

900 Dufferin Street – Official Plan Amendment and Zoning By-law Amendment – Request for Directions Report

Date: June 25, 2020

To: Toronto and East York Community Council

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

Ward 9 - Davenport

Planning Application Number: 19 184841 STE 09 OZ

SUMMARY

This Official Plan and Zoning By-law Amendment application proposes a large-scale redevelopment of the north end of the Dufferin Mall property, comprised of four towers (ranging from 14 storeys to 39 storeys) within two development blocks, a new private street and a public park. The application includes 1,135 dwelling units, all which of are proposed to be rental in tenure. A total of 736 parking spaces (329 residential and 407 commercial) will be provided within three levels of underground parking, which extends beneath the entire site and connects to the existing parking garage for the mall.

The application was deemed complete on July 8, 2019. Both the Official Plan and Zoning By-law amendment applications were appealed to the Local Planning Appeal Tribunal (the "LPAT") on February 7, 2020 due to the City's failure to make a decision within the prescribed time period set out in the Planning Act. The case management conference was scheduled for April 17, 2020, and was subsequently adjourned by the LPAT due to the provincial Emergency Order pursuant to Ontario Regulation 73/20.

This report recommends that the City Solicitor, together with City Planning staff, and other appropriate City staff, attend the LPAT in opposition to the current proposal. As proposed, the application is not consistent with the Provincial Policy Statement (2020), does not conform to the Growth Plan (2019), and does not conform to the City's Official Plan. Staff are recommending that discussions continue with the applicant to resolve the issues identified in this report and the working group process initiated by the local Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and other appropriate staff, to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan and Zoning By-law Amendment (19 184841 STE 09 OZ) applications in their current form.
2. City Council direct City Staff to continue to discussions with the applicant in an attempt to resolve the outstanding matters as identified in this report and require the applicant submit a Master Plan for the entire Dufferin Mall lands to address matters such as public streets, building placement and location, parks and open space, community services and facilities, and other matters as identified in this Report.
3. In the event the Local Planning Appeal Tribunal allows the appeal, in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its final Order on the Official Plan and Zoning By-law Amendments until:
 - a) draft Official Plan and Zoning By-law Amendments are provided in a form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;
 - b) the owner has entered into a Section 37 agreement with the City that has been executed, and registered on title to the property all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor securing such community benefits to be provided under the authority of Section 37 of the Planning Act;
 - c) the owner has submitted a revised Functional Servicing Report, including confirmation of water and fire flow, sanitary and storm water capacity, Storm Water Management Report and Hydro-geological Report (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - d) the implementation of the Engineering Reports that are accepted by the Chief Engineer and Executive Director, Engineering and Construction Services either does not require changes to the proposed amending By-law or any such required changes have been made to the proposed amending By-law to the satisfaction of the Chief Planner and Executive Director, City Planning, the City Solicitor and the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e) secured the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that

improvements or upgrades and/or new infrastructure are required to support the development; and

- f) the owner has submitted a revised Transportation Impact Study acceptable to, and to the satisfaction of, the General Manager, Transportation Services;

4. Should the Local Planning Appeal Tribunal approve the applications, City Council direct the City Solicitor to advise the LPAT that the zoning by-law should not be approved without the provision of such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be considered appropriate by the Chief Planner in consultation with the applicant and the Ward Councillor.

5. City Council authorize the City Solicitor and appropriate City staff to take such necessary steps, as required, to implement City Council's decision.

FINANCIAL IMPACT

City Planning confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

A Preliminary Report on the combined Official Plan and Zoning By-law Amendment application was adopted by Toronto and East York Community Council on January 8, 2020, authorizing staff to conduct a community consultation meeting. The link to the preliminary report can be found here:

<https://www.toronto.ca/legdocs/mmis/2020/te/bgrd/backgroundfile-141191.pdf>

Pre-Application Consultation

A pre-application meeting with the applicant was held on March 28, 2019 to identify key issues with the proposal and complete application submission requirements. City staff requested that the applicant bring forward a comprehensive redevelopment plan that addresses the long-term potential of the entire mall site. Staff also raised concerns about the proposed heights, compatibility and transition to the surrounding existing and planned context, proposed park location, public roads and active transportation network, loading areas, improvements to the public realm and landscaping

PROPOSAL

Application Description

The applicant proposes to amend the Official Plan and Zoning By-law to permit two new development blocks (East Block and West Block). The proposed East Block includes two towers (14 and 23 storeys) connected by an 8-storey podium with retail at-grade. The West Block consists of two towers (35 and 39 storeys) on a base building which ranges from 1 to 5 storeys in height. An expansion of the Dufferin Mall is planned for the West Block, where the internal corridor of the mall will extend northward within two new floors of retail. The West Block will also include a new entrance to the mall.

A total of 1,135 residential units are proposed for both development blocks, all of which are proposed as rental in tenure. The total new gross floor area proposed in the application is 102,721 m².

The two development blocks are divided by a new private street, which provides a connection between Dufferin Street and Croatia Street through the site. The north-south segment of the street jogs slightly to accommodate the existing footprint of the mall. The street curves east at the south end of the site to align with a signalized driveway entrance off Dufferin Street. Designed with rolled curbs, bollards and planters to distinguish pedestrian zones, the private street is proposed to be a semi-shared space between pedestrians and vehicles.

The application includes an on-site parkland dedication of 1,561m². The proposed public park is located south of the East Block development along Dufferin Street.

A total of 736 parking spaces (329 residential and 407 commercial) will be provided within three levels of underground parking, which extends beneath the entire site, with the exception of the proposed public park. The proposed below-grade parking will be connected to the mall's existing underground parking to the south. Commercial parking is accessed on the west side of the private road and residential parking from the south side of Croatia Street. The applicant is currently in discussions with the owners of the development site to the north (1141 Bloor Street West and 980 Dufferin Street) to secure a pedestrian connection to the Dufferin Subway Station at the P1 level of the parking garage. Any below grade pedestrian connection would require authorization and approval from the City, at no cost to the City, as Croatia Street bisects the development site to the north and this site. A total of 1,198 bicycle parking spaces are proposed between both development blocks.

Two centralized loading areas are proposed in the application, one in each development block. The West Block loading area (consisting of 3 Type B and 2 Type A loading spaces) consolidates a portion of the existing commercial loading which takes place along the service lane on the west side of the mall. The East Block loading area (consisting of 1 Type G and 1 Type B loading space) is located within a passenger pick-up and drop-off area, with a servicing lane which allows vehicles to exit onto Croatia Street.

The table below provides some key statistics for the application:

Category	East Block Development	West Block Development	Total for Site
Proposed Residential GFA	32,901 m ²	56,798 m ²	89,985 m ²
Proposed Non-Residential GFA	2,142 m ²	9,497 m ²	12,736 m ²
Total GFA	35,043 m ²	66,295 m ²	102,721 m ²
Floor Space Index (FSI)*	-	-	6.58
Number of storeys (metered height, incl. mechanical)	14 storeys (54.9 m) 23 storeys (82.4 m)	39 storeys (131.4 m) 35 storeys (119.1 m)	-
Total Residential Units	413	722	1,135
Studio	45	72	117
1 Bedroom	165	287	452
2 Bedroom	169	292	461
3 Bedroom	34	71	105

*The site area for the FSI calculation is 15,612 m², which includes only the north portion of the mall site that is subject to this application.

Detailed project information, including plans and reports submitted with the application, may be found on the City's Application Information Centre at:
<http://app.toronto.ca/AIC/index.do?folderRsn=FaDhXd6XNIBjz1AHtkDp8Q%3D%3D>

See Attachments 10 and 11 of this report for three dimensional representations of the project in context, Attachment 2 for the location map, Attachment 5 for the proposed site plan drawing, Attachments 6 to 9 for building elevations and Attachment 1 for the application data sheet.

Site and Surrounding Area

This application applies to the north portion of the Dufferin Mall site, which is a 1.5 hectare (3.0 acres) area currently comprised of surface parking, the north wing of the shopping centre and a standalone drive-through restaurant. The development site has

a frontage of approximately 125 metres along Dufferin Street and 200 metres along Croatia Street. Our Lady Queen of Croatia Church, located at 7 Croatia Street, is not included as part of the application. The Dufferin Mall property has an overall site area of 8.54 hectares (21 acres).

The site is surrounded by the following uses:

North: Immediately north is lands owned by the Toronto District School Board, which includes Bloor Collegiate Institute (1141 Bloor Street West) and the former Kent School (980 Dufferin Street). The school buildings on these lands were deemed surplus and a large-scale development has been approved on the site (File No. 17 237256 STE 18 OZ). The proposal consists of 6 development blocks, with buildings ranging from 8-37 storeys in height, a City-owned Community Hub and affordable rental building, a new public street and a public park along the north side of Croatia Street. City Council supported a revised proposal for the site and the Tribunal subsequently approved the proposal in principle and withheld its order. The Official Plan Amendment 489 for the site is in force and in effect through By-law 123-2020.

Further north on Bloor Street West is a 2-storey place of worship (Dovercourt Baptist Church), Dufferin Subway Station, and a 14-storey retirement home building (New Horizons).

South: Immediately south is the remainder of the Dufferin Mall property, which includes surface parking and an above-grade garage, as well as major anchor retailers such as Walmart and No Frills grocery store. South of the mall site is a residential neighbourhood comprised of 2 and 3-storey detached and semi-detached residential buildings.

East: On the east side of Dufferin Street are 2 to 3-storey detached and semi-detached residential buildings, a 15-storey residential apartment building and Dufferin Grove Park.

West: To the west of Dufferin Mall is Brockton Stadium, as well as the site of the recently demolished Brockton High School, which is subject to an application by the TDSB for a replacement high school (File No. 18 126273 STE 18 SA). Further west is Brock Avenue, with 2 and 3-storey detached and semi-detached houses fronting the street.

Reasons for Application

An amendment to former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013 is required to delineate the location of the development blocks, road and public park. The zoning by-law amendment will also create performance standards to facilitate the development, including, but not limited to: maximum permitted height, density, setbacks and parking.

The applicant has requested an amendment to the Official Plan to address implementation issues that may arise with the development. The draft Official Plan

Amendment submitted with the application proposes a site and area specific policy for the lands which permits a new neighbourhood, consisting of two development blocks, tall buildings, a private street and a public park.

POLICY CONSIDERATIONS

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 of Ontario. This framework is implemented through a range of land-use controls such as zoning by-laws, plans of subdivision and site plans.

The Planning Act

Section 1.1 of the *Planning Act* identifies the purposes of the Act including providing for a land use planning system led by provincial policy, integrating matters of provincial interest in provincial and municipal planning decision and recognizing the decision-making authority and accountability of municipal councils in planning.

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regard regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- the conservation of features of significant cultural, historical or archaeological interest;
- the supply, efficient use, and conservation of energy and water;
- the minimization of waste;
- the orderly development of safe and healthy communities;
- the protection of the financial and economic well being of the Province and its municipalities;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, support public transit, and be oriented to pedestrians; and
- the promotion of 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.

Decisions made by an approval authority must have regard for the *Planning Act*.

The Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) (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;
- Identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- 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 4.6 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 provincial 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 to 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 to 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 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, and the delineation of strategic growth areas, for 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;
- Public service facilities and public services should be co-located in Community Hubs, and integrated to promote cost-effectiveness.
- Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.
- 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 to the Growth Plan (2019). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform to the Growth Plan (2019).

Staff have reviewed the proposed development for consistency with the PPS (2020), and for conformity with the Growth Plan (2019). The outcome of staff analysis and review is summarized in the Comments section of the Report.

Toronto Official Plan

The Official Plan provides policies and a strategy for managing future growth within the City. The Official Plan directs growth towards the *Downtown, Centres, Avenues and Employment Areas*. This site is not located in one of the City's identified growth areas on Map 2 of the Official Plan.

The Official Plan designates the subject site as *Mixed Use Areas* on Map 18 - Land Use Plan (see Attachment 3). *Mixed Use Areas* anticipate a broad array of residential uses, offices, retail services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. Consistent with Policy 4.5.2 of the Official Plan, new development in mixed use areas will:

- create a balance of uses that reduce automobile dependency and meet the needs of the local community;
- be massed in a way that provides a transition between areas of different development intensity and scale;
- be located in a manner that frames the edges of streets and parks;
- provide an attractive, comfortable and safe pedestrian environment; and
- take advantage of nearby transit services.

Healthy Neighbourhoods

The Healthy Neighbourhoods policies of the Official Plan (Section 2.3.1) require new development within *Mixed Use Areas* to provide a gradual transition of scale and density. This may be achieved through maintaining adequate light and privacy and the stepping down of buildings towards stable areas of the city including the neighbourhoods and parks located to the north, east and west of the site.

Public Realm

The public realm policies in section 3.1.1 of the Official Plan place emphasis on the importance of good design in creating a great city. The Official Plan promotes new development that enhances the quality of the public realm including, streets, sidewalks, parks, public spaces and the buildings that frame and define these spaces.

Built Form

Section 3.1.2 of the Official Plan, ensures that new development is located and organized to fit within the existing and/or planned context of the neighbourhood. New development is to be massed and designed to fit harmoniously into its existing and planned context, including framing adjacent streets and creating appropriate transitions in height and scale.

The Official Plan also provides specific direction on the built form of tall buildings. Policy 3.1.3.2 provides that tall buildings will address key urban design considerations, including: meeting the general built form principles of the Official Plan; reinforcing the overall City structure; addressing the relationship to the existing and planned context;

addressing the relationship to topography and other tall buildings; the provision of quality, comfortable and usable publicly accessible open space areas; and meeting other goals and objectives of the Official Plan.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1.3 provide additional direction on how they fit into the existing and planned context and how they are designed. Policy 2 requires that tall building proposals address key urban design considerations that include: demonstrating how the proposal will contribute to and reinforce the overall City structure; 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.

Housing

Policy 3.2.1.9 of the Official Plan requires that the development of large sites (sites greater than 5 hectares) where an increase in height and/or density is sought, in accordance with Policy 5.1.1 of the Official Plan, that “the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable housing”.

Community Services and Facilities

The Official Plan requires the effective and co-ordinated planning, involvement of all human services sectors, and investment in comprehensive social infrastructure. Policy 3.2.6 requires community services strategies and implementation mechanisms for all new neighbourhoods and mixed use sites generally larger than 5 hectares in order to inform the range of facilities needed to support development.

Transportation

Policies 2.4.3 and 2.4.4 of the Official Plan states that planning for new development will be undertaken in the context of reducing auto dependency and creating a multi-modal approach to address the transportation demands and impacts of new development. The Official Plan also requires subway stations and underground light rail transit stations to be integrated into new multi-storey developments where feasible.

Parks and Open Spaces

The City's parks, open spaces and natural areas are an integral part of our quality of life and social well-being. For sites greater than 5 hectares in area, Policy 3.2.3.5 requires the dedication of land for parks up to 20 per cent of the land area (as determined based on local parkland needs and based on the alternative Parkland Dedication By-law No. 1020-2010). In addition, for sites greater than one hectare, dedication of land for parks purposes is preferred over payment of cash-in-lieu of an on-site parkland dedication.

New Neighbourhoods

The Official Plan requires a comprehensive planning framework for areas to be developed as a new neighbourhood. New neighbourhoods will be carefully integrated

into the surrounding fabric of the city. Policy 3.3.1 identifies the elements that should be considered when developing a comprehensive planning framework and includes identifying the pattern of streets, development blocks, open spaces, the mix and location of land uses, a strategy to provide community services, and a strategy for the provision of affordable housing.

Section 37

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 proposal meets the Official Plan's threshold for Section 37 considerations, as it has a gross floor area in excess of 10,000 square metres. Accordingly, this development proposal would be subject to the Section 37 policies of the Official Plan should City Council approve the application.

All other relevant Official Plan policies will be considered in the evaluation of this development proposal. The policies of the Official Plan are intended to be read as a comprehensive whole.

The Plan can be found here:

http://www.toronto.ca/planning/official_plan/introduction.htm

Official Plan Amendments : Built Form, Public Realm Policies

On December 17, 2019, City Council adopted Official Plan Amendment No. 479 regarding public realm ("OPA 479") and Official Plan Amendment No. 480 regarding built form ("OPA 480") to Section 3.1.1, Public Realm, Section 3.1.2, Built Form and Section 3.1.3, Built Form - Tall Buildings, of the Official Plan as part of the Five Year Review of the Official Plan pursuant to Section 26 of the *Planning Act*.

OPA 479 and OPA 480 strengthen the existing public realm and built form policies and provide greater clarity through new policies that describe the public realm, built form and built form types. The policies reflect the continuous evolution of the application of urban design principles to achieve critical city-building objectives, defining the roles and relationships of the public realm and new development to ensure that buildings and their surrounding public spaces work together to achieve a high standard of design and help create a high quality of life for people of all ages and abilities.

The Official Plan continues to recognize that the public realm is the fundamental organizing element of the city and its neighbourhoods and plays an important role in supporting population and employment growth, health, liveability, social equity and overall quality of life. Each element of the public realm has its own roles and responsibilities. When designed together, these elements form a well-connected, walkable, attractive, safe, functional and accessible network which supports communities at a range of scales and characters. The policies continue to emphasize the importance of promoting a connected grid-like street network that promotes complete communities, supporting active transportation and transit use, that provides a high quality of life, among other matters.

The Official Plan continues to recognize the importance of the integration and interface between the public realm and how development fits within its existing and planned context. Principles such as site organization, fit into the existing and planned context, building massing, transition and scale, good street proportion and encouraging a mix of building types continue to be reflected and emphasized through the OPA 479 and OPA 480.

Design Guidelines

Policy 5.3.2.1 of the Official Plan also contemplates that City Council will adopt guidelines to advance the vision, objectives and policies of the Plan.

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 guidelines can be accessed through this link:

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

All buildings proposed in this application are tall buildings by definition. The application, therefore, will be reviewed against the standards of the City's Tall Buildings Guidelines to ensure, amongst other design and performance criteria, appropriate overall heights and podium heights, setbacks from the street edges to achieve a quality public realm, and stepbacks from the base buildings of the tower components to provide a human-scaled built form environment at the pedestrian level, and minimum separation distances to ensure sunlight and sky views within, and toward, the site.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft 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 to strive to ensure developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building, and unit scale. The Council Decision and draft Guidelines are available on the City's website at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>,

The draft Guidelines were considered in the review of this proposal.

Pet Friend Design Guidelines for High Density Communities

City Planning has completed Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings. The purpose of this document is to guide new development in a direction that is more supportive of a growing pet population, considering opportunities to reduce the current burden on the public realm through the provision of pet amenities

in high density residential communities. These Guidelines provide direction on the size, location and layout of pet friendly facilities, while identifying best practices to support pet friendly environments at the neighbourhood, building and unit scale. The Guidelines are available on the City's website at:

<https://www.toronto.ca/wp-content/uploads/2019/12/94d3-CityPlanning-Pet-Friendly-Guidelines.pdf>

The outcome of staff analysis and review of relevant Official Plan policies and design guidelines are further discussed in the Comments section of the Report.

Zoning

The site is zoned Commercial Residential (CR T3.0 C3.0 R1.0) in both the former City of Toronto Zoning By-law 438-86 and City of Toronto Zoning By-law 569-2013. This zoning category permits a broad range of residential, commercial and institutional uses. The site has a maximum height permission of 16 metres and maximum density of 3.0 times the area of the lot.

Under Zoning By-law 569-2013, the property is subject to site-specific zoning exception 1335, which prescribes minimum parking requirements and permits the total gross floor area of all eating establishments to exceed 400 m², provided that no single eating establishment exceeds 400 m² in size.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application has not yet been submitted.

Community Consultation

Pre-application

The applicant initiated a number of public engagement initiatives prior to the formal submission of this application to the City. Two public open houses have been held by the applicant. The first open house was held on January 21, 2019 at Bloor Collegiate Institute to introduce the project and outline preliminary development directions. A second open house was held at St. Mary Catholic Academy on April 2, 2019 to present more detailed concepts for the proposed development, the new public park and street through the site.

In addition to public meetings, the applicant has installed a kiosk at Dufferin Mall to share information on the proposal and receive feedback on the proposal through comment cards. Primaris, the owner of the Dufferin Mall site, has launched a project website as a digital engagement tool, which may be accessed here:

<https://dufferingrovetillage.ca/>

Post-application

City Planning, along with the local Ward Councillor, hosted a community consultation meeting on February 24, 2020 at St. Wenceslaus Church (496 Gladstone Avenue). Approximately 100 members of the public attended. In anticipation of the large number of residents attending, a roundtable discussion format was selected for the meeting instead of the typical town hall-style format. Residents were provided information sheets and visual references of the proposal for the roundtable discussions, and facilitators from City Planning were available to answer questions during exercise.

Comments and concerns from the community meeting, as well as feedback received in writing through email and the City's Application Information Centre, is summarized below:

- the need to prioritize affordable rental housing in the proposal, including larger two and three bedroom units for families;
- concerns over the proposed height and density of the buildings, and resulting shadow impacts on the surrounding neighbourhood and parks;
- a deficit in community space and social services in the area, including daycares;
- the lack of affordable studio space for art and cultural workers living in the area;
- traffic impacts from the proposed development, including traffic infiltration on local neighbourhood streets such as Brock Avenue;
- concern that the location of the proposed loading facilities will compromise pedestrian safety and negatively impact the public realm;
- the TTC's ability to accommodate increased demand resulting from the proposal both at the Dufferin Subway Station and along the Dufferin Street bus route, both of which were described as being "over-capacity";
- incorporating cycling routes through the development which connect to existing networks in the area;
- the deficient size of the proposed public park;
- the capacity of local schools to accommodate the increased population in the area;
- the desire for public realm and streetscape improvements which expands the tree canopy in the neighbourhood;
- support for sustainability measures (i.e. solar panels, green roof, geothermal energy etc.) to be incorporated as part of the building design; and
- the need for pet amenities to be included as part of the proposal.

The local Ward Councillor has initiated a working group process to provide additional community input on the proposal. The working group will consist of approximately 17 members with representation from local stakeholder groups and members of the wider community. Each working group session will be centred around a topic, which will be determined and scoped according to the priorities identified in the initial session. Staff will take the feedback received from the working group process into consideration when working with the applicant through the appeals process.

COMMENTS

As detailed in the preliminary report adopted by Toronto East York Community Council on January 8, 2020, the application is not supportable in its current form due to overall fit within the existing and planned context, transition to surrounding low-rise neighbourhoods and shadow impacts on nearby parks and schools. Although staff have held a number of meetings with the applicant to explore potential built form alternatives, a revised proposal has not been provided by the applicant for evaluation.

The current proposal also needs to be reviewed in the context of a master plan for the entire Dufferin Mall property, which has an overall site area of 8.54 hectares. The master plan was identified as a requirement by staff to understand how the proposal would fit within a future block plan, street grid and open space network as the mall site redevelops incrementally over time. The applicant has not satisfactorily addressed the requirement for a comprehensive masterplan.

The Planning Act

Staff are of the opinion that the application does not have regard to relevant matters of provincial interest, including sections 2 h), j) and r). These sections speak to the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing and the promotion of built form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant. These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2019).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). Staff have determined that the proposal is not consistent with the PPS and does not conform with the Growth Plan.

Section 1 of the PPS provides general policy direction on where growth should be focused. The PPS (2020) provides for a coordinated and integrated approach to planning matters within municipalities. Speaking to sustaining the health, livability, and safety of communities, Policy 1.1.1 states that land use should accommodate an appropriate range and mix of uses to meet long-term needs, avoid development which may cause environmental or public health and safety concerns, and that promote development that conserves biodiversity and considers the impacts of a changing climate. Policy 1.1.3.3, encourages intensification and efficient development and redevelopment that is transit-supportive, recognizing the importance of local context and the availability of infrastructure and public service facilities to meet projected needs. Policy 1.5.1 and 1.6.1 also direct the planning for public streets, spaces and facilities to meet the needs of pedestrians, facilitate active transportation, and be coordinated and integrated with land use planning and growth management to be available to meet current and projected needs.

However, Policy 4.6 of the PPS states that: "the official plan is the most important vehicle for implementation" and that "comprehensive, integrated and long-term planning is best achieved through official plans". Furthermore, it directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. As detailed in the built form analysis of this report, the proposed tower and base building heights are excessive given the context and do not conform to Official Plan policies.

Policies 1.1.1 (b) and 1.4.3 of the PPS also provide that efficient development patterns should promote a mix of housing, including affordable housing to meet the needs of current and future residents. Although all 1,135 residential units in the application are intended to be purpose-built rental, there is no affordable component currently proposed.

The guiding principles of the Growth Plan (2019), outlined in Policy 1.2.1, supports the achievement of complete communities that are designed to support healthy and active living and meet people's daily needs throughout an entire lifetime. It supports a range and mix of housing options, including second units and affordable housing to serve all sizes, incomes, and ages of households. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Policy 2.2.1.4 states the policies of the Growth Plan are to be applied to support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; provide a diverse range and mix of housing options to accommodate people at all stages of life; to accommodate the needs of all household sizes and incomes; and ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards. Compact built forms within complete communities can be achieved at different densities, heights, and building typologies that take the planned local context into account.

Any intensification for the site should be designed in a manner to ensure the achievement of a complete community for the long term. In order to ensure that the development site and the entire Dufferin Mall property redevelops as a complete community in a compact urban form over the long term, a master plan is required to be completed. As such, the proposal does not conform to Policy 2.2.1.4 of the Growth Plan.

The Growth Plan indicates that complete communities provide a diverse range and mix of housing options to accommodate households of all sizes and incomes. Policy 2.2.6.3 states that to support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes. The City's Official Plan, Policy 3.2.1.9 identifies that large developments provide an opportunity to achieve a mix of housing in terms of type and affordability. On large sites, generally greater than 5 hectares in size, the first priority community benefit will be the provision of 20 per cent of the additional residential units as affordable

housing. These policies in the Growth Plan, and the large sites policies contained within the City's Official Plan, have not been addressed as no affordable housing is currently proposed in the application.

Policy 5.2.5.6 of the Growth Plan states that in planning to achieve minimum intensification and density targets as outlined in the Growth Plan, 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. As outlined in latter sections of this report, the proposal does not conform to the Built Form policies and the development criteria for *Mixed Use Areas* in the Official Plan.

Land Use

This application has been reviewed against the Official Plan policies and design guidelines described in the Policy Consideration Section of this report, as well as the policies of the Toronto Official Plan as a whole. The proposal does not conform with the City's Official Plan. Further the Official Plan Amendment is not consistent with the general intent and purpose of the Official Plan and fails to conform to Policy 5.3.1.3.

The subject lands are designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are expected to absorb most of the anticipated growth in the City, however, not all *Mixed Use Areas* will experience the same scale or intensity of development, with the highest densities found in the Downtown, followed by the sites in the Centres and along the Avenues. While the site is not located within the Downtown, a Centre or an Avenue, it is located within a walkable distance to the Dufferin Subway Station and some level of intensification is anticipated in *Mixed Use Areas* on this site. The residential, retail and open space uses proposed in the application conforms to the *Mixed-Use Areas* policies in the Official Plan. The underlying Zoning By-laws also allow for these uses. As such, staff have no concern with the land uses proposed in the development.

At the community consultation meeting and through written submissions, City Planning staff received feedback from residents regarding the need for more social and community services in the neighbourhood, in particular, local daycares. Opportunities to include community service facilities will be considered as staff continue to work with the applicant on revisions to the proposal.

Site Organization

Although the current application applies only to the north section of the 8.54 hectare Dufferin Mall property, the long-term redevelopment of the entire mall site will create a new neighbourhood which should be integrated into the surrounding urban fabric through the creation of new streets, blocks and open space networks. In order to ensure the future development of the property into a compact, complete community, the site must be reviewed and planned comprehensively.

Policy 3.3.1 of the Official Plan states that planning new neighbourhoods requires a comprehensive planning framework. New neighbourhoods will require new infrastructure, streets, parks and local services to support new development and

connect it with the surrounding fabric of the City. They must also function as communities, not solely as housing. In order to meet Official Plan objectives and ensure the long term redevelopment of the Dufferin Mall site into a complete community, City Planning staff have advised the applicant that a masterplan framework is required for the review of this application. The Tall Building Design Guidelines also identify the importance of Master Plans for larger sites. The masterplan framework should address:

- the future pattern of roads, development blocks, parks and open space networks through the site;
- the mix and location of land uses;
- the distribution of density across the site, including proposed heights and massing of future buildings;
- Built form relationships to the existing and planned context, including the proposed mixed-use development to the north at 1141 Bloor Street West, 980 Dufferin Street and 90 Croatia Street;
- Creation of pedestrian and cycling pathways which connect to existing routes around the site;
- Adequate provision of landscaping and public realm improvements;
- The location of vehicular access points and their impact on the street network and public realm; and
- A proposed phasing plan for the orderly redevelopment of the site.

The purpose of the masterplan framework is to provide a reference for co-ordinated incremental development by showing the proposal in relation to existing and future, planned conditions surrounding the site. To ensure orderly redevelopment, future roads within the block should be public streets that are designed as part of a network that would improve the block's connectivity, provide access and addresses for new buildings, and create adequate spaces for pedestrians, cyclists, vehicles, landscaping and utilities. The scale of new buildings and the distribution of height and density across the site should demonstrate compatibility with the surrounding built form context, including appropriate transition to low-rise neighbourhoods, while minimizing shadow impacts on the public realm, nearby parks, open space and schools.

The current application will need to be reviewed within the context of the masterplan. The applicant has not demonstrated that the proposed location and alignment of the proposed road, the configuration of development blocks, and location of the public park is appropriate, as these have not been shown within the context of how the remainder of the mall property will be built out.

In order to ensure the orderly redevelopment of a large site, such as the current property, it is necessary to identify potential future streets within the block to ensure the proposed development does not preclude the possibility of a future street network. Although there are no plans to redevelop the remainder of the shopping centre at this time, a future public road/street network and block plan will allow for the comprehensive planning of the site over the long term should the Dufferin Mall site be re-imagined in the future.

The applicant has received feedback in terms of how the proposed development blocks and road may be modified to accommodate a future street network while providing better connectivity with existing or planned streets, including the public extension of Pauline Street secured through the Bloor-Dufferin site. Staff have expressed concerns with the proposed road, specifically with respect to the provision of a private street rather than one that is public, and its current alignment, as the north-south portion jogs around the existing footprint of the mall. The proposed road has the potential to form a primary north-south connection through the mall site, as it connects from Russett Avenue north of Bloor through the Bloor-Dufferin development. With respect to the location of the proposed public park, a masterplan is required to understand how the park may be expanded upon within a future open space network through the mall site.

Although Planning staff identified the requirement for a masterplan framework in the Preliminary Report which went before Council in January 2020, the applicant has not submitted one to date. The planning rationale submitted as part of the application includes a number of demonstration plans which show potential block patterns and locations for the public park for the entire mall property, however, these concept plans do not provide sufficient detail to illustrate the comprehensive redevelopment of the site.

Built Form: Height, Density, and Transition

Height and Density

As currently proposed, the towers of both development blocks are too tall given the local existing and planned built form context. The Built Form policies in Section 3.1.2 of the Official Plan require that new development will be designed to fit harmoniously into its existing and/or planned context, and will limit impacts on neighbouring streets, parks, open spaces and properties. Tall buildings are desirable in the right places, however, they are not appropriate everywhere. When poorly located and designed, tall buildings can block sunlight, views of the sky, and create uncomfortable wind conditions, and overwhelm the adjacent streets and neighbourhoods. In accordance with Built Form Policy 3.1.2.3(c) and Policy 4.5.2(c) for *Mixed Use Areas*, tall buildings should respect the scale of the local context and display an appropriate transition in height and intensity especially when adjacent to areas of differing land use and lower scale built form.

The existing area context is predominantly low-rise in scale, with a few exceptions. The east side of Dufferin Street consists of 2-3 storey buildings, with a 15-storey apartment building located immediately north of Dufferin Grove Park. The mall site is also surrounded by low-rise neighbourhoods to the west and south. The section of Bloor Street West to the north of the site is largely 2-3 storeys in character, with the only tall building being the 14-storey New Horizons retirement residence building. The planned context of the area includes taller buildings, with the approval of six new buildings ranging from 8 to 37 storeys in height for the Bloor-Dufferin development immediately north of the site. While the tower heights in the current proposal are similar, staff have indicated that a transition to lower building heights from the Bloor-Dufferin site was required, as the approved towers closest to the Dufferin subway station represent the "height peak", and the mall site located further south from the subway station was surrounded by low-rise residential *Neighbourhoods* on three sides. In the current

application, the transitioning down of heights has not been achieved, as the towers in the West Block, at 35 and 39 storeys, are greater in height than the tallest towers in the Bloor-Dufferin approval (Building 'B', at 34 and 37 storeys).

To ensure adequate fit and transition to lower-scale areas, Section 1.3 of the Tall Building Guidelines recommends that tall buildings meet a 45 degree angular plane applied from properties designated *Neighbourhoods*. In response to staff comments, the applicant provided analysis with application of the angular plane from the east side of Dufferin Street, Brock Avenue to the west, and from residential properties to the north of Bloor Street West. The analysis showed that the 14 and 23 storey towers proposed in the East Block make significant penetrations to the angular plane when applied from the east side of Dufferin Street, with approximately half of each tower falling outside of the angular plane. The 8th storey of the base building in the East Block and the upper level of the 39-storey tower in the West Block also fail to comply with the angular plane.

The proposed tower heights are too tall and do not provide adequate transition from the peak height near the intersection of Bloor Street West and Dufferin Street to the adjacent areas designated *Neighbourhoods*. Given the local and planned context of the Bloor-Dufferin area, staff are of the opinion that the proposed building heights, ranging from 14 to 39 storeys, do not fit harmoniously into its existing and planned context, and will negatively impact neighbouring streets, open spaces and properties. As detailed in latter sections of this report, the proposed tower heights also result in significant shadow impacts on nearby parks and streets.

Base Buildings

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 for the East Block is 8-storeys (31.9 metres) in height, for a length of 88 metres along Dufferin Street. Planning staff consider the height and massing of the base building along Dufferin Street to be excessive, given that the east side of Dufferin Street consists of 2-3 storey dwellings. Although the first four floors are set back to create more variation in the articulation of the front façade, the perceived height of the podium is not diminished as the upper levels are built to the property line and overhang the lower levels. As per Section 3.1.1 of the Tall Building Guidelines, where the adjacent context is lower in scale, a transition in the base building height down to the match the lower-scale properties is required. The height of the base building for the East Block should be reduced and setbacks introduced at the upper levels to provide better transition to the residential properties to the east. As the frontage of the site along Dufferin Street is long, the massing of the base building should also be divided

into finer grained segments to create more variation along the street frontage and improve the pedestrian experience.

Sun, Shadow and Wind

Planning staff have significant concerns with the shadow impacts resulting from the height and massing of the proposal. With respect to the Built form policies in the Official Plan, Section 3.1.2, Policies 3(e) and (f) require development to limit shadowing on neighbouring streets, properties and open spaces and minimize any additional shadowing and uncomfortable wind conditions on neighbouring parks to preserve their utility. Similarly, the development criteria for Mixed Use Areas, Section 4.5, Policies 2(d) and (e) require that new development be massed and located to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes, while maintaining sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Similar policies on shadow and wind impacts can be found in the Tall Building Guidelines, which has a guiding principle related to minimize shadowing and wind impacts, and protect sunlight and sky view, for streets, parks, public and private open space, and neighbouring properties.

Planning staff have reviewed the Sun/Shadow Studies prepared by Urban Strategies Inc., dated July 2019. During the spring and fall equinoxes, the proposal casts long shadows over half of the new park on the north side of Croatia Street, between 9:18 am and 3:18 pm. Although towers in the East Block contribute to some of the shadow impacts in the morning hours (between 9:18 to 11:18 am), the 35 and 39 storey towers of the west block cast the majority of the shadows impacting the park throughout the day. Staff note that the 5-storey base building for the West Block also casts shadows onto the sidewalk on the north side of Croatia Street from 11:18 am to 3:18 pm.

Nearby schools and residential properties designated *Neighbourhoods* are affected by shadow impacts from the proposal. The new location for Bloor Collegiate Institute at 90 Croatia Street is in shadow between 9:18 am to 12:18 pm during the spring and fall equinoxes. Brock Avenue to the west is impacted in the morning hours until 10:18 am. Residential properties on the east side of Dufferin Street and Gladstone Avenue are impacted by shadows between 3:18 pm and 6:18 pm from the 14 and 23 storey towers of the East Block.

Planning staff find the shadow impacts on the new park on Croatia Street, as well as nearby streets and properties designated *Neighbourhoods*, unacceptable. The introduction of upper level stepbacks for the 5-storey base building in the West Block can improve shadow impacts on sidewalks located on the north side of Croatia Street. The incremental shadows cast by the proposed development over the park can be improved through a significant reduction of the proposed tower heights in both development blocks. The substantial shadow impacts, particularly those resulting from the West Block, suggest that a point tower and podium building typology may not be suitable for that portion of the site, given the adjacent context. Staff will continue to work with the applicant on alternative built form and massing options which improve shadow impacts on the new park to the north.

With respect to the wind conditions generated by the proposal, a Preliminary Wind Study, prepared by RWDI, dated June 5, 2019, was submitted in support of the application. The study concludes that uncomfortable wind conditions are expected along the sidewalks on Croatia Street and at the intersection of Croatia and Dufferin Street during the winter. This is also particularly concerning given the local uses in the area being a new school proposed on Croatia Street and expected pedestrian activity at the new park on Croatia Street. Wind mitigation measures, in the form of landscaping or porous windscreens will be required. The outdoor amenity areas located on level 5 and the roof of the podium on the East Block, as well as the amenity area located on level 2 of the West Block, will also require wind mitigation measures that support standing and sitting comfort levels. These should be designed with input from the consultant, and may be achieved with guardrails, windscreens, trellises and appropriate planting.

An updated Pedestrian Level Wind Study, including wind tunnel test, will be required should this proposal proceed to the Site Plan review process.

Housing Issues

The City's Official Plan contains policies that state that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods, will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: ownership and rental housing, affordable and mid-range rental and ownership housing, social housing, shared and/or congregate-living housing arrangements, supportive housing, emergency and transitional housing for homeless people and at-risk groups, housing that meets the needs of people with physical disabilities and housing that makes more efficient use of the existing housing stock.

Although the current application only applies to the north portion of the Dufferin Mall site, the entire property has an overall size of 8.54 hectares, which constitutes as a large site as per Policy 9, in Section 3.2.1 of the Official Plan. For applications requesting an increase in height and/or density, this policy requires that the first priority community benefit be the provision of 20 per cent of the additional residential units as affordable housing. Although all dwelling units in the application are proposed to be purpose-built rental, none are proposed to be affordable rental housing, which is defined in the Official Plan as housing where the total monthly shelter cost is at or below one times the average City of Toronto rent, by unit type (number of bedrooms), as reported annually by the Canada Mortgage and Housing Corporation. The applicant is required to submit a Housing Issues Report to address Policy 3.2.1.9. As affordable housing was identified as a key priority by residents in the community consultation process, the applicant will be expected to include affordable housing as component of a supportable revised proposal.

A total of 1,135 residential units are proposed, comprised of 117 bachelor units (10.3%), 452 one-bedroom units (39.8%), 461 two-bedroom units (40.6%), and 105 three-bedroom units (9.3%). The Draft Growing Up Guidelines provide direction on how new multi-unit residential development can better address a diverse range of households at various stages in the housing life-cycle and encourage buildings to include a range of unit sizes to support Toronto's growing population. The Guidelines identify ideal unit

sizes for two-bedroom units (90 m²) and three-bedroom units (106 m²) with a development providing a minimum of 15% of the total number of units as two-bedroom units and a minimum of 10% of the total number of units as three-bedroom units. City Planning staff will continue to work with the applicant on revisions to better respond to the Guidelines, particularly with respect to the proposed size of the two-bedroom units and percentage of three-bedroom units.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report, prepared by Counterpoint Engineering, dated July 2019, which is under review with the City's Engineering and Construction Services staff. The applicant's consultant has indicated that the proposed development will be serviced by two connections to an existing 150 mm watermain on the north side of Croatia Street.

As part of the sanitary servicing strategy for the proposal, a new 1200 mm combined brick sewer will be installed in Croatia Street to replace an existing 1200 mm combined sewer which runs diagonally across the site. The development will be serviced by two new sanitary connections to an existing 300 mm combined sewer and the proposed 1200 mm combined sewer located in Croatia Street.

The applicant's consultant has indicated that there is a 1200 mm combined sewer underneath the site which collects storm runoff. There is also an existing 450 mm storm sewer on Dufferin Street which, under normal circumstances, collects storm runoff in the road allowance. The proposed development will be serviced by one connection to the 450 mm storm sewer on Dufferin Street.

Further revisions to the plans and technical reports have been requested in the comments provided to the applicant, dated August 30, 2019.

Site Circulation and Traffic Impact

An Urban Transportation Considerations Report, prepared by BA Group, dated July 2019, was submitted in support of the application. The proposal necessitates the reconfiguration of existing vehicular access points into the mall site. Most of these changes are proposed along Croatia Street and are summarized as follows:

- The westernmost access providing access to the service laneway running along the rear of the mall will remain in place and continue to be only used by service vehicles. It is proposed to be converted from a two-way access point to a one-way, outbound, access point for service and loading vehicles.
- A new residential access point is proposed opposite the public road extension of Pauline Street in the Bloor-Dufferin development to the north. This driveway will provide access to the proposed underground parking garage, as well as the pick-up and drop-off area for the residential portion of the West Block.
- The north access point to the proposed private road is in approximately the same location of the existing main mall driveway along Croatia Street, however, there

is a slight shift to align with the new north-south private street in the Bloor-Dufferin development to the north. The private road will be the primary access point from Croatia Street for visitors to the shopping centre. Staff assume that the current right-in/right-out restriction for the existing driveway will remain with the redevelopment of the site.

- A new, outbound-only servicing access is proposed east of the private road that will be access controlled and used only by service vehicles exiting the East Block loading area.
- The existing north mall driveway off Dufferin Street (just south of Croatia Street adjacent to the fast food restaurant) will be removed as part of the proposal.
- The primary, signalized driveway into the mall on Dufferin Street opposite Dufferin Park Avenue will remain and form the east-west portion of the new private road.

A garage entrance ramp leading to the commercial and residential parking in the West Block is provided along the proposed private road, as well as an access point to the pick-up/drop-off and loading areas of the East Block.

The report prepared by BA Group estimates that the proposed development will generate approximately 810 trips during AM peak hours, 1,375 trips during PM peak hours and 1,860 trips during Saturday peak hours. After taking into account existing trips generated by the Dufferin Mall site, there will be a net increase of approximately 200, 240 and 330 two-way trips during the AM, PM and Saturday Peak Hours, respectively, as a result of the proposal.

The report concludes that the traffic volumes are acceptable as increases will be limited to local arterial roads such as Dufferin Street and Bloor Street West. Local residential streets will experience minor impact. Specifically, Brock Avenue to the west will receive 15 to 35 two-way vehicle trips per hour during the peak times and less at off-peak hours. These minimal impacts are, in part, attributed to the new public street extending Pauline Avenue from Bloor Street West to Croatia Street, which will provide site traffic a convenient route to/from Bloor Street West, and maintenance of existing right-in/right-out access restrictions for the private road on Croatia Street. Other planned road network improvements, including the signalization of the intersections at Dufferin Street and Croatia Street, Bloor Street West and Pauline Avenue, as well as the alignment of the proposed road in the subject application with the private street to the north on the Bloor-Dufferin site, all serve to minimize impacts to local traffic operations.

Based on these factors, the consultant report concludes that the expected traffic volume increases resulting from the development can be accommodated on the local area road network from a traffic capacity perspective. In the comments provided to the applicant, dated August 30, 2019, Transportation Services staff have indicated further analysis and documentation is required and the report as submitted does not provide acceptable analysis.

Parking

Parking for the new development is proposed to be provided within three levels of underground parking containing a total of 736 parking spaces. The proposed parking supply will include 329 resident parking spaces and 407 non-residential spaces that will be publicly accessible to serve retail patrons of the mall and visitors to the residential component of the development. The application proposes residential parking at 0.29 parking spaces per unit and commercial parking at 1 space per 100 m² of non-residential gross floor area. No parking for residential visitors is proposed and 1,135 parking spaces will be retained for the existing shopping centre. With the proposed parking supply and retained existing parking for the shopping centre combined, there will be a total of 1,871 parking spaces for the entire mall site.

The site is subject to the parking requirements in Zoning By-law 569-2013, exception CR 1335. Under the Zoning By-law, the proposal would require a minimum of 1,380 parking spaces, including 707 spaces for residents, 68 visitor parking spaces, 296 parking spaces for the net new retail space and 309 replacement parking spaces for Dufferin Mall. In total the Zoning By-law would require a total of 2,515 parking spaces for the entire Dufferin Mall block, taking into account the proposal development and shopping centre. The proposed parking supply in the application does not meet the minimum requirements for residential parking.

Transportation Services staff find the proposed reduced residential parking ratio of 0.29 spaces per unit acceptable, based on a number of factors, including: the site's proximity to transit services and cycling routes, proximity to a range of commercial, retail and service amenities within walking distance, and the mixed-use nature of the proposal which would meet the daily needs of future residents within the site. A comprehensive Transportation Demand Management Plan, which includes the provision of car-share spaces and bicycle facilities on-site, will also need to be adopted and integrated through the Site Plan Control process.

Loading

Based on the performance standards in Zoning By-law 569-2013, Transportation Services has identified that the loading requirements for the proposed development are as follows:

Use	Proposed Units or GFA	Number of Loading Spaces Required				
		Type A	Type B	Type C	Type G	Total
Residential	1,135 units	0	0	1	1	2
Retail	11,639 m ²	1	3	0	0	4
Total (without sharing)		0	4	1	0	5
Total (with sharing)		0	3	0	1	4

The loading facilities in the East Block are shared between the retail and residential components of the building. The West Block loading facilities are also shared between uses and a portion of the existing commercial loading which services the rest of the mall is consolidated. The proposed loading provisions in the application are summarized below:

Development Block	Number of Loading Spaces Proposed				
	Type A	Type B	Type C	Type G	Total
East Block	0	1	0	1	2
West Block	2	3	0	0	5

Transportation Services staff find the proposed loading arrangements for both development blocks acceptable.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the city. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

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 15,133 m² or 97% of the site area. However, for sites that are 1 to 5 hectares in size, a cap of 15% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. As the development proposes a mix of residential and non-residential uses, the respective rates are allocated proportionately according to the floor spaces of the respective uses. In total, the parkland dedication requirement is 2,090 m².

Currently, the proposed public park is undersized. The application includes an on-site parkland dedication of 1,561m² at the southeast corner of the site, bound along the south edge by the main drive aisle into the mall. The applicant is required to satisfy the full parkland dedication requirement of 2,090 m² through an on-site dedication to conform with Policy 3.2.3.8 of the Toronto Official Plan. On-site parkland dedications are required to be free of all encumbrances, including but not limited to: retaining walls, ramps, stormwater storage tanks, and any other infrastructure or easements required to facilitate the proposed development. The design of the park will be developed in consultation with Parks Staff and the local community.

The Planning Rationale submitted with the application indicates that the proposed location of the park is intended to create a walkable sequence of green spaces between

Dufferin Grove Park and the new park on the north side of Croatia Street. Although the current location provides prominent frontage and ease of access along Dufferin Street, Parks staff have expressed concerns about the inability to expand the park southward in the future due to the proposed private road. The park could potentially be subject to new incremental shadows from the south and west as the remainder of the mall site redevelops over time. The current location also misses an opportunity to connect with Brockton Stadium and the new park along Croatia Street, which could have some programming and design coordination.

The masterplan framework required for this application will assist staff in evaluating the optimum location for the park, as the plan will take into account future expansions of an open space network through the site. Staff will continue to work with the applicant on the proposed location and size of the proposed public park as the masterplan is developed.

Public Realm and Streetscape

The proposed private street is designed as shared space between vehicles, pedestrians and cyclists, with rolled curbs and stone pavers. Sidewalks which are 5.7 to 6 metres in width from building face to curb are proposed along both sides of the street. Staff note that the sidewalk along the east side of the street will need to be extended along the south edge of the new public park. The private road is also intended to serve as a pedestrian connection between the new park on the north side of Croatia Street, the proposed park in the current application and Dufferin Grove Park. Staff have concerns about the usage of the private road as a shared space between cars and pedestrians, as it is likely to experience substantial traffic from vehicles entering the commercial parking garage in the West Block and loading facilities in the East Block. The application also does not indicate the location of pedestrian crossings along the road for people to safely navigate through the site. To decrease the traffic flow along the private road, staff have recommended relocating the entrance to the commercial parking in the West Block to an alternative location. The street and pedestrian network, as currently proposed, does not conform to Policy 3.1.1.5 of the Official Plan.

The application proposes improvements to the streetscape condition along Dufferin Street by setting back the base building by 2.2 metres at the ground and mezzanine levels to provide a 6 metre sidewalk zone from curb to building face. Staff require that the proposal be revised so that a 6 metre clearance is provided consistently up the entire façade of the base building along Dufferin Street, without overhangs at the upper levels. This is to ensure street trees can grow to a full height and canopy without obstruction.

All streetscape improvements proposed along Dufferin Street, Croatia Street and the new road will need to be coordinated with the streetscape design and public realm improvements secured in the Bloor-Dufferin development to the north to ensure consistency between the two sites. Staff have requested cross-sections of these streets which illustrate the public realm improvements proposed and those of the development to the north to understand how the streetscape design fits within the surrounding context.

Tree Preservation

The City's Official Plan identifies that Toronto's urban forest plays an important role in making Toronto a clean and beautiful city. Trees significantly enhance all new development and renewal projects, enhancing both the quality and value of our environment. The Official Plan contains policies that call for an increase in the amount of tree canopy coverage.

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). An Arborist Report and Tree Protection/Removal Plan, prepared by the MBTW Group, dated June 2019, were submitted in support of the application. The proposal involves the removal of 18 City-owned street trees and 25 trees on private property. Urban Forestry, Tree Protection & Plan Review require revisions to the arborist report, tree protection/removal plan, landscape plans and the submission of a composite utility plan to confirm the total number of trees to be removed through the proposal. However, based on the information provided in the July 2019 submission, Urban Forestry staff have determined that 15 City-owned trees and one tree on private property require applications for removal. All street trees proposed to be removed will need to be replaced.

The location and species of trees, as well as any cash-in-lieu payments for tree planting, will be secured through the Site Plan Control process.

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 site specific zoning by-law and through the Site Plan Control application. Staff will continue to work with the applicant to achieve Tier 2 or higher on the project, should it advance.

Community Services Assessment

A key objective of the Official Plan is to ensure development contributes to livable, healthy and inclusive communities. Providing for a full range of housing and community services within neighbourhoods is a key component for achieving these objectives. Policies 3.3.1, 3.3.2 and 3.3.3 in the Official Plan direct that new neighbourhoods should include, amongst other matters, strategies to provide community services and affordable housing. The policies also highlight the need to carefully integrate these neighbourhoods into the surrounding fabric of the City, while having community services

and parks that fit within the wider system and a housing mix that contributes to the full range of housing.

Policy 3.2.2.6 requires that community services strategies and implementation mechanisms will be prepared for residential or mixed use sites generally larger than 5 hectares and all new neighbourhoods. This includes identifying a range of facilities needed to support development. Policy 3.2.2.7 states that community services facilities will be encouraged in all significant private sector development across the City.

A Community Services and Facilities Study, prepared by Urban Strategies, dated July 2019, was submitted in support of the application. The applicant's study concludes that while the area is well-served by public and community service facilities, childcare facilities in the area are at-capacity. Staff generally are in agreement that there is a need for greater childcare facilities in the area and on a city-wide basis.

The size and location of the Dufferin Mall site in close proximity to a transit station provides an opportunity to achieve key city-building objectives. The provision of community services in building new neighbourhoods are key policy directives in Sections 3.2.2 and 3.3 of the Official Plan. Based on the significant scale of the proposed development, a comprehensive package of Section 37 public benefits, which includes a Community Services and Facilities contribution, will be considered should the application be approved in some form.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for an increase in height and/or density pursuant to Section 37 of the Planning Act. As the application is seeking an increase in height and density, and meets the threshold as outlined in the Official Plan, a Section 37 contribution would be required if this application were approved in some form.

Community Planning staff have not negotiated a Section 37 public benefits package with the applicant because the application, in its current form, is not supportable. In the event that the LPAT considers granting additional density and/or height beyond that which is permitted by the zoning by-laws, the City will request that the LPAT withhold any order to allow the owner and the City an opportunity to discuss and settle the Section 37 contribution, and to allow a Section 37 agreement to be entered into between the owner and the City and registered on title to the entire site. City staff recommend that the LPAT not approve any official plan and zoning by-law amendments without the provision of Section 37 community benefits as are appropriate to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the applicant and the local councillor.

Based on comments from residents and the Ward Councillor, and in accordance with the Policy 9 in Section 3.2.1 of the Official Plan, staff recommend that affordable housing be incorporated into the proposal as a community benefit. Community space in the form of a daycare should also be considered.

Conclusion

The application has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), and the Toronto Official Plan. As currently proposed, staff are of the opinion that the application is not consistent with the PPS (2020), does not conform to the Growth Plan (2019), and does not conform to, and is not consistent with, the intent and purpose of the Official Plan.

Based on feedback received from City Divisions and agencies, staff have significant concerns with the proposed height and massing of towers, with respect to shadow impacts on parks, nearby streets and properties, as well as transition to lower-scale *Neighbourhoods*. Other issues to be resolved include the provision of a masterplan framework for the entire mall site, the provision of affordable housing, transportation matters, and appropriate community benefits under Section 37 of the *Planning Act*. The purpose of this report is to obtain direction from City Council to appear at the Local Planning Appeal Tribunal in opposition to the current proposal. Staff will continue discussions with the applicant to resolve the outstanding issues and will report back to City Council as necessary.

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

Applicant Submitted Drawings

Attachment 5: Site Plan

Attachment 6: North Elevation

Attachment 7: South Elevation

Attachment 8: East Elevation

Attachment 9: West Elevation

Attachment 10: 3D Model of Proposal in Context - Northwest View

Attachment 11: 3D Model of Proposal in Context - Southeast View

Attachment 1: Application Data Sheet

Municipal Address:	900 Dufferin Street	Date Received:	July 8, 2019
Application Number:	19 184841 STE 09 OZ		
Application Type:	OPA & Rezoning		
Project Description:	A proposal to redevelop the north end of the Dufferin Mall site, which includes a new private road, a public park, and two development blocks with four towers, ranging from 14 storeys to 39 storeys in height.		
Applicant	Architect	Owner	
Urban Strategies	Quadrangle Architects Ltd.	Dufferin Mall Holdings Inc.	

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N/A
Zoning:	CR 3.0 (c3.0; r1.0) SS2 (x1335)	Heritage Designation:	N/A
Height Limit (m):	14	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq m):	15,612	Frontage (m):	119	Depth (m):	195
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,750		11,212	11,212
Residential GFA (sq m):	0		89,985	89,985
Non-Residential GFA (sq m):	1,750		12,736	12,736
Total GFA (sq m):	1,750		102,721	102,721
Height - Storeys:	1		39	39
Height - Metres:	6		131	131

Lot Coverage Ratio (%)	71.82	Floor Space Index:	6.58
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	89,699	286

Retail GFA:	11,639
Office GFA:	0
Industrial GFA:	0
Institutional/Other GFA:	1,097

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:			1,135	1,135
Freehold:				
Condominium:				
Other:				
Total Units:			1,135	1,135

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:	117	452	461		105
Total Units:	117	452	461		105

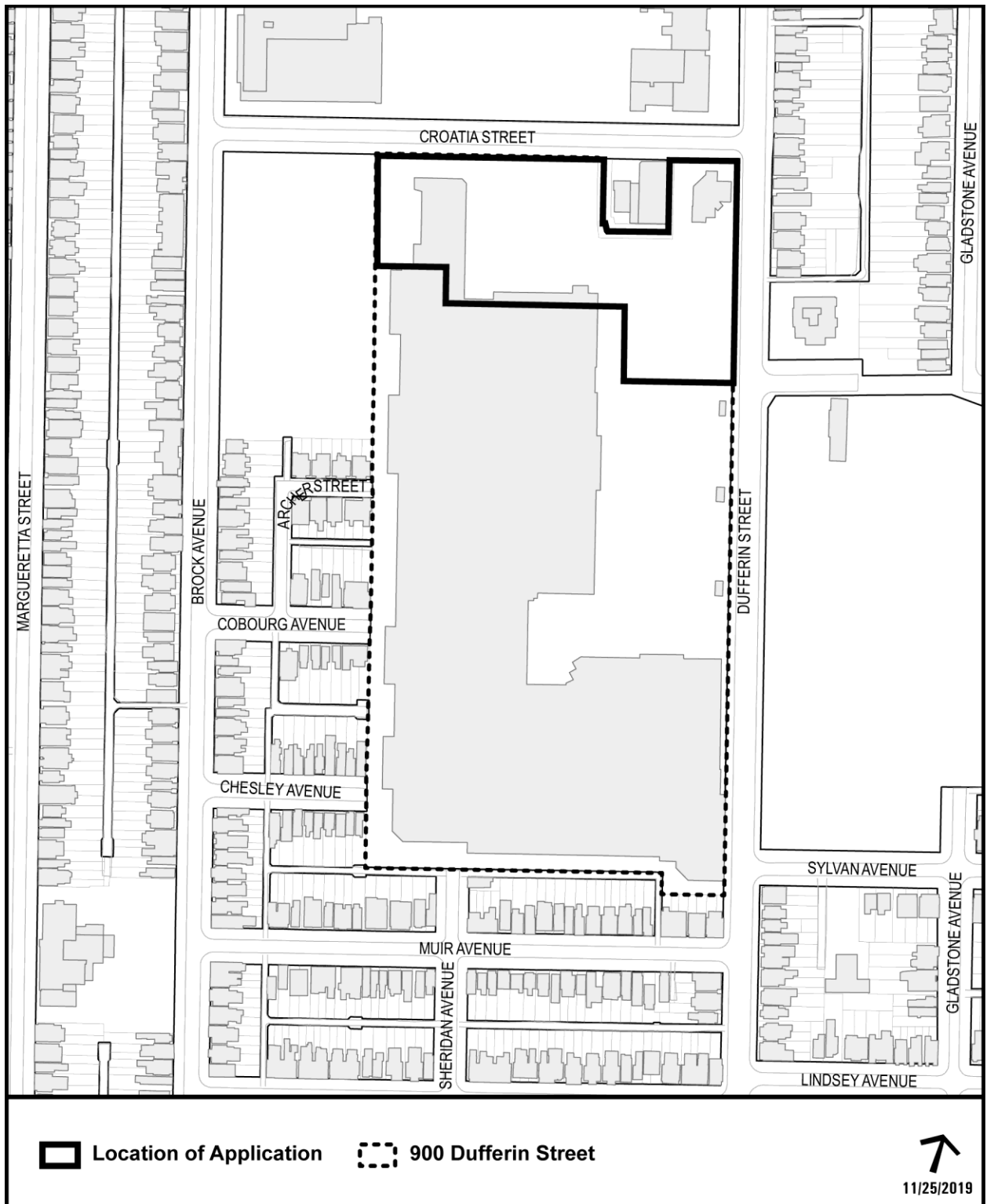
Parking and Loading

Parking Spaces:	736	Bicycle Parking Spaces:	1,198	Loading Docks:	7
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CONTACT:

Carla Tsang, Planner
(416) 395-7137
Carla.Tsang@toronto.ca

Attachment 2: Location Map



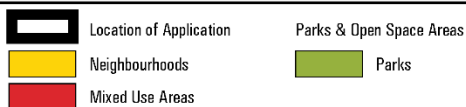
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

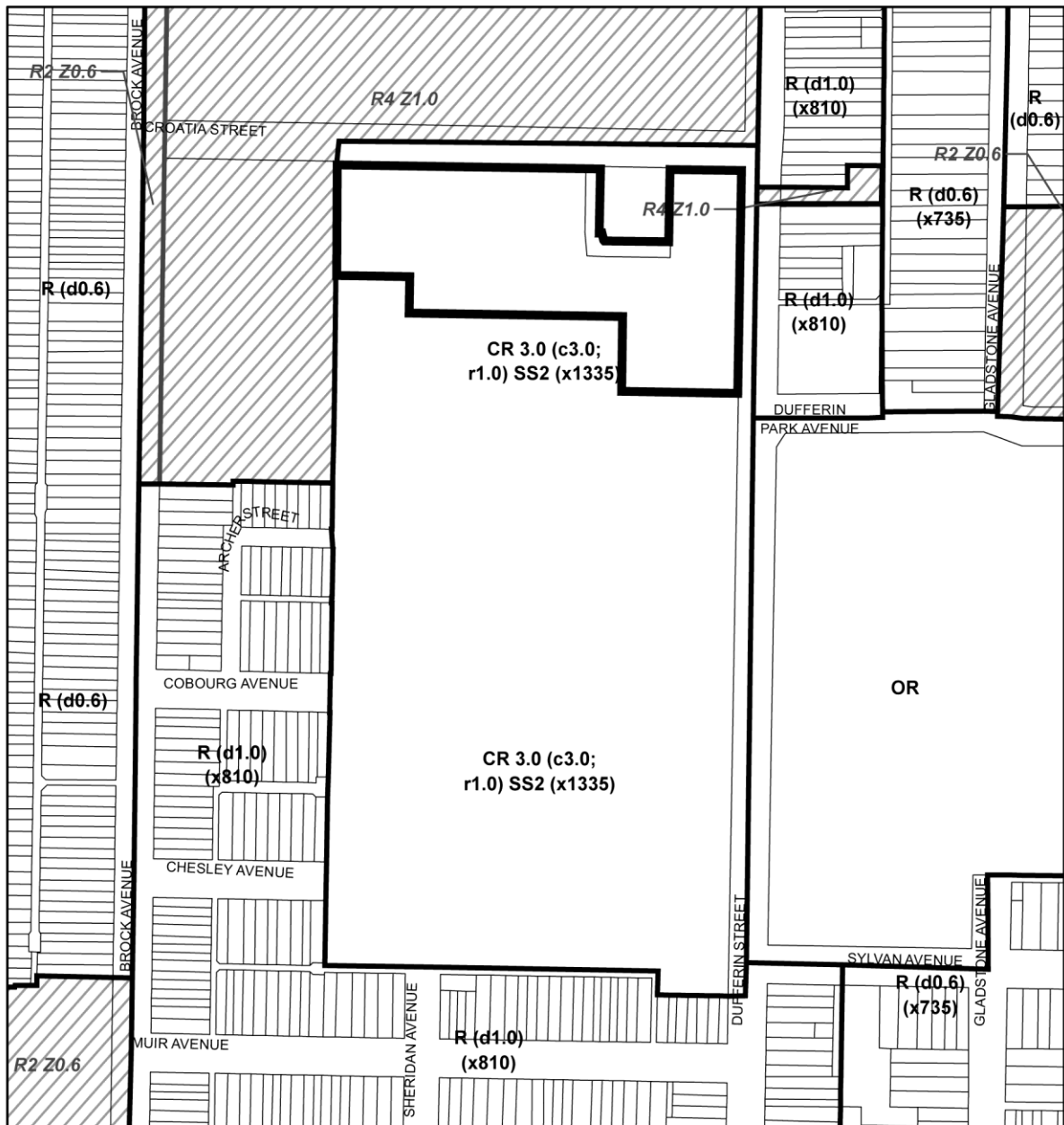
900 Dufferin Street (Dufferin Mall)

File # 19 184841 STE 09 0Z



Not to Scale
Extracted: 06/25/2020

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

900 Dufferin Street (Dufferin Mall)

File # 19 184841 STE 09 0Z



Location of Application

R Residential CR Commercial Residential
OR Open Space Recreation



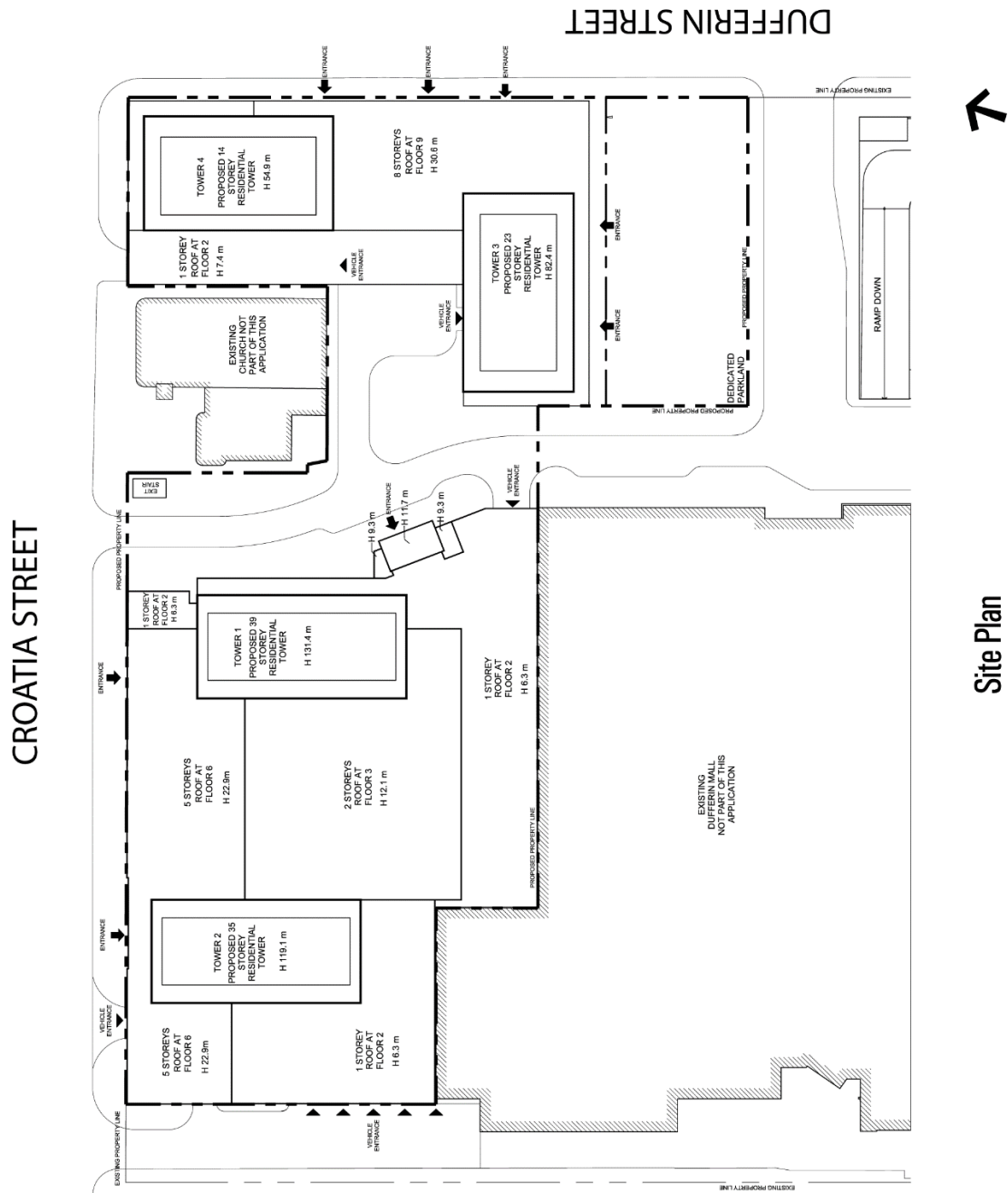
See Former City of Toronto By-law No. 438-86

R2 Residential District
R4 Residential District



Not to Scale
Extracted: 11/25/2019

Attachment 5: Site Plan

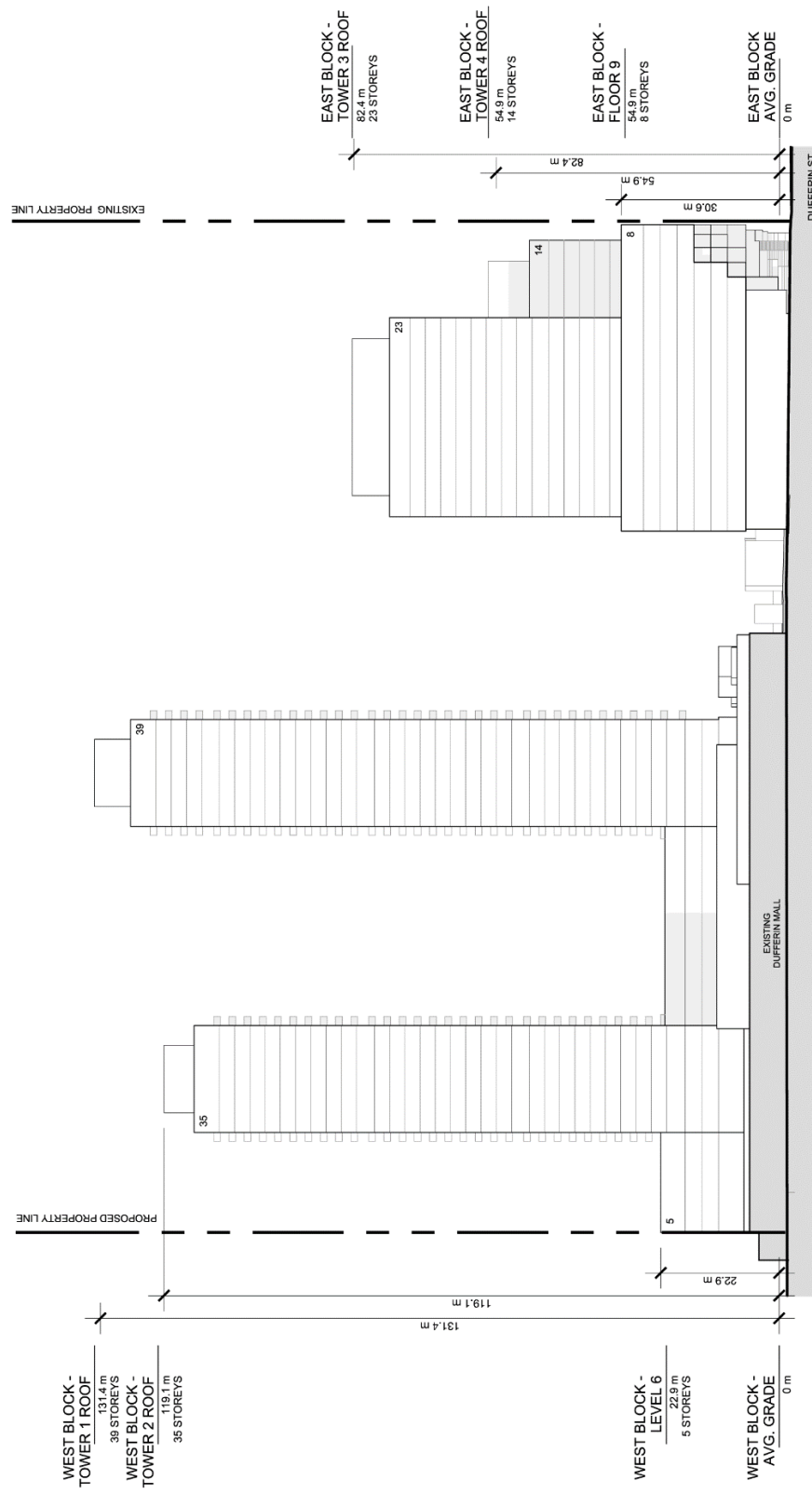


Attachment 6: North Elevation



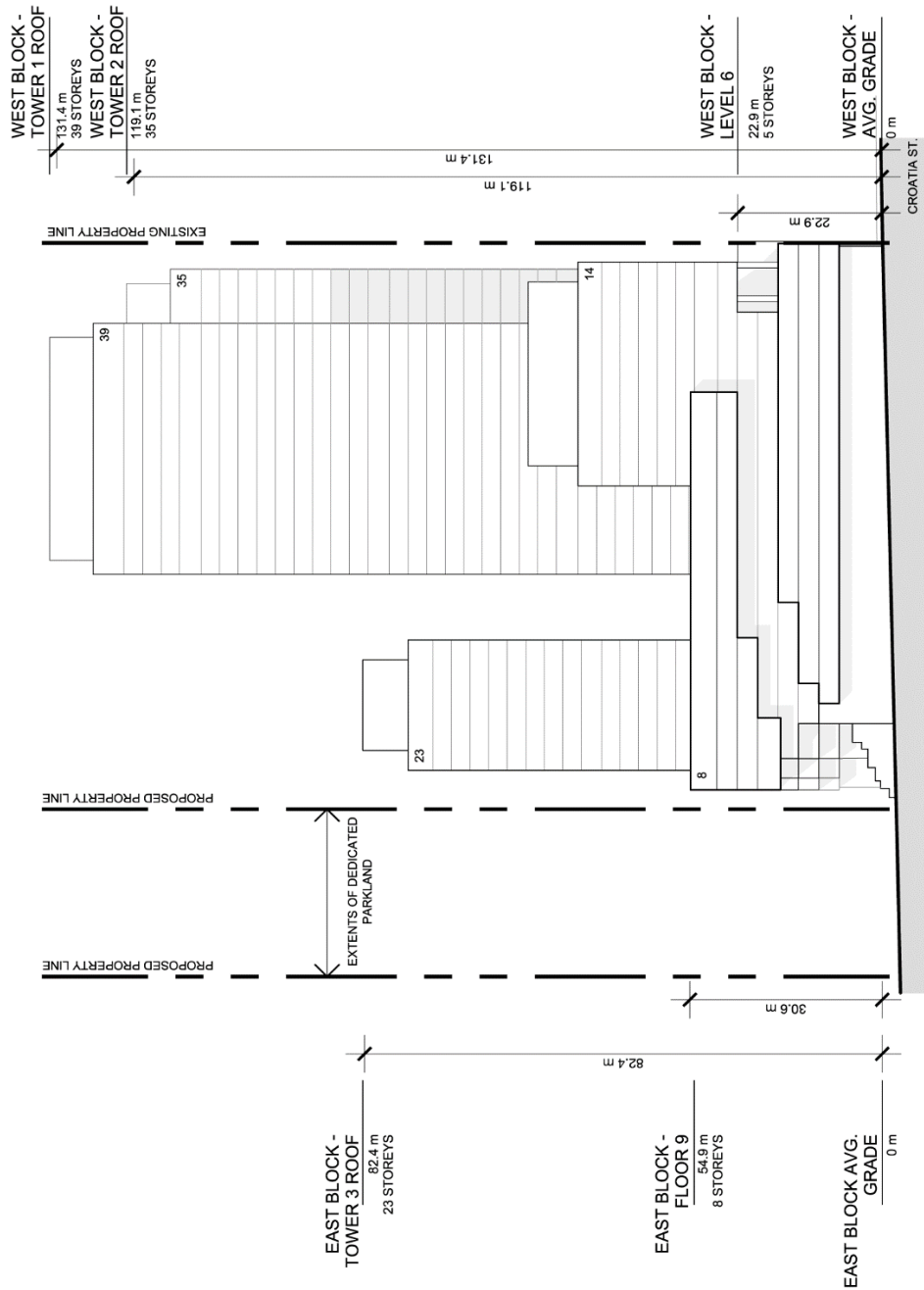
North Elevation

Attachment 7: South Elevation



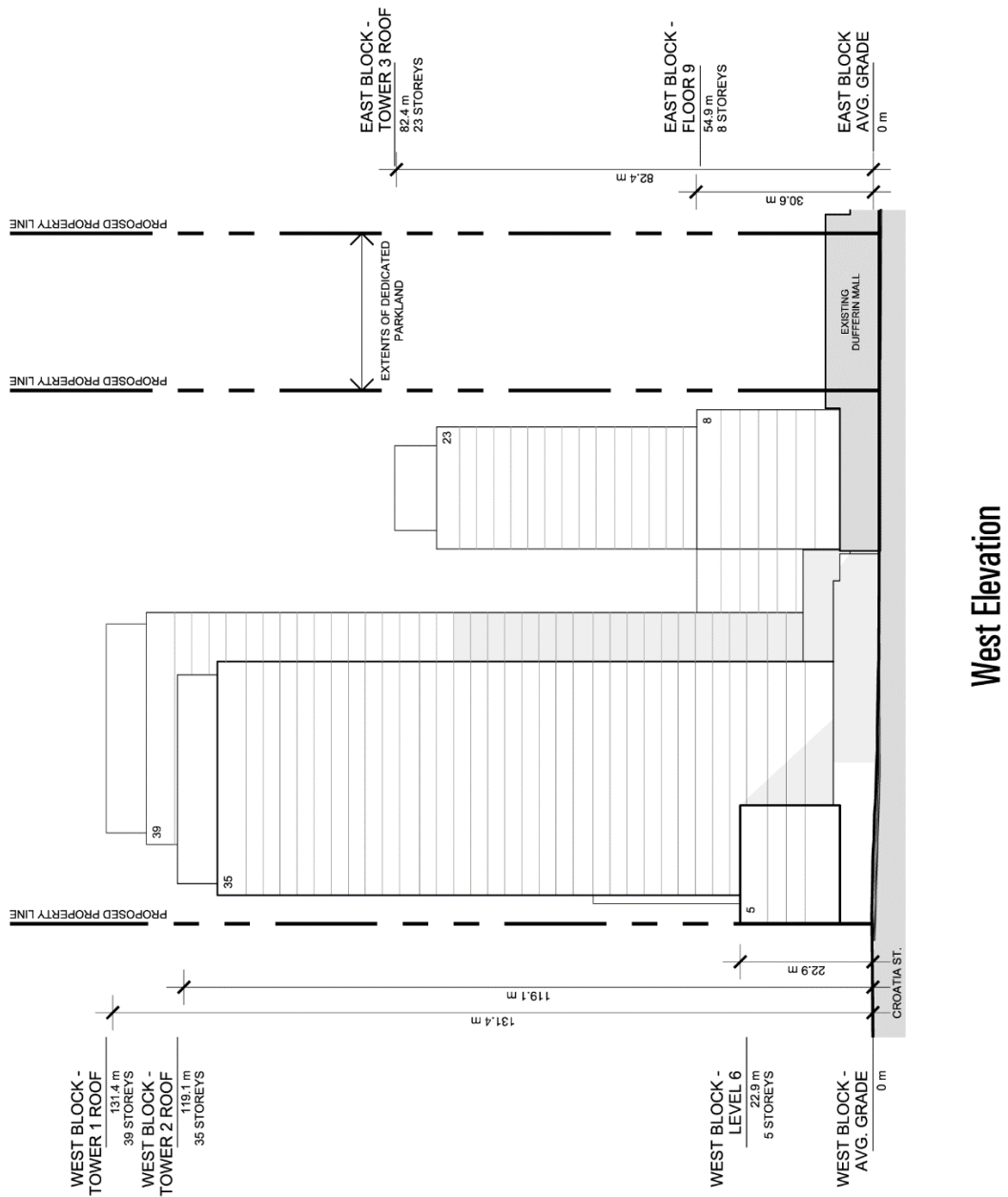
South Elevation

Attachment 8: East Elevation



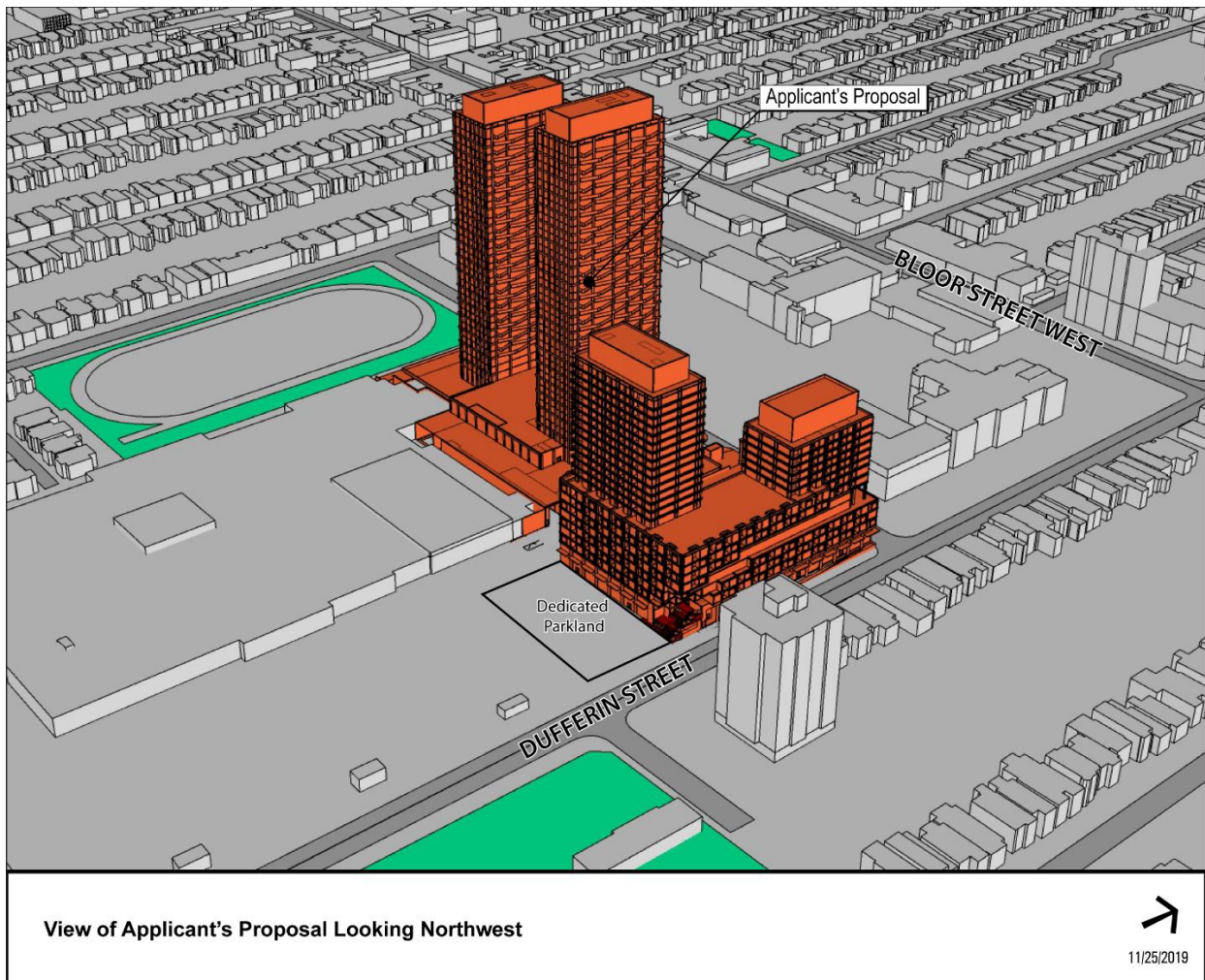
East Elevation

Attachment 9: West Elevation

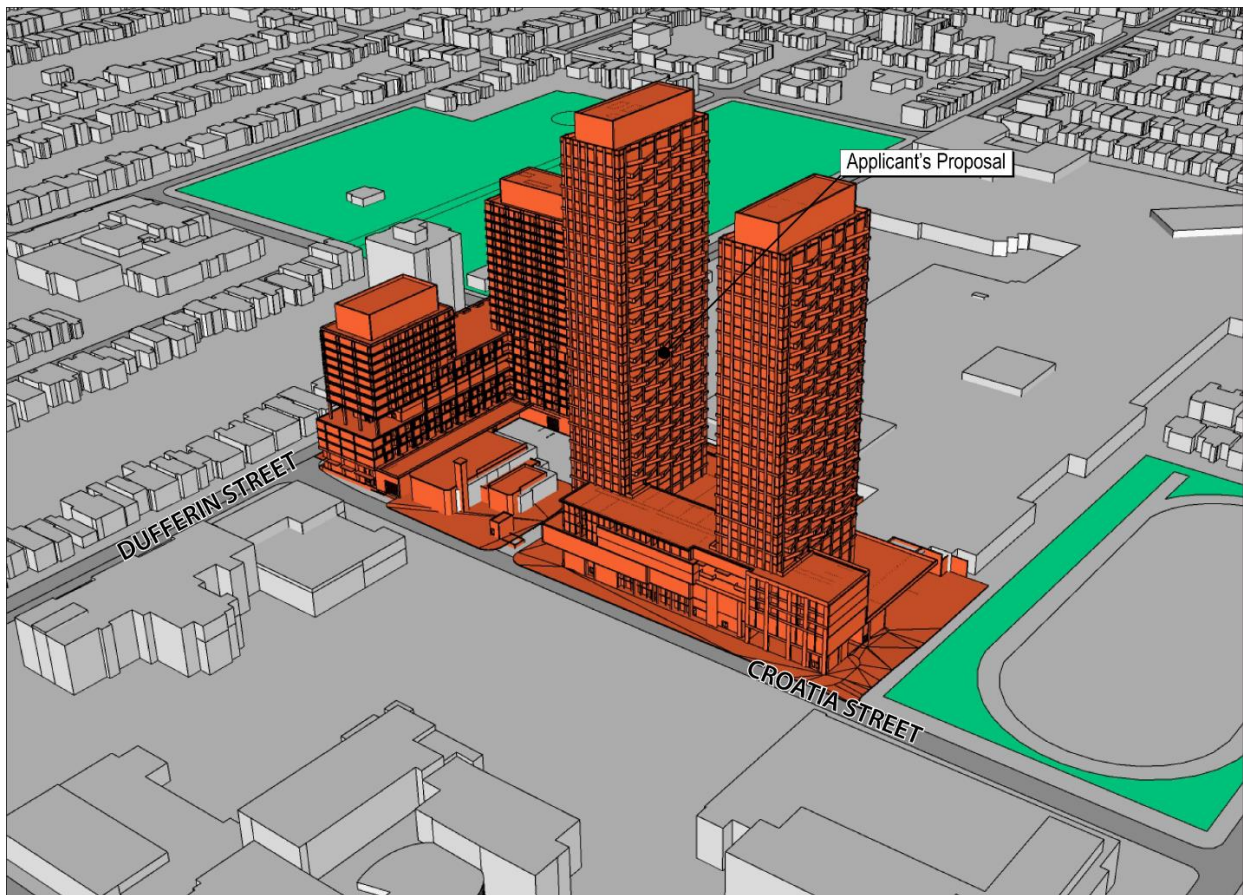


West Elevation

Attachment 10: 3D Model of Proposal in Context - Northwest View



Attachment 11: 3D Model of Proposal in Context - Southeast View



View of Applicant's Proposal Looking Southeast

↙
11/25/2019