

401 Dundas Street East – Zoning By-law Amendment Application – Decision Report – Approval

Date:	June 6, 2023
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Ward:	13 - Toronto-Centre

Planning Application Number: 20 233607 STE 13 OZ

SUMMARY

This report reviews and recommends approval of the application to amend the Zoning By-law to permit a 10-storey (39.95 metres, including mechanical penthouse) mixed-use building at 401 Dundas Street East. The building is proposed to contain ground floor retail space, 101 dwelling units, 19 car parking spaces and 117 bicycle parking spaces.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 569-2013 for the lands at 401 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment included as Attachment No. 5 to this report.

2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.

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 21, 2021. A Motion was adopted that requires City staff create a working group and consult with the local community as part of the Site Plan Control application process. The Toronto and East York Community Council Decision is available here: <u>https://secure.toronto.ca/council/agenda-item.do?item=2021.TE24.32</u>

THE SITE

Description: The site is square in shape, with an approximate lot area of 1,274 square metres. The lot frontage is 36.7 metres on Dundas Street East, 34.8 metres on Berkeley Street, and 34.4 metres on Milan Street. An east-west public laneway, known as Coatsworth Street, abuts the south property line.

Existing Uses: A two-storey commercial building with surface parking on the Dundas Street East frontage.

THE APPLICATION

Description: The proposal is for a 10-storey (39.95 metres, including mechanical penthouse) mixed-use building.

Density: The proposed floor space index is 5.29 times the lot area, for a total gross floor area of 6,750 square meters.

Dwelling Units: A total of 101 units are proposed, comprised of 16 bachelor units (16%), 54 one-bedroom units (53.4%), 20 two-bedroom units (20%), and 11 three-bedroom units (11%).

Commercial Use: A minimum of 290 square metres of retail space on the ground floor along Dundas Street East.

Parking and Loading: A total of 19 vehicular parking spaces (16 residential and 3 visitor) are proposed in a 1-level underground parking garage, accessed by the public laneway. A total of 117 bicycle parking spaces (95 long-term and 14 short-term) are proposed. One Type "G" loading space is proposed to on the ground floor of the development accessed from the public laneway.

Additional Information

See Attachments No. 1, 2, 6 and 8 of this report for the Location Map, Application Data Sheet, a site plan of the proposal and a three-dimensional representation of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: www.toronto.ca/401DundasSte

Reasons for Application

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: building height, gross floor area, setbacks, required landscaped area and minimum parking requirements.

Revisions: The current proposal incorporates numerous revisions from the original application including:

- Reduced podium height from 5 to 4 storeys;
- Reduced density from 5.32 to 5.29 times the area of the lot;

- Relocated residential pedestrian entrance from the west (Milan Street) to the east (Berkeley Street) of the site;
- Relocated vehicular entrance from the southeast to the southwest of the site;
- Changed projecting balconies to inset balconies on the north, east, and west elevations for the 4-storey podium;
- Decreased the number of underground parking levels from 2 to 1;
- Decreased vehicular parking spaces from 37 to 19;
- Increased bicycle parking spaces from 98 to 117;
- Increased setback on Milan Street from 0 to 1.3 metres;
- Increased building setback to Dundas Street East for floors 1 and 2 from 5.9 to 6 metres; and
- Increased setback along Dundas Street East or floors 3 and 4.

POLICY CONSIDERATIONS

Provincial Land-Use Policies: All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation: The site is designated Mixed Use Areas in the Official Plan, and Mixed Use Areas 3 - Main Street within the Downtown Secondary Plan.

Zoning: The site is zoned CR 1.5 (c1.0; r1.0) SS2 (x2389) in Zoning By-law 569-2013, which permits a wide range of commercial and residential uses. The permitted maximum height is 12 metres.

Design Guidelines: The following design guidelines have been used in the evaluation of this application:

- Mid-rise Building Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings;
- Toronto Accessibility Design Guidelines; and
- Retail Design Manual.

The City's Design Guidelines can be found here: <u>https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/</u>

COMMUNITY CONSULTATION

Staff have corresponded and met with residents in the area on several occasions. In addition, City Planning held a virtual Community Consultation Meeting on City on May 17, 2021. Approximately 42 people attended, including the Ward Councillor at the time. City staff and the applicant's consultant team presented on the planning framework, the site and area context, and the details of the proposal. The presentations were followed by a question-and-answer period.

The issues raised by the Community relate to the following:

- The proposed building is too tall for the site;
- The Performance Standards for Mid-Rise Buildings should be applied to the to the proposal;
- The Bike Share station should be retained on-site;
- Need for an adequate number of visitor parking spaces for cars;
- Need for the adequate provision of soft landscaping;
- The proposed residential lobby should be moved from Milan Street to another location;
- Impact of loading and additional traffic on Coatsworth Street;
- Potential light pollution on the surrounding properties; and
- Shadow and noise impacts on adjacent properties and the surrounding area.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have an opportunity to consider the submissions made at the statutory public meeting held by the Toronto East York Community Council for this application, these submissions are broadcast live over the internet and recorded for review.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the PPS, and conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The proposal is consistent with the PPS and conforms with the Growth Plan.

Land Use

The site is designated Mixed Use Areas in the Official Plan and Mixed Use Area 3 -Main Street of the Downtown Secondary Plan. The proposed residential and commercial uses are acceptable and conform to the Official Plan.

Built Form

The proposal is compatible with the surrounding context and conforms with the applicable Official Plan policies with respect to built form, massing and transition to the adjacent Neighbourhoods designated properties to the south.

Development in Mixed Use Areas 3 will generally be in the form of mid-rise buildings, with some low-rise and tall buildings permitted based on compatibility. The Downtown

Plan states the height of mid-rise buildings will generally not exceed the width of the right-of-way onto which the building fronts.

The proposed building height of 39.95 metres is acceptable. The building has been designed to mitigate the impacts of the additional height above the width of the Dundas Street East right-of-way. The proposed 4-storey, 16-metre streetwall achieves the standard height of 80% of the Dundas Street West right-of-way width. A minimum 2.0 metre stepback has been incorporated on all sides of the proposal above the 5th storey to reduce the scale of the massing along all frontages of the site. Transitioning to the rear, the proposed building gradually steps down toward to the Neighbourhood designated properties to the south and with a 1-storey streetwall height at the south along Coatsworth Street, which is in keeping with the height and massing of the 3-storey townhouses to the south.

Public Realm

The proposal conforms with the applicable public realm policies of the Official Plan. The proposed building will provide a 6.0-metre setback from the curb to the building face for the first two floors and a 4.8-metre setback from the curb the building face for floors 3 and 4. A minimum 2.1-metre pedestrian clearway is provided along the Dundas Street East frontage and along Berkeley Street, Milan Street and at the rear of the site along the public lane.

Tree Preservation

The applicant is proposing to remove 7 City-owned street trees to accommodate the development. The City's standard compensation ratio is 1:1 for the removal of City-owned street trees. The applicant is proposing to replant 6 trees, with 4 trees to be planted along the frontage on Dundas Street East and 2 trees along the easterly side along Berkeley Street. A cash-in-lieu payment is required for remaining tree, which is acceptable to Urban Forestry.

Unit Mix

The proposal meets the Downtown Secondary Plan requirements for the minimum number of family-sized dwelling units. Of the 101 proposed residential dwelling units, 20 are two-bedroom units (19.8%) and 11 are three-bedroom units (11%), which is consistent with the Growing Up Guidelines. The unit mix of the proposal meets the policy direction of the Official Plan to provide a full range of housing.

Sun and Shadow

The applicant submitted a shadow study showing the shadow cast by the proposed building on the spring and fall equinox (March 21 and September 21) and the summer solstice (June 21). In the Spring equinox, the proposed development casts shadows that move across the Dundas Street East right-of-way starting at 11:18 a.m. for 3 hours and beginning at 9:19 a.m. for 4 hours during the fall equinox. The shadow impacts on Neighbourhood designated properties are minimal. The proposal adequately limits shadow impacts on adjacent streets and Neighbourhoods-designated properties, and are acceptable.

Traffic Impact, Access, Parking and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, paring and loading arrangements for the proposed development. The proposed number of parking spaces and Type "G" loading space satisfies the Zoning By-law requirements for parking and loading.

Vehicular access to the underground parking garage would be from the public laneway south of the site. A total of 19 parking spaces are proposed, consisting of 16 residential parking spaces and 3 residential visitor parking spaces. The proposal includes 117 bicycle parking spaces located in the underground parking. One Type "G" loading space is provided and will be accessed from the public lane.

An existing bike-share station located on the east side of the existing commercial building on City's property is proposed to be relocated on-street, immediately south of the proposed curb extension. Transportation Services has reviewed the relocation of the bike-share station and are satisfied with the new location.

Road and Laneway Widening

A 1.37-metre laneway widening is required along the rear (south) property line to satisfy the Official Plan requirement for a 6.0 metre laneway right-of-way. Transportation Services requires a stratified conveyance of land for the proposed parking garage to be built beneath the strip of land conveyed to the City. This will be secured through the Site Plan Control application.

Transportation Services also require a 5.0-metre corner rounding at the northwest corner of the site to be conveyed to the City through the Site Plan Control application.

Furthermore, Transportation Services require a curb extension on the west side of Berkeley Street at Dundas Street East to create a sidewalk bump-out. This will increase the sidewalk width at the intersection, create space on-street for the re-located bike share station, and formalize on-street parking on the west side of Berkeley Street.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above grade building permit.

Servicing

The applicant has submitted a Functional Servicing and Stormwater Management Report, Civil and Utilities plans, a Hydrogeological Report and Geotechnical Study all in support of the subject application. Engineering and Construction Services (ECS) staff have reviewed the findings of these reports and have accepted the conclusions in support of the Zoning By-law Amendment application. Should it be determined that upgrades and road improvements are required to support the development, the owner should be required to enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure.

Community Services and Facilities

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are the building blocks of our neighbourhoods, foundational to creating complete communities and include matters such as recreation, libraries, childcare, schools, public health, and human and cultural services. Providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

Toronto Green Standard

The Toronto Green Standard (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. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

CONTACT

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SIGNATURE

Oren Tamir, Acting Director, Community Planning Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

Attachment 1: Location Map Attachment 2: Application Data Sheet Attachment 3: Official Plan Land Use Map Attachment 4: Existing Zoning By-law Map Attachment 5: Draft Zoning By-law Amendment

Applicant Submitted Drawings

Attachment 6: Site Plan/Draft Plan of Subdivision Attachment 7: Elevations Attachment 8: 3D Model of Proposal in Context

Attachment 1: Location Map



Attachment 2: Application Data Sheet

Municipal Address:	401 Dundas Street Date Received: East			eived:	December 23, 2020				
Application Number:	20 233607 STE 13 OZ								
Application Type:	Zonin	Zoning By-law Amendment							
Project Description: A 10-storey mixed-use building.									
Applicant Goldberg Group			Architect BDP. Quadrangle			Owner 401 Dundas Street East Limited			
EXISTING PLANNING CONTROLS									
Designation:		Mixed Use Areas		Site Specific Provision: N					
Zoning:	R	CR 1.5 (c1.0; R1.0) SS2 (x2389)		ritage De	esignatio	on: N			
		2 Site Plan Contro Area:		ontrol	Y				
PROJECT INFORMAT	ION								
Site Area 1,2 (Sq m):	75	Frontage (m):		37	37 Dep (m):		35		
Building Data		Existing	Reta	ained	Propo	sed	Total		
Ground Floor Area (sq	m):	729			933		933		
Residential GFA (sq m				6,410		6,450			
Non-Residential GFA (1,535			293		293			
Total GFA (sq m):	1,535			6,703		6,703			
Height - Storeys:		2		10			10		
Height - Metres:		7			39.96		39.95		
Lot Coverage Ratio (%	.19	Floor Space Index			5.29				
Floor Area Breakdown Ab		ove Grade (sq	∣m) Below Grade (Grade (s	q m)			
Residential GFA: 6,		93		17					
Retail GFA:	293	3							
Office GFA:									

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total						
Rental:										
Freehold:										
Condominium: Other:			101	101						
Total Units:			101	101						
Total Residential Units by Size										
Rooms	s Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom						
Retained:										
Proposed:	16	54	20	11						
Total Units:	16	54	20	11						
Parking and Loading Parking 40 Bicycle Parking 417 Loading 4										
Spaces: 19	Spaces:	····· s 1	17 Docks:	1						

CONTACT:

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Mixed Use Areas



Attachment 4: Existing Zoning By-law Map

Attachment 5: Draft Zoning By-law Amendment

Authority: Toronto and East York Community Council ##, as adopted by City of Toronto Council on ~, 2012

CITY OF TORONTO

BY-LAW No. XXXX- 2023

To amend Zoning By-law No. 569-2013, as amended, with respect to the lands municipally known in the year 2022 as 401 Dundas Street East.

WHEREAS authority is given to Council by Section 34 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

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

The Council of the City of Toronto HEREBY ENACTS as follows:

1. This by-law applies to the lands delineated by heavy black lines on Diagram 1 attached to and forming part of this By-law.

2. The words highlighted in bold type in this By-law have the same meaning provided in Zoning By-law No. 569-2013, Chapter 800 Definitions.

3. Zoning By-law No. 569-2013, as amended, is further amended by amending the zone label on the Zoning By-law Map in Section 990.10 respecting the lands outlined by heavy black lines from a zone label of CR 1.5 (c1.0; r1.0) SS2 (x2389) to CR 1.5 (c1.0; r1.0) SS2 (x861), as shown on Diagram 2 attached to this By-law.

4. Zoning By-law No. 569-2013, as amended, is further amended by adding to Article 900.11.10 Exception Number 861 so that it reads:

(861) Exception CR 861

The lands, or a portion thereof as noted below, are subject to the following Site-Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) For the purpose of this exception, regulation 900.11.10(2389) applies to the lands shown on Diagram 1 of By-law [Clerks to insert By-law number];

(B) Despite (A) above, on 401 Dundas Street East, if the requirements of By-law [Clerks to insert By-law ##] are complied with, a **building** or **structure** may be constructed, used or enlarged in compliance with Regulations (B) to (Q) below:

(C) Despite regulation 40.10.40.40(2), the permitted maximum **gross floor area** of all **buildings** and **structures** on the **lot** is 6,740 square metres, of which:

(i) the permitted maximum **gross floor area** for residential uses is 6,450 square metres; and

(ii) the required minimum **gross floor area** for non-residential uses is 290 square metres;

(D) The provision of **dwelling units** is subject to the following:

(i) A minimum of 10 percent of the total number of **dwelling units** must have two or more bedrooms;

(ii) A minimum of 10 percent of the total number of **dwelling units** must have three or more bedrooms;

(iii) any **dwelling units** with three or more bedrooms provided to satisfy (ii) above are not included in the provision required by (i) above; and

(iv) if the calculation of the number of required dwelling units with two or three bedrooms results in a number with a fraction, the number shall be rounded down to the nearest whole number;

(E) Despite Regulation 40.5.40.10(1) and (2), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevation of 88.5 metres and the highest point of the **building** or **structure**;

(F) Despite Regulation 40.10.40.10(2) and (7), the permitted maximum height of any **building** or **structure** is the height in metres specified by the number following the HT symbol, and the number of **storeys** before the symbol ST, as shown on Diagram 3 of By-law XXX [Clerks to insert By-law ##];

(G) For the purposes of regulations 40.10.40.10(7) and (F) above, the following portions of a **building** are not a **storey**:

(i) The mechanical penthouse level of the **building** shown as "MPH HT 39.95" on Diagram 3 of By-law XXX [Clerks to insert By-law ##],;

(H) The area labelled "MPH HT 39.95" must only be used as a mechanical penthouse limited in use to areas for the functional operation of the **building** and access thereto, as well as a maximum of 96 square metres of indoor **amenity space**;

(I) Despite regulations 40.5.40.10(4) to (7) and (F) above, the following elements of a **building** may project above the permitted maximum height in Diagram 3 of By-law XXX [Clerks to insert By-law ##]:

(i) **structures** and elements related to outdoor flooring and roofing assembly, by a maximum of 0.5 metres;

(ii) safety railings, guard rails, parapets, terrace walls, planters, balustrades, bollards, retaining walls, access ramps, exterior stairs and ornamental or architectural features, by a maximum of 1.5 metres;

(iii) parapets and elements or **structures** associated with a **green roof**, by a maximum of 1.8 metres;

(iv) screens and unenclosed **structures** providing noise or wind protection to rooftop **amenity space**, by a maximum of 3.0 metres;

(v) trellises, pergolas, cabanas, and unenclosed **structures**, by a maximum of 3.5 metres; and

(vi) elevator overrun, cooling towers, generators and associated screens by a maximum of 5.0 metres;

(J) Despite regulation 40.10.40.70(2) and Article 600.10.10 the required minimum **building setbacks** are as shown on Diagram 3 of By-law ### [NTD: City Clerk to provide By-law #];

(K) Despite Clause 40.10.40.60 and (J) above, the following elements may encroach into the required minimum **building setbacks** as follows:

(i) Balconies, which may only be located on the south side of the **building** between the height of 8.0 metres and 15.0 metres, by a maximum of 1.5 metres;

(ii) Balconies, which may only be located on the north and south side of the **building** between the height of 17.9 metres and 33.6 metres, by a maximum of 1.5 metres;

(iii) cornices, sills, eaves, balustrades, and architectural trim bay, by a maximum of 0.75 metres;

(iv) trellises, canopies, and associated supporting **structures** by a maximum of 3.0 metres;

(v) despite (iv) above, canopies located below the 2nd **storey** on the east side of the building may encroach into a **building setback** by a maximum of 2.0 metres;

(vi) privacy screens and balcony guards by a maximum of 2.4 metres; and

(vii) railings around the **building's** roof to the same extent as the roof below;

(L) Within "Area A", as shown on Diagram 3 of By-law-XXX [Clerks to insert By-law ##], no portion of the building shall be located between a height of 0.0 to 7.0 metres;

(M) Regulation 40.10.50.10(2) with respect to a required fence does not apply;

(N) Regulation 40.10.50.10(3) with respect to a required **soft landscaping** strip does not apply;

(O) Despite regulation 200.5.10.1, Table 200.5.10.1 **Parking spaces** must be provided and maintained in accordance with the following requirements:

(i) For residential occupants:

(a) No minimum **parking spaces** are required; and

(b) A maximum of 0.56 parking spaces for each dwelling unit;

(ii) For residential visitors:

(a) A minimum of 2.0 plus 0.01 **parking spaces** for residential visitors per **dwelling unit**;

(b) A maximum rate of 1.0 per dwelling unit for the first five dwelling units; and

(c) A maximum rate of 0.1 per dwelling unit for the sixth and **subsequent dwelling units**.

(iii) no parking spaces are required for non-residential uses.

(P) Despite Clause 220.5.10.1, a minimum of one type "G" **loading space** must be provided on the **lot**;

(Q) Despite regulation 230.5.10.1(5) **bicycle parking spaces** must be provided as follows:

(i) a minimum of 83 "long-term" **bicycle parking spaces** must be provided on the lot for residential uses;

(ii) a minimum of 10 "short-term" **bicycle parking spaces** must be provided on the lot for residential uses; and

(iii) a minimum of 5 "short-term" **bicycle parking spaces** must be provided on the lot for non-residential uses.

(R) Despite Regulations 230.5.1.10(4), (6) and (9) (10), bicycle parking spaces must be provided and maintained in accordance with the following:

(i) Both "long-term" and "short-term" **bicycle parking spaces** may be provided above or below ground and in a stacked bicycle parking space;

(ii) "long-term" and "short-term" **bicycle parking spaces** may be located outdoors or indoors including within a secured room or enclosure or unenclosed space, or combination thereof, or bike locker.

(iii) If a stacked bicycle parking space is provided in a mechanical device where any portion of a bicycle is situated above or below any portion of an adjacent bicycle, the minimum dimension of a bicycle parking space is:
(a) minimum width of 0.35 metres,

. .

(b) minimum length of 2.0 m; and

(c) minimum vertical clearance of 1.3 metres;

(iv) A **bicycle parking space** that is not a **stacked bicycle parking space** shall have the following dimensions:

(a) minimum length of 1.8 metres,

(b) minimum width of 0.45 metres, and

(c) minimum vertical clearance of 1.9 metres

(viii) Both a "short-term" and a "long-term" bicycle parking space may be located in a **stacked bicycle parking space**.

Prevailing By-laws and Prevailing Sections: (None Apply)

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

ENACTED AND PASSED this day of , A.D. 2023.

FRANCES NUNZIATA Speaker Clerk JOHN D. ELVIDGE, City

(Corporate Seal)



401 Dundas Street East

File # 20 233607 STE 13 0Z

1 City of Toronto By-law 569-2013 Not to Scale 04/20/2023



Toronto Diagram 2

401 Dundas Street East

File # 20 233607 STE 13 0Z

City of Toronto By-law 569-2013 Not to Scale 05/19/2023



7

City of Toronto By-law 569-2013 Not to Scale 04/26/2023



Attachment 7: Elevations





South Elevation



Attachment 8: 3D Model of Proposal in Context

