

## **9-25 Dawes Road - Zoning By-law Amendment Application - Request for Direction Report**

**Date:** January 20, 2019

**To:** Toronto and East York Community Council

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

Ward 19 - Beaches-East York

**Planning Application Number:** 19 186473 STE 19 OZ

### **SUMMARY**

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On December 4, 2019, the applicant appealed to the Local Planning Appeal Tribunal (the "LPAT") citing Council's failure to make a decision on the Zoning By-law Amendment Application within the timeframe prescribed by the *Planning Act*. The first prehearing conference has not yet been scheduled.

This application proposes to amend the Zoning By-law for the property at 9-25 Dawes Road to permit two towers atop a shared base building which comprises residential, retail and community space. The North Tower would be 24 storeys, and the South Tower would be 30 storeys. Together, a total of 684 units are proposed with a total gross floor area of 46,498 square metres.

This report recommends that the City Solicitor together with Planning Staff and other appropriate Staff be directed to oppose the appeal at the LPAT. The proposal requires further revisions to the site organization, the massing and scale of the towers, and to the public realm before the application can be considered to represent good planning. In its current form, the proposal is inconsistent with the Provincial Policy Statement (2014), does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and does not conform to the Official Plan. The proposal also does not conform to the Council-adopted Official Plan Amendment 478.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Local Planning Appeal Tribunal (the "LPAT") hearing to oppose the appeal respecting the Zoning By-law Amendment application (File No. 19 186473 STE 19 OZ) as proposed at 9-25 Dawes Road.

2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the issues outlined in this report and to report back to City Council, as necessary.

3. In the event that the LPAT allows the appeal in whole or in part, City Council authorize the City Solicitor to request the LPAT to withhold the issuance of any Order(s) until such time as the LPAT has been advised by the City Solicitor that:

- The final form of the Zoning By-law Amendment is to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;
- The approval is to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, General Manager, Solid Waste Services, and General Manager, Transpiration Services; and
- Community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **DECISION HISTORY**

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A Preliminary Report on the application was adopted by Toronto and East York Community Council on September 16, 2019 requesting staff to hold a community consultation meeting. The feedback from the community consultation meeting is summarized in the Comments section of this Report. The preliminary report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE8.31>

On December 17, 2019, City Council adopted Official Plan Amendment 478 (OPA 478) as the result of the Main Street Planning Study. OPA 478 unlocks intensification, including tall buildings, within the study area through the achievement of a new road network, new parks and open spaces, and new and improved community services and facilities. The final report and OPA 478 can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.4>

## PROPOSAL

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### Application Description

This application proposes to amend the Zoning By-law for the property at 9-25 Dawes Road to permit two towers atop a shared base building including residential, retail and community space. The North Tower would be 24 storeys (77.7 metres, excluding mechanical penthouse) and the South Tower would be 30 storeys (95.4 metres, excluding mechanical penthouse). Together, a total of 684 units are proposed: 403 one-bedroom units (59%), 214 two-bedroom units (31%) and 67 three-bedroom units (10%). The proposal has a total gross floor area (GFA) of 46,498 square metres (44,487 square metres of residential GFA and 2,011 square metres of non-residential GFA). The floor space index (FSI) of the proposed development is 9.2 times the area of the lot.

The proposal also includes two levels of underground parking. A total of 270 vehicular parking spaces are proposed (193 residential parking spaces, and 77 parking spaces for the non-residential uses). A total of 686 bicycle parking spaces are proposed - 616 spaces for residents and 70 spaces for visitors. Type G and B loading spaces are proposed and are located within the building.

A total of 1,392 square metres of indoor amenity space is proposed and a total of 1,392 square metres of outdoor amenity space.

Detailed project information is found on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachment 1 of this report for a three-dimensional representation of the project in context, and Attachments 4-7 for the site plan and elevations.

### Reasons for Application

The Zoning Amendment application proposes to amend Zoning By-laws 438-86 and 569-2013 to amend performance standards including building height, density, setbacks, and parking, amongst other areas of non-compliance.

## APPLICATION BACKGROUND

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### Application Submission Requirements

The following reports/studies were submitted in support of the application:

- Survey
- Architectural Plans
- Landscape Plans
- Draft Zoning By-law 438-86

- Draft Zoning By-law 569-2013
- Planning Rationale
- Community Services and Facilities Study
- Sun/Shadow Study
- Toronto Green Standards Checklist
- Pedestrian Level Wind Study
- Heritage Impact Statement
- Public Consultation Strategy Report
- Arborist Report
- Energy Efficiency Report
- Transportation Impact Study
- Servicing Report
- Stormwater Management Report
- Hydrogeological Report
- Geotechnical Study (9 Dawes Road)
- Geotechnical Study (25 Dawes Road)
- Groundwater Level Monitoring Letter
- Noise Impact Study
- Vibration Study
- Environmental Impact Phase One (9 Dawes Road)
- Environmental Impact Phase One (25 Dawes Road)
- Environmental Impact Phase Two (9 Dawes Road)
- Environmental Impact Phase Two (25 Dawes Road)
- Designated Substances Survey

### **Agency Circulation Outcomes**

The application, including 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.

## **POLICY CONSIDERATIONS**

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### **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.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial 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 region, of which the City forms an integral part. The Growth Plan (2019) establishes policies to implement a Municipal Comprehensive Review (MCR), which is a planning exercise established 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 lands in provincially significant employment zones, and other requirements.

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 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) 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.

## **Planning for Major Transit Station 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 to 800 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.

## **Toronto Official Plan**

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. The Official Plan is intended to be read and interpreted as a comprehensive whole. The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### *Chapter 3 - Building a Successful City*

Chapter 3 of the Official Plan contains policies that guide growth by integrating social, economic and environmental perspectives in decision making to create an attractive Toronto with a strong economy and complete communities. The policies focus on the built environment, the human environment, the natural environment, economic health and new neighbourhoods. All applications for development are to be evaluated against the policies and criteria in the Chapter to ensure the best possible development choices are made.

#### **Section 3.1.1 - The Public Realm**

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings.

#### **Section 3.1.2 Built Form**

The built form policies in the Official Plan require new development to be located and organized to fit harmoniously into its existing and/or planned context, and limit its impact on neighbouring streets, parks, open spaces and properties by:

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;

- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

### Section 3.1.3 Built Form – Tall Buildings

To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, additional built form principles are applied to the location and design of tall buildings, including:

- 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 topography and other tall buildings; and
- Providing high quality, comfortable and usable publicly accessible open space areas.

## Chapter 4 - Land Use Designations

### Section 4.5 Mixed Use Areas

The site is designated *Mixed Use Areas*. The *Mixed Use Areas* designation permits a broad range of commercial, residential and institutional uses, in single or mixed use buildings, as well as parks and open spaces. *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service employment in the coming decades and provide much of the new housing.

Development proposals in *Mixed Use Areas* are evaluated to ensure they:

- Provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- Locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;



- Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Provide an attractive and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries and childcare;
- Take advantage of nearby transit services;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents

### *Chapter 5 - Implementation: Making Things Happen*

#### Section 5.1.1 - Height and/or Density Incentives

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 meets the Official Plan's threshold for Section 37 considerations.

#### Main Street Planning Study

On November 7, 2017, City Council requested that the City Planning Division undertake further study of development potential within proximity of the Main Street subway station and the Danforth GO station. The study area encompasses properties designated as Mixed Use Areas along Danforth Avenue, generally within 500 metres of Main Street subway station, Main Street, Dawes Road, and the intersection of Gerrard Street East and Main Street.

The Main Street Planning Study was a multi-disciplinary review of the character, built form, public realm, community services and facilities, and heritage and historic character of the study area. The study also looked at where tall buildings could be accommodated and how those tall buildings could relate to the midrise planned context of Danforth Avenue. The results of the Main Street Planning Study showed that the lots south of Danforth Avenue, east of Main Street, and north of the rail corridor, could support taller buildings as this area is characterized by larger lots and would be within walking distance of higher order public transit. However, the Main Street Planning Study also concluded that in order to unlock the potential for intensification and growth within this area, a new public road network, new public parks, and new community services and facilities would need to be provided.

The intensification and growth anticipated through the Main Street Planning Study supports provincial and municipal policy objectives of intensification, of both jobs and people, in areas well served by surface transit and rapid transit stations. Official Plan

policy 2.2.1(a) states the Plan will create a better urban environment, a competitive local economy and a more socially cohesive 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 that are supported by good and affordable transit services and other infrastructure.

At its meeting on December 17-18, 2019, City Council adopted Official Plan Amendment 478 (OPA 478).

The final report for the Main Street Planning Study can be found here:  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.91>

## **Zoning**

The subject site is zoned I1 D1 (Industrial) under Zoning By-law 438-86, which permits a maximum density of 1 times the area of the lot and a maximum height of 12 metres. This zoning category permits a range of non-residential uses, including community services, retail and service shops, workshops and studios, offices, automobile related uses, warehousing and other light industrial uses.

The City-wide Zoning By-law 569-2013 does not currently apply to this site. This is due to the fact that the uses permitted under 438-86 are industrial, which do not align with the *Mixed Use Area* designation of the property in the Official Plan. Should the application be approved, the property will be brought into 569-2013 by way of a site specific zoning by-law.

## **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>.

## **Draft Growing Up Guidelines: Planning for Children in New Vertical Communities**

On July 4, 2017 City Council directed City Planning staff to use these draft Guidelines in the evaluation of new and under review multi-unit residential development proposals. The Guidelines direct how new development can better function for larger households at three scales: the unit, the building and the neighbourhood.

The Growing Up Guidelines can be found at the following link:  
<https://www.toronto.ca/city-government/planning-development/planning-studiesinitiatives/growing-up-planning-for-children-in-new-vertical-communities>

## Site Plan Control

The proposed development is subject to Site Plan Control. A Site Plan Application has not been submitted.

## COMMUNITY CONSULTATION

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A community consultation meeting was held on September 23, 2019 and was attended by approximately 100 members of the community. Specific comments related to the proposed development included:

- Concerns raised regarding traffic congestion as well as the impact to public transit such as TTC and Metrolinx;
- Concerns raised regarding the provision of parking spaces in relation to the number of units proposed and the impact this could have on on-street parking;
- The proposal will negatively impact light, view, and privacy and create uncomfortable wind conditions;
- The proposed towers are too close to the neighbouring buildings to the east;
- The proposed towers are too tall and do not fit the context of the neighbourhood;
- The proposed towers do not provide an appropriate transition in height to either the low-rise neighbourhood to the east or to the south; and
- Concerns raised regarding impact to community services and facilities, including schools and daycares, as well as impact to accessible open spaces.

## COMMENTS

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The proposed application is located in an area that is a 5-10 minute walk from both the Main Street TTC station and the Danforth GO station. Both provincial and municipal policies direct growth in these areas, provided the lots are large enough to support the intensification, and the built form and public realm fit harmoniously within the existing and planned context. In particular, the Official Plan states that transportation and land use planning will be coordinated and integrated in order to attract more people and jobs to targeted growth areas in the City that are supported by good and affordable transit services (Section 2.2, Policy 1(a)). The Main Street Planning Study, approved through OPA 478, built upon this Official Plan policy, creating the local context for intensification within this area.

While City Planning staff are not opposed to intensification in this area, further refinements to the site organization, built form, and public realm as well as the inclusion of additional non-residential space are required before this proposal can be considered

good planning. Planning staff are willing to work with the applicant to resolve outstanding issues.

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2019). Staff have determined that the proposal is not consistent with the PPS and does not conform to the Growth Plan.

The PPS, and in particular policy 1.1.3.3, encourages intensification and efficient development and redevelopment, recognizing the importance of local context and the availability of infrastructure and public service facilities to meet projected needs.

Section 4.7 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS. The City of Toronto Official Plan has responded by establishing areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

Section 2.2.1, Policy 4 of the Growth Plan (2019) states that applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses; provide a range of and mix of housing options; provide for a high quality compact built form; and a vibrant public realm, including public open spaces.

The Growth Plan (2019) describes complete communities as places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living. These necessities for daily living include an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Section 5.2.5, Policy 6 of the Growth Plan (2019) states that in planning to achieve minimum intensification and density targets as outlined in the Growth Plan (2019), municipalities will develop and implement official plan policies regarding urban design and site design and other supportive documents that direct the development of a high quality public realm and compact built form.

### **Land Use**

The site is designated *Mixed Use Areas*, and is located in the Employment Priority Area of OPA 478.

The proposal includes residential, commercial and institutional uses. The commercial uses are proposed on the ground floor and the institutional use is located on the ground floor and second floor. Provincial Plans and the Official Plan (see Section 2.2 Policy 1(a) and Section 4.5 Policy 2(a) and (b)) speak to attracting more people and jobs to targeted growth areas in the City that are supported by good and affordable transit services. The recently Council-adopted OPA 478 recognizes that Dawes Road has a

predominantly non-residential character, particularly the subject site which does not include any existing residential uses, and identifies it as an Employment Priority Area. New development in Employment Priority Areas are required to provide exclusively non-residential space on the first three floors.

The current zoning (I1 D1) permits only non-residential uses at a height of 12 metres, which is generally three to four storeys depending on floor-to-ceiling heights. In order to respect and enhance the non-residential character of Dawes Road and meet Official Plan policy objectives as well as OPA 478, the proposal should include additional non-residential space in the base of the building. Non-residential uses can include office, commercial, creative industry (e.g. music, arts, "maker spaces"), medical, tourism, cultural, institutional, studio, service, and civic uses, among others. Residential units may be located above the non-residential uses.

The current plans show 1,535 square metres of space dedicated to a community centre. It is City Planning's understanding that this space is to be used by the Royal Canadian Legion and is therefore not a community centre. While the Legion may provide programs for the community at large, the Legion generally requires a paid, exclusive membership. As such, clarity on the architectural plans is required. As well, it appears from the plans that the intent was to include space for a community facility. City Planning supports the inclusion of a community service or facility in this development and would be pleased to discuss this more with the applicant. It should be noted that including a community service or facility would count towards meeting the provision of non-residential space. Such spaces may include non-profit child care or community space for non-profit human service agencies to deliver programs and/or services.

In addition to the space for the Royal Canadian Legion, the proposal also includes retail on the ground floor, which would create an active street frontage along Dawes Road. This activation meets the policies of the OPA 478 specific to active uses to be located along the ground floor of development with frontages along public streets.

### **Site Organization**

The proposal's access to the parking and loading spaces is located off Dawes Road. This organization of the site does not currently meet Official Plan Policy 2 in Section 3.1.2. Policy 2 states that new development will locate and organize vehicular parking, vehicular access and service areas to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces by using shared service areas where possible within development blocks, including public and private lanes, driveways and service courts. Section 4.5, Policy 2(j) further states that development in *Mixed Use Areas* will locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences. Section 2.3 of the Tall Building Design Guidelines also includes a performance standard to locate "back of house" activities, such as loading, servicing, utilities, and vehicle parking, underground or within the building mass, away from the public realm and public view. Lastly, Policy 5.4 of OPA 478 states that developments adjacent to each other are encouraged to share consolidated access points from the public street or public laneways for parking and loading.

In order to meet the policies and the urban design performance standards for tall buildings, the proposal should relocate the vehicular access to the north end of the site, with access from the public laneway. Should this access not be feasible, the southern end of the subject site could be explored, which would require a private access point.

## **Built Form**

### *Base Building*

The Official Plan requires that base buildings of tall building development provide definition and support at an appropriate scale for adjacent streets, parks and open spaces, integrate with adjacent buildings, and minimize the impact of parking and servicing uses (Section 3.1.3, Policy 1a). New development is required to be massed to define the edges of streets, parks and open spaces at good proportion (Section 3.1.2, Policy 4). The Tall Building Design Guidelines include a performance standard that base buildings should be designed to fit harmoniously within the existing context of neighbouring building heights at the street, and to respect the scale and proportion of adjacent streets, parks, and public or private open spaces.

The base building is 18.8 metres in height for the whole length of the site, which has a frontage of approximately 122 metres. Planning staff consider this massing down the long frontage on Dawes Road to be excessive. This base building should be divided into finer grained built forms to create a more sensitive and varied building scale and street frontage that is in good proportion to the street and improves the pedestrian experience.

### *Towers*

The proposal includes two towers at 24 and 30 storeys in a form that is part slab tower (from floors 7-12) and part point tower (from floors 13-30). The current proposal represents a tall building form that is contrary to the Official Plan and the Tall Building Design Guidelines. Section 3.1.3, Policy 1 of the Official Plan states that tall buildings consist of three parts, carefully integrated into a single whole: the base building, the middle (or shaft), and the top. The Tall Building Design Guidelines are consistent with the Official Plan in defining a tall building form as "generally a three-part building composition, consisting of a Base Building, Middle (Tower) and Top."

Generally, tall buildings should be point towers, which the Tall Building Design Guidelines define as a compact and slender tall building form with a typical residential tower floor plate of 750 square metres or less. Further, these towers should be separated by a minimum of 25 metres (Tall Building Design Guidelines, Section 3.2.3). Point towers with appropriate separation distances are designed to meet the following Official Plan policies: Section 3.1.2, Policies 3 (c), (d), (e) and (f); Section 3.1.2, Policy 4; and Section 3.1.3, Policy 1(b) and 2(a), (b), (c) and (d). The current proposal includes four components: the base building (floors 1-6), a portion of the tower with a larger floorplate (floors 7-12), the tower, and the top.

The portion of the towers between floors 7-12 have a larger floorplate than 750 square metres and do not meet appropriate tower setbacks from lot lines or from adjacent existing and/or planned towers. From the east property line, the north tower provides a 5.5 metre tower setback and the south tower provides a 7.5 metre tower setback. Both towers should provide a 12.5 metre setback starting on the seventh floor. From floors 7-12, the north and south tower are separated by 11 metres, whereas the Tall Building Design Guidelines would require a minimum 25 metres of tower separation. As such, the towers should be separated from each other by a minimum of 25 metres starting on the seventh floor. Policy 7.3.7 of OPA 478 also requires that towers be separated from each other by a minimum of 25 metres to allow for improved sky view, privacy and daylighting.

The proposed towers are 24 storeys (77.7 metres, excluding mechanical penthouse) and 30 storeys (95.4 metres, excluding mechanical penthouse) in height. Currently, there is one property in the area that provides an existing and planned context for tall buildings. Main Square is located to the east of the subject site and is a complex with four existing tall buildings and two additional approved tall buildings. These six tall buildings have heights ranging from as low as 15 storeys (46.5 metres) to 32 storeys (87.7 metres).

While Policy 1(a) of Section 2.2 of the Official Plan recognizes this area for additional height and density, the heights proposed do not currently meet the intent of Official Plan policies. The Official Plan states that new developments should transition down to neighbouring existing and/or planned buildings as well as providing a gradual transition in scale and density to low-rise properties designated *Neighbourhoods* (see Official Plan Section 2.3.1 Policy 3; Section 3.1.2 Policy 3; Section 3.1.3 Policy 2; and Section 4.5 Policy 2). As well, OPA 478 includes built form policies and maps, which would situate this property in Character Area C. Character Area C does permit tall buildings, however, the Character Area is further broken down into a Height Peak and two Transition Areas. The Height Peak is located in the southwest quadrant of Character Area C, adjacent to and including Main Square. The subject site is located in Transition Area (Tall), which requires that tall buildings transition down in height from the Height Peak. The reason for this Transition Area is due, in part, to the lower scaled buildings further east from Character Area C. As such, the Transition Area creates a gradual transition down in height which is consistent with Official Plan policies previously discussed.

The proposal also includes wrap-around balconies. When wrap-around balconies are contiguous and wrap the entire tower, the result can be a building envelope that appears much larger than the tower floor plate, even when it meets the 750 square metre maximum size. This is a performance standard outlined in the Tall Building Design Guidelines (Section 3.2.5), which builds upon Section 3.1.2 of the Official Plan. The proposal's floorplates for the towers (from 12 floors and up) is 750 square metres, which is appropriate; however, the wrap-around balconies create the appearance of a larger floor plate which can be mitigated by breaking up the location of balconies.

## **Public Realm**

A key policy in the Official Plan is to maintain and enhance a safe and attractive public realm, which can include public sidewalks, midblock connections and privately-owned

publicly-accessible spaces (POPS) (Section 3.1.1, Policy 5 and 6). This policy is further expressed in the Tall Building Design Guidelines (Section 4.2), which speak to increasing the sidewalk width of new developments. OPA 478 also recognizes the importance of the public realm by indicating where new public parks, POPS and midblock connections may be located to improve the permeability of the area and provide appropriate open space to support existing and planned communities.

The current proposal provides a minimum 6-metre wide sidewalk, the dimension of which meets Section 4.2 of the Tall Building Design Guidelines and OPA 478. However, the base of the building cantilevers over this 6-metre sidewalk on the floors above the ground floor. There should be a minimum of 6-metres of sidewalk width that is clear from any cantilever in order to allow for street trees to grow. Weather protection is encouraged and can be achieved through the use of awnings and canopies. Allowing for a clear 6-metres of sidewalk width will ensure the sidewalk is designed to provide safe, attractive, interesting and comfortable spaces for pedestrians (Section 3.1.1, Policy 6).

Currently, the proposal does not include an open space. Section 3.1.2 Policy 1(d) of the Official Plan states that new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians by including landscaped open space within the development site. Official Plan policies regarding tall buildings specifically state that tall building proposals will address key urban design considerations including providing high quality, comfortable and usable publicly accessible open space areas (Section 3.1.3, Policy 2(e)). Map 4 of OPA 478 indicates that the subject site should also provide a POPS and midblock connection. To meet these policies in the Official Plan, a POPS (privately-owned publicly accessible space) should be provided within the development site. This POPS could be located near or in front of a community space, such as the space for the Legion, and could serve as a forecourt.

Another way in which to enhance the public realm of this development site and the surrounding urban context is to provide a mid-block connection. Section 2.2.3 Policy 2(a)(ii) of the Official Plan speaks to transportation improvements such as improved connections to rapid transit stations. There may be an opportunity to provide a mid-block connection that connects the buildings to the east of the subject site towards Dawes Road, thus allowing improved access to Danforth GO station for residents living along Trent Avenue and the low-rise neighbourhoods further east of Trent Avenue. This mid-block connection could be designed to include soft landscaping and street furniture. The proposal should be revised in the manner discussed in this section to meet the intent of OPA 478.

### **Sun, Shadow, Wind**

The Official Plan requires development to limit shadowing on streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. It also requires new development to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.



The applicant submitted shadow studies which show the extent of the shadow from the proposal on March 21, June 21, September 21 and December 21. On March 21 and September 21, the proposed development shadows properties designated *Neighbourhoods* to the east of the subject site from 3:18 PM to 6:18 PM. On June 21, the proposed development shadows properties designated *Neighbourhoods* to the east of the subject site from 4:18 PM to 6:18 PM. The incremental shadows cast by the proposed development on these neighbourhoods, as well as to Danforth Avenue, will be reduced with a lower building height.

The pedestrian-level wind study submitted with the application concludes that wind conditions will be acceptable for all seasons. Additional wind mitigation will be required for the outdoor amenity space in order to make this space comfortable for sitting throughout the typical use period, defined as the late spring through early autumn. The wind study concluded that wind conditions would be acceptable.

### **Unit Mix**

The proposed development proposes a total of 684 dwelling units: 403 one-bedroom units (59%), 214 two-bedroom units (31%) and 67 three-bedroom units (10%). The Growing Up Guidelines state that multi-unit buildings should include 10% three-bedroom units and 15% two-bedroom units. The proposal exceeds that performance standard. Furthermore, OPA 478 requires that new developments containing more than 80 new residential units will include 10% three-bedroom units and 25% two bedroom units, which the application meets and exceeds. Planning staff support the mix of units.

In addition to a mix of two and three bedroom units, the Growing Up Guidelines also set a range for unit size. Two bedroom units should be a size that ranges from 87 - 90 square metres, and three bedroom units should be a size that ranges from 100 to 106 square metres. The size of the proposal's two bedroom range from 58 to 89 square metres, and the size of the proposal's three bedroom units range from 84 to 115 square metres. There may be opportunities to increase the size of the units so that the proposal provides more larger units in line with the ranges prescribed in the Growing Up Guidelines.

### **Amenity Space**

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents. For mixed-use developments, the Zoning By-law typically requires 2 square metres of indoor amenity space and 2 square metres of outdoor amenity space per residential unit. The application proposes 1,392 square metres of indoor amenity area and 1,392 square metres of outdoor amenity area for a total of 4.07 square metres of amenity space per unit. Planning staff support the amount of amenity space provided.

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

Transportation Services are reviewing the plans and studies submitted by the applicant from a transportation perspective. As of the date of this report, comments have not been received by Transportation Services respecting this application.

## **Servicing**

Engineering and Construction Services are reviewing the plans and studies submitted by the applicant from a servicing perspective. As of the date of this report, comments have not been received by Engineering and Construction Services respecting this application.

## **Open Space/Parkland**

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

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 provision across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Chapter 415, Article III, of the Toronto Municipal Code.

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 9,120 square metres or 189% 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 487 square metres.

As per the Toronto Municipal Code Chapter 415-26 C, Parks, Forestry & Recreation requires the conveyance of lands off-site to satisfy the Section 42 Parkland Dedication requirements. The off-site park should be generally within 800 metres of the subject site and ideally it would expand an existing park or create a new park in a suitable location. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation and would be subject to this Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

## **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 including those related to automobile infrastructure, building envelope, cycling Infrastructure, storage and collection of recycling, and organic waste. Additional performance measures for Tier 1, such as energy performance and building materials, will be secured through a future site plan application

Other applicable TGS performance measures will be secured as part of the site plan application stage of the development review process.

### **Section 37**

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant.

Planning staff has not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to staff's concerns with the proposed development as addressed in this report. In the event the LPAT grants additional density and/or height beyond that which is permitted in the current Zoning By-law, the City will request that the LPAT withhold its final order until the City has an agreement with the applicant to secure the appropriate community benefits.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), Growth Plan (2019), and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2014) and does not conform to the Growth Plan (2019). Furthermore, the proposal does not conform to the Toronto Official Plan, particularly as it relates to built form, land use, and the public realm. While Planning staff are supportive of intensification in this area, revisions to the site organization, massing and scale of the towers, and to the public realm are required before the application can be considered to represent good planning.

Staff are recommending the appeal of the Zoning By-law Amendment application for 9-25 Dawes Road be opposed at the LPAT and that staff continue discussions with the applicant to address the issues outlined in this report.

### **CONTACT**

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E-mail: [George.Pantazis@toronto.ca](mailto:George.Pantazis@toronto.ca)

## **SIGNATURE**

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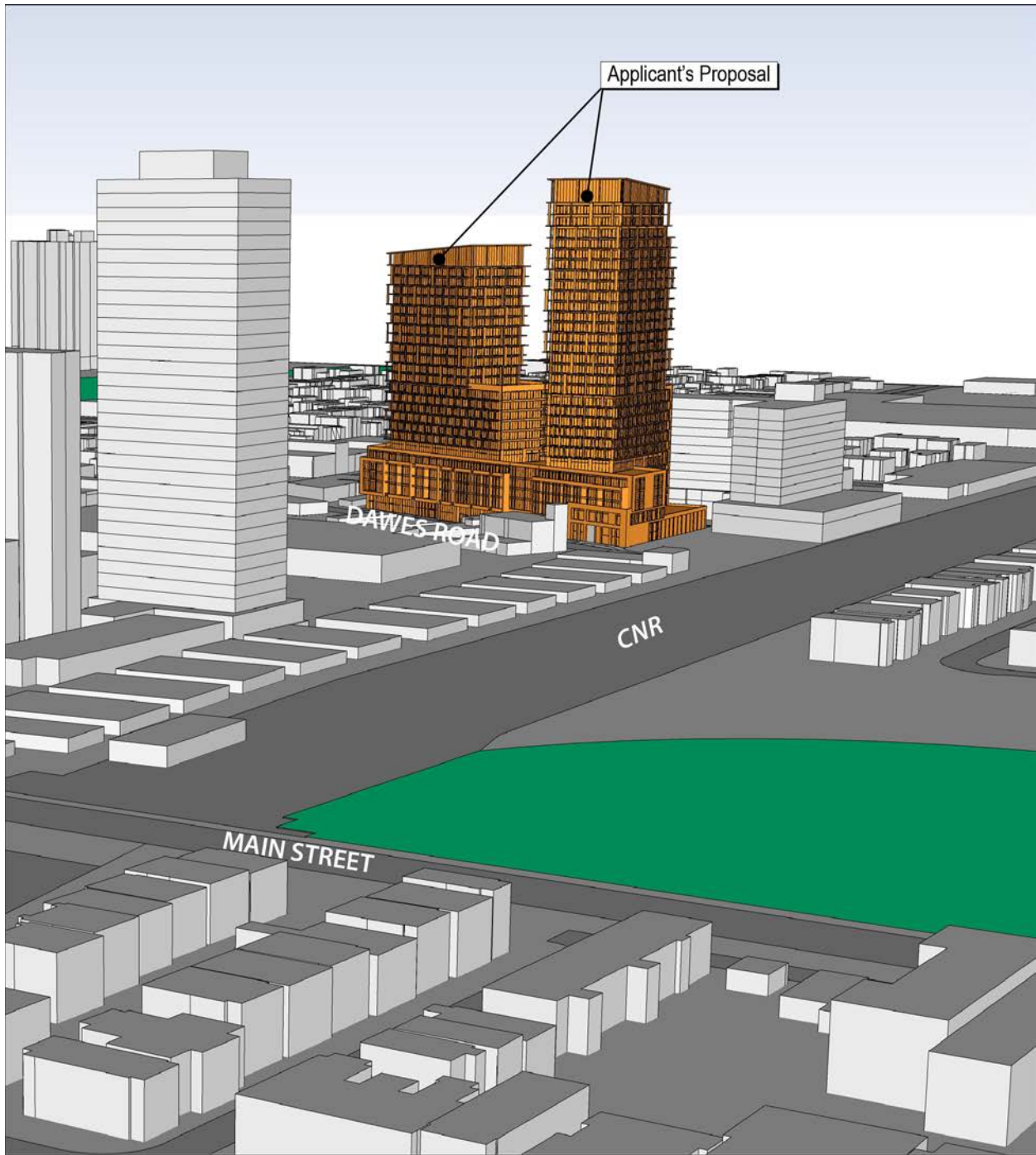
Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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Attachment 1: 3D Models of Proposal in Context  
Attachment 2: Location Map  
Attachment 3: Official Plan Map  
Attachment 4: Site Plan  
Attachment 5: West Elevation  
Attachment 6: North Elevation  
Attachment 7: South Elevation  
Attachment 8: Application Data Sheet

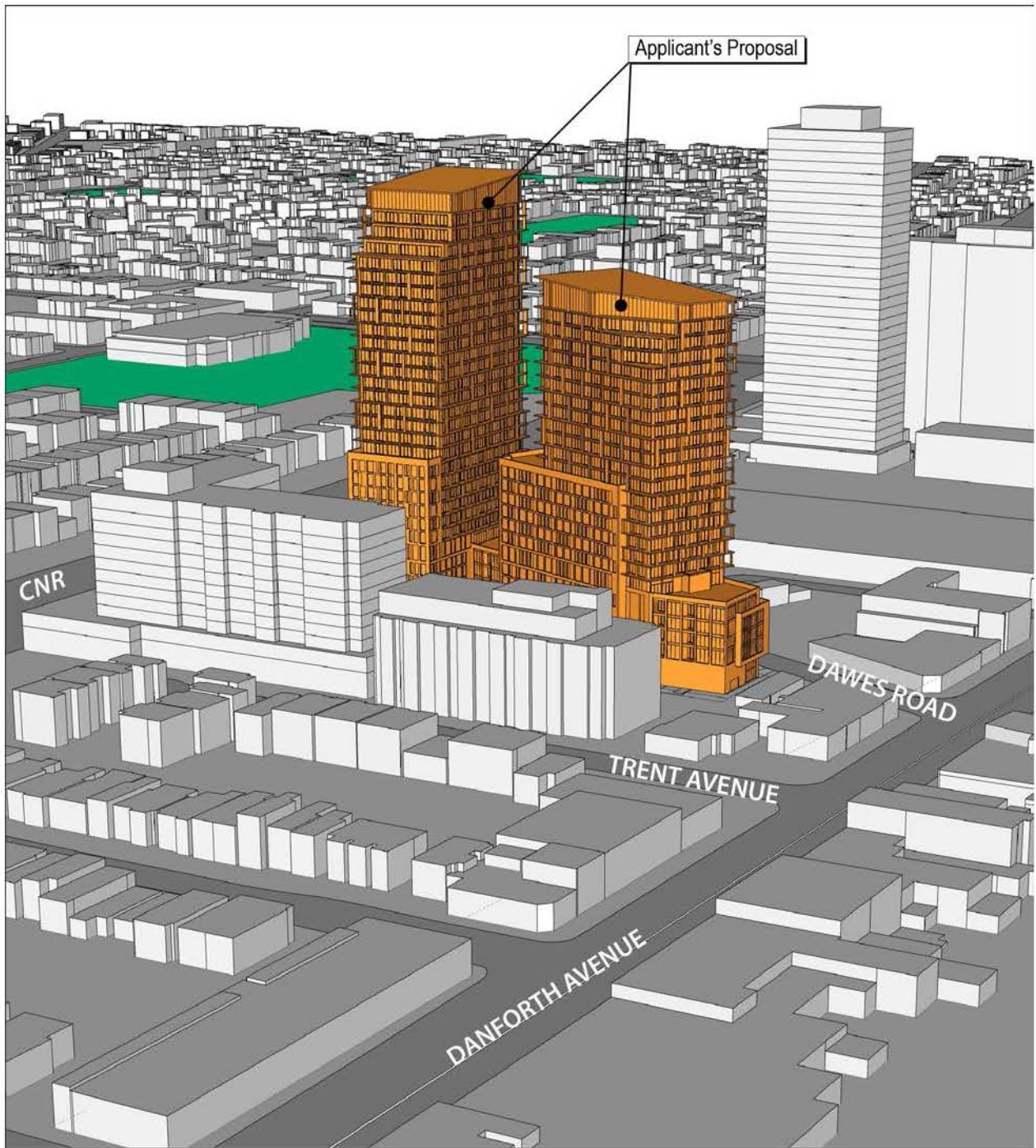
Attachment 1: 3D Model of Proposal in Context



View of Applicant's Proposal Looking Northeast



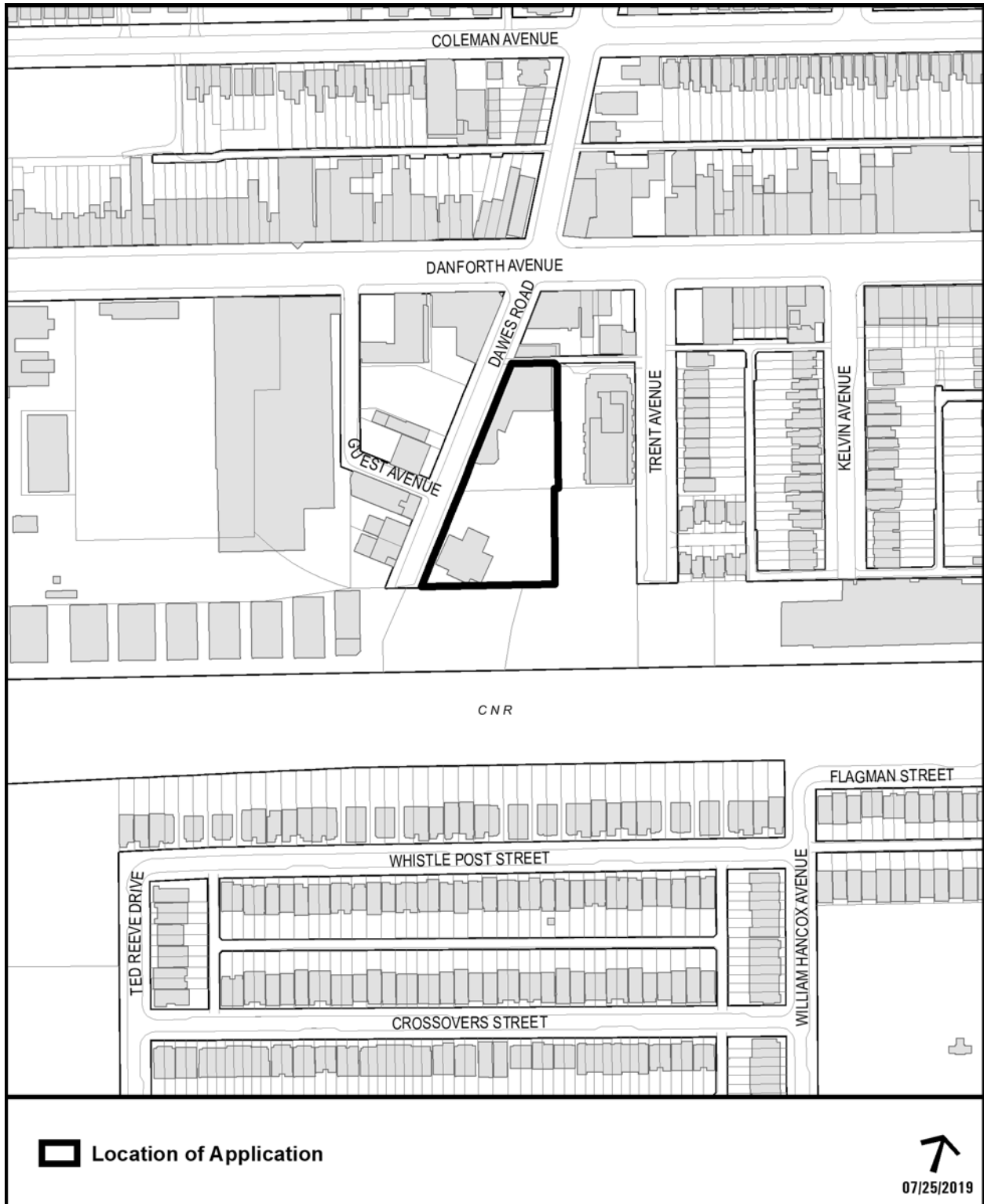
07/26/2019



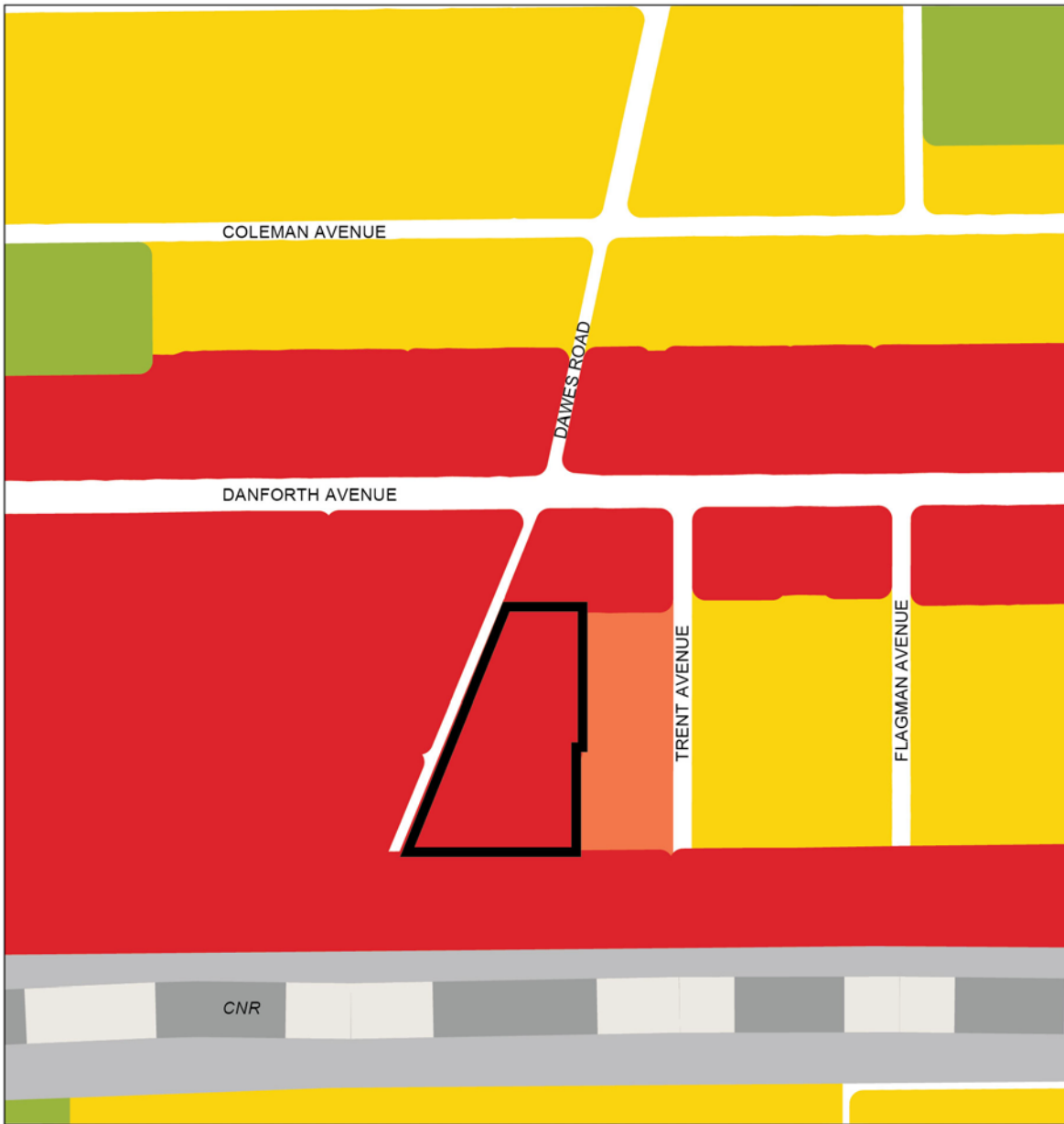
**View of Applicant's Proposal Looking Southwest**

  
07/26/2019

## Attachment 2: Location Map










# Attachment 3: Official Plan Map



Official Plan Land Use Map #20

9 and 25 Dawes Road

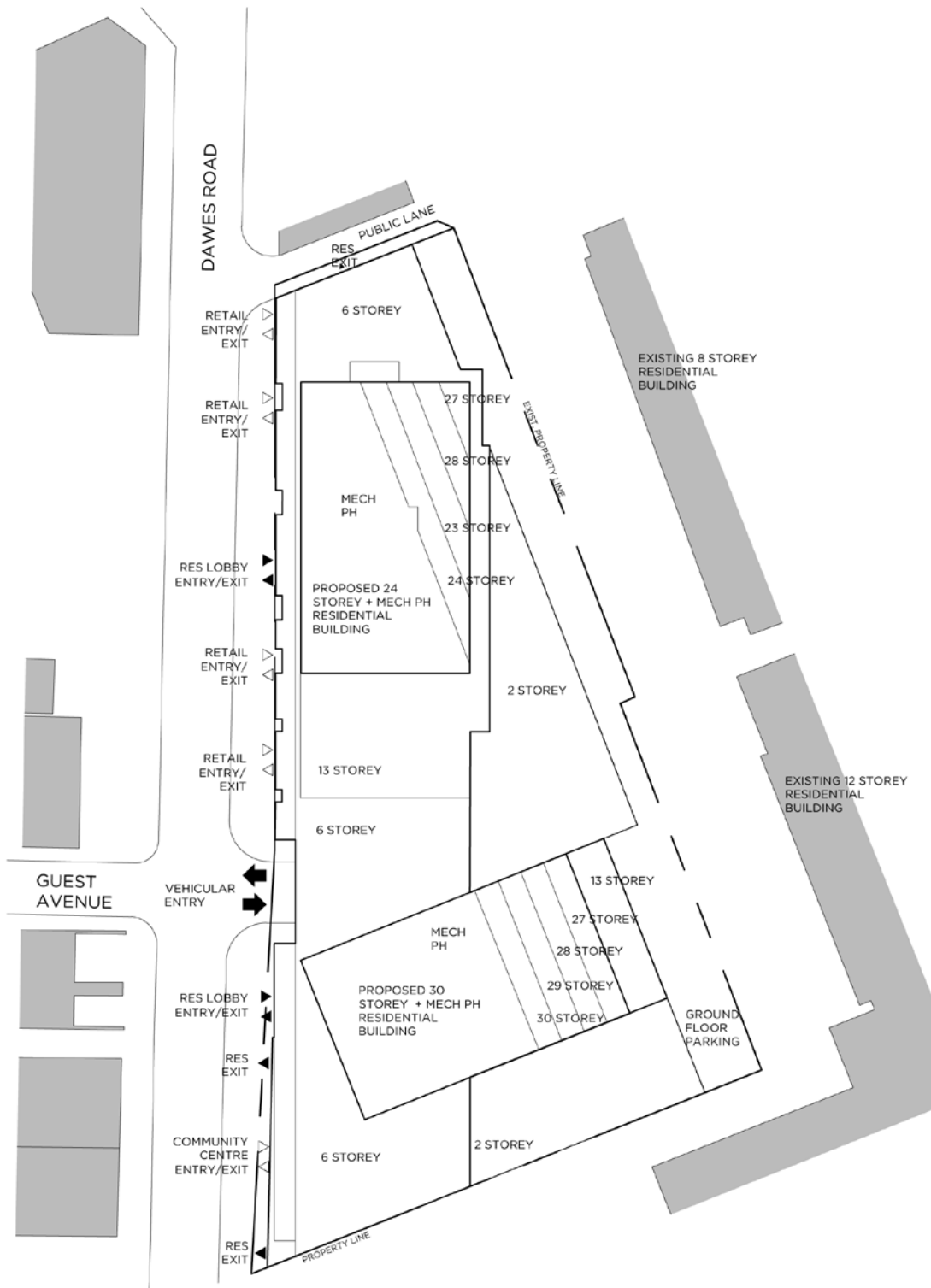
File # 19 186473 STE 19 0Z

- |  |  |   |
|--|--|---|
|  Location of Application  |  Parks & Open Space Areas |  Utility Corridors |
|  Neighbourhoods           |  Parks                    |   |
|  Apartment Neighbourhoods |  |   |
|  Mixed Use Areas          |  |   |

↑  
Not to Scale  
07/25/2019



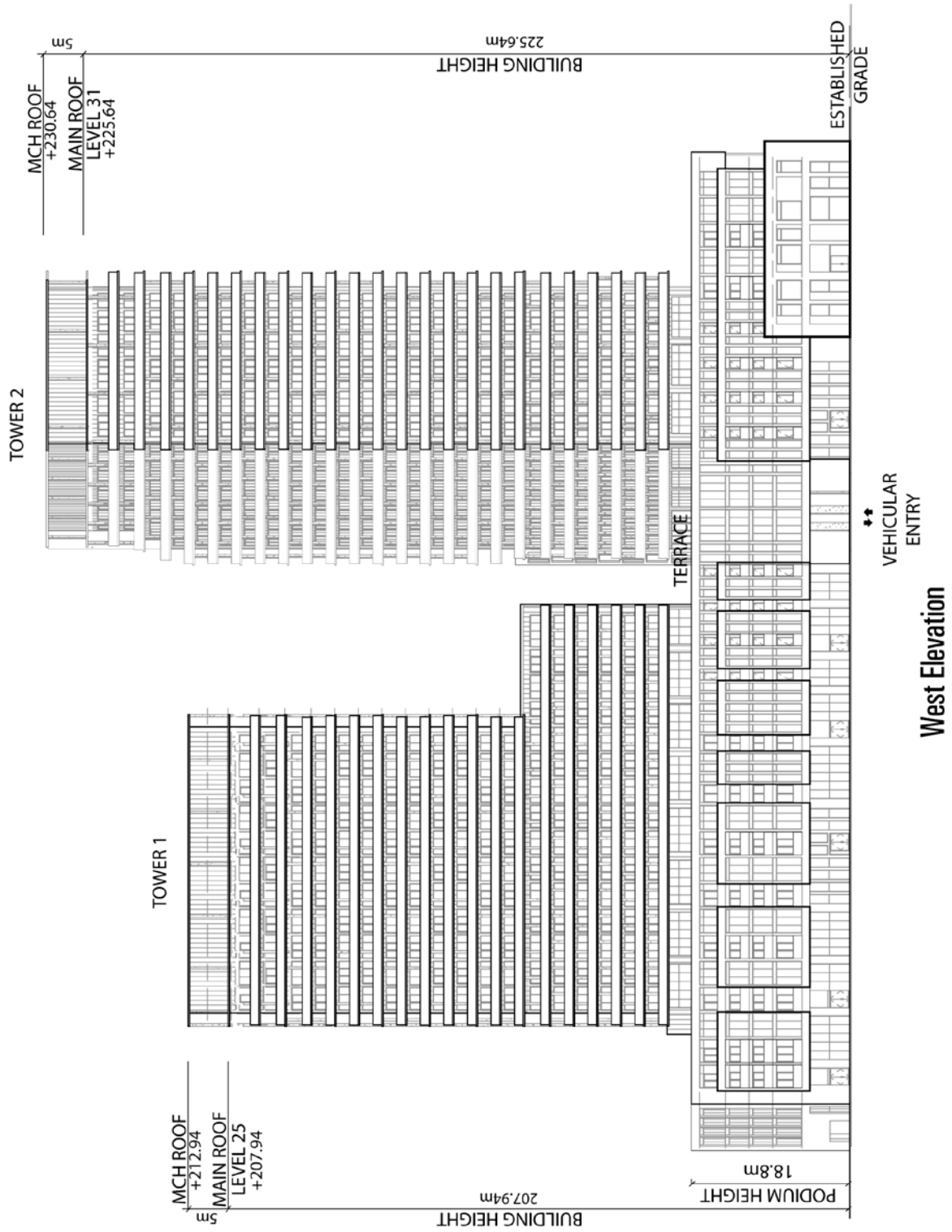
# Attachment 4: Site Plan



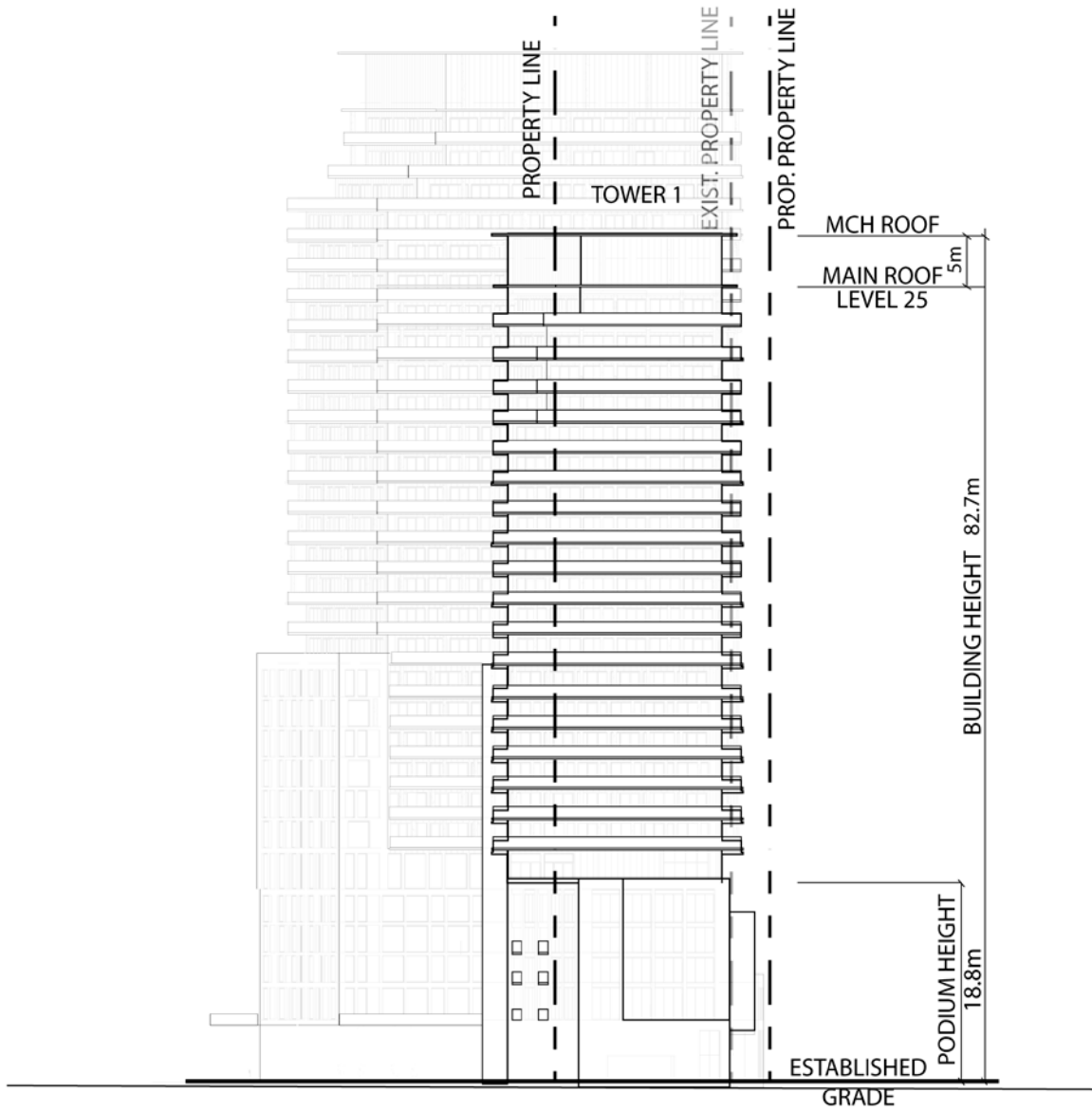
Site Plan



# Attachment 5: West Elevation

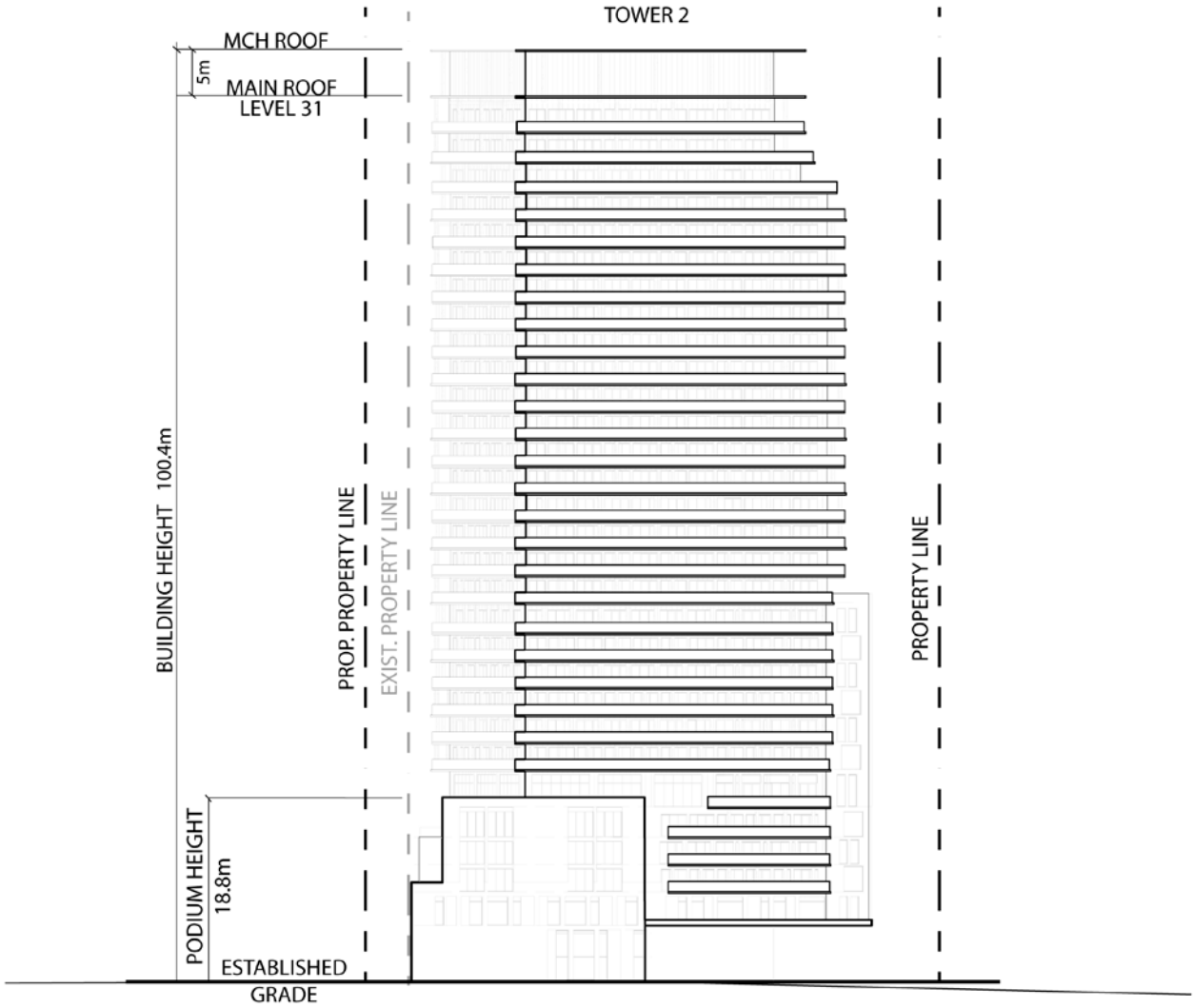


# Attachment 6: North Elevation



North Elevation

# Attachment 7: South Elevation



South Elevation

## Attachment 8: Application Data Sheet

Municipal Address: 9-25 Dawes Road Date Received: July 10, 2019

Application Number: 19 186473 STE 19 OZ

Application Type: OPA / Rezoning, Rezoning

**Project Description:** This application proposes to amend the Zoning By-law for the property at 9 & 25 Dawes Road to permit two towers atop a shared base building which comprises residential, retail, office and day care uses. The North Tower would be 24 storeys (77.7 metres, excluding mechanical penthouse) whereas the South Tower would be 30 storeys (95.4 metres, excluding mechanical penthouse). Together, a total of 684 units are proposed: 403 one-bedroom units (59%), 214 two-bedroom units (31%) and 67 three-bedroom units (10%). The proposal has a total gross floor area (GFA) of 46,498 square metres (44,487 square metres of residential GFA, 2,011 square metres of non-residential GFA). The floor space index (FSI) of the proposed development is 9.2 times the area of the lot.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC.	BOUSFIELDS INC.	RAW DESIGN	9 DAWES DEVELOPMENT INC.

### EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: N/A

Zoning: I1 D1 (ZBL 438-86) Heritage Designation: N/A

Height Limit (m): 12 metres Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 5,036 Frontage (m): 122 Depth (m): 68

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			1,860	1,860
Residential GFA (sq m):			44,487	44,487
Non-Residential GFA (sq m):			2,011	2,011
Total GFA (sq m):			46,498	46,498
Height - Storeys:	2		30	30

Height - Metres: 95 95

Lot Coverage Ratio 36.93 Floor Space Index: 9.23  
(%):

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	44,487	
Retail GFA:	476	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:	1,535	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			684	684
Other:				
Total Units:			684	684

#### Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		84	319	214	67
Total Units:		84	319	214	67

#### Parking and Loading

Parking Spaces: 270 Bicycle Parking Spaces: 686 Loading Docks: 2

#### CONTACT:

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