

10-30 Dawes Road – Zoning By-law Amendment Application - Request for Direction Report

Date: February 5, 2021

To: Toronto and East York Community Council

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

Ward 19 - Beaches-East York

Planning Application Number: *19 124138 STE 19 OZ*

SUMMARY

This application proposes to amend the Zoning By-law for the property at 10-30 Dawes Road (the "Site") to permit two towers atop a shared base building comprising residential, retail, office and day care uses (the "Application"). The north tall building would be 24 storeys, and the south tall building would be 41 storeys. Together, a total of 616 units are proposed with a total gross floor area of 47,469 square metres.

On November 6, 2020, the Applicant appealed the Application to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to make a decision on the Application within the timeframe prescribed by the Planning Act. A case management conference ("CMC") has been scheduled for March 19, 2021.

This report recommends that the City Solicitor, with appropriate City Staff, attend the LPAT to oppose the Application. The proposal is not consistent with the Provincial Policy Statement, 2020, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and does not conform to the City's Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor to attend the Local Planning Appeal Tribunal (the "LPAT") hearing with appropriate City Staff in opposition of the Zoning By-law Amendment application (File No. 19 124138 STE 19 OZ) proposed for 10-30 Dawes Road.

2. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant to address the outstanding issues set out in this report.

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

(a) the form and content of the Zoning By-law Amendment has been finalized to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

(b) the owner has submitted required reports and secured necessary conditions to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, General Manager, Solid Waste Services and General Manager, Transportation Services;

(c) the owner has submitted a revised Functional Servicing Report, including confirmation of water 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;

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

(g) the owner has secured off-site parkland dedication to the satisfaction of the General Manager, Parks, Forestry and Recreation; and

(h) Community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

FINANCIAL IMPACT

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

DECISION HISTORY

A Preliminary Report on the application was adopted by Toronto and East York Community Council on April 24, 2019 requesting staff to hold a community consultation meeting. The feedback from the community consultation meeting is summarized in the Comments section of this Report. The preliminary report can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE5.29>

On December 17, 2019, City Council adopted Official Plan Amendment 478 (OPA 478) as the result of the Main Street Planning Study. OPA 478 allows for intensification, including tall buildings, within the study area through the achievement of a new road network, new parks and open spaces, and new and improved community services and facilities. The final report and OPA 478 can be found at the following link: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE11.4>

PROPOSAL

The Application proposes to amend the Zoning By-law for the property at 10-30 Dawes Road to permit two tall buildings comprised of residential, retail, office and day care uses. The subject site is bisected by Guest Avenue, an existing public street. The south tall building would be 41 storeys (126.7 metres, excluding mechanical penthouse) whereas the north tall building would be 24 storeys (76.3 metres, excluding mechanical penthouse). Together, a total of 616 units are proposed: 38 (6.2%) bachelor units, 336 one-bedroom units (54.6%), 177 two-bedroom units (28.7%) and 65 three-bedroom units (10.5%). The proposal has a total gross floor area (GFA) of 47,469 square metres (44,433 square metres of residential GFA, 769 square metres of commercial GFA, 1,946 square metres of office GFA and 321 square metres of GFA allocated to a day care). The floor space index (FSI) of the proposed development is 12.55 times the area of the subject site.

The proposal also includes four levels of underground parking. A total of 285 vehicular parking spaces are proposed (249 residential parking spaces and 36 visitor parking spaces). A total of 617 bicycle parking spaces are proposed (555 spaces for residents and 62 spaces for visitors). In terms of amenity space, a total of 1,312 square metres of indoor amenity space is proposed and a total of 1,215 square metres of outdoor amenity space.

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

See Attachment 4 of this report, for a three dimensional representation of the project in context and Attachments 5 and 6 for the site plan and elevations.

Reasons for Application

The Zoning By-law Amendment application proposes to amend the former City of Toronto Zoning By-laws 438-86 to vary performance standards including: building height, density, setbacks, and parking, amongst other areas of non-compliance.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Survey
- Architectural Plans
- Landscape Plans
- Tree Preservation Plan
- Draft Zoning By-laws
- Planning Rationale
- Heritage Impact Assessment
- Shadow Study
- Wind Study
- Public Consultation Strategy Report
- Rental Housing Demolition Form
- Arborist Report
- Energy Efficiency Report
- Toronto Green Standard Checklist and Statistics
- Geotechnical Studies
- Servicing Report
- Stormwater Management Report
- Transportation Impact Study
- Environmental Impact Assessments
- Noise Impact Study

Agency Circulation Outcomes

The application, including the applicable reports noted above, has been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

POLICY CONSIDERATIONS

Planning Act

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

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

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

The Provincial Policy Statement (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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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 Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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, and better connected transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

The Growth Plan (2020), 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 (2020), take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. In accordance with Section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

Planning for Major Transit Station Areas

The Growth Plan (2020) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2020) requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs plan for the prescribed densities.

Toronto Official Plan

The City of Toronto Official Plan contains a number of policies that apply to the proposed development. The Official Plan is intended to be read and interpreted as a comprehensive whole. The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/officialplanguidelines/official-plan/>.

Chapter 3 - Building a Successful City

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

Section 3.1.1 - The Public Realm

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

Section 3.1.2 Built Form

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

- Massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- Incorporating exterior design elements, their form, scale, proportion, pattern and materials, and their sustainable design, to influence the character, scale and appearance of the development;
- Creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- Providing for adequate light and privacy; and
- Adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces.

Section 3.1.3 Built Form – Tall Buildings

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

- Demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure;
- Demonstrating how the proposed building and site design relate to the existing and/or planned context;
- Taking into account the relationship of the site to topography and other tall buildings; and
- Providing high quality, comfortable and usable publicly accessible open space areas.

Chapter 4 - Land Use Designations

Section 4.5 Mixed Use Areas

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

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

- Provide a transition between areas of different development intensity and scale through means such as providing appropriate setbacks and/or stepping down of height, particularly toward lower scale *Neighbourhoods*;
- Locate and mass buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes;
- Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- Provide an attractive and safe pedestrian environment;
- Have access to schools, parks, community centres, libraries and childcare;
- Take advantage of nearby transit services;
- Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Provide indoor and outdoor recreation space for building residents.

Chapter 5 - Implementation: Making Things Happen

Section 5.1.1 - Height and/or Density Incentives

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

Official Plan Amendment 479 and 480 – Public Realm and Built Form Official Plan Policies

On September 21, 2020, the Ministry of Municipal Affairs and Housing issued Notices of Decision approving OPA 479 and OPA 480. OPA 479 (Public Realm) and OPA 480 (Built Form) were adopted as part of the Five-Year Official Plan Review. The OPAs replace Sections 3.1.1, 3.1.2 and 3.1.3 of the Official Plan with new and revised policies for the public realm, built form and built form types, which respond to Council's direction to amend the urban design policies of the Official Plan.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH11.4>

Main Street Planning Study (Official Plan Amendment 478)

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

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

The intensification and growth anticipated through the Main Street Planning Study supports provincial and municipal policy objectives of intensification, of both jobs and people, in areas well served by surface transit and rapid transit stations. Official Plan policy 2.2.1(a) states the Plan will create a better urban environment, a competitive local economy and a more socially cohesive and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City that are supported by good and affordable transit services and other infrastructure.

At its meeting on December 17 and 18, 2019, City Council adopted Official Plan Amendment 478 (OPA 478). OPA 478 was appealed to the Local Planning Appeal Tribunal by the Applicant, among other appellants.

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

Zoning

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

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

Design Guidelines

Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Official Plan Policy 5.3.2.1 states that guidelines will be adopted to advance the vision, objectives and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. The following design guidelines that have been adopted by City Council apply to the proposed development:

- City-Wide Tall Building Design Guidelines
- Growing Up Guidelines
- Pet-friendly Guidelines
- Design Guidelines for Privately Owned Publicly-Accessible Space (POPS)

Site Plan Control

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

Community Consultation Meeting

A community consultation meeting was held on May 30, 2019 and was attended by approximately 80 members of the community. Specific comments related to the proposed development included:

- The proposed towers are too tall and do not fit the context of the neighbourhood;
- Concerns raised regarding impacts from wind;
- Concerns raised regarding capacity of soft and hard infrastructure to support this level of intensification;
- The proposed park is not large enough and is not programmable;
- Affordable housing should be considered for this proposal;

- Concerns raised regarding traffic congestion as well as the impact to public transit such as TTC and Metrolinx;
- The proposal's aesthetics are unappealing; and
- The proposed child care facility as part of the redevelopment is a positive and should be maintained.

COMMENTS

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

Provincial Policy Statement and Provincial Plans

Under policy 1.1.1 of the PPS, healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns, accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs, and promote the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning.

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

Policy 1.5.1 of the PPS states that healthy, active communities should be promoted by planning public streets, space and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity, planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, and open space areas.

Policy 1.6.1 of the PPS states that infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs. Planning for this infrastructure shall be coordinated and integrated with land use planning and growth management.

Policy 2.6.1 of the PPS states that significant built heritage resources shall be conserved.

Section 4.6 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS. The City of Toronto Official Plan has responded by establishing areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

Section 2.2.1, Policy 4 of the Growth Plan (2020) states that applying the policies of this Plan will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses; provide a range of and mix of housing options; and provide for compact built form and a vibrant public realm, including public open spaces.

The Growth Plan (2020) describes complete communities as places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living. These necessities for daily living include an appropriate mix of jobs, local stores, and services, a full range of housing (Section 2.2.6, Policy 3), transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Section 4.2.7 Polcy 1 of the Growth Plan (2020) states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities.

Section 5.2.5, Policy 6 of the Growth Plan (2020) states that in planning to achieve minimum intensification and density targets as outlined in the Growth Plan (2020), 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.

The proposal is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan. The proposal does not fit within its local context by not providing appropriate transition to buildings of lower-scale; the proposal does not maintain the intent and guidance of supportive documents, such as Official Plan policies and urban design guidelines, that direct development of a high quality public realm and compact built form; the proposal's sidewalks and POPS are cantilevered; the space for the proposed daycare is inadequate; and the proposal's built heritage resources are not appropriately conserved.

Land Use

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

The proposal includes residential, commercial and institutional uses. Provincial Plans and the Official Plan (see Section 2.2 Policy 1(a) and Section 4.5 Policy 2(a) and (b)) speaks to attracting more people and jobs to targeted growth areas in the City that are supported by good and affordable transit services. Council-adopted OPA 478 recognizes that Dawes Road has a predominantly non-residential character and

identifies it as an Employment Priority Area. New development in Employment Priority Areas are required to provide exclusively non-residential space on three floors.

The proposal increases the amount of non-residential space provided from the initial submission of 2,360 square metres to 3,036 square metres. The non-residential space is located on the first floors of both tall buildings and the second floor of the north tall building. While the increase of non-residential space is desirable, the proposal still does not meet the policies of OPA 478 which requires non-residential space over the first, second and third floors. Providing additional non-residential space, perhaps on the second floor of the south tall building or on the third floor of the north tall building, will bring the proposal closer into conformity with OPA 478, which would also mean meeting the Growth Plan policies for major transit station areas to include both people and jobs per hectare and Official Plan policies requiring a mix of residential and non-residential uses around good and affordable transit services.

The proposal also includes a daycare on the ground floor. The provision of a daycare is supportable and provides a much needed community facility in this growing area. City staff will work with the applicant through the LPAT proceedings to ensure the daycare meets City standards as a public facility. Currently, the daycare, which is approximately 320 square metres, does not meet those standards, which is typically 930 square metres of indoor space and a minimum of 278 square metres of appropriate outdoor space. Should the facility become public, there is an opportunity to accept this community facility in lieu of additional non-residential space.

Lastly, the proposal includes a pet relief area on the ground floor. This relief area is supportable; however, the location of the pet relief area is unclear in terms of how future residents will be able to access the pet relief area. The pet relief area should be easily accessible in order to be effective. It is the City's expectation that the pet relief area should meet the intent of the City's Pet-friendly Guidelines.

Built Form

Base Building

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

The base building for the north tall building is 16.8 metres (4-storeys) and 13.9 metres for the south tall building (also 4-storeys). The heights of these base buildings is supportable and meets both the intent of the Official Plan as well as OPA 478, the latter of which requires base buildings at a height of 4 storeys.

Towers

The Official Plan generally requires tall buildings to be point towers. The Tall Building Design Guidelines define point towers as a compact and slender tall building form with a typical residential tower floor plate of 750 square metres or less. Further, these towers should be separated by a minimum of 25 metres (Tall Building Design Guidelines, Section 3.2.3). Point towers with appropriate separation distances are designed to meet the following Official Plan policies: Section 3.1.2, Policies 3 (c), (d), (e) and (f); Section 3.1.2, Policy 4; and Section 3.1.3, Policy 1(b) and 2(a), (b), (c) and (d).

The Official Plan states that new developments should transition down to neighbouring existing and/or planned buildings as well as providing a gradual transition in scale and density to low-rise properties designated *Neighbourhoods* (see Official Plan Section 2.3.1 Policy 3; Section 3.1.2 Policy 3; Section 3.1.3 Policy 2; and Section 4.5 Policy 2). As well, OPA 478 includes built form policies and maps that would situate this property in Character Area C. Character Area C does permit tall buildings, however, the Character Area is further broken down into a Height Peak and two Transition Areas. The Height Peak is located in the southwest quadrant of Character Area C, adjacent to and including a portion of Main Square. The subject site is located in Transition Area (Tall), which requires that tall buildings transition down in height from the Height Peak. The reason for this Transition Area is due, in part, to the lower scaled buildings further east and south from Character Area C. As such, the Transition Area creates a gradual transition down in height which is consistent with Official Plan policies previously discussed.

One way to achieve appropriate transition is to apply a 45 degree angular plane from the nearest properties designated *Neighbourhoods*. Tall buildings that are under these angular planes provide transition in scale to low-rise residential areas, limiting shadow and overlook on neighbouring properties, and limiting shadow and loss of sky view on adjacent streets and open space, as well as ensuring a harmonious fit with other built forms of differing scale and use in the surrounding area. This practice has been used in various planning studies and development applications across the City of Toronto.

The proposal includes two towers at 41 and 24 storeys. Overall, this is an increase in height from the previous submission of 33 and 26 storeys. Currently, there is one property in the area that provides an existing and planned context for tall buildings. Main Square is located to the east of the subject site and is a complex with four existing tall buildings and two additional approved tall buildings. These six tall buildings have heights ranging from 15 storeys (46.5 metres) to 32 storeys (87.7 metres).

The proposed building heights penetrate a 45 degree angular plane from the north curb of Danforth Avenue. The building heights also penetrate a 45 degree angular plane from the properties designated *Neighbourhoods* to the south. The building heights should be reduced to be under a 45 degree angular plane to ensure a building scale that is a harmonious fit with the existing and planned context.

The Tall Building Design Guidelines state that residential towers should be limited to 750 square metres or less (Section 3.2.1). The south tower has a floor plate size of 750 square metres; however, the north tower has a floor plate size of 796 square metres.

The floor plate size of the south tower does not meet the Tall Building Design Guidelines and should be reduced to 750 square metres.

Regarding tower separation, the two towers are separated by approximately 27 metres which exceeds the minimum tower separation of 25 metres. In terms of tower setbacks, the north tower meets all its tower setbacks as per the Tall Building Design Guidelines from the north, east and west. The south tower meets the tower setback on the east side facing Guest Avenue. From the south property line the tower is setback 9 metres, which is substandard; however, with the inclusion of the Dawes Road extension, this setback may be acceptable. Further analysis would be required. From the west lot line, the tower is setback 8 metres, which is not supportable. A minimum of 12.5 metres from the lot line would be expected to meet Official Plan policies and the Tall Building Design Guidelines.

While the Application is in an area targeted for growth in the form of tall buildings, the tall buildings, as proposed, do not meet the policies of the Official Plan or the Tall Building Design Guidelines in terms of transition, floor plate sizes, and tower separation distances.

Heritage Impact & Conservation Strategy

The properties at 10 and 10A Dawes Road are both listed properties. 10 Dawes Road is proposed to be retained but relocated further south. 10A Dawes Road is also proposed to be relocated and the façade to be retained. The daycare use is proposed to be located within these two buildings. In addition to the relocation, the tower of the south tall building will cantilever over the heritage properties. Generally speaking, relocating heritage properties, facadism, and having a tower cantilever over the heritage property are not supportable unless the justification is acceptable. Heritage Planning are reviewing the plans and studies submitted by the applicant from a heritage preservation perspective.

Public Realm

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

The current proposal provides a minimum 6-metre wide sidewalk along Dawes Road, the dimension of which meets Section 4.2 of the Tall Building Design Guidelines and OPA 478. However, the base of the building cantilevers over this 6-metre sidewalk on the floors above the ground floor. There should be a minimum of 6-metres of sidewalk width that is clear from any cantilever in order to allow for street trees to grow. Weather protection is encouraged and can be achieved through the use of awnings and

canopies. Allowing for a clear 6-metres of sidewalk width will ensure the sidewalk is designed to provide safe, attractive, interesting and comfortable spaces for pedestrians (Section 3.1.1, Policy 6).

The current proposal provides a POPS at the southern edge of the north tall building. This POPS would front Guest Avenue. The POPS is approximately 183 square metres and, together with the sidewalk on Guest Avenue, would provide 6 metres of space. The plans suggest that the space would have seating and could be used as a wider, safer and more accessible midblock connection that could be added to as part of future redevelopment of adjacent properties. The provision of a POPS space is supportable and meets Policy 2(e) of Section 3.1.3 of the Official Plan. However, from the second floor and up, the massing of the building will cantilever over a portion of the POPS space. Generally speaking, POPS spaces, like sidewalks, should be clear from any cantilever and any kind of weather protection should be provided through an awning or canopy.

Sun, Shadow, Wind

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

The applicant submitted shadow studies which show the extent of the shadow from the proposal on March 21, June 21, September 21 and December 21. On March 21 and September 21, the proposed development shadows properties designated *Neighbourhoods* to the east of the subject site from 4:18 PM to 6:18 PM. On June 21, the proposed development slightly shadows properties designated *Neighbourhoods* to the east of the subject site at 5:18 PM.

On March and September 21, the proposed development shadows Danforth Avenue in the morning. There are no shadows on Danforth Avenue caused by the development in the afternoon and no shadow impacts on Danforth Avenue in the summer months. In general, the proposed development allows for 7 hours of sunlight on properties designated *Neighbourhoods* and at least 5 hours of sunlight on the north side of Danforth Avenue.

The pedestrian-level wind study submitted with the application concludes that suitable wind conditions for sitting are expected at building entrances and on most sidewalks, while elevated wind speeds are predicted around the exposed building corners and along Guest Avenue between the two proposed tall buildings. Elevated wind speeds are also predicted along the proposed POPS and daycare space. Additional tower stepbacks from the podium should be used to reduce undesirable downward wind flows. The portion of base building stepbacks and their influence on the wind is affected by the height of the surroundings, of which it is expected this area will develop with tall buildings.

Unit Mix

The development proposes a total of 616 dwelling units: 38 (6.2%) bachelor units, 336 one-bedroom units (54.6%), 177 two-bedroom units (28.7%) and 65 three-bedroom units (10.5%). The Growing Up Guidelines state that multi-unit buildings should include 10% three-bedroom units and 15% two-bedroom units. The proposal exceeds that performance standard. Furthermore, OPA 478 requires that new developments containing more than 80 new residential units will include 10% three-bedroom units and 25% two bedroom units, which the application meets and exceeds. Planning staff support the unit mix.

In addition to a mix of two and three bedroom units, the Growing Up Guidelines also set a range for unit size. Two bedroom units should be a size that ranges from 87 - 90 square metres, and three bedroom units should be a size that ranges from 100 to 106 square metres. The size of the proposal's dwelling units range from 40 square metres to 95 square metres. While staff support the mix of two and three bedroom units, staff will also be seeking to increase the size of the units so that the proposal provides more larger units in line with the ranges prescribed in the Growing Up Guidelines.

Amenity Space

The built form policies of the Official Plan require that every significant multi-unit residential development provide indoor and outdoor recreation space for building residents (Section 3.1.2, policy 6). For mixed-use developments, the Zoning By-law typically requires 4 square metres of amenity space per dwelling unit. The application proposes 1,312 square metres of indoor amenity area and 1,215 square metres of outdoor amenity area for a total of 4.1 square metres of amenity space per unit. Planning staff support the amount of amenity space provided, and will secure its appropriate location with indoor and outdoor amenity space being located contiguous to one another where possible and adjacent to larger units, as detailed in the Growing Up Guidelines.

Traffic Impact, Access, Parking

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

It is important to note that the previous submission proposed to close Guest Avenue. However, the process to close a public street had not been requested or begun. This resubmission proposes to maintain Guest Avenue in its current location between the two properties.

Servicing

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

Open Space/Parkland

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

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 Official Plan shows local parkland provision 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, and so the site is in the lowest quintile of existing provision of parkland. As per the recent City of Toronto Parkland Strategy, which includes an updated methodology to measure and assess parkland provision, the site remains in an area with the lowest level of parkland provision (4 to 12 square metres of parkland per person). The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The previous submission proposed an on-site parkland dedication. This revised proposal does not include on-site parkland dedication. Generally, this is supportable as the proposed parkland in the initial submission was very small, poorly configured, and could not be appropriately programmed. However, the creation of new parkland is important and highly needed in this area. As such and as per the Toronto Municipal Code Chapter 415-26, the Parks, Forestry & Recreation Division would request the conveyance of lands off-site to satisfy the Section 42 Parkland Dedication requirements. The off-site parkland should be generally within 800 metres of the subject site and should either expand an existing park or create a new park in a suitable location.

New preferred public park locations are identified in OPA 478. Off-site parkland is not limited only to these identified sites. The size and location of the off-site conveyance would be subject to the approval of the General Manager, Parks, Forestry & Recreation Division and the Division's conditions for conveyance of parkland prior to the issuance of the first above grade building permit. If no suitable off-site dedication is agreed to by both the City and the applicant, cash-in-lieu of parkland will be required. Further discussions about parkland location(s) and delivery mechanisms are required with the applicant and other appellants as part of the ongoing mediation 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 Zoning By-law process including those related to automobile infrastructure, building envelope, cycling Infrastructure, storage and collection of recycling, and organic waste. Additional performance measures for Tier 1, such as energy performance and building materials, will be secured through a future site plan application. The applicant is encouraged to meet Tier 2 or higher.

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

Section 37

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

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

Conclusion

While Planning staff are supportive of intensification in this area, revisions are required before the application can be considered to represent good planning. In its current form, the proposal is not consistent with the Provincial Policy Statement, 2020, does not conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) and does not conform to the City's Official Plan. The proposal does not provide appropriate transition in height, does not mass the towers to be slender, compact point towers, and does not provide appropriate tower setbacks. The massing also overwhelms the public realm with massing that cantilevers over the public sidewalk and POPS. Moreover, the daycare provides inadequate space to meet the standards of a daycare and the outdoor space for that daycare space is impacted by less than desirable wind conditions.

Staff are recommending the appeal of the Zoning By-law Amendment application for 10-30 Dawes Road be opposed at the LPAT and that staff continue discussions with the applicant to address the issues outlined in this report.

CONTACT

George Pantazis, Senior Planner, Tel. 416-392-3566,
E-mail: George.Pantazis@toronto.ca

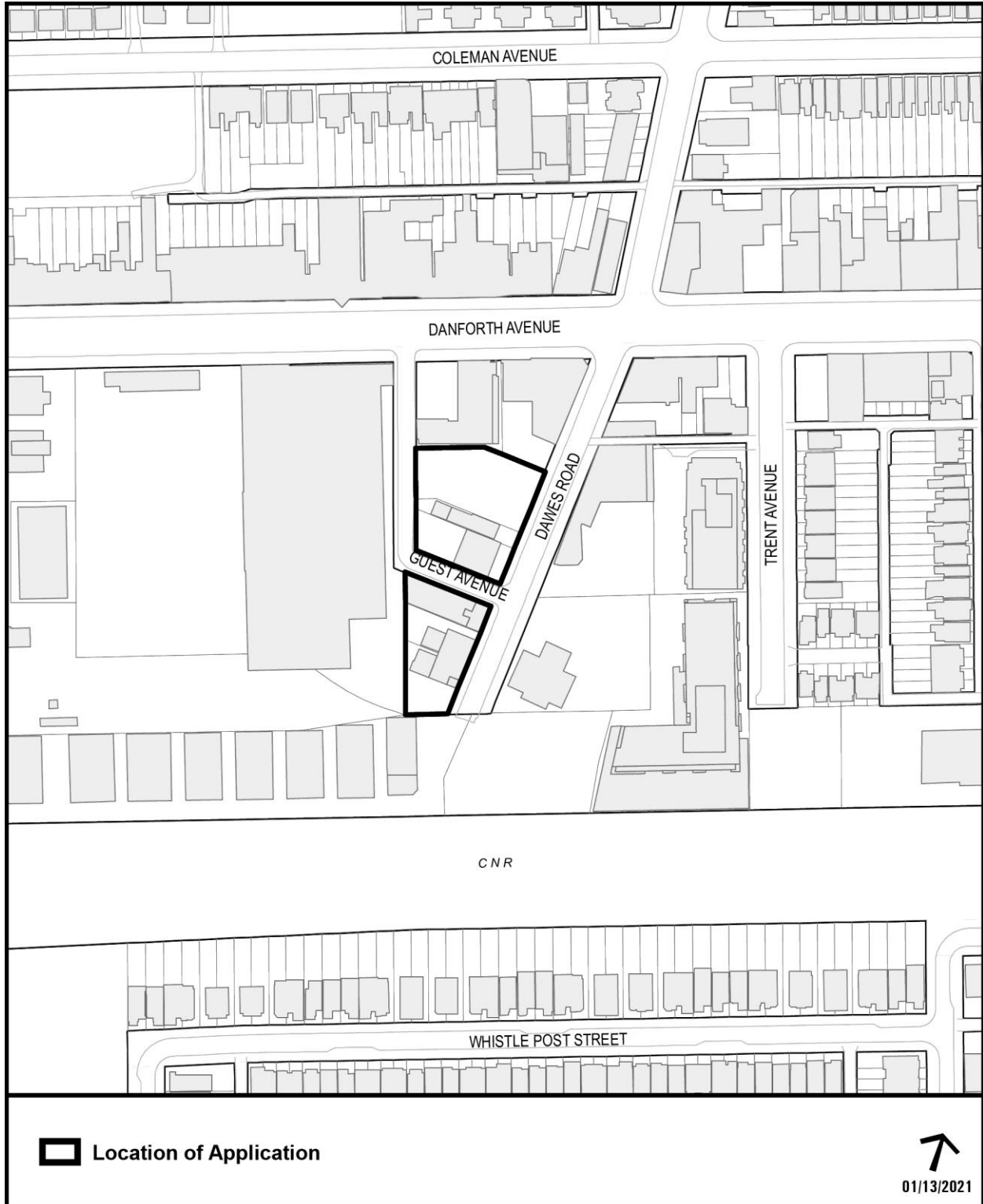
SIGNATURE

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

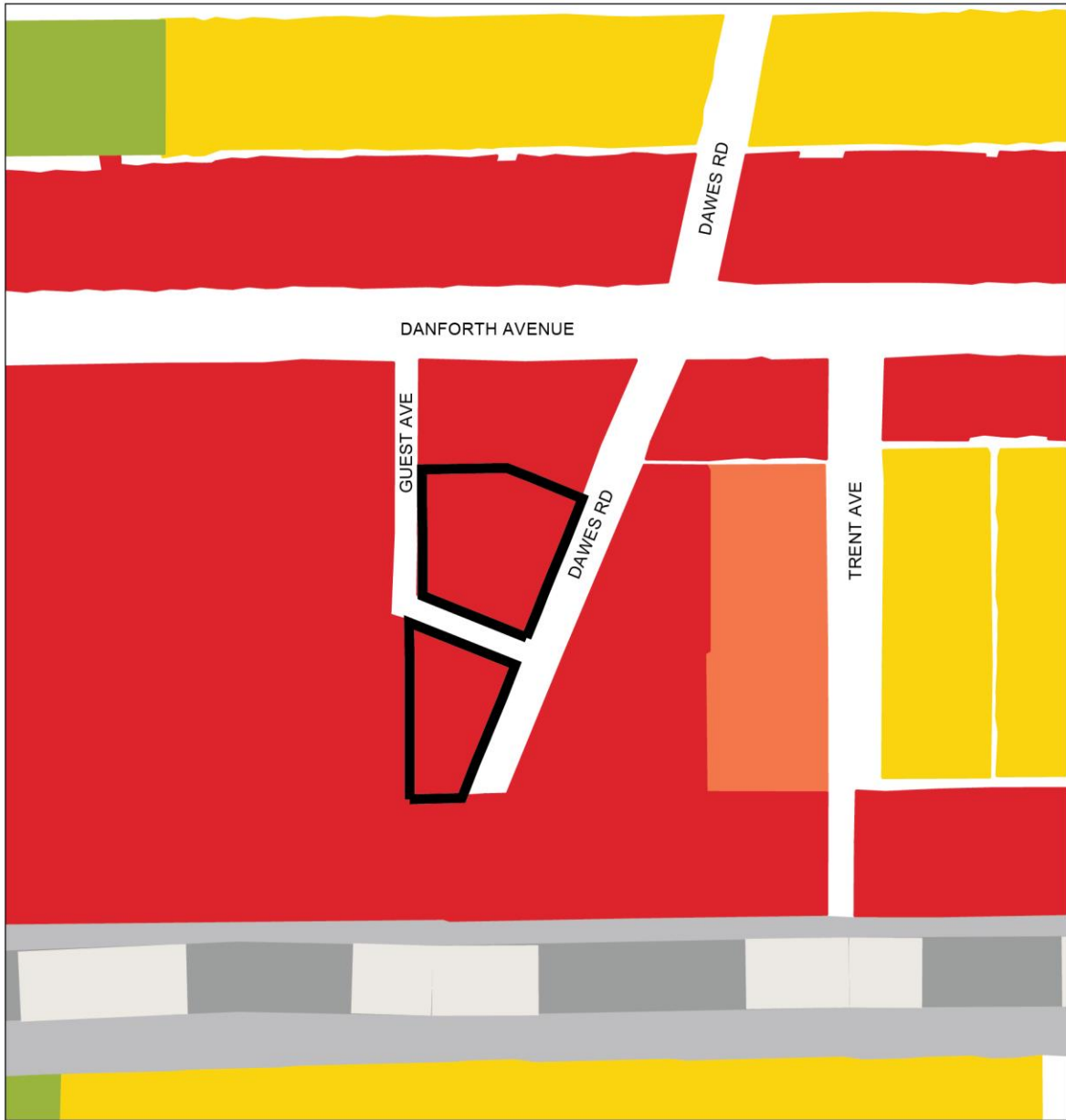
ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Official Plan Land Use Designation
Attachment 3: Zoning By-law
Attachment 4: 3D Models of Proposal in Context
Attachment 5: Site Plan
Attachment 6: Elevations
Attachment 7: Application Data Sheet

Attachment 1: Location Map










Attachment 2: Official Plan Land Use Designation



10-30 Dawes Road

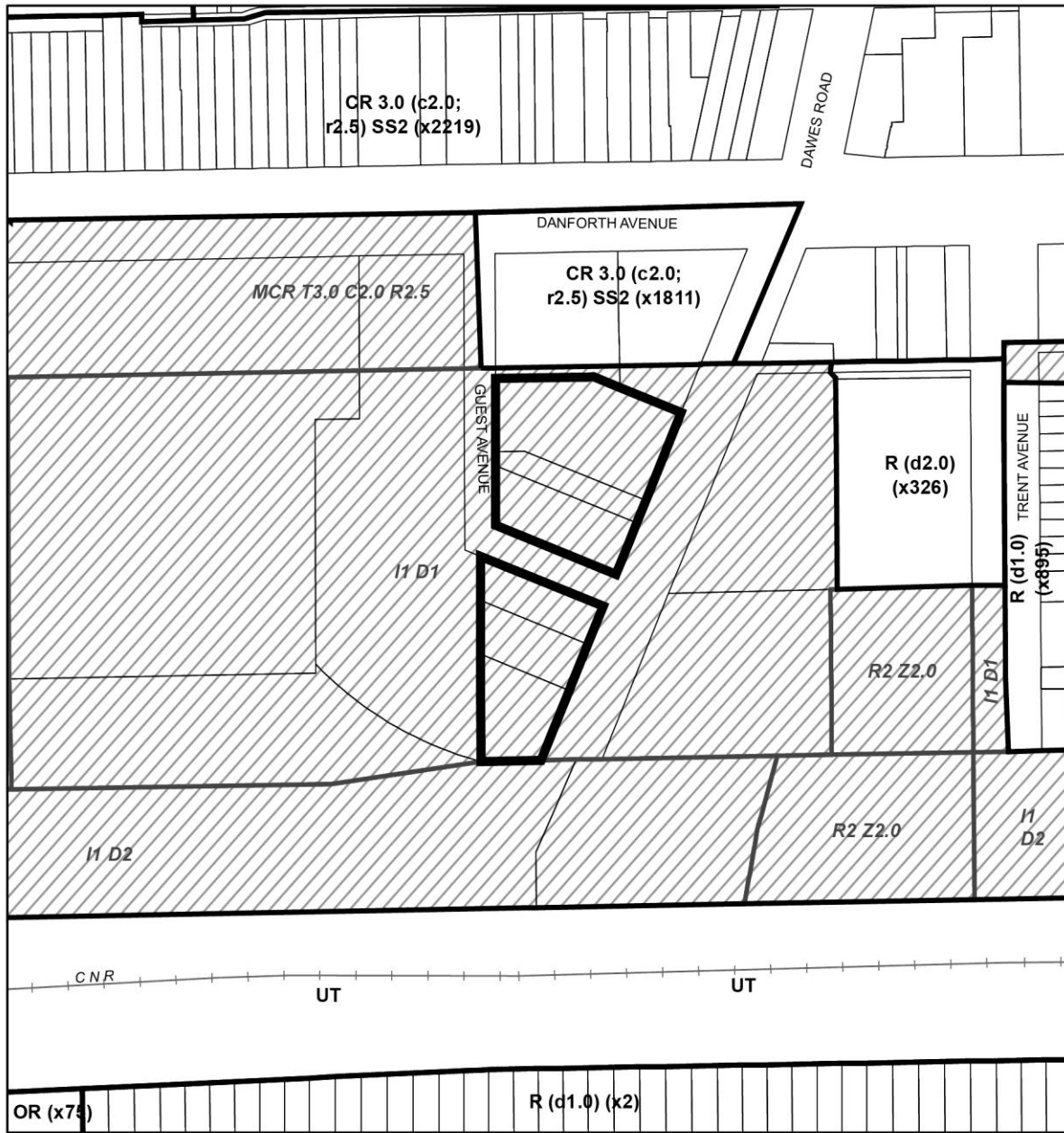
Official Plan Land Use Map #20

File # 19 124138 STE 19 0Z

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

↑
Not to Scale
01/13/2021

Attachment 3: Zoning By-law



Zoning By-law 569-2013

10-30 Dawes Road

File # 19 124138 STE 19 0Z

Location of Application

R Residential
CR Commercial Residential
OR Open Space Recreation
UT Utility and Transportation

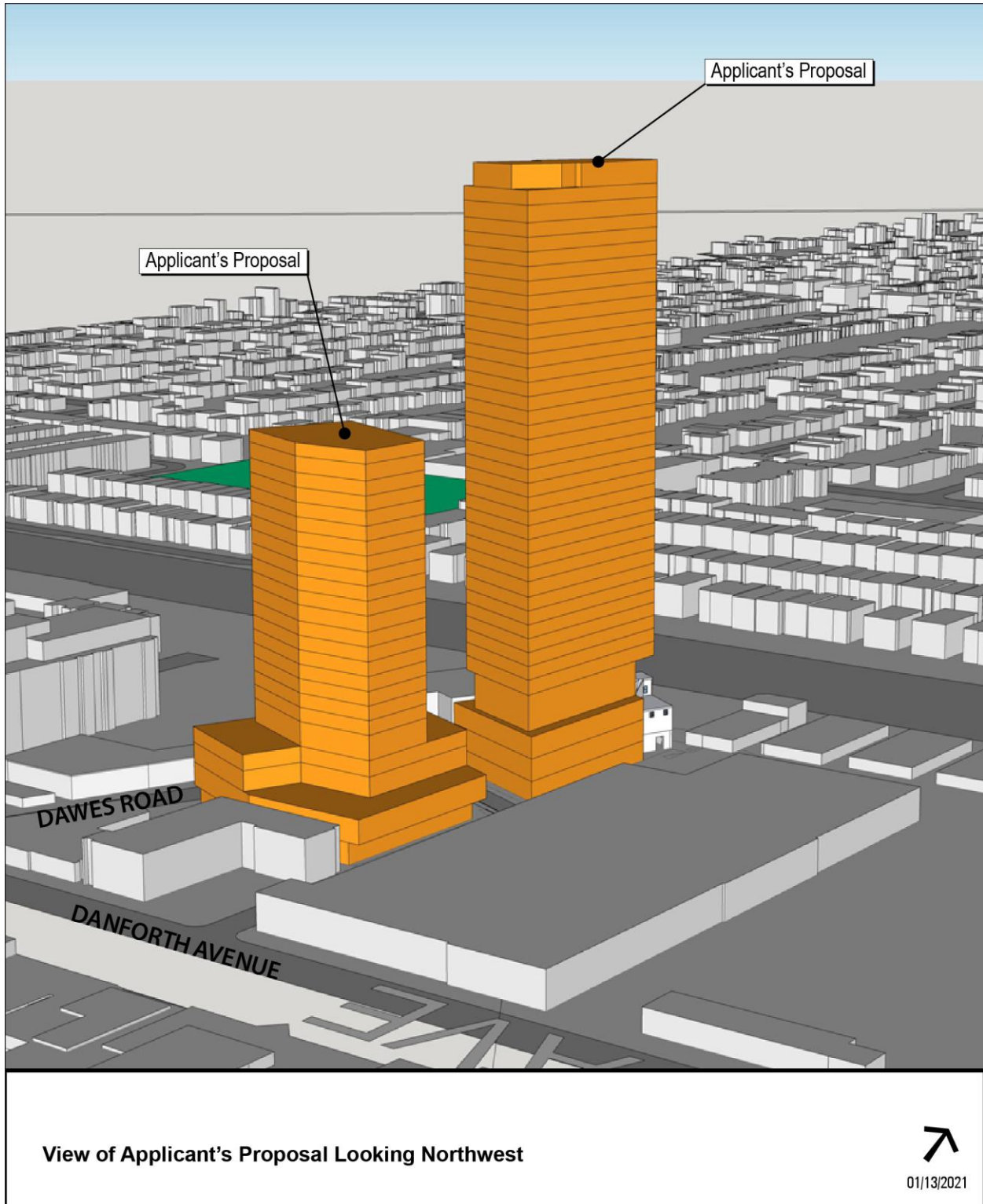
See Former City of Toronto By-law No. 438-86

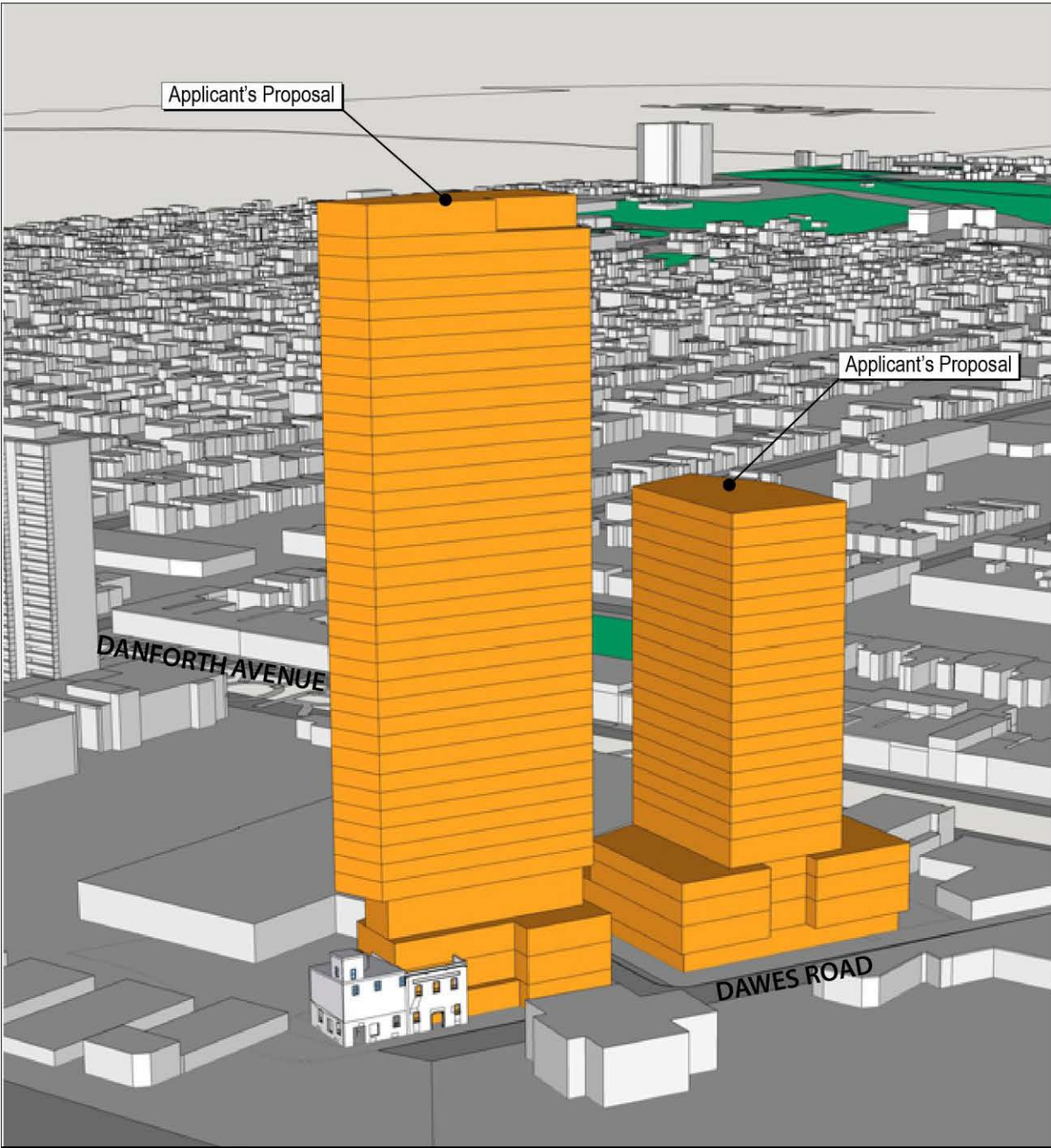
R2 Residential District
R4 Residential District
MCR Mixed-Use District
I1 Industrial District



Not to Scale
 Extracted: 01/13/2021

Attachment 4: 3D Models of Proposal in Context



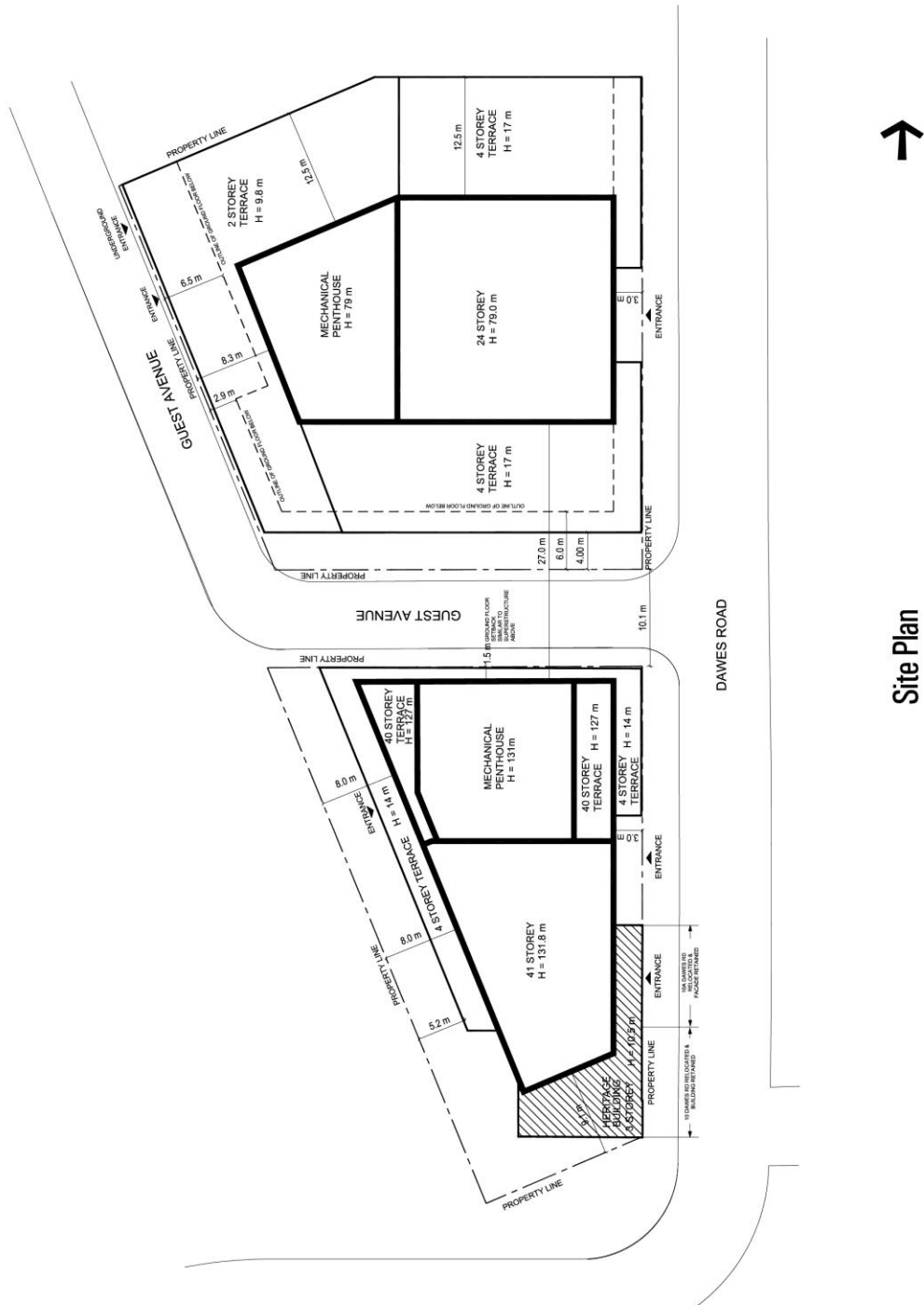


View of Applicant's Proposal Looking Southeast



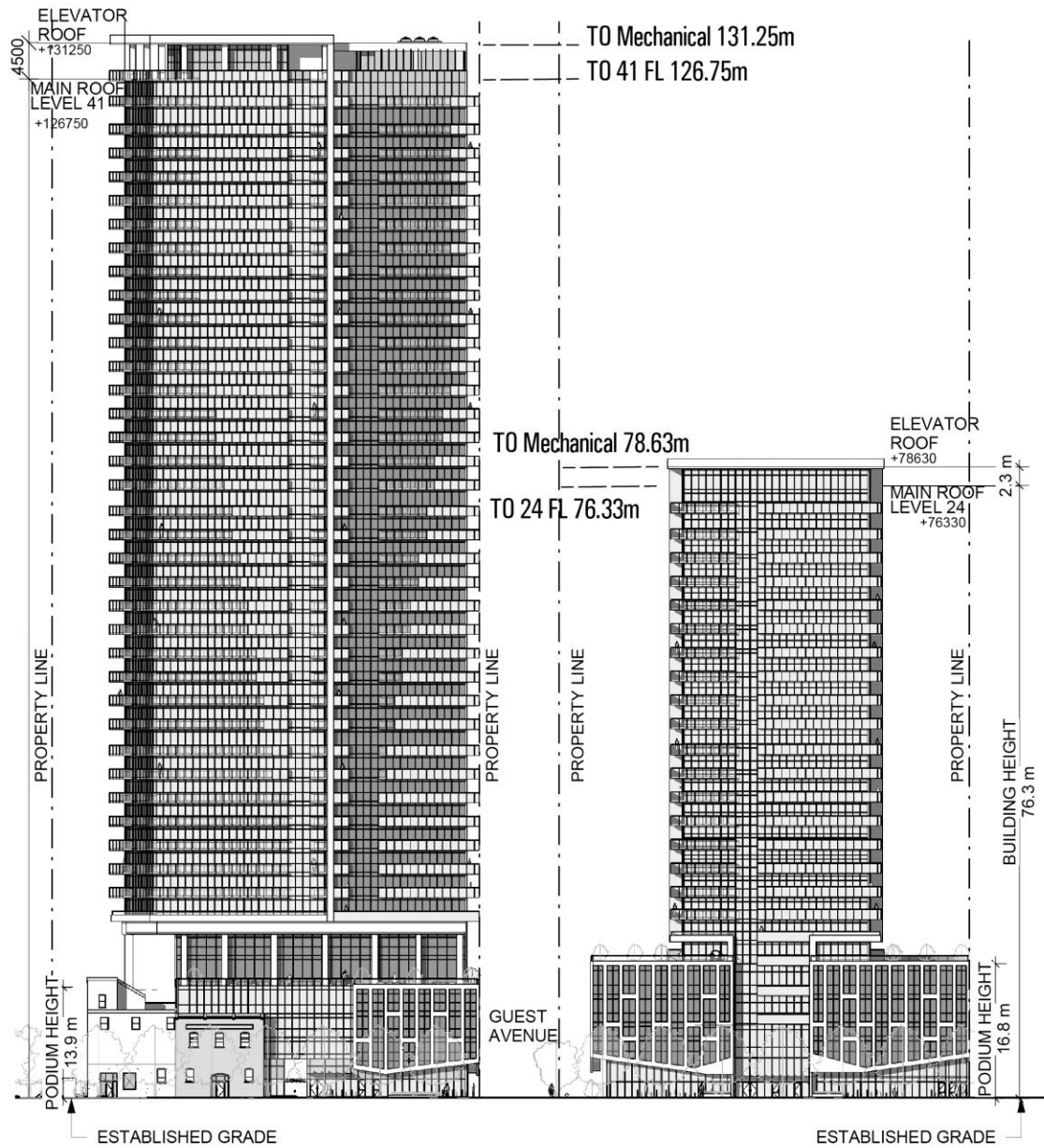
01/13/2021

Attachment 5: Site Plan



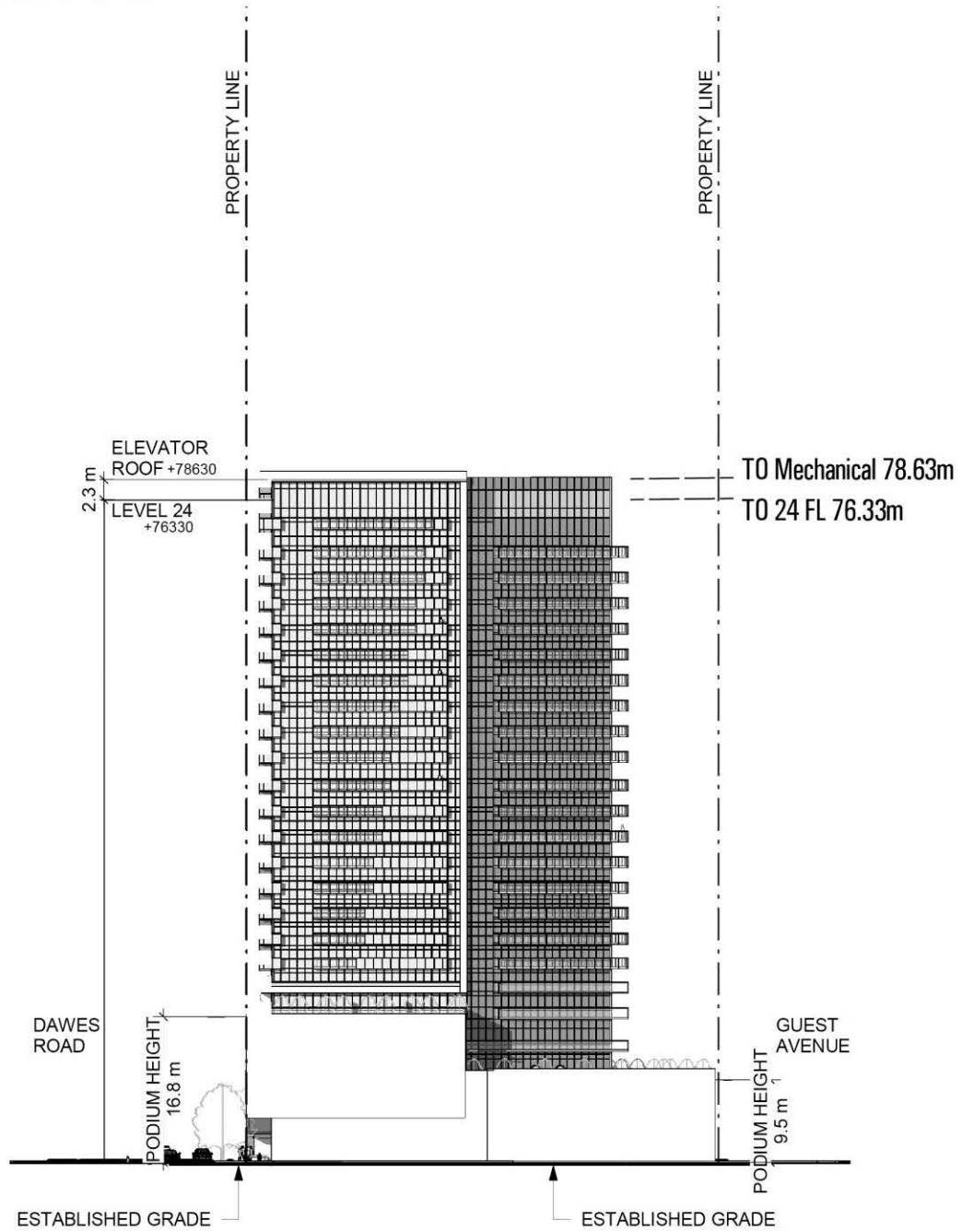
Site Plan

Attachment 6: Elevations

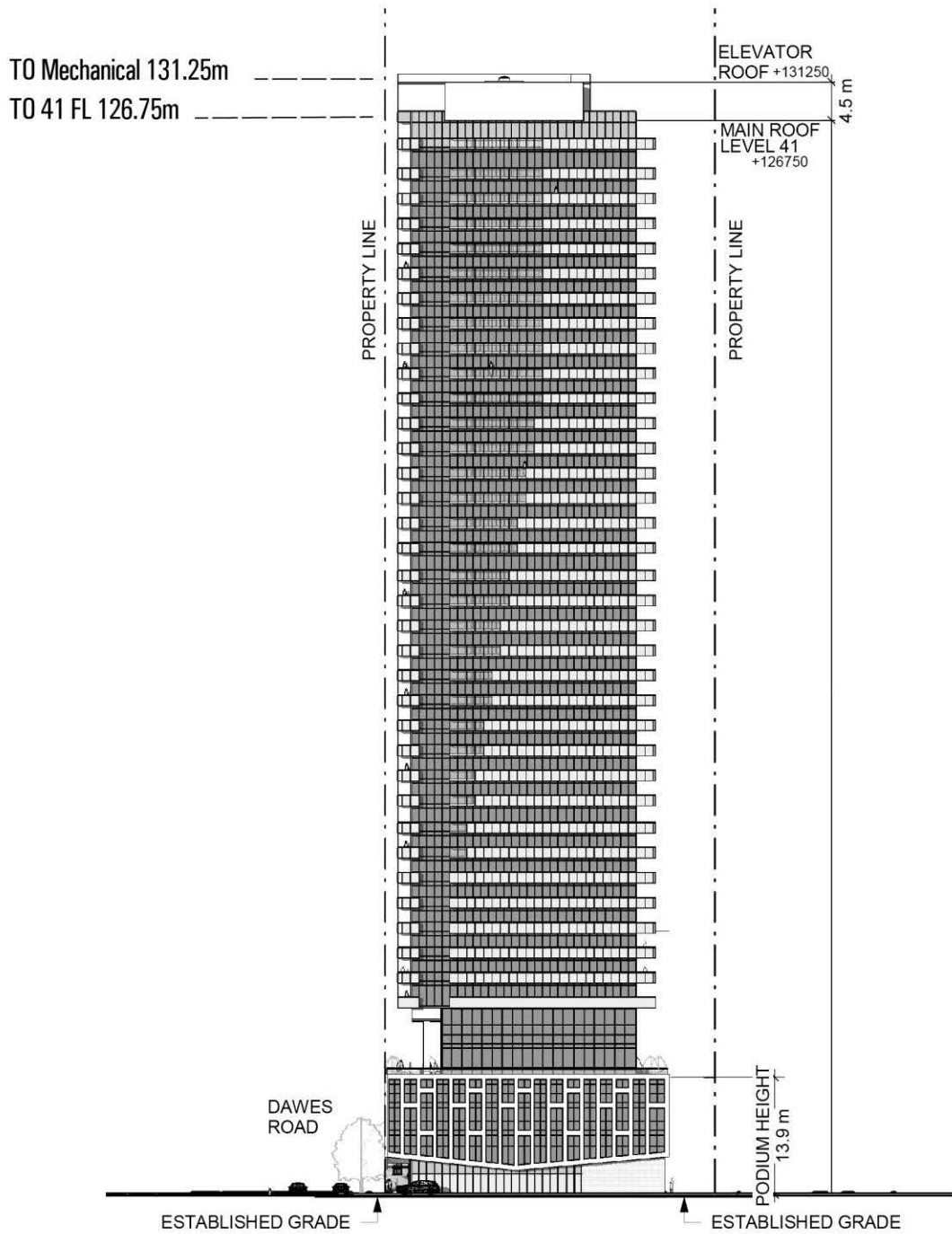


East Elevation

TO Mechanical 0.00m
TO X FL 0.00m

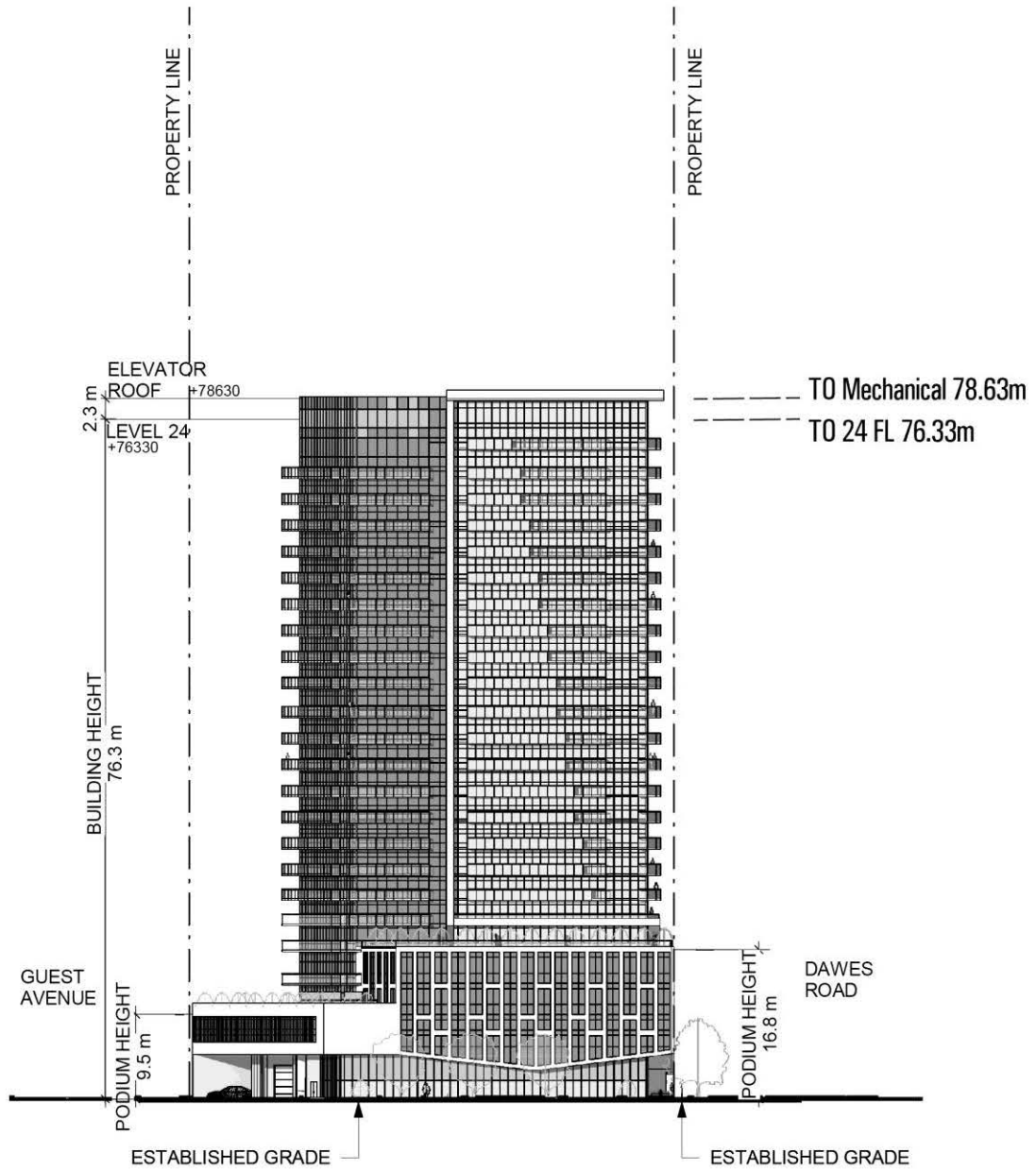


North Elevation North Tower

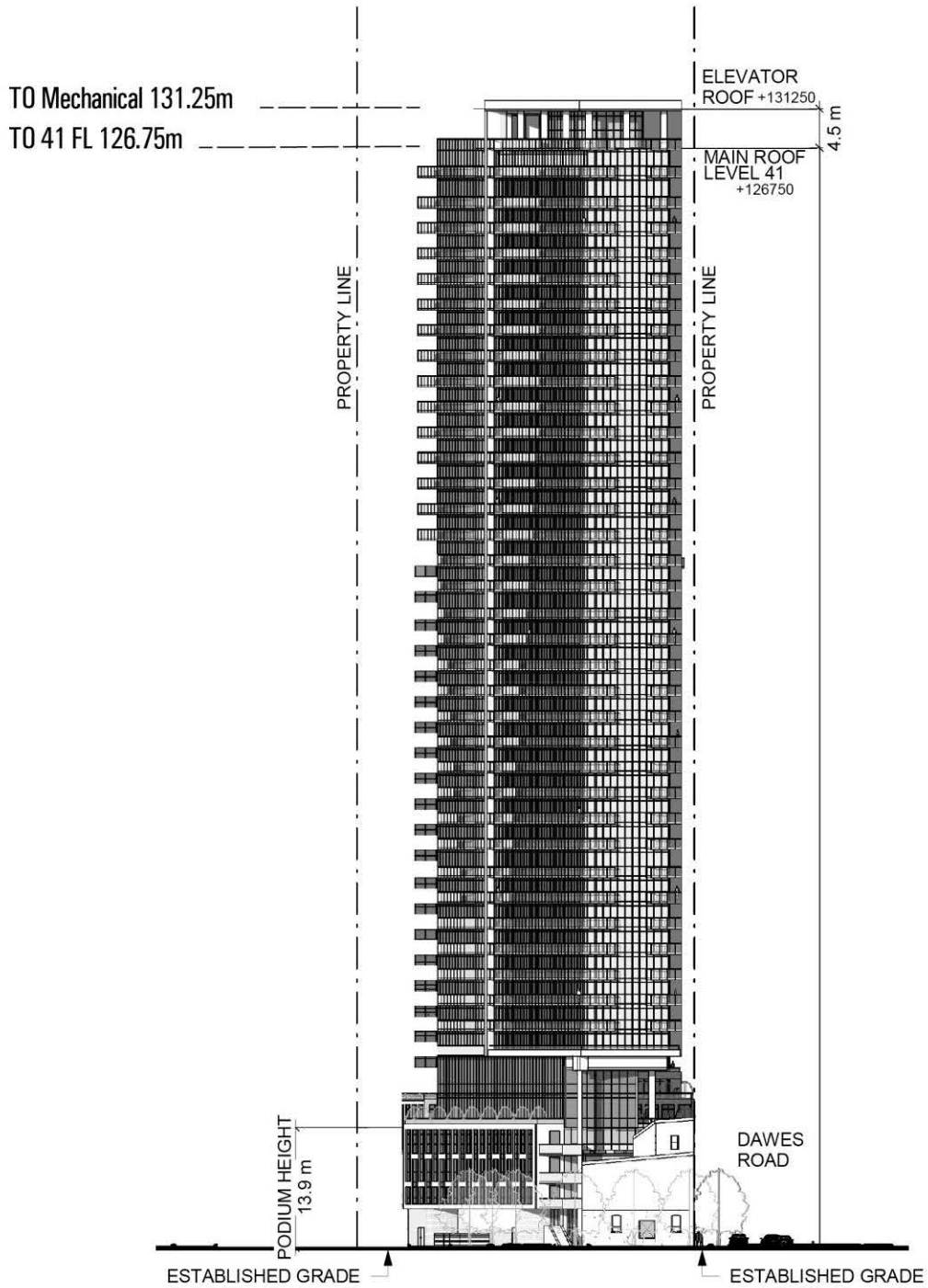


North Elevation South Tower

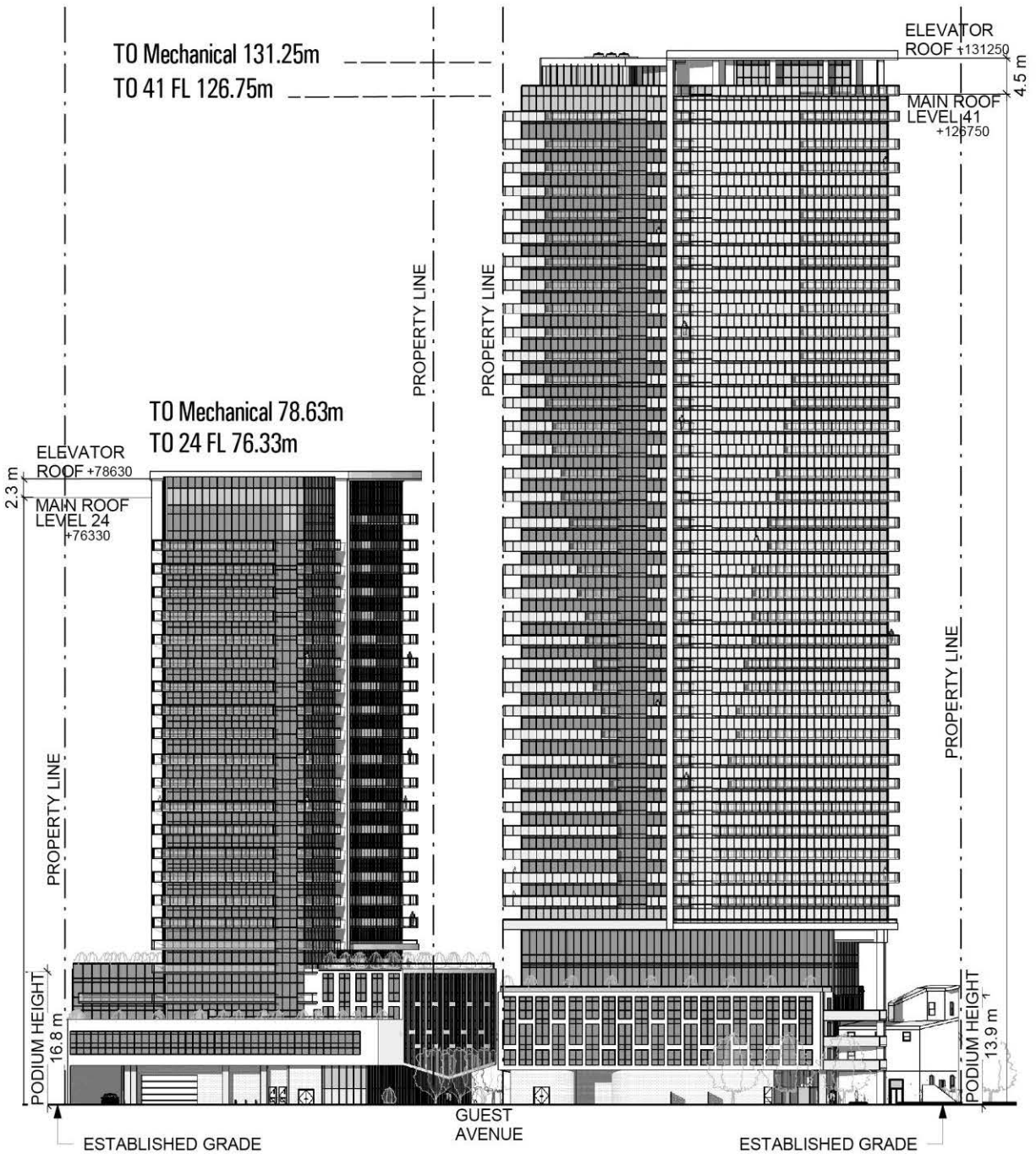
TO Mechanical 0.00m
TO X FL 0.00m



South Elevation Noth Tower



South Elevation South Tower



West Elevation

Attachment 7: Application Data Sheet

Municipal Address: 10 DAWES RD Date Received: March 11, 2019

Application Number: 19 124138 STE 19 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: This application proposes to amend the Zoning By-law for the property at 10-30 Dawes Road to permit two tall buildings comprised of residential, retail, office and day care uses. The south tall building would be 41 storeys (126.7 metres, excluding mechanical penthouse) whereas the north tall building would be 24 storeys (76.3 metres, excluding mechanical penthouse). Together, a total of 616 units are proposed. The floor space index (FSI) of the proposed development is 12.55 times the area of the subject site.

Applicant	Agent	Architect	Owner
MARLIN SPRING	BOUSFIELDS	IBI GROUP	MARLIN SPRING

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: OPA 478

Zoning: I1 D1 Heritage Designation: Listed

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

PROJECT INFORMATION

Site Area (sq m): 3,786 Frontage (m): 110 Depth (m): 37

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,524			
Residential GFA (sq m):			47,541	47,541
Non-Residential GFA (sq m):	2,303		3,264	3,264
Total GFA (sq m):	2,303		50,805	50,805
Height - Storeys:	2		41/24	41/24
Height - Metres:	6		126/76	126/76

Lot Coverage Ratio (%) : 68.91 Floor Space Index: 12.55

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	47,451	
Retail GFA:	837	
Office GFA:	2,100	
Industrial GFA:		
Institutional/Other GFA:	327	

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			616	616
Other:				
Total Units:			616	6161

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		38	336	177	65
Total Units:		38	336	177	65

Parking and Loading

Parking Spaces:	285	Bicycle Parking Spaces:	617	Loading Docks:	2
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CONTACT:

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