

239-255 Dundas Street East – Official Plan and Zoning By-law Amendment, and Rental Housing Demolition Application – Decision Report – Approval

Date: May 24, 2024

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Numbers: 22 124214 STE 13 OZ and 22 124230 STE RH

SUMMARY

This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law to permit a 52-storey (163.6 metres, including the mechanical penthouse) mixed-use building at 239-255 Dundas Street East. The proposal includes 632 dwelling units and a minimum of 48.5 square meters of non-residential gross floor area on the ground floor. The application proposes to demolish the 8 existing rental units and replace them with 11 rental units representing 100.3% of the existing rental gross floor area.

The Official Plan Amendment is required to vary performance standards in Site and Area Specific Policy 461 relating to tower setbacks, angular plane, setbacks to Neighbourhoods, and retail frontages.

The site consists of 4 properties that are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and are identified as contributing properties. The proposed development includes the in-situ retention of the building facades fronting onto Dundas Street East and Pembroke Street.

The report recommends approval of the Rental Housing Demolition application, including a Tenant Relocation and Assistance Plan that addresses the right for existing tenants to return to a replacement rental dwelling unit at similar rents and financial compensation to lessen hardship.

RECOMMENDATIONS

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

1. City Council amend the Official Plan, for the lands at 239-255 Dundas Street East substantially in accordance with the draft Official Plan Amendment included as Attachment 5 to this report.
2. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 239-255 Dundas Street East substantially in accordance with the draft Zoning By-law Amendment included as Attachment 6 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and draft Zoning By-law Amendment as may be required.
4. City Council approve the Rental Housing Demolition Application (File Number 22 124320 STE 13 RH) in accordance with Chapter 667 of the Toronto Municipal Code and pursuant to Section 111 of the City of Toronto Act, 2006 which allows for the demolition of 8 existing rental dwelling units located at 239-255 Dundas Street East, subject to the following conditions:
 - a. the owner shall provide and maintain 11 replacement rental dwelling units on the subject site for a period of at least 20 years beginning from the date that each replacement rental dwelling unit is first occupied, and, during which time, no application may be submitted to the City for condominium registration, or for any other conversion to a non-rental housing purpose, or for demolition without providing for replacement. The replacement rental dwelling units shall collectively have a total gross floor area of at least 747.1 square metres and be comprised of 3 studio units, 3 one-bedroom units, 4 two-bedroom units, and 1 three-bedroom unit as generally illustrated in the plans submitted to the City Planning Division dated May 2, 2024. Any revision to these plans shall be to the satisfaction of the Chief Planner and Executive Director, City Planning Division;
 - b. the owner shall, as part of the 11 replacement rental dwelling units required in Recommendation 4.a above, provide at least 3 studios, 1 one-bedroom unit and 2 two-bedroom units at affordable rents, 2 one-bedroom units, 2 two-bedroom units, and 1 three-bedroom unit at mid-range (moderate) rents as currently defined in the City's Official Plan, all for a period of at least 10 years beginning from the date of first occupancy of each unit. Rents shall not include additional charges for laundry or air conditioning;
 - c. the owner shall provide an acceptable Tenant Relocation and Assistance Plan to all Eligible Tenants of the 8 existing rental dwelling units proposed to be demolished at 239-255 Dundas Street East, addressing the right to return to occupy one of the replacement rental dwelling units at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship. The Tenant Relocation and Assistance Plan shall be developed in consultation with, and to the satisfaction of, the Chief Planner and Executive Director, City Planning Division;

- d. the owner shall provide tenants of all 11 replacement rental dwelling units with access to, and use of, all indoor and outdoor amenities in the proposed building at no additional charge. Access to, and use of, these amenities shall be on the same terms and conditions as any other resident of the building without the need to pre-book or pay a fee, unless specifically required as a customary practice for private bookings;
- e. the owner shall provide ensuite laundry in each replacement rental dwelling unit;
- f. the owner shall provide central air conditioning in each replacement rental dwelling unit;
- g. the owner shall provide tenants of all replacement rental dwelling units with access to bicycle and visitor parking on the same terms and conditions as any other resident of the proposed building;
- h. the replacement rental dwelling units required in recommendation 4.a. above shall be made ready and available for occupancy no later than the date by which 70% of the new dwelling units in the proposed development, exclusive of the replacement rental dwelling units, are made available and ready for occupancy, subject to any revisions to the satisfaction of the Chief Planner and Executive Director, City Planning; and
- i. the owner shall enter into and register on title to the lands at 239-255 Dundas Street East, an agreement pursuant to Section 111 of the City of Toronto Act, 2006 to secure the conditions outlined in Recommendations 4.a. through 4.h. above, all to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

5. City Council authorize the Chief Planner and Executive Director, City Planning Division, to issue Preliminary Approval of the Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code for the demolition of the 8 existing rental dwelling units located at 239-255 Dundas Street East after all the following have occurred:

- a. all conditions in Recommendation 4 above have been fully satisfied and secured;
- b. the Official Plan and Zoning By-law Amendments have come into full force and effect;
- c. the issuance of the Notice of Approval Conditions for site plan approval by the Chief Planner and Executive Director, City Planning Division or their designate, pursuant to Section 114 of the City of Toronto Act, 2006;
- d. the issuance of excavation and shoring permits (conditional or full permit) for the approved development on the site; and

e. the owner has confirmed, in writing, that all existing rental dwelling units proposed to be demolished are vacant.

6. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Rental Housing Demolition Permit under Chapter 667 of the Toronto Municipal Code after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 5 above.

7. City Council authorize the Chief Building Official and Executive Director, Toronto Building Division to issue a Residential Demolition Permit under Section 33 of the Planning Act and Chapter 363 of the Toronto Municipal Code for 239-255 Dundas Street East after the Chief Planner and Executive Director, City Planning Division has given Preliminary Approval referred to in Recommendation 5 above, which may be included in the Rental Housing Demolition Permit under Chapter 667 pursuant to section 6.2 of Chapter 363, on condition that:

a. the owner removes all debris and rubble from the site immediately after demolition;

b. the owner erects solid construction hoarding to the satisfaction of the Chief Building Official and Executive Director, Toronto Building;

c. the owner erects the proposed building on site no later than four years from the date that demolition of the existing rental dwelling units commences, subject to the timeframe being extended to the discretion of the Chief Planner and Executive Director, City Planning Division; and

d. should the owner fail to complete the proposed building within the time specified in Recommendation 7.c. above, the City Clerk shall be entitled to enter on the collector's roll, as with municipal property taxes, an amount equal to the sum of twenty thousand dollars (\$20,000.00) per dwelling unit for which a demolition permit is issued, and that such amount shall, until payment, be a lien or charge upon the land for which the Residential Demolition Permit is issued.

8. City Council authorize the appropriate City officials to take such actions as are necessary to implement City Council's decision, including execution of the Section 111 Agreement and any other related agreements.

9. City Council direct the Chief Planner and Executive Director, City Planning, in consultation with the local Ward Councillor and the City Solicitor, to continue to work with the applicant to explore the feasibility of providing an in-kind community benefit pursuant to section 37(6) of the Planning Act in the development and to report back to City Council for further instruction if the applicant offers such an in-kind community benefit.

10. Before introducing the necessary bills to City Council for enactment, require the owner to:

- a. submit a Functional Servicing Report for review and acceptance to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services. The report will determine whether the municipal water, sanitary and storm sewer systems can support the proposed development and whether upgrades or improvements of the existing municipal infrastructure are required; and,
- b. enter into a financially secured agreement for the construction of any improvements to the municipal infrastructure, should it be determined that upgrades and road improvements are required to support the development, according to the functional servicing report accepted by the Chief Engineer and Executive Director of Engineering & Construction Services.
- c. enter into a Heritage Easement Agreement with the City for the properties at 239, 241-243, 247 and 251-255 Dundas Street East substantially in accordance with the plans and drawings dated December 8, 2023, prepared by Turner Fleischer and the Heritage Impact Assessment dated December 7, 2023, prepared by GBCA Architects Inc., subject to and in accordance with the Conservation Plan required in Recommendation 10.d. below, to the satisfaction of the Senior Manager, Heritage Planning, including execution of such agreement to the satisfaction of the City Solicitor;
- d. provide a detailed Conservation Plan, prepared by a qualified heritage consultant that is consistent with the conservation strategy set out in the Heritage Impact Assessment dated December 7, 2023 and supplementary memo dated 22 May, 2024, prepared by GBCA Architects Inc., to the satisfaction of the Senior Manager, Heritage Planning; and
- e. enter into an Agreement, or similar legal instrument, between the owner of 239-255 Dundas Street East, the owner of 48-50 Pembroke Street, and the City, to be registered on title to 48-50 Pembroke Street that would prevent the erection of a tall building, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor.

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

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.

THE SITE

Description: The site is located on the southwest corner of the intersection of Dundas Street East and Pembroke Street in the Garden District Area. The site is generally flat and irregular in shape with an area of 1,038.8 square metres with frontages of approximately 36.1 metres on Dundas Street East and 43.5 metres on Pembroke Street.

Existing Use: The site is currently occupied by 1-3 storey buildings containing commercial uses at grade, with 8 rental dwelling units above. The site consists of 4 properties that are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and are identified as contributing properties.

Rental Dwelling Units: The site contains three 2- and 3-storey mixed-use buildings that include 8 rental dwelling units. The breakdown of the existing units by unit type and rent classification at the time of application is outlined in Table 1 below.

Table 1: Existing Rental Dwelling Units and Rent Classifications

	1-Bedroom	2-Bedroom	3-Bedroom	Total
Affordable	1	2	-	3
Mid-Range (Affordable)	-	-	-	0
Mid-Range (Moderate)	2	2	1	5
Total	3	4	1	8

At the time of this report, 6 units are occupied by eligible tenants and 2 units are vacant.

THE APPLICATION

Description: A 52-storey (163.6 metres, including the mechanical penthouse) mixed-use building with non-residential space at grade. The application includes the demolition and replacement of 8 existing rental dwelling units with 11 replacement rental dwelling units. Approximately 5 metres of the front portions of the existing heritage buildings at 239, 241-243, and 247-255 Dundas Street East will be conserved as part of the development and integrated into the base building.

Density: The proposal has a density of 35.4 times the area of the lot.

Dwelling Units: The proposal includes 632 dwelling units, 56 (9%) are studios, 406 (65%) are one-bedroom, 95 (15%) are two-bedroom, and 64 (10%) are three-bedroom units, and 11 replacement rental dwelling units described below.

Rental Replacement Units: The application proposes to demolish the 8 existing rental units and replace them with 11 rental units, representing 100.3% of the existing rental gross floor area.

The replacement units will include 3 studio units, 3 one-bedroom units, 4 two-bedroom units and 1 three-bedroom unit. The average size for the one-bedroom replacement units exceed the existing average size. One existing two-bedroom unit and the one existing three bedroom unit are over 146 square metres. They are being replaced at 94.8 and 104.5 square metres, in line with the Growing Up Guideline size requirements. The remaining gross floor area from these smaller sized replacement units will create 3 new studio units, with an average size of 30.2 square metres.

All 3 studio units, 1 one-bedroom and 2 two-bedroom units will have affordable rent, 2 one-bedroom units and 1 two-bedroom unit will have mid-range (moderate) rents and 1 two-bedroom and 1 three-bedroom unit will have unrestricted rents.

All replacement rental dwelling units will be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental dwelling units will have access to bicycle parking, visitor parking, and all indoor and outdoor amenities, on the same terms and conditions as any other resident of the building.

Tenant Relocation and Assistance Plan: The applicant has agreed to provide tenant relocation and assistance to all eligible tenants, all to the satisfaction of the Chief Planner and secured through legal agreements with the City. The Tenant Relocation and Assistance Plan would assist tenants in finding and securing alternative accommodations during the demolition and construction period. As part of this plan, all eligible tenants would receive:

- the right to return to one of the replacement rental dwelling units in the new building at similar rents;
- at least 6 months' notice before having to vacate their rental unit, inclusive of notice required under the Residential Tenancies Act (RTA).
- financial compensation equal to 3 months' rent pursuant to the RTA;
- financial compensation, above and beyond that required under the RTA, in the form of rent gap assistance. The calculation of the rent gap will be based on the current Council-adopted methodology, which is based on average market rents for purpose-built rental buildings constructed in 2015 or later, by available zones. The rent gap will be provided as a lump sum payment to cover the period of construction of the proposed building (estimated at 36 months). The average market rents used to establish rent gap payments will be indexed upwardly to better reflect changes in market conditions since the completion of the latest CMHC survey;
- move-out and move-back allowance;
- additional compensation for special needs tenants; and
- a rental leasing agent available upon request.

Non-Residential Component: The proposal includes a minimum of 48.5 square metres of non-residential gross floor area on the ground floor with frontage on Dundas Street East.

Heritage: The properties at 239, 241-243, 247, and 251-255 Dundas Street East are designated under Part V of the Ontario Heritage Act as part of the Garden District Heritage Conservation District and are identified as contributing properties. Approximately 5 metres of the front portions of the buildings fronting onto Dundas Street East will be conserved as part of the development.

Amenity Space: The proposal includes 1,051 square metres of indoor amenity space (1.67 square metres per unit), and 208.5 square metres of outdoor amenity space (0.33 square metres per unit), for a combined ratio of 2 square metres per unit.

Access, Bicycle Parking, Vehicle Parking and Loading: Vehicular access is proposed from Pembroke Street. The proposal includes a total of five visitor parking spaces, including one accessible parking space, and no parking spaces for residents. A total of 698 bicycle parking spaces (568 long term and 130 short term) and one Type G loading space are proposed.

Additional Information: See the attachments of this report for the Application Data Sheet, Location Map, a site plan, and elevations of the proposal and three-dimensional massing. 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: <https://www.toronto.ca/239DundasStE>

Reasons for Applications: The proposal requires an Official Plan Amendment to permit the proposed built form within the Dundas Corridor Character Area of the Garden District Site and Area Specific Policy (SASP 461). The Official Plan Amendment is required to vary performance standards in SASP 461 relating to tower setbacks, angular plane, setbacks to Neighbourhoods, and minimum retail frontages.

The proposed Zoning By-law Amendment will amend Zoning By-law 569-2013 to provide relief from various performance standards, including: maximum building height, minimum setbacks, maximum gross floor area, minimum indoor and outdoor amenity space, and a reduction of minimum landscaping area requirements.

A Rental Housing Demolition application under Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 has been submitted to demolish the 8 existing rental dwelling units on the lands.

POLICY & REGULATION 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 (2020), and shall conform to provincial plans, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), the Greenbelt Plan, and others.

Rental Housing Demolition and Conversion By-Law

This application involves the demolition of rental housing. Since the development site contains 6 or more residential units, of which at least one unit is rental housing, an application is required under Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law. The By-law requires an applicant obtain a permit from the City allowing the demolition of the existing rental housing units. The City may impose conditions that must be satisfied before a demolition permit is issued.

Official Plan

The Official Plan Urban Structure Map 2 identifies the site as part of the Downtown and Central Waterfront. The land use designation for the site is Mixed Use Areas, which permits a wide range of residential and non-residential uses. See Attachment 3 of this report for the Land Use Map. The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

Downtown Plan

The Downtown Plan identifies the site as Mixed Use Areas 2, which will include building typologies that respond to their site context including mid-rise and some tall buildings.

Site and Area Specific Policy 461

The Garden District Site and Area Specific Policy (SASP 461) identifies the site as part of the Dundas Corridor Character Area, which permits a tall building on the site, subject to setback and angular plane criteria, and identifies Dundas Street as a priority retail street.

Zoning

The subject site is zoned CR 1.5 (c1.0; r1.0) SS2 (x2389) under Zoning By-law 569-2013. The CR zoning category permits a range of commercial and residential uses. The maximum permitted height is 12 metres, and the maximum permitted density is 1.5 times the area of the lot. See Attachment 4 of this report for the existing Zoning By-law Map.

Design Guidelines

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

- Tall Building Design Guidelines;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines for Children in Vertical Communities;
- Pet Friendly Design Guidelines for High Density Communities;
- Retail Design Manual; and
- Toronto Accessibility Design Guidelines.

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

Toronto Green Standard

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.

Site Plan Control

A Site Plan Control application has been submitted.

COMMUNITY CONSULTATION

Community Consultation Meeting

A virtual Community Consultation Meeting was hosted by City staff on February 27, 2023. Approximately 73 people participated, as well as a representative on behalf of the Ward Councillor and the applicant. At the meeting, City staff and the applicant's consultants gave presentations on the site and surrounding area, the existing planning framework, and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues raised at the meeting, and through written comments and phone calls include:

- proximity of the proposed tower to the low-rise building to the west of the site;
- questions about potential community use of 48-50 Pembroke Street;
- concern about lack of provision about affordable housing;
- concern about existing community being displaced;
- concern about lack of parking;
- concern about the impact on sunlight access and sky view for neighbouring properties;
- concern about impacts on the existing heritage buildings on site; and
- concern about the lack of green space provided;

Tenant Consultation

Staff held a meeting on January 11, 2023 to review the City's housing policies, the impact of the proposed demolition on existing tenants, and the proposed Tenant Relocation and Assistance Plan. The meeting was held virtually and attended by approximately 5 tenants, representatives of the applicant, City Planning staff, and the local Councilor's staff.

During the meeting, tenants asked questions and expressed concerns about:

- the timing of the proposed demolition, when tenants would have to vacate their existing rental units, and the estimated length of time over which the proposed development would be constructed;

- the proposed replacement rental unit sizes;
- seniority and the process for selecting and returning to a replacement rental unit;
- how and when the financial compensation provided under the City-approved Tenant Relocation and Assistance Plan would be administered to tenants;
- whether the City has contingencies in place for construction delays; and
- how the amount of tenant compensation, including the rent gap assistance, is calculated and whether it would be sufficient in supporting interim housing costs.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given 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.

COMMENTS

Provincial Policy Statement and Provincial Plans

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). In the opinion of Staff, the proposal is consistent with the PPS and conforms with the Growth Plan.

Unit Mix

Of the 621 proposed dwelling units, exclusive of the 11 rental replacement units: 56 (9%) are studios, 406 (65%) are one-bedroom, 95 (15%) are two-bedroom, and 64 (10%) are three-bedroom units. An additional 15% of units will be convertible to 2 or 3 bedroom units. The amount of 2-bedroom and 3-bedroom units meet the requirements in the Downtown Secondary Plan. Staff are satisfied that the proposal will provide an appropriate mix of unit types to meet the community's needs.

Rental Housing Replacement

Staff are satisfied with the proposed rental replacement plan. All 8 existing rental units will be replaced by their respective bedroom types and at rents similar to those in effect at the time of application. Two of the existing 2- and 3-bedroom units are vacant and large in size (146 square metres) allowing for the units to be replaced with more typical unit sizes and the remaining gross floor area used to create three additional studio units. The additional studio units will be secured at affordable rents.

All replacement rental units would be provided with ensuite laundry facilities and central air conditioning. Tenants of the replacement rental units would have access to bicycle parking

and all indoor and outdoor amenities on the same terms and conditions as the residents of the rest of the building.

Tenants would reserve the right to return to a replacement rental unit of a similar unit type and size at similar rent, and rents for replacement rental units without returning tenants would not exceed the applicable affordable, mid-range (affordable) or mid-range (moderate) rent thresholds for a period of at least 10 years. Tenants who return to replacement rental units would be subject to rent increases capped by the provincial rent increase Guideline, irrespective of whether such Guideline applied to those units under the Residential Tenancies Act 2006 (RTA), until their tenancies end. All 11 replacement rental dwelling units will be secured as rental tenure within the proposed development for a period of at least 20 years.

Tenant Relocation and Assistance Plan

The Tenant Relocation and Assistance Plan is consistent with the City's current practices. Staff are satisfied with the proposed approach to replacing demolished rental units, and with the proposed Tenant Relocation and Assistance Plan. The replacement housing and tenant assistance matters will be secured through an agreement registered on title to the lands.

Land Use

The proposed residential and commercial land uses conform to the Official Plan and Downtown Secondary Plan and results in an appropriate mix of uses on the site.

Built Form

The proposal meets the intent of the Official Plan, the Downtown Secondary Plan, and the applicable Urban Design Guidelines with respect to built form and massing. Proposed amendments to the Garden District Site and Area Specific Policy (SASP 461) relating to tower separation, separation from Neighbourhoods, angular plane, and retail frontage width are appropriate as the proposed development meets the general intent of these policies to preserve sunlight and skyview, mitigate negative impacts of new development on low-rise Neighbourhoods, and to promote the vibrancy and animation of the Dundas priority retail street.

Base Building Design

The design of the proposed base building is acceptable. The base building integrates the front portions of the retained 2 and 3-storey Part V-designated heritage properties at 239, 241, 247, and 251-255 Dundas Street East. The new portions of the base building behind the retained heritage buildings are compatible in scale with the existing context.

The building incorporates an architectural reveal between levels 4 and 6 from the Dundas Street East frontage and for levels 4 and 5 from the Pembroke Street frontage. The tower is set back between 4.29 and 4.95 metres from the Dundas Street East property line and between 1.7 and 3.88 metres from the Pembroke Street property line between levels 4 and

6, allowing for the low scale heritage streetwall to retain legibility and prominence and for the base building to appropriately frame the public realm.

The proposal includes retail space to be accessed from Dundas Street East, located within the partially retained heritage buildings, providing animation to the street.

Tower Design

The tower is proposed to be 163.6 metres (52 storeys) in height inclusive of the mechanical penthouse. The proposed height is acceptable within the context of the site.

Above the base building, the tower is set back between 2.47 and 4.51 metres from the north lot line (Dundas Street East) frontage from level 7 and above. The tower is set back 0 metres from the east lot line (Pembroke Street) frontage from level 6 and above, and is set back 0 metres from the south property line, and between 0.57 and 10.09 metres from the west lot line above level 3.

The setback of the tower from the north (Dundas Street East) lot line is consistent with existing towers within the same block. The setback to the east is acceptable because the combination of architectural reveals and the setback from Dundas Street East mitigates the visual impact of the tower on the adjacent public realm.

The tower is setback 0 metres to the south property line. This is acceptable because the adjacent property at 48-50 Pembroke Street is owned by the applicant who has agreed to enter into an agreement with the City to ensure that the property will not be developed above the existing height permissions, allowing for appropriate transition to the low-rise Neighbourhoods to the south.

The subject property is irregularly shaped with a frontage of 30.81 metres on Dundas Street East and narrower rear lot line of 22.8 metres, reflecting the curvature of the portion of Dundas Street East on which it is located. As a result of the irregular lot shape, to the west the tower will achieve a minimum 10.09-metre tower setback from the front lot line and 0.58 metres at the rear lot line. Up to 23.75 metres of separation is achieved between the existing tower to the west and the proposed tower at the front lot line and 9.9 metres at the rear lot line.

Tower separation at the front lot line meets the intent of the Downtown Tall Building Guidelines. The reduced tower separation at the rear is acceptable because the proposed towers are oriented in such a way that the buildings are closest at their rear corners and windows are not facing, allowing for adequate sunlight, sky view, and privacy to be maintained between the towers and when experienced from the public realm.

Heritage Conservation

The base building will incorporate the conserved facades of the buildings on the designated heritage properties at 239, 241-243, 247, and 251-255 Dundas Street East. The proposed tower is set back between 4.29 and 4.95 metres from the front lot line, allowing for the heritage buildings on site to retain their legibility and prominence. The property at 251-255 is proposed to be retained and relocated 4 metres north and 1.5 metres to the east, to be

adjacent to the street. A modern addition which is currently located at the front of the building will be removed, and the heritage building face restored. Details of the Heritage conservation plan are outlined in a separate report from Heritage Planning staff, recommending approval of the proposed alteration and demolition of the existing heritage buildings on site.

Public Realm and Streetscape

The base building along the Dundas Street East frontage maintains an appropriate pedestrian-scaled streetwall and includes a minimum of 48.5 square metres of retail space. As part of the Site Plan Control process, City staff will continue to work with the applicant to increase the amount of retail frontage while balancing the requirements for loading and servicing on the ground floor.

The existing character of this important portion of Dundas Street East is preserved through retention and restoration of the existing heritage properties. Accordingly, the curb to building face distance is not proposed to change from the current dimensions. Four new street trees are proposed to be planted on the Pembroke Street frontage, and 2 new street trees are proposed to be planted on the Dundas Street frontage.

Amenity Space

Indoor and outdoor amenity space for building residents is proposed at levels 2 and 3. The proposal includes a minimum of 1,051 square metres of indoor amenity space (1.67 square metres per unit), and 208.5 square metres of outdoor amenity space (0.33 square metres per unit), for a combined ratio of 2 square metres per unit. The proposed amenity space would allow for appropriate programming.

Sun and Shadow

The shadows cast by the proposed tall building are acceptable.

Wind

A Pedestrian Level Wind Study for the proposed building indicates that all areas at grade will be suitable for their intended uses throughout the year. Pedestrian areas surrounding the subject site will generally experience comfortable wind conditions in all seasons.

Access, Parking, and Loading

A Transportation Impact Study was submitted to assess the traffic impact, access, parking and loading arrangements for this development. The application provides a minimum of five visitor parking spaces including one accessible parking space. One Type G Loading Space is proposed to be accessed from Pembroke Street. The proposed parking spaces are consistent with recent approvals in the context of the subject site.

Servicing

Engineering and Construction Services staff have reviewed the submitted materials and have identified several outstanding items for review. The owner will be required to enter into a Municipal Infrastructure Agreement to financially secure the construction of any improvements to the municipal infrastructure in connection with the accepted Functional Servicing Report by the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements to such infrastructure are required.

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. 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.

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.

The applicant has purchased the properties at 48-50 Pembroke Street, which are adjacent to the southern lot line of the proposed development site. These properties are under consideration to be conveyed to the City as a potential Community Benefit under section 37 of the Planning Act. Staff are continuing to work with the applicant regarding the feasibility of the proposed conveyance.

CONTACT

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SIGNATURE

Oren Tamir
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Data/Drawings

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

Applicant Submitted Drawings

Attachment 7: Site Plan
Attachment 8: Elevations
Attachment 9: 3D Massing Model

Attachment 1: Application Data Sheet

Municipal Address: 239-255 Dundas St E **Date Received:** March 18, 2022

Application Number: 22 124214 STE 13 OZ

Application Type: OPA & Rezoning, Rental Housing Demolition

Project Description: Official Plan and Zoning By-law Amendment application to permit a 52-storey mixed-use building with ground floor retail uses. 8 rental housing units are proposed to be demolished.

Applicant	Agent	Architect	Owner
Metropia Dundas Inc.	Adam Brown	Turner Fleischer Architects	Metropia Dundas Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	Y
Zoning:	CR 1.5 (C1.0; R1.0) SS2 (x2389)	Heritage Designation:	Y
Height Limit (m):	12	Site Plan Control Area:	Y

PROJECT INFORMATION

Site Area (sq m): 1,039 Frontage (m): 36 Depth (m): 43

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			546	546
Residential GFA (sq m):	956		36,601	36,601
Non-Residential GFA (sq m):	250		48.5	48.5
Total GFA (sq m):	1,206		36,750	36,750
Height - Storeys:	3		52	52
Height - Metres:			163.6	163.6

Lot Coverage Ratio (%): 52.51 Floor Space Index: 35.38

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	36,441	160

Retail GFA: 48.5

Office GFA:

Industrial GFA:

Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	8		11	11
Freehold:				
Condominium:			621	621
Other:				
Total Units:	8		632	632

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		56	406	95	64
Total Units:		56	406	95	64

Parking and Loading

Parking Spaces:	5	Bicycle Parking Spaces:	698	Loading Docks:	1 Type G
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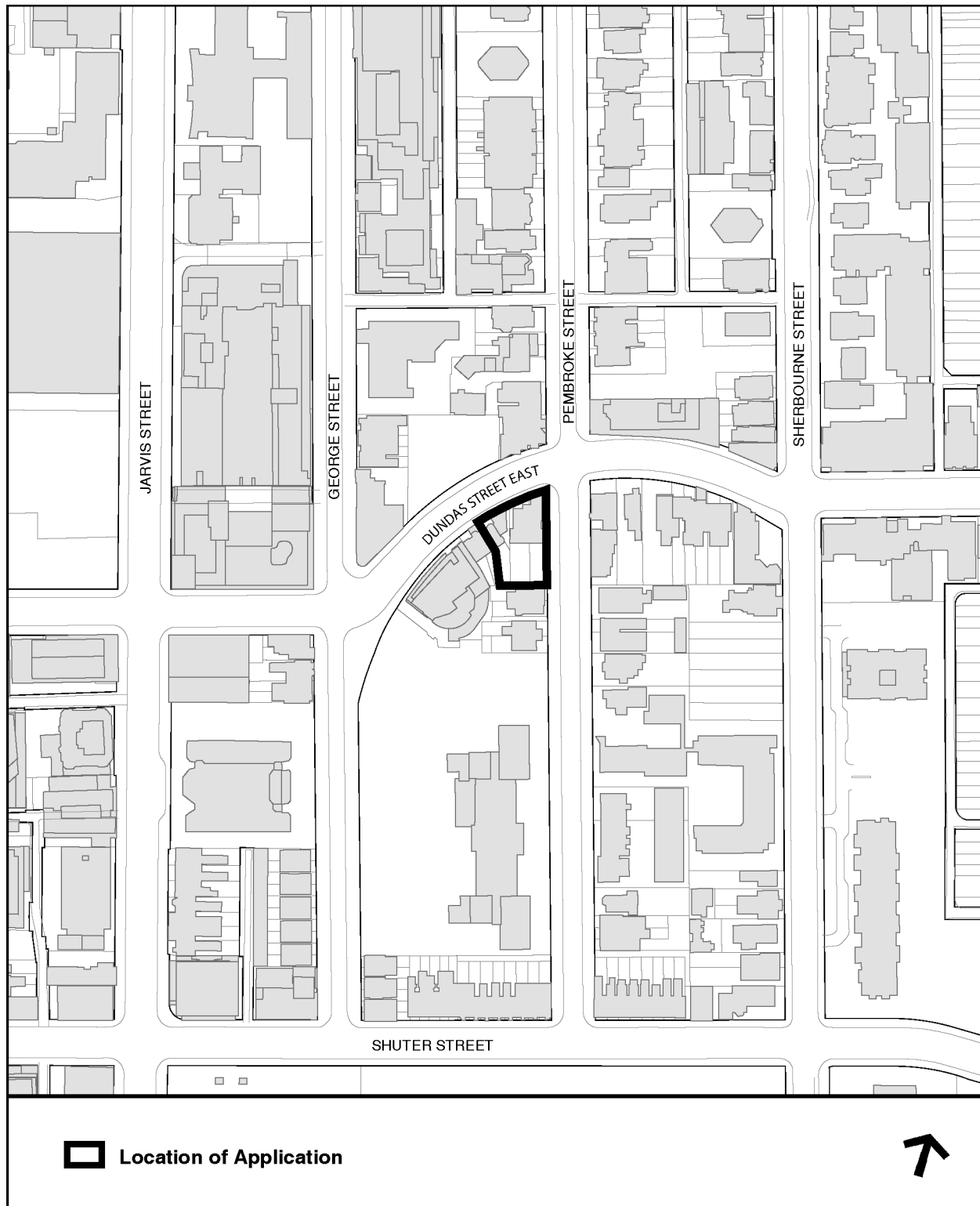
CONTACT:

Abraham Plunkett-Latimer, Planner

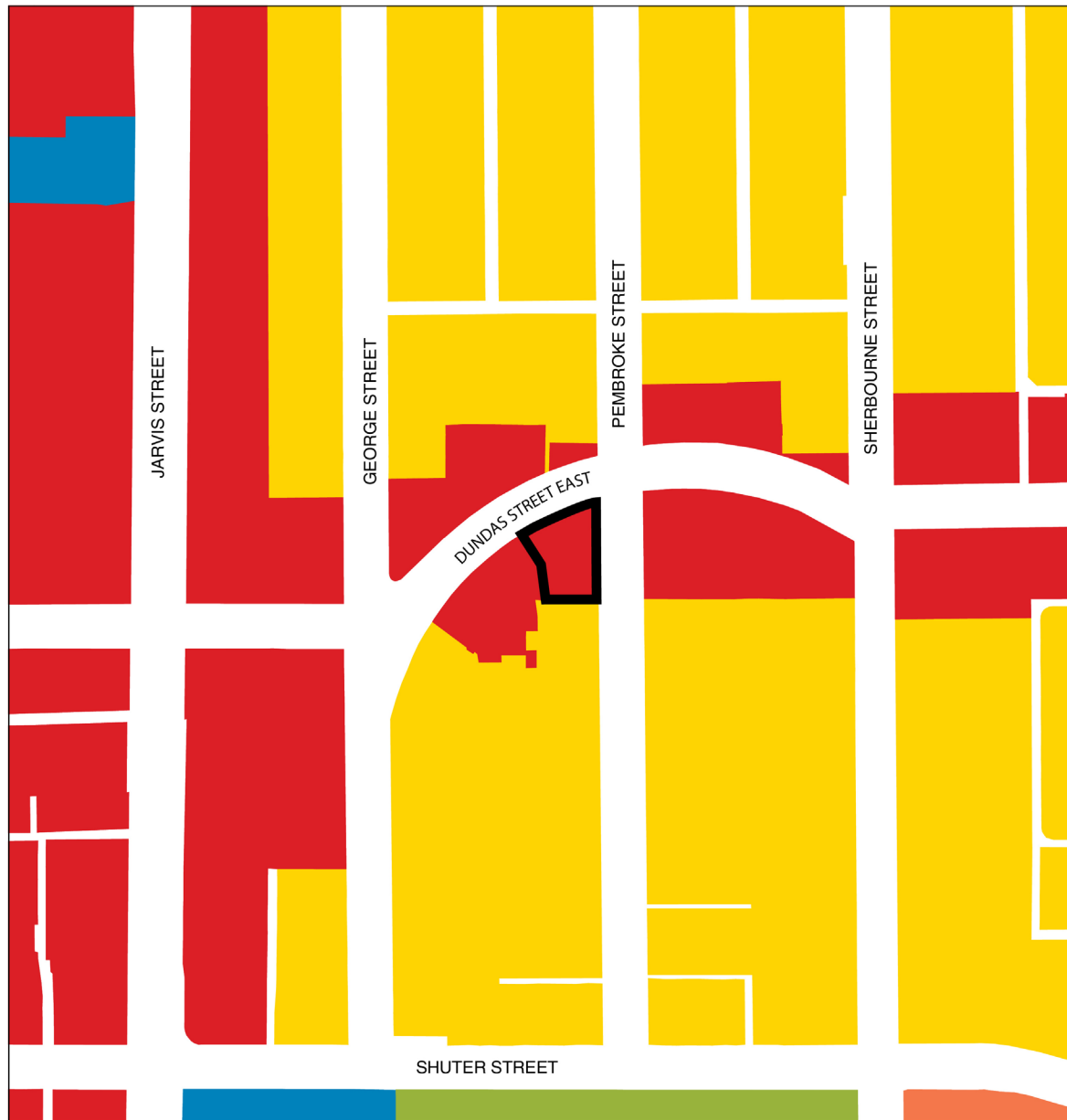
416-397-1942

Abraham.Plunkett-Latimer@toronto.ca

Attachment 2: Location Map



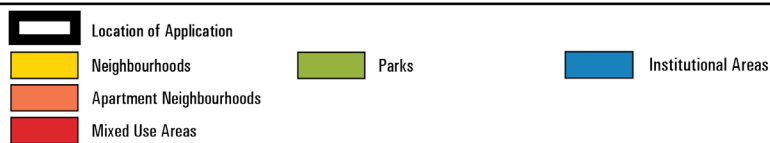
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

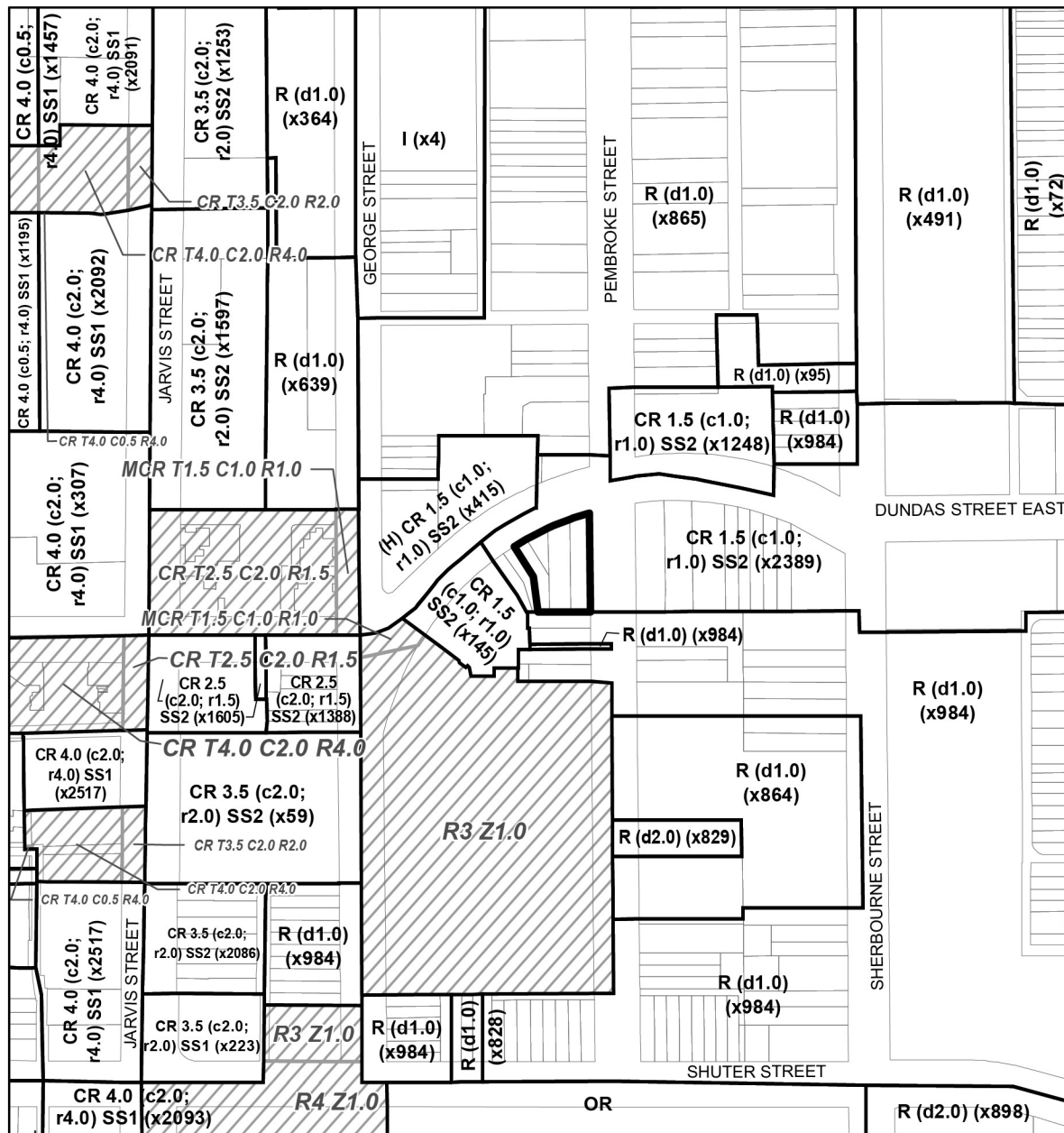
239-255 Dundas Street East

File # 22 124214 STE 13 0Z



↑
Not to Scale
Extracted: 03/21/2022

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

239-255 Dundas Street East

File # 22 124214 STE 13 0Z



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
R4 Residential District
CR Mixed-Use District
MCR Mixed-Use District



Not to Scale
Extracted: 05/01/2024

Attachment 5: Draft Official Plan Amendment

CITY OF TORONTO

BY LAW No. XXXX-20XX (OLT)

To adopt Amendment No. XXXX to the Official Plan of the City of Toronto with respect to lands municipally known in the year 2023 as 239 Dundas Street East, 241-243 Dundas Street East, and 247-255 Dundas Street East

Whereas authority is given to the Ontario Land Tribunal under the Planning Act, R.S.O. 1990, c. P.13, as amended, upon hearing the appeal of the owners, to pass this By-law; and

Therefore the Official Plan of the City of Toronto, as amended, is further amended by the Ontario Land Tribunal as follows:

The attached Amendment No. XXXX to the Official Plan is hereby adopted pursuant to the Planning Act, R.S.O. 1990, c P.13, as amended.

ENACTED AND PASSED this day of , A.D. 20XX.

AMENDMENT NO. XXXX TO THE OFFICIAL PLAN

LANDS MUNICIPALLY KNOWN IN THE YEAR 2023 AS 239 DUNDAS STREET EAST, 241-243 DUNDAS STREET EAST, AND 247-255 DUNDAS STREET EAST

The Official Plan of the City of Toronto is amended as follows:

Chapter 7, Site and Area Specific Policy 461, is amended by adding Site Specific Policy 7.X for the lands known municipally in the year 2023 as 239 Dundas Street East, 241-243 Dundas Street East, and 247-255 Dundas Street East as follows:

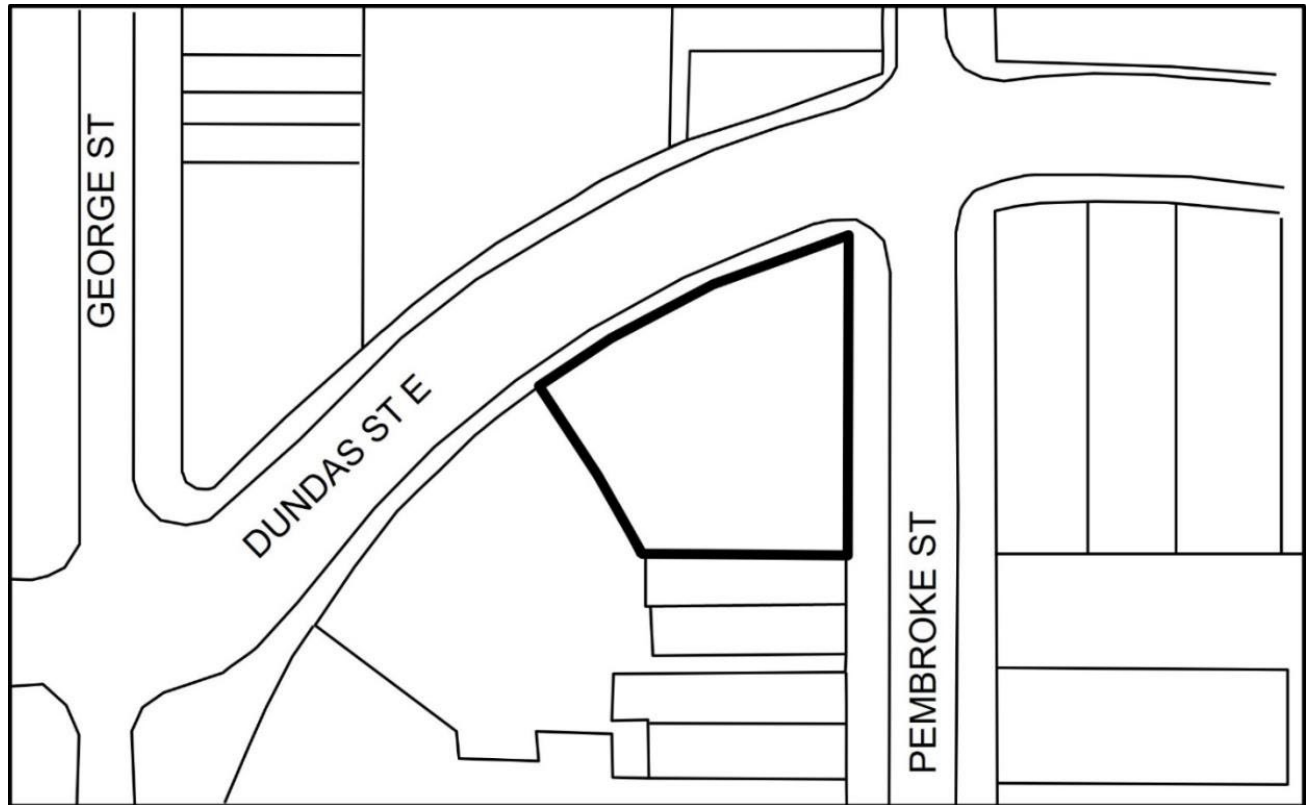
7.X 239 Dundas Street East, 241-243 Dundas Street East, and 247-255 Dundas Street East (X on Map 7)

i. Despite the policies of Site and Area Specific Policy 461, a mixed-use building with a maximum height of 163.6 metres inclusive of Mechanical Penthouse is permitted; and,

ii. A minimum setback of 0 metres is permitted from the properties within the Neighbourhoods designation to the south of the lands and policies relating to angular planes shall not apply; and,

iii. A minimum separation distance between towers of 9.3 metres or greater shall be provided from the exterior wall to the exterior wall of the tower at 219 and 231 Dundas Street East; and,

iv. Retail bays may be greater than 6 metres in width and retail uses may comprise less than 60% of the Dundas Street frontage.



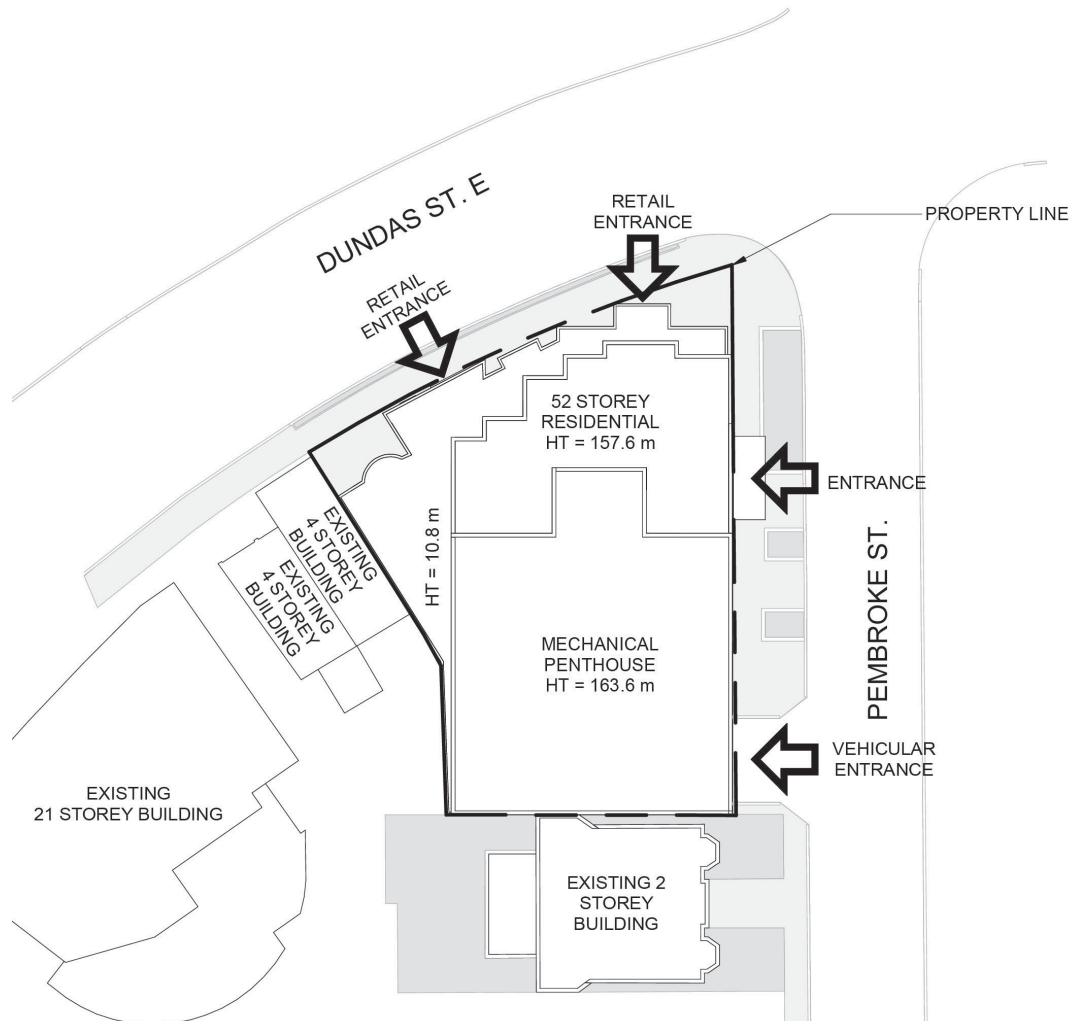
Chapter 7, Site and Area Specific Policy 461, Map 7 – Site Specific Policy Areas, is amended by adding the lands known municipally in the year 2023 as 239 Dundas Street East, 241-243 Dundas Street East and 249-255 Dundas Street East as Site Specific Policy , as shown on Schedule A.

Schedule A

Attachment 6: Draft Zoning By-law Amendment

To be provided in advance of the June 11, 2024 Toronto and East York Community Council Meeting.

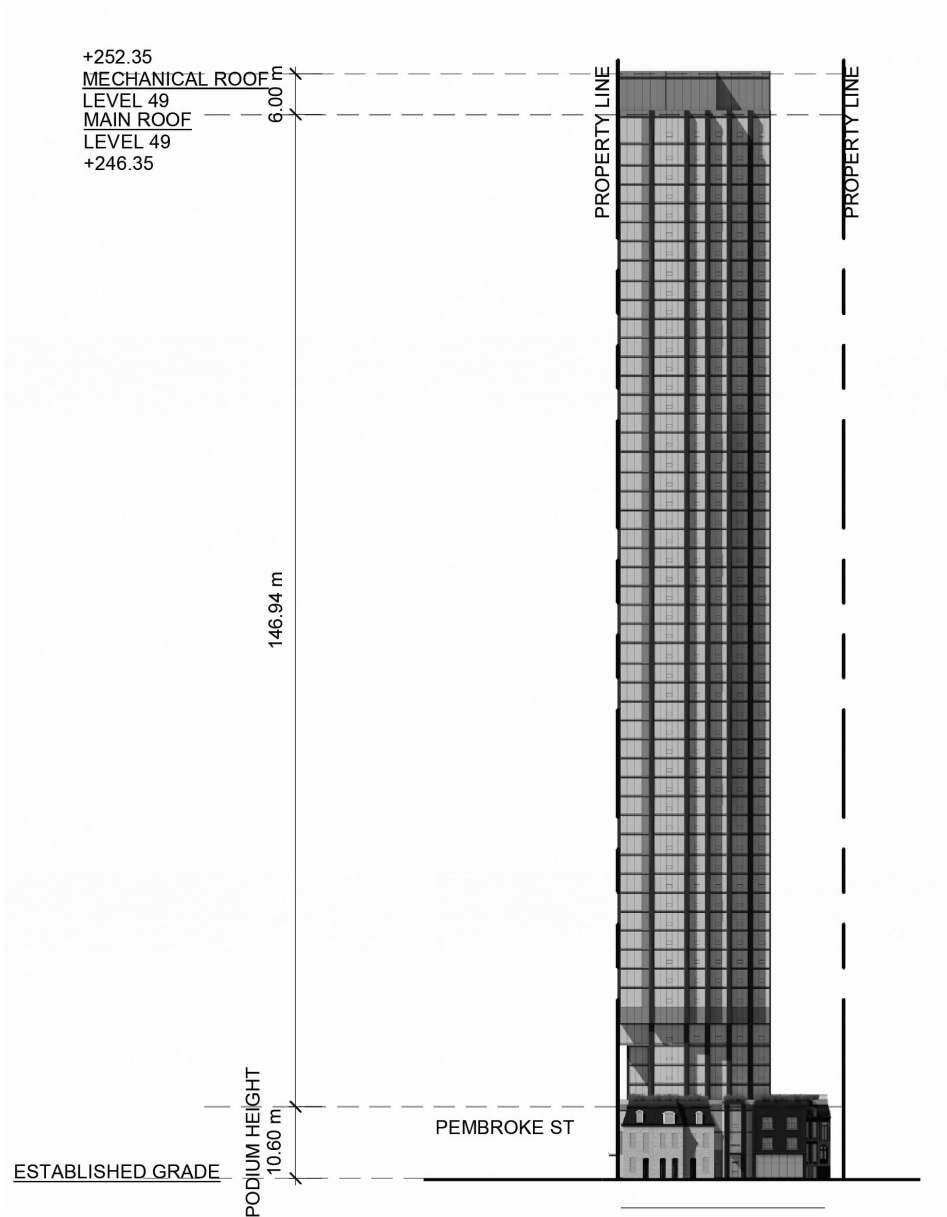
Attachment 7: Site Plan



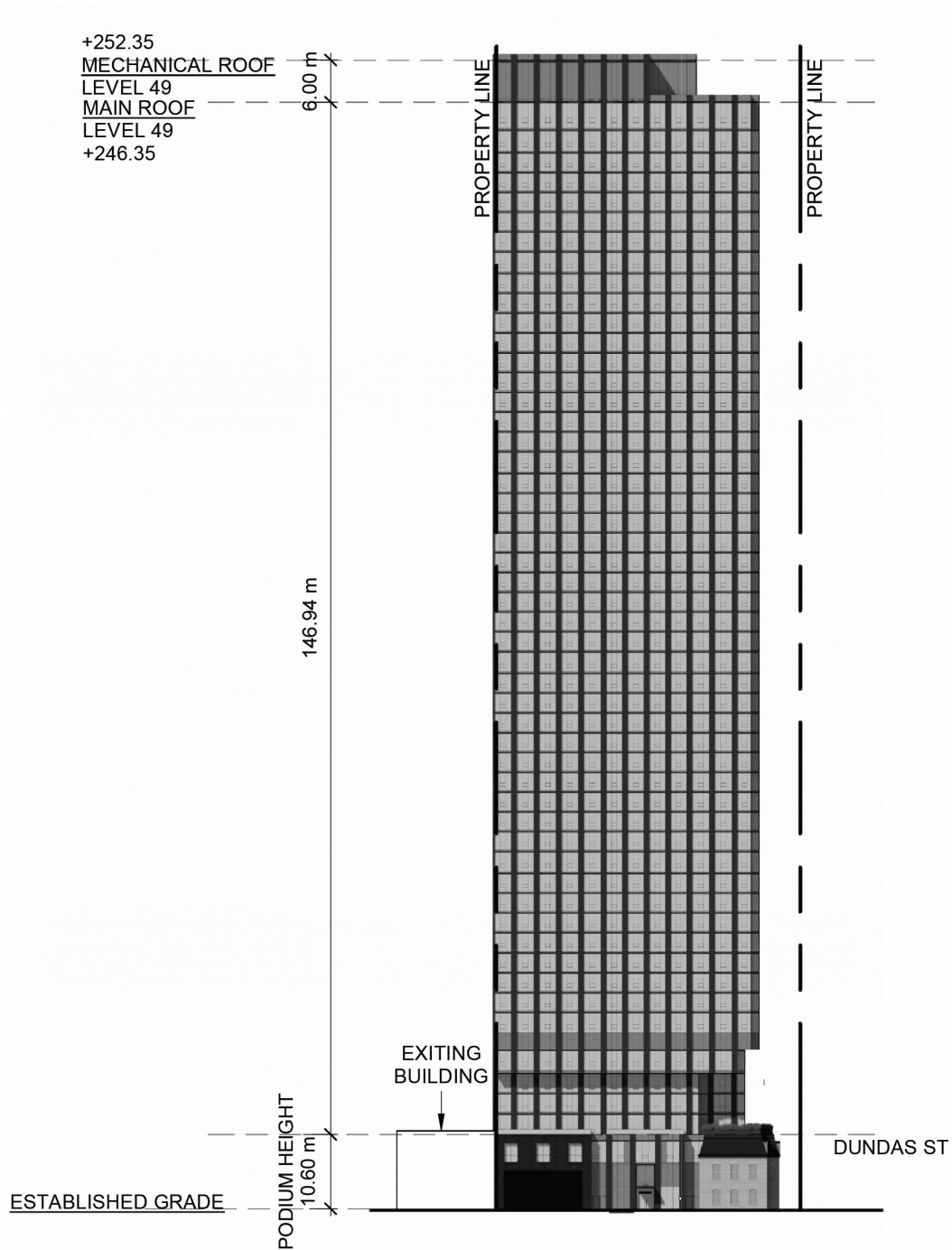
Site Plan



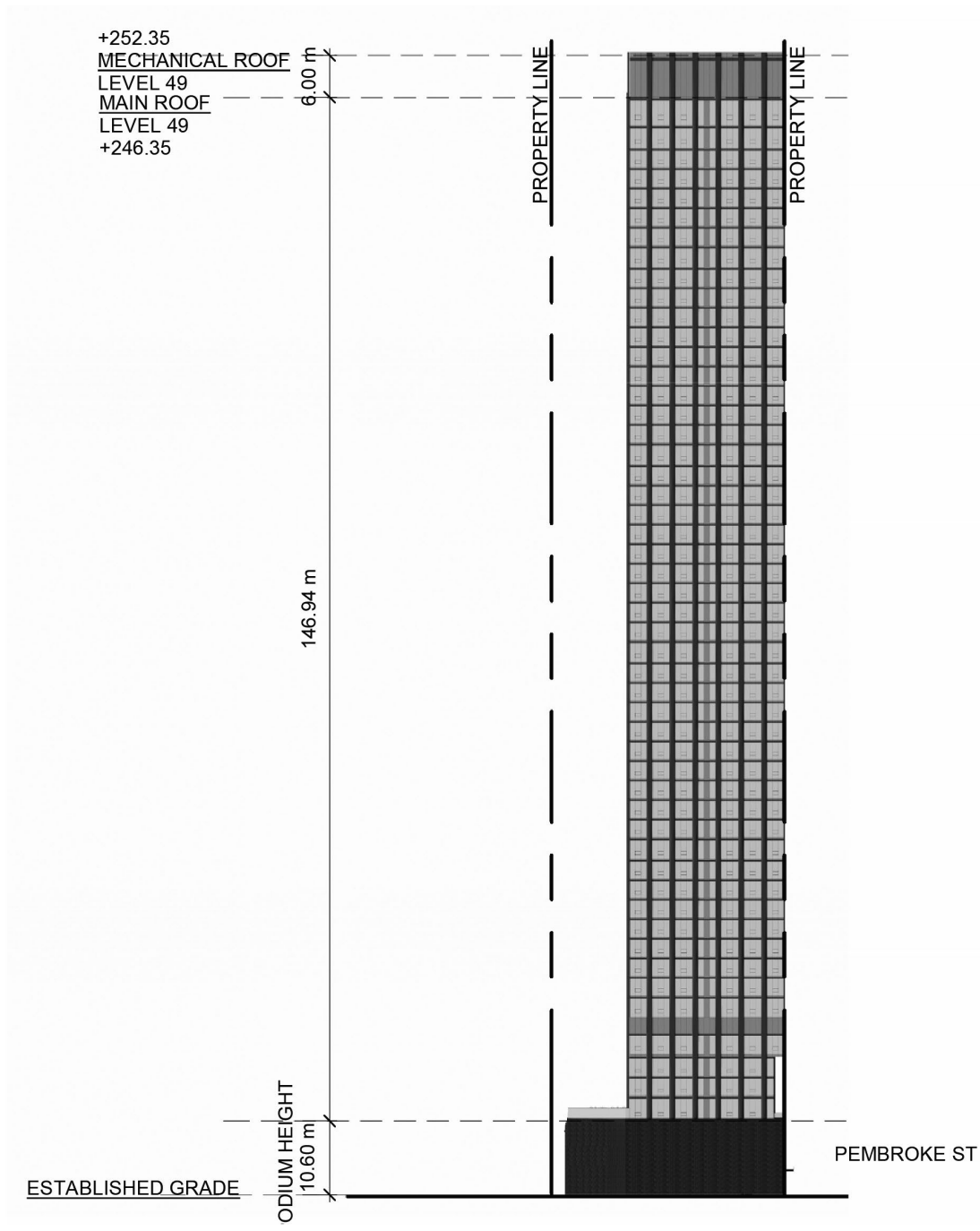
Attachment 8: Elevations

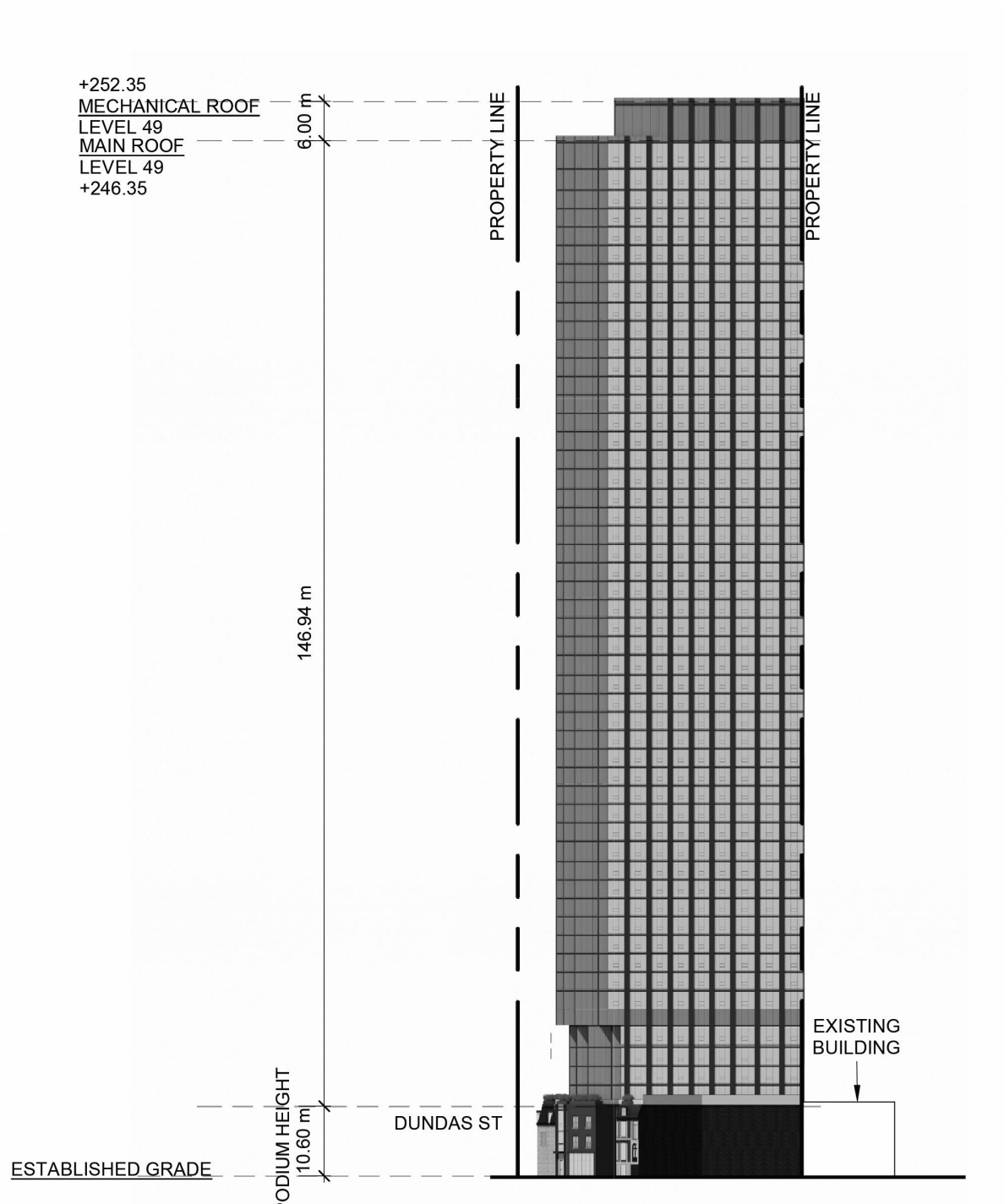


North Elevation



East Elevation





Attachment 9: 3D Massing Model

