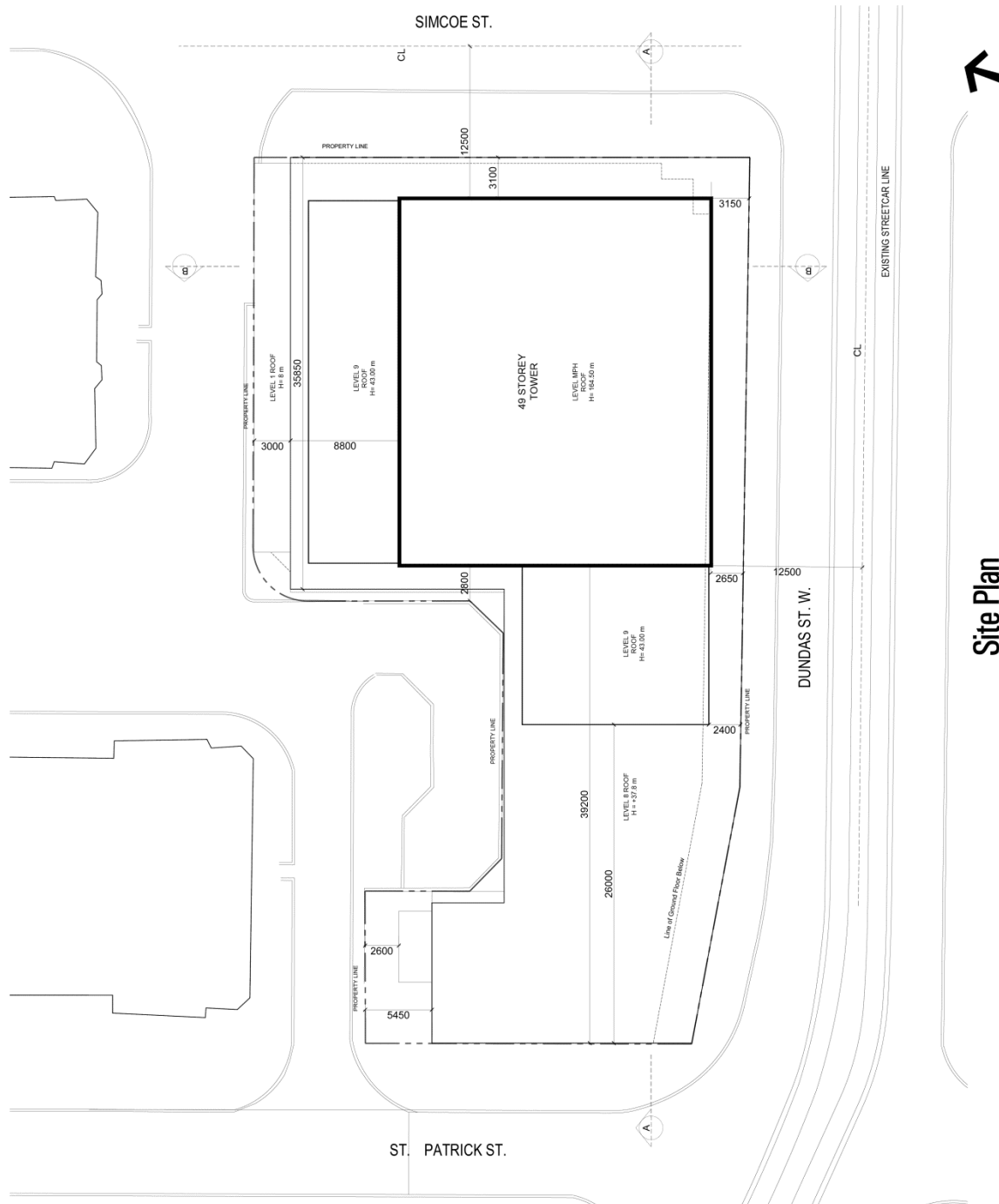
The owner will submit an Open Door Affordable Rental Housing Program application for approval by the Executive Director, Housing Secretariat, to be eligible for the City's Open Door Program incentives as described in the Recommendations of this report. Subject to approval under the program, during the affordability period:

- i. Affordable rents must be provided for a minimum of 30 years from initial occupancy, inclusive of a 5-year phase-out period during which rents can be set at market levels when a tenant vacates a unit. Thereafter rents may be charged in accordance with the Residential Tenancies Act or successor legislation;
- ii. The owner will provide an affordable housing access plan and first occupancy report satisfactory to the Director of Housing Stability Services or designate, no later than six months before first occupancy to report on rents at occupancy;
- iii. The owner will provide to the Director of Housing Stability Services an annual occupancy report at the end of each calendar year to report on rents during the year and information on the household incomes of units rented to new tenants during the year.

In the event that the Executive Director, Housing Secretariat does not approve the Open Door application, the City will not provide the program incentives for the 22 affordable rental units. The owner will deliver the 22 affordable rental units under the terms and conditions as set out in sections 1, 2 and 3 of this attachment for a 26-year period.

5. Tenure

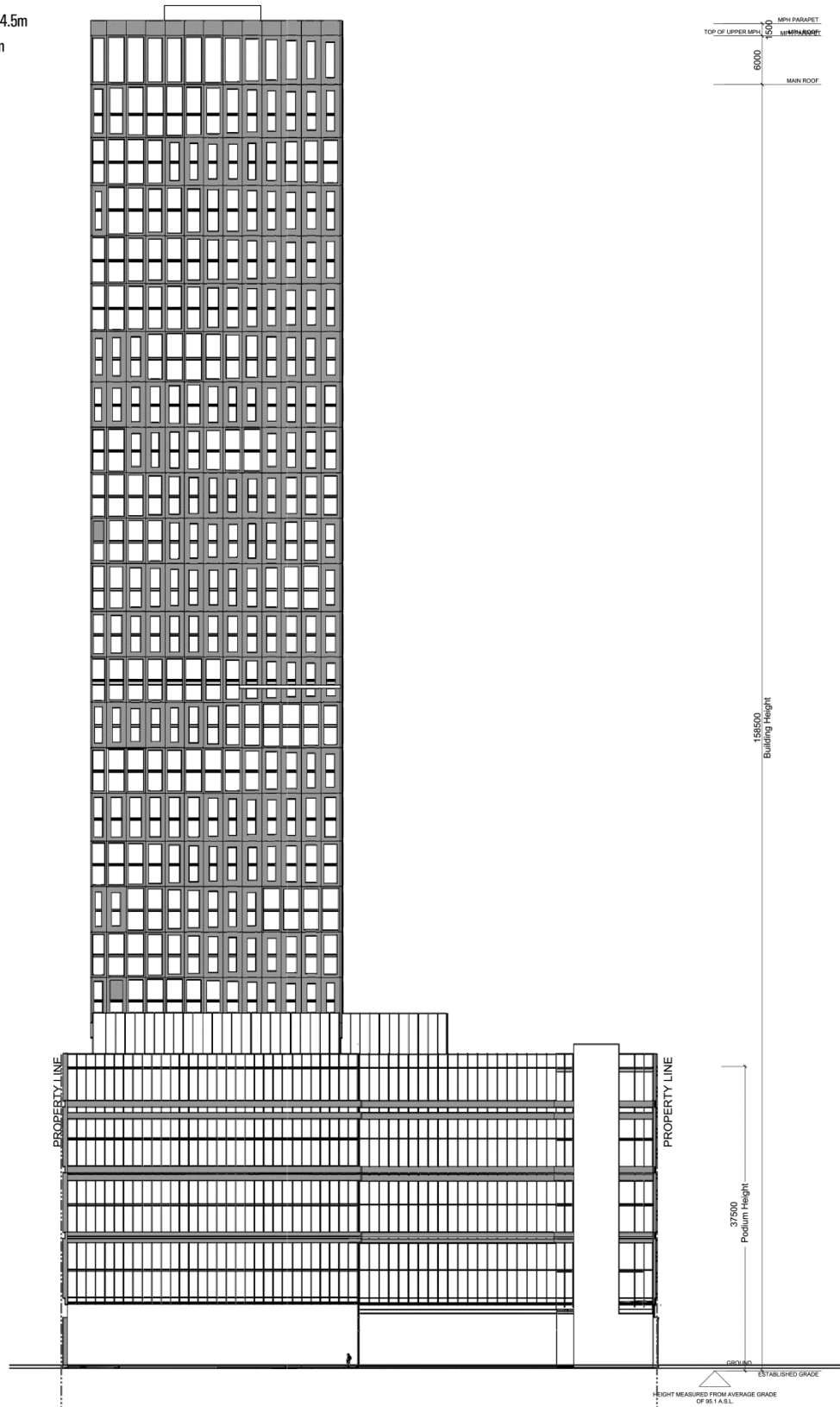
The affordable rental units of the building shall be maintained as rental housing for at least a 49-year period and the owner shall not apply to convert any of the units to any non-rental housing purposes, nor to demolish the rental housing without replacement as rental housing on the site, during this period. The owner shall also not apply for approval of a Description with respect to any portion of the rental housing, nor register any of the rental housing under the Condominium Act or for any other form of ownership tenure, such as but not limited to, life lease or co-ownership as defined in c.667 of the Toronto Municipal Code that provide a right to exclusive possession of a unit.



Site Plan

Attachment 9: North Elevation

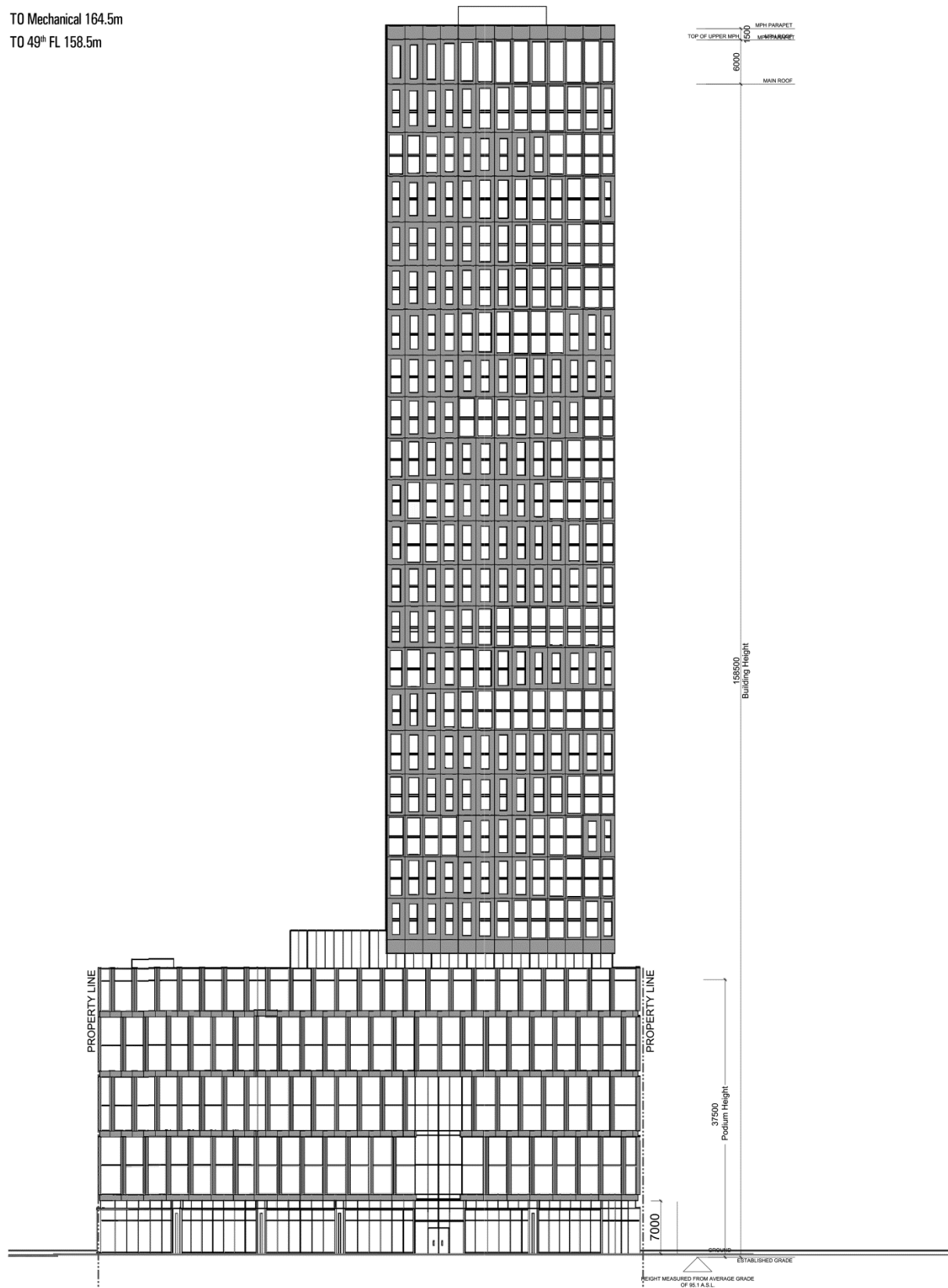
T0 Mechanical 164.5m
T0 49th FL 158.5m



North Elevation

Attachment 10: South Elevation

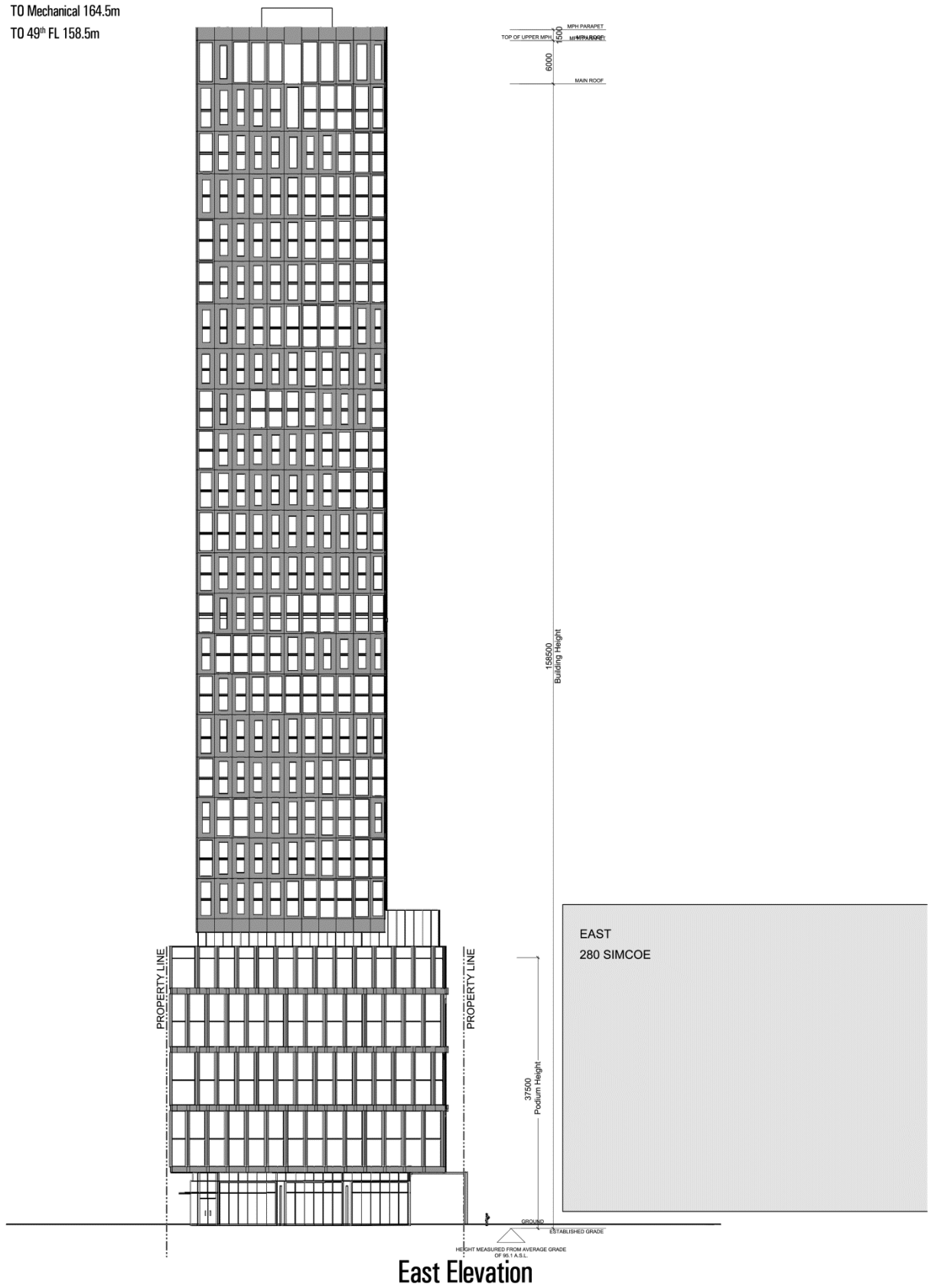
TO Mechanical 164.5m
TO 49th FL 158.5m



South Elevation

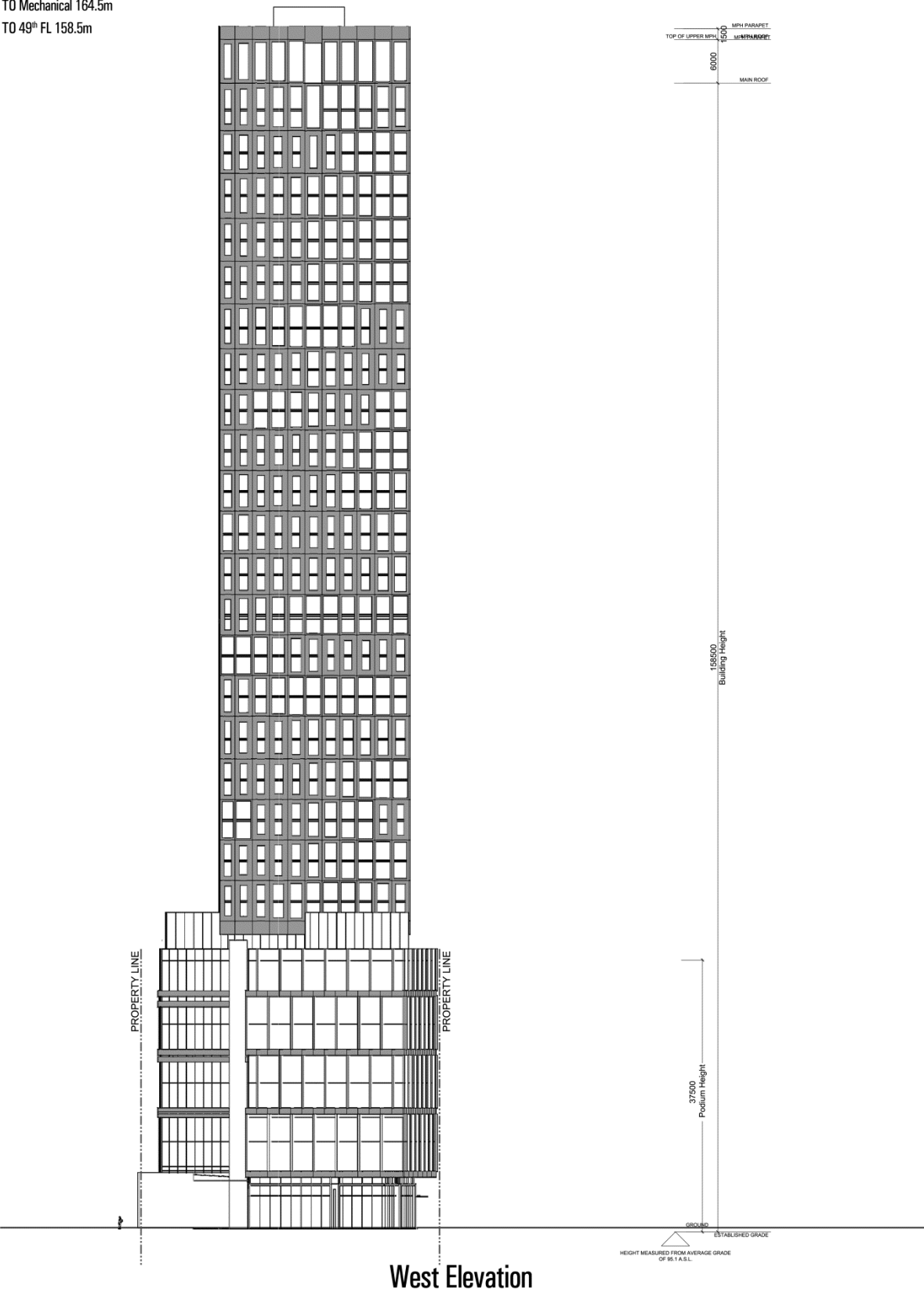
Attachment 11: East Elevation

TO Mechanical 164.5m
TO 49th FL 158.5m

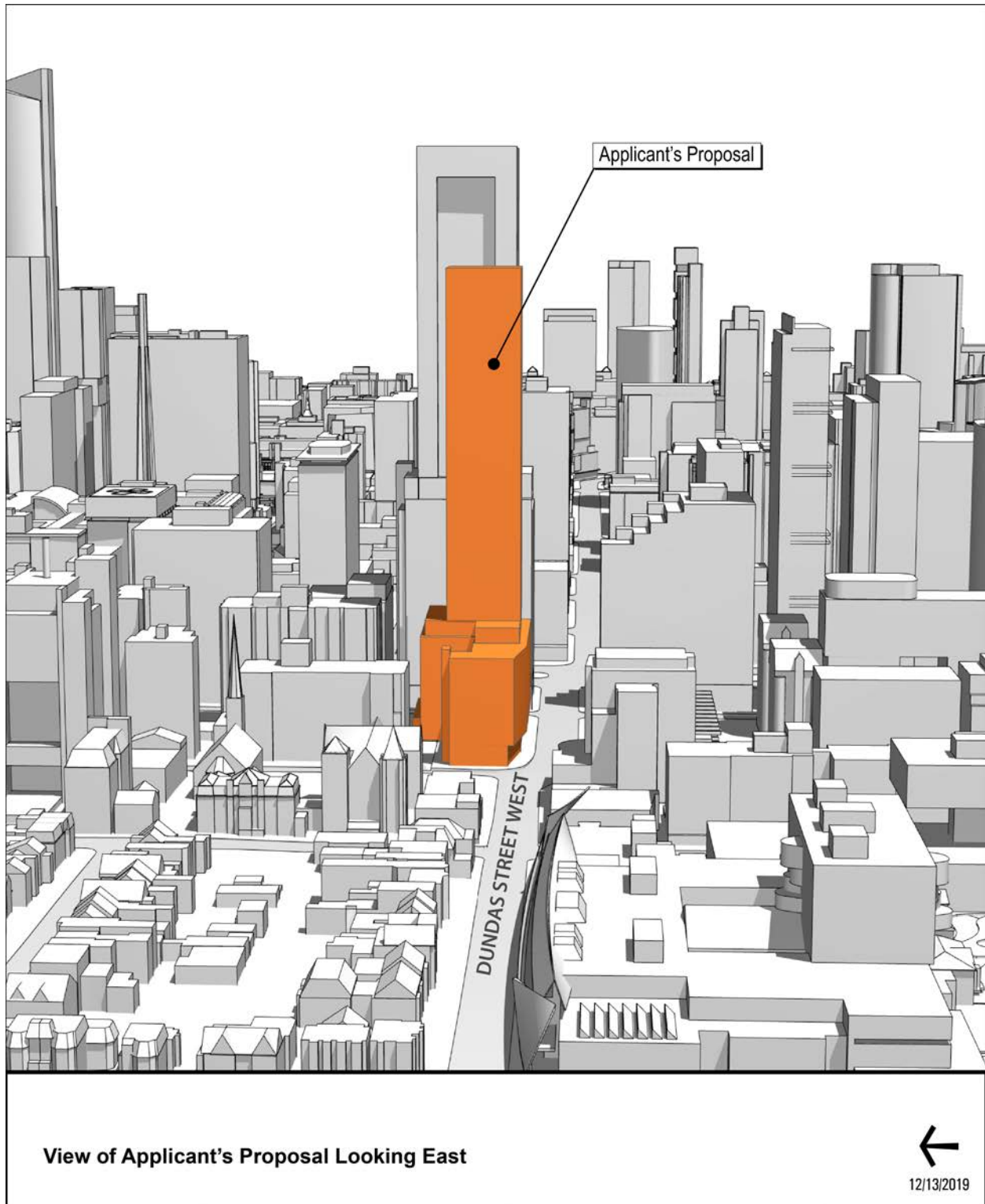


Attachment 12: West Elevation

TO Mechanical 164.5m
TO 49th FL 158.5m



Attachment 13: 3D Model of Proposal in Context (East)



Attachment 14: 3D Model of Proposal in Context (NorthEast)

