

## **317 Dundas St West – Zoning By-law Amendment Application – Decision Report – Approval**

Date: October 27, 2023

To: Toronto and East York Community Council

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

Wards: Ward 10 - Spadina-Fort York

**Planning Application Number:** 23 124224 STE 10 OZ

### **SUMMARY**

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This application proposes a six-storey addition primarily in the parking area at the southeast corner of the existing Art Gallery of Ontario (AGO) site. The addition has a proposed height of 48.35 metres (inclusive of two levels of mechanical penthouse) and will introduce approximately 4,600 square-metres of new gallery space for the AGO. The Grange heritage building and Grange Park make up part of the AGO property and address of 317 Dundas Street West, however these are not subject to this application or the site of any proposed changes.

The proposed development is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), and conforms with the Official Plan.

This report reviews and recommends approval of the application to amend the Zoning By-law, as the proposal appropriately fits in its context and offers valuable additional cultural and institutional spaces in the City.

### **RECOMMENDATIONS**

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The Director, Community Planning Toronto and East York District recommends that:

1. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 317 Dundas Street West substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 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**

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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

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A pre-application consultation (PAC) meeting was held on January 18, 2023. The application was submitted on March 27, 2023 and deemed complete April 25, 2023.

## THE SITE

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**Description:** The site is located at the southwest corner of Dundas Street West and McCaul Street. The site has a frontage of approximately 190 metres on Dundas Street West, approximately 40 metres along McCaul Street, and approximately 100 metres on Beverley Street to the west. The total site area of the AGO is approximately 15,100 square metres. The Grange heritage building and Grange Park also make up part of the AGO property at 317 Dundas Street West, but are not subject to this application nor any proposed changes.

**Existing Uses:** This site is the location of the Art Gallery of Ontario (AGO) with ancillary retail uses on the ground floor, and gallery and exhibition spaces throughout Levels 1 to Level 5. The existing AGO has an approximate total floor area of 42,500 square metres.

**Heritage Resources:** The site is designated under Part IV of the Ontario Heritage Act specifically for The Grange building and Grange Park located to the south of the AGO building. Amendments to the designation by-laws were adopted in 2015 as part of the Grange Park Revitalization Project. Council's decision on the designation amendment can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2015.TE6.4>

The AGO building that is subject to this application is not listed or designated under the Ontario Heritage Act.

## THE APPLICATION

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**Height:** A six-storey addition plus two levels of mechanical penthouse with a total building height of 48.35 metres (inclusive of the mechanical penthouse) and a gross floor area of approximately 4,600 square metres. The purpose of the addition is to increase the AGO's gallery space. The proposed addition will be located at the rear of the existing AGO building, east of the Frank Gehry addition that was constructed in 2008. It would be in an area primarily occupied by a surface parking lot and loading spaces shared between the AGO and the Ontario College of Art and Design (OCAD) University. A portion of the addition will also be constructed above the existing AGO building. See Attachment 2 of this report for the location map that shows the area of the proposed addition.

**Access, Bicycle Parking, Vehicle Parking and Loading:** Pedestrian access to the AGO will remain through the existing entrances, and the existing 116 at-grade short-term bicycle parking spaces for the AGO site are proposed to be maintained. The existing loading and vehicular parking area is located at-grade between the AGO and OCAD buildings and is shared between the two institutions. The proposed loading and parking area will continue to be at-grade with a modified configuration with access continuing to be from McCaul Street. The proposed five storeys of gallery space will be cantilevered over this loading and parking area. Four existing parking spaces will be removed which will result in a total of 13 vehicular parking spaces on site, six of which will be for the AGO. The AGO will maintain its existing two Type B and one Type C loading spaces.

### **Additional Information**

See Attachment 1 of this report for the Application Data Sheet, and Attachments 7 through 11 for a site plan of the proposal, a 3D model and renderings of the project in context. 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/317DundasStW](http://www.toronto.ca/317DundasStW).

### **Reasons for Application**

A Zoning By-law Amendment application is required to amend the site-specific zoning by-law approved in 2004 for the Frank Gehry addition. The proposed amendment would permit the additional floor area and building height. It would also assign a new site-specific exception number under the Zoning By-law 569-2013 that will be dedicated to the AGO site.

### **Site Plan Control**

A Site Plan Control application was submitted on March, 27, 2023 and was deemed complete on April 25, 2023. The Site Plan Control application is currently under review.

## **APPLICATION BACKGROUND**

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### **Application Requirements**

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

- Arborist Report
- Functional Servicing and Stormwater Management Report
- Phase 1 Environment Site Assessment
- Heritage Impact Statement
- Geotechnical Study
- Hydrogeological Report
- Noise Impact Study
- Pedestrian Level Wind Study

- Sun/Shadow Study
- Transportation Impact Study

These reports/studies, together with all the plans and materials submitted for the application, are available on the Application Information Centre (AIC): [www.toronto.ca/317DundasStW](http://www.toronto.ca/317DundasStW).

### **Agency Circulation Outcomes**

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

### **Community Consultation**

City Planning staff hosted a virtual community consultation meeting on June 20, 2023. Seventeen members of the public participated in the virtual meeting, together with the local Councillor's office, the applicant and their consultant team. City Planning staff presented the planning policy framework and development review process, while the applicant team presented their proposal.

Comments raised at the meeting included the following:

- Height and massing of the proposed addition;
- Proposed building materials to be used; and,
- Construction coordination and management.

### **Statutory Public Meeting Comments**

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

## **POLICY CONSIDERATIONS**

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### **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 (2020), and shall conform to provincial plans, including the Growth Plan (2020) for the Greater Golden Horseshoe, and others.

### **Official Plan**

The Official Plan land use designation for the site is Institutional Areas. See Attachment 3 of this report for the Land Use Map. These areas are made up of major educational,

health and government institutions with their parks, residence facilities, and ancillary uses. These major institutions are home to a core concentration of research, cultural and educational sectors organizations that are fundamental to emerging economic sectors and contribute to a high quality of life in the City.

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

## **Secondary Plan**

The subject site located within the Downtown Plan Secondary Plan area. The Downtown Secondary Plan provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, the economy, parks and public realm, housing, mobility, community services and facilities, culture, and energy and sustainability.

The Downtown Plan recognizes cultural sectors and that spaces for the creation, production, presentation, dissemination, exhibition and preservation of art, culture, heritage and design products are essential to the vitality of the sector. The Plan encourages the retention and expansion of spaces for cultural sector employment and businesses.

The Downtown Secondary Plan can be found here:

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

## **Site and Area Specific Policies**

The site is subject to Site and Area Specific Policy 223 of the Official Plan that states the expansion of the AGO and OCAD will not take place within Grange Park or adjacent Neighbourhoods.

## **Zoning**

The subject site is zoned I 2.0 (x88) under Zoning By-law 569-2013. See Attachment 5 of this report for the existing Zoning By-law Map. The Institutional zone category permits a range of uses including eating establishments, day cares, parks, museums and art galleries. Site-specific Exception 88 refers to the site-specific zoning by-law that facilitated the 2008 Frank Gehry addition to the AGO which permitted the maximum total floor area for the AGO building to 45,000 square metres and a maximum permitted height for the addition to be 45 metres.

## **COMMENTS**

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### **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 Provincial Policy Statement (2020) and conformity with the Growth

Plan (2020). Staff find the proposal to be consistent with the PPS and conforms with the Growth Plan.

### **Built Form**

The proposed addition is to be located at the rear of the AGO in an area in between the existing AGO and OCAD buildings. This area is currently a shared surface parking and loading area for the two institutions. The proposed addition is not visible from either Dundas Street West or McCaul Street, and is considerably set back from the two streets. It will have minimal impact on the public realm.

The proposed addition has a height of approximately 42.6 metres near the front, 48.35 metres at the middle peak where the second mechanical level is located, and transitions down in height as it approaches the rear to approximately 36.15 metres and 24.85 metres, as seen in the 3D model and applicant's submitted rendering in Attachments 8-11 of this report. The overall massing and scale is similar to the Frank Gehry addition that was completed in 2008, which is located directly west of this proposed addition. The massing and design, including materiality, of the proposed addition has been considered together with the Gehry addition, the existing OCAD building and OCAD's potential plans to expand in the future. Staff have also reviewed how the proposed addition would fit into the existing context from various vantage points, such as from Grange Park and the Dundas Street West and McCaul Street intersection, including its relationship with the Rosalie Sharp Pavilion located at the southeast corner of the intersection.

Staff are of the opinion the proposed addition is appropriate, represents an optimized use of space to expand an important institution in the City and Province, and has minimal impact to the public realm, the Grange heritage building, Grange Park, and the surrounding area. Staff will continue to work with the applicant during the Site Plan Control process to refine the building and site details.

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

A sun and shadow study was prepared by the applicant that illustrates both the existing shadow conditions and the new shadows that would be cast by the proposed addition. The study shows that the majority of the new shadow will be contained on the AGO site. There would be new afternoon shadows cast on McCaul Street and buildings on the east side of the street starting from approximately 3 p.m. onwards during the Spring and Fall equinoxes. Staff have no objection to the amount of new shadow created by the proposed addition as it still allows for access to sunlight on McCaul Street for the majority of the day. Staff also note that the proposed addition will not create new shadows on Grange Park.

A pedestrian wind study was submitted by the applicant that evaluates the potential wind impact on pedestrian comfort and safety from the proposed addition on the ground level as well as the outdoor terrace proposed on Level 5. The study found that there would not be significant wind impact on the ground level and Grange Park as a result of the proposed addition, due to it being located in a sheltered location in between existing buildings. The wind conditions on the Level 5 terrace area are appropriate during

summer but may have higher than desired wind conditions during the fall, spring and winter months. As part of the Site Plan Control process, staff will work with the applicant to ensure the design of the Level 5 outdoor terrace area will mitigate the wind conditions during the fall, spring and winter months to allow for use and enjoyment of the terrace all year round.

### **Access, Parking and Loading**

A Transportation Impact Study was prepared by the applicant and has been reviewed to the satisfaction of Transportation Services staff. The existing 116 at-grade short-term bicycle parking spaces located at various locations on the site for AGO staff and visitors will be maintained.

The existing loading and vehicular parking area is located at-grade in between the AGO and OCAD buildings and are shared between the two institutions. The proposed loading and parking area will continue to be at-grade with a modified configuration and access continuing to be from McCaul Street. The proposed five storeys of gallery space will be cantilevered over this loading and parking area. Four existing parking spaces will be removed which will result in a total of 13 vehicular parking spaces to be provided, six of which will be for the AGO. The AGO will maintain its existing two Type B and one Type C loading spaces.

### **Heritage Impact**

Heritage staff have reviewed the heritage impact assessment that was submitted for the proposal and have no objections, as none of the heritage attributes of The Grange building and Grange Park, both protected under Part IV of the Ontario Heritage Act, are being altered.

### **Servicing**

Engineering and Construction Services staff have reviewed the materials submitted, including the functional servicing and stormwater management report and hydrogeological review report, and are satisfied with the proposal.

### **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 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 required to meet Tier 1 of the TGS. 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. Performance measures for the Tier 1 development features will be secured through the Site Plan Control process.

## **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Official Plan (including SASP 223) and the Downtown Secondary Plan. Staff are of the opinion that the proposal is consistent with the PPS (2020), does not conflict with the Growth Plan (2020), and conforms with the Official Plan. Staff recommend that Council support approval of the application as the proposal appropriately fits in its context and offers valuable additional cultural and institutional spaces in the City.

## **CONTACT**

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## **SIGNATURE**

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Carly Bowman, MSc.PI., MCIP, RPP  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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### **City of Toronto Data/Drawings**

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Downtown Secondary Plan Map
- Attachment 5: Existing Zoning By-law Map
- Attachment 6: Draft Zoning By-law 569-2013 Amendment

### **Applicant Submitted Drawings**

- Attachment 7: Site Plan
- Attachment 8: 3D Model of Proposal in Context (view from Dundas Street West and McCaul Street looking Southwest)
- Attachment 9: Rendering of Proposal in Context (view from Dundas Street West and McCaul Street looking Southwest)
- Attachment 10: Rendering of Proposal in Context (view from McCaul Street looking Northwest)
- Attachment 11: Rendering of Proposal in Context (view from Grange Park looking Northeast)



Attachment 1: Application Data Sheet

**Municipal Address:** 317 DUNDAS ST W      **Date Received:** March 27, 2023

**Application Numbers:** 23 124224 STE 10 OZ; 23  
124219 STE 10 SA.

**Application Type:** Rezoning

**Project Description:** Zoning By-law Amendment application for the Art Gallery of Ontario to construct a six-storey addition with a two-storey mechanical penthouse to the existing building of approximately 4,600 square metres.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
Urban Strategies	-	Diamond Schmitt; Selldorf Architects; and Two Row Architect	Art Gallery on Ontario

**EXISTING PLANNING CONTROLS**

<b>Official Plan Designation:</b>	Institutional Areas	<b>Site Specific Provision:</b>	SASP 223
<b>Zoning:</b>	I 2.0 (x88)	<b>Heritage Designation:</b>	Y
<b>Height Limit (m):</b>	45	<b>Site Plan Control Area:</b>	Y

**PROJECT INFORMATION**

**Site Area (sq m):** 15,104      **Frontage (m):** 191      **Depth (m):** 40 (McCaul Street)  
100 (Beverley Street)

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):	10,000	10,000	20	10,020
Residential GFA (sq m):				
Non-Residential GFA (sq m):	42,590	42,590	4,493	47,083
<b>Total GFA (sq m):</b>	<b>42,590</b>	<b>42,590</b>	<b>4,493</b>	<b>47,083</b>
Height - Storeys:	6	6	6	6
Height - Metres:	45	45	49	49

<b>Lot Coverage Ratio (%):</b>	66.34	<b>Floor Space Index:</b>	3.12
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**Floor Area Breakdown    Above Grade (sq m)    Below Grade (sq m)**  
**Residential GFA:**

**Retail GFA:**  
**Office GFA:**  
**Industrial GFA:**  
**Institutional/Other GFA:** 47,083

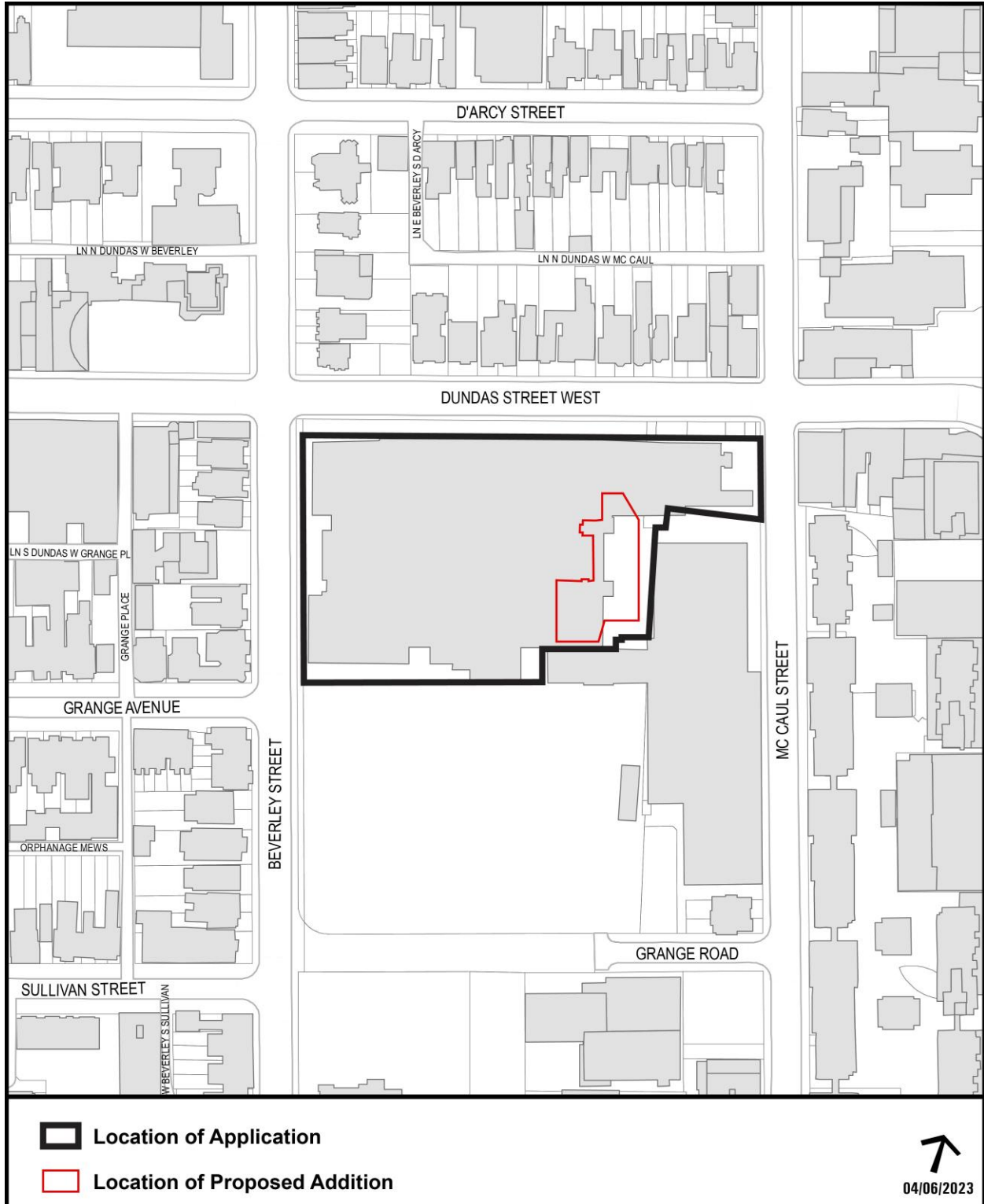
**Parking and Loading**

<b>Parking Spaces:</b>	13	<b>Bicycle Parking Spaces:</b>	116	<b>Loading Docks:</b>	3
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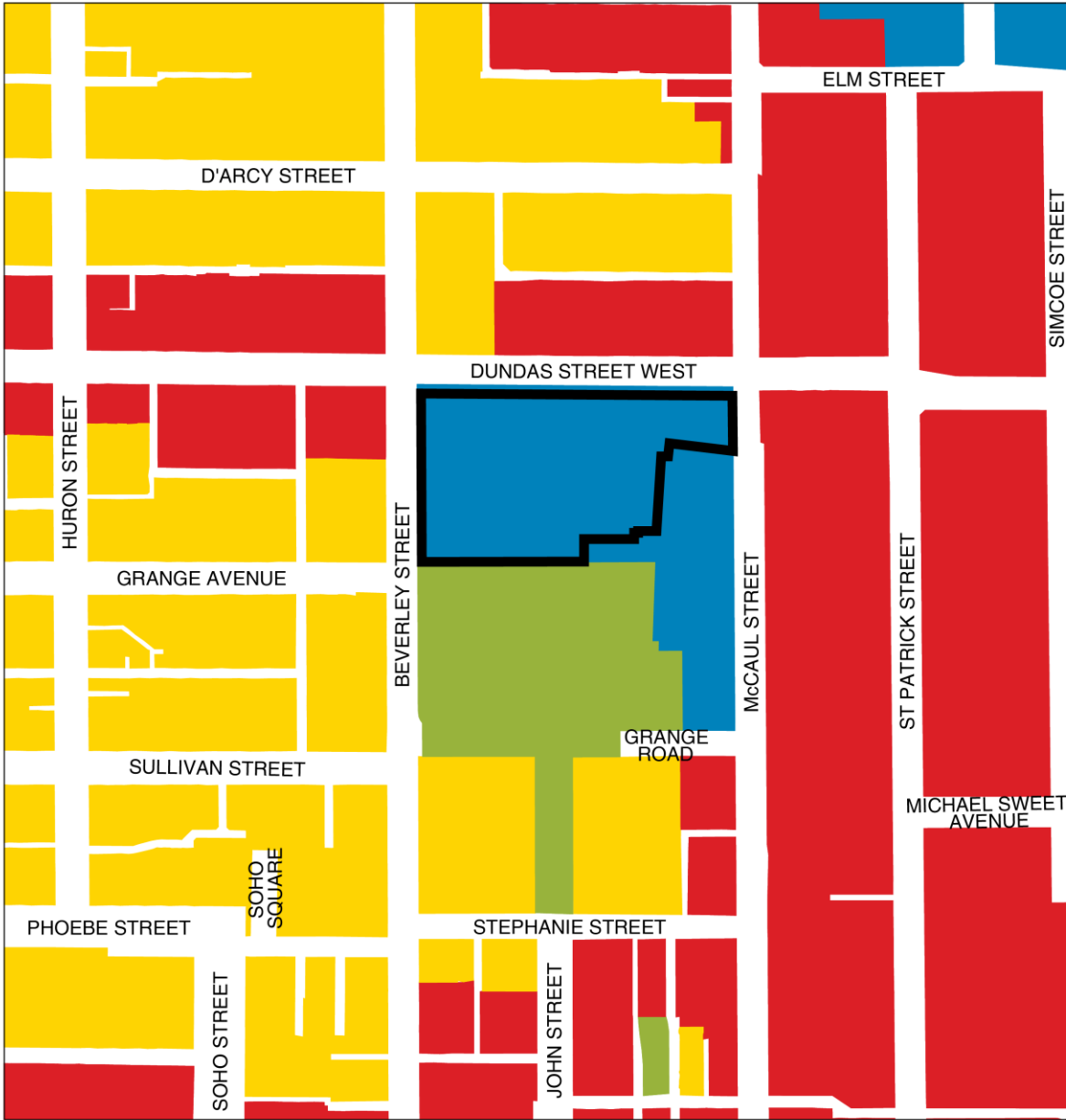
**CONTACT:**

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(416)395-7044  
Aileen.Keng@toronto.ca

# Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

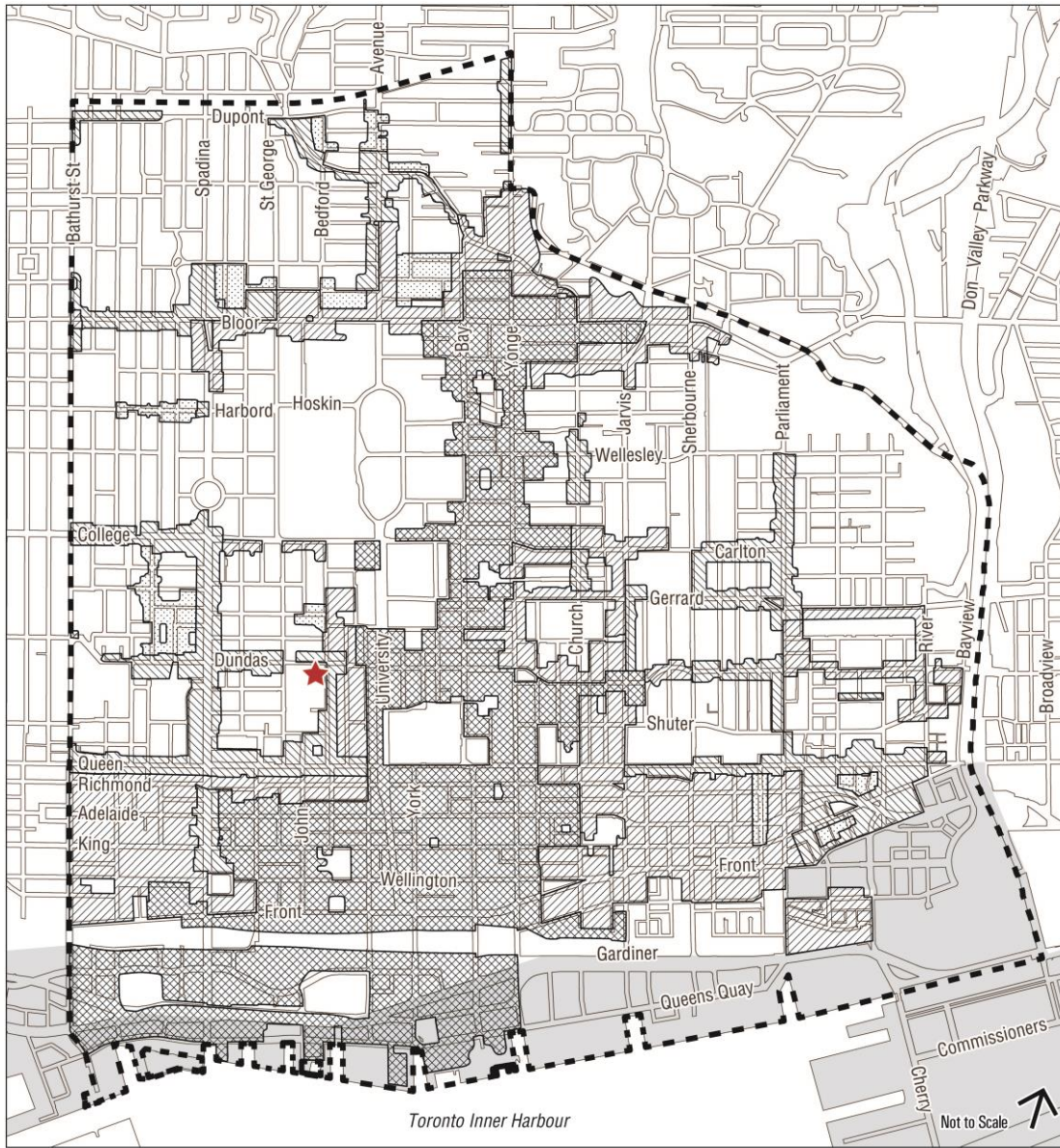
317 Dundas Street West

File # 23 124224 STE 10 02



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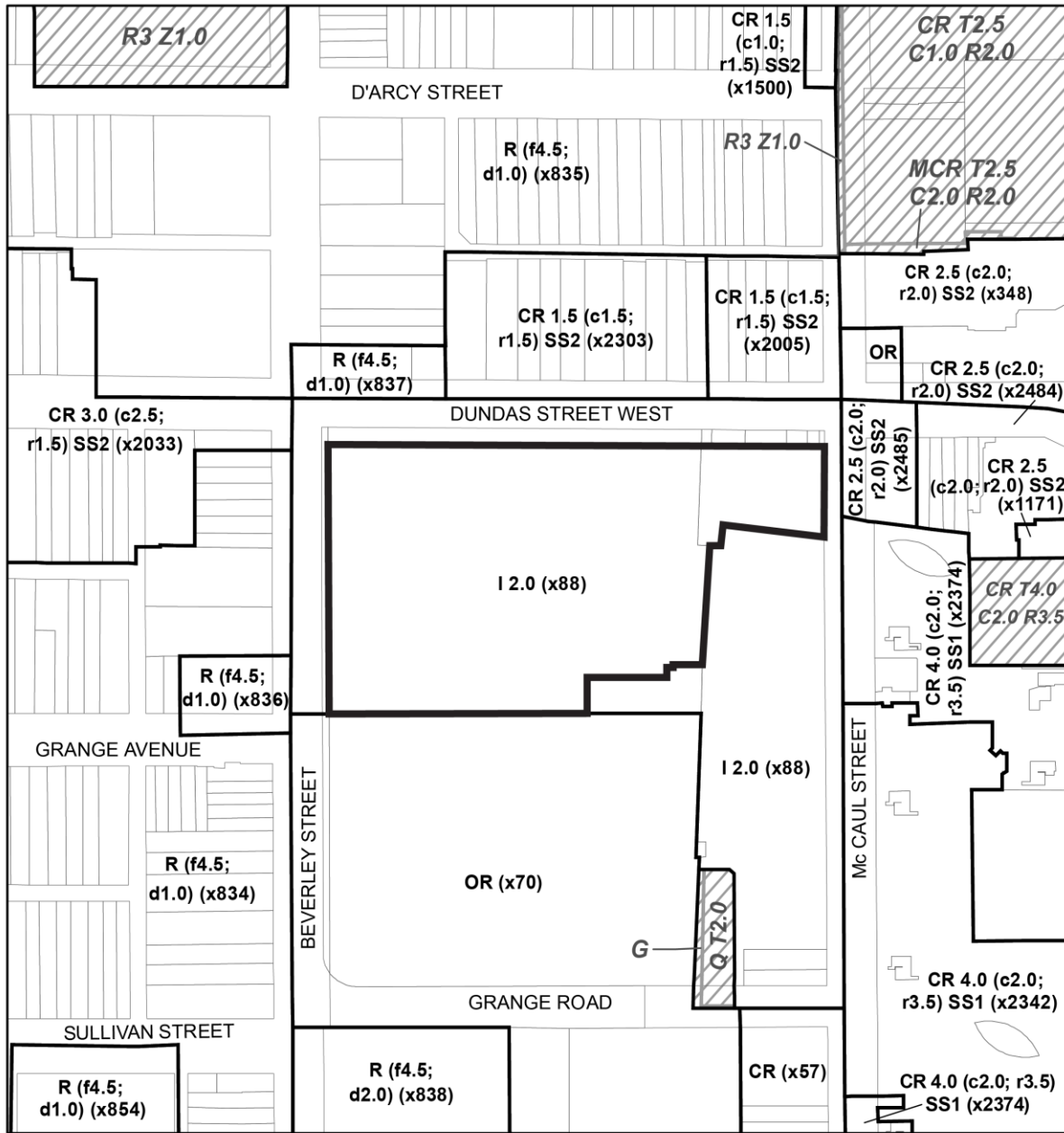
# Attachment 4: Downtown Plan Secondary Plan Map



## Downtown Plan MAP 41-3 Mixed Use Areas

-  Downtown Plan Boundary
-  Mixed Use Areas 1 - Growth
-  Mixed Use Areas 2 - Intermediate
-  Mixed Use Areas 3 - Main Street
-  Mixed Use Areas 4 - Local
-  Subject Site
-  Central Waterfront Secondary Plan

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

317 Dundas Street West

File # 23 124224 STE 10 OZ

Location of Application

**R** Residential  
**CR** Commercial Residential      **I** Institutional  
**OR** Open Space Recreation

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

**R3** Residential District  
**CR** Mixed-Use District  
**MCR** Mixed-Use District  
**Q** Mixed-Use District  
**G** Parks District



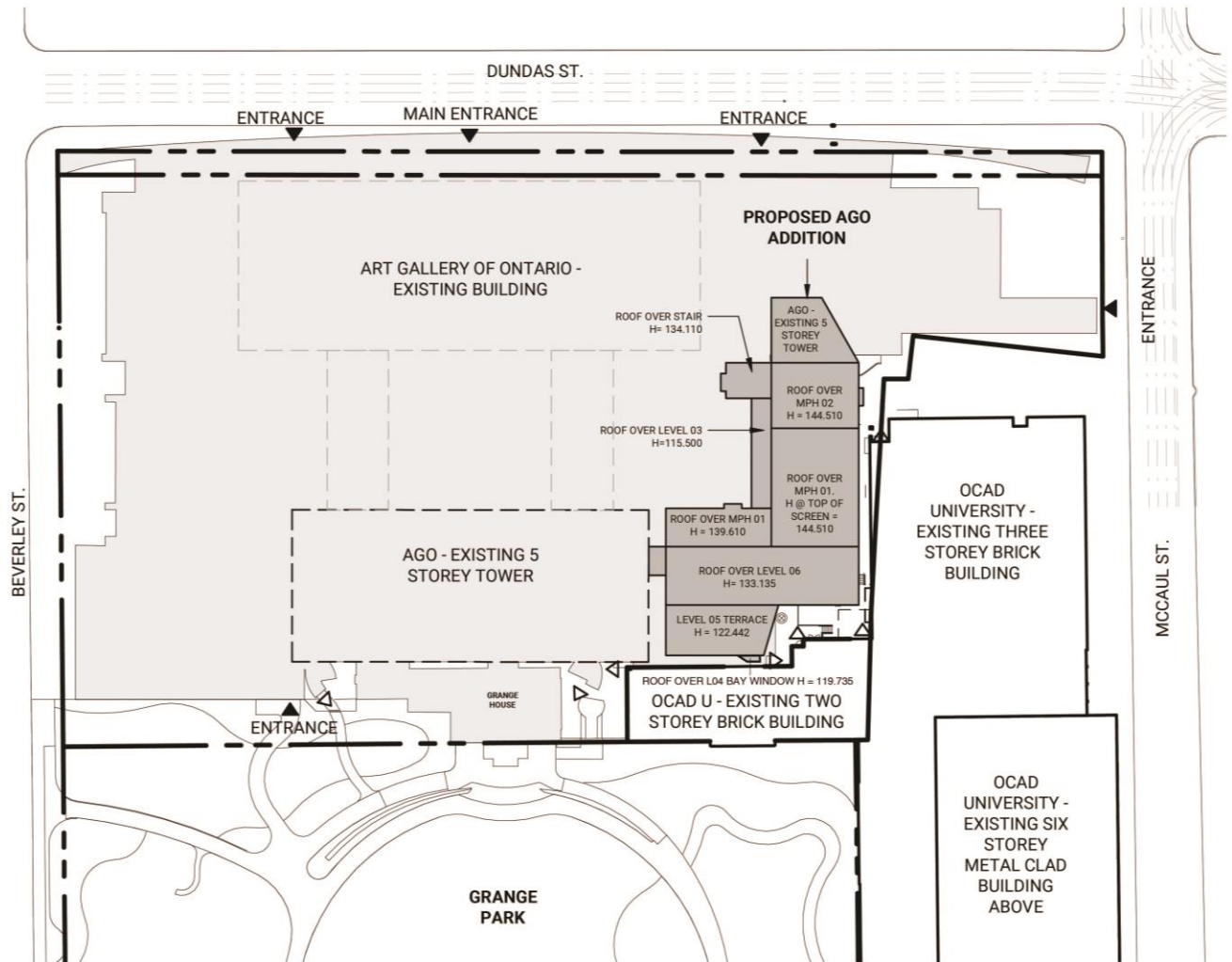
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Attachment 6: Draft Zoning By-law 569-2013 Amendment

The Draft Zoning By-law Amendment will be available prior to Toronto and East York Community Council.



Attachment 7: Site Plan

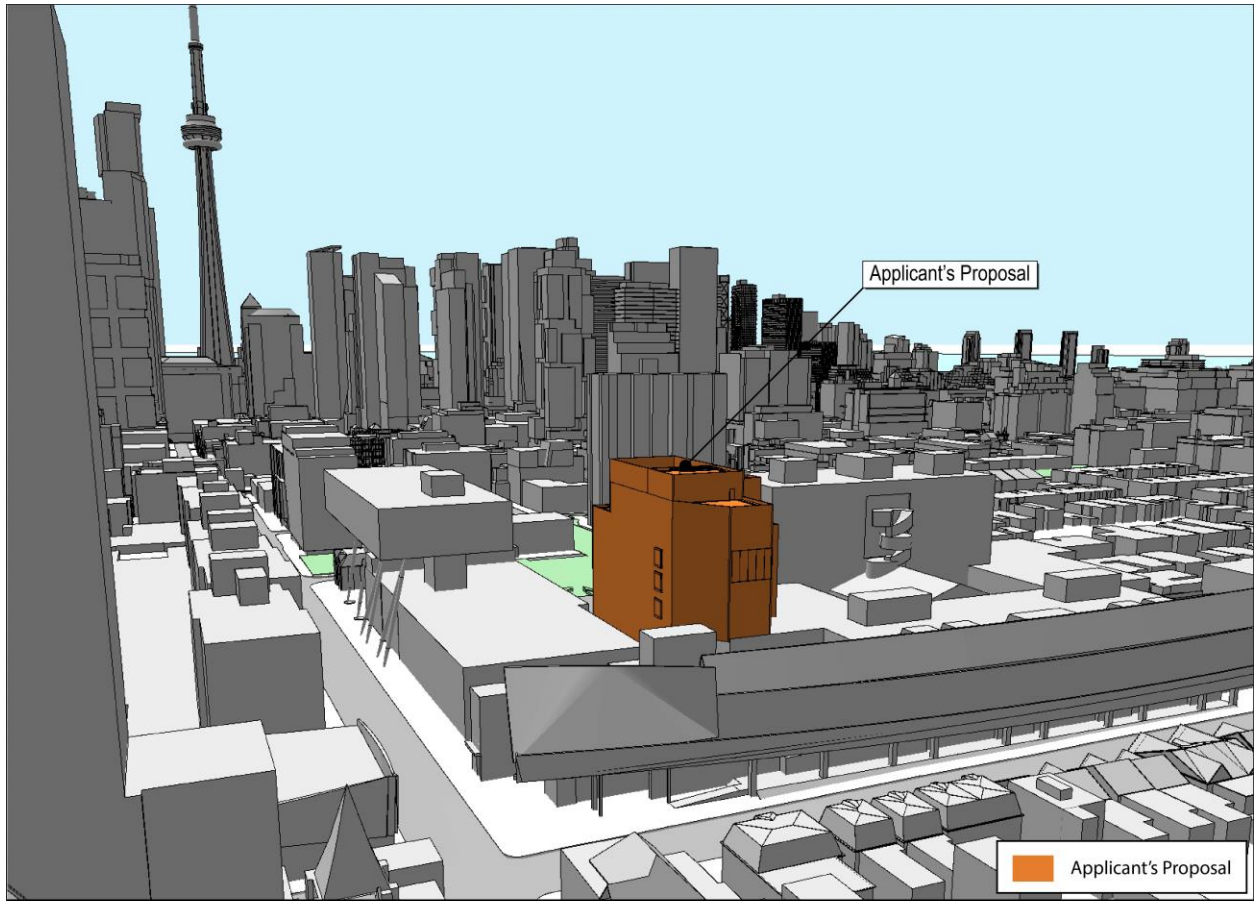


Site Plan





Attachment 8: 3D Model of Proposal in Context (view from Dundas Street West and McCaul Street looking Southwest)



View of Applicant's Proposal Looking Southwest

↗  
10/24/2023

Attachment 9: Rendering of Proposal in Context (view from Dundas Street West and McCaul Street looking Southwest)



Attachment 10: Rendering of Proposal in Context (view from McCaul Street looking Northwest)





Attachment 11: Rendering of Proposal in Context (view from Grange Park looking Northeast)

