

**1201 Dundas Street East–Rezoning Application & Site
Plan Control Application
Request for Directions Report**

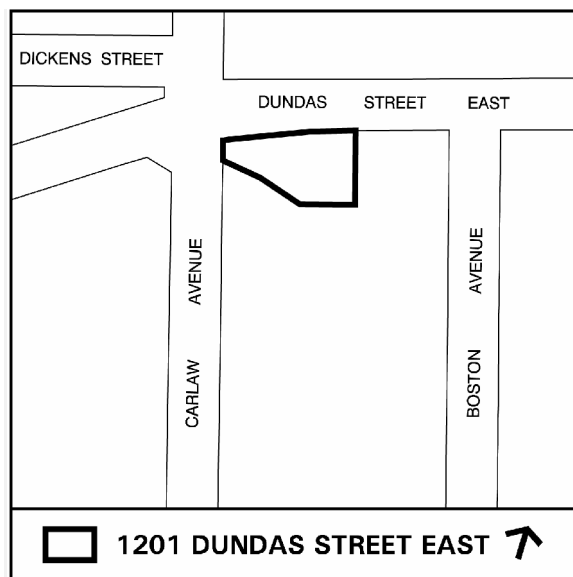
Date:	September 5, 2008
To:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 30 – Toronto-Danforth
Reference Number:	07-289556 STE 30 OZ & 07-289559 STE 30 SA

SUMMARY

The application for zoning by-law amendment was made on or after January 1, 2007 and is subject to the new provisions of the Planning Act and the City of Toronto Act, 2006. The applicant appealed the zoning by-law and site plan applications to the Ontario Municipal Board (OMB) due to Council’s failure to make a decision within the time allotted by the Planning Act. The purpose of this report is to seek City Council’s direction for the hearing of the appeal which is scheduled for October 21-24, 2008. On August 20, 2008, staff received revised plans.

The applicant proposes to construct an 11 storey building, including mechanical penthouse, at 1201 Dundas Street East, containing employment uses on the first 2 floors, and 85 residential units above. Owners would be permitted to both live and work within the residential units.

This report recommends that the subject proposal be opposed in its current form, however, staff should continue discussions with the applicant in an attempt to resolve the outstanding matters as outlined in this report.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate staff to attend the Ontario Municipal Board hearing to oppose the application as currently proposed.
2. City Council direct staff to continue to negotiate with the applicant in an attempt to resolve outstanding matters as outlined in this report including, but not limited to, issues that may relate to Height, Urban Design, Streetscaping, Amenity Space, Access and Loading;
3. Subject to the applicant addressing the issues raised in this report to the satisfaction of the Director of Community Planning, Toronto & East York District, City Council authorize the City Solicitor to settle the appeal and request the OMB to withhold its Order until:
 - a. the Zoning By-law amendment is prepared to the satisfaction of the City Solicitor in consultation with the Chief Planner and Executive Director of City Planning Division; and
 - b. the owner has entered into a Site Plan Agreement under Section 41 of the Planning Act to the satisfaction of the Chief Planner and Executive Director of the City Planning Division.
4. City Council authorize the City Solicitor and City staff to take such necessary steps to implement the foregoing.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Proposal

On December 28, 2007 Aird and Berlis LLP, on behalf of Front and Sher Auto Repairs Ltd. applied for a Zoning By-law amendment to construct a 12 storey building containing employment uses on the first 2 floors, and 91 residential units above. Typical unit sizes included 1 bedroom units (62 square metres) and 2 bedroom units (111 square metres). The applicant revised their proposal on April 10, 2008, reducing the height of the building to 11 storeys including mechanical penthouse, and reducing the number of residential units to 85. Owners would be allowed to both live and work within these residential units.

The applicant further revised their proposal on August 20, 2008, increasing the number of parking spaces to a total of 68 parking spaces in 4 levels of underground parking (includes 1 car share space).

The proposed total gross floor area is 7,926 square metres or 6.8 times the area of the lot and the proposed height is 34 metres inclusive of mechanical penthouse. See Attachment 6: Application Data Sheet.

The applicant appealed the zoning by-law amendment application to the Ontario Municipal Board on May 30, 2008, due to Council's failure to make a decision respecting the application within 120 days. On August 20, 2008 the applicant appealed the site plan application to the OMB and is requesting a consolidation of both zoning amendments and site plan. A hearing date has been set for October 21-24, 2008.

Site and Surrounding Area

The 1,163 square metre site is located at the south east corner of Dundas Street East and Carlaw Avenue. The site is currently occupied by a 1 storey building containing an auto repair shop with gas bar.

The surrounding uses are as follows:

North: 3 storey industrial building

South: vacant former rail spur lands, and further south a development application at 319 Carlaw for an 11 storey building with employment and residential uses.

East: a commercial parking lot and 2-3 storey detached and semi detached residential dwellings

West: 3-4 storey building containing employment and residential uses

Provincial Policy Statement and Provincial Plans

The new Provincial Policy Statement 2005 (PPS) applies to this proposal. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is issued under Section 3 of the Planning Act and sets the policy foundation for regulating the development and use of land. Section 3 of the Planning Act was amended in 2005 to ensure that all municipal planning decisions are required to be "consistent with" the PPS. City Council's planning decisions are required to be consistent with the PPS.

The PPS requires the City to promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) planning for, protecting and preserving employment areas for current and future uses; and
- d) ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS defines Employment Areas as those areas designated in an Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The Official Plan designates the site "*Employment Areas*", which provides for offices, manufacturing, warehousing, distribution, research and development facilities, utilities, media facilities, parks, hotels, retail outlets ancillary to the preceding uses, and restaurants and small scale stores and services that serve area businesses and workers.

Section 3.1.2 deals with policies relating to built form. Policy 3 states:

New development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impacts on neighbouring streets, parks, open spaces and properties by creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan

In addition to the general policies of the Official Plan, Site and Area Specific Policy No. 154 also applies to the site, and states:

A mix of employment and residential uses are permitted provided that:

- a) if the property is designated *Employment Areas*, the building will provide for a satisfactory living environment compatible with the employment uses in the building and adjacent areas.

Zoning

The property is zoned I2 D3 under By-law 438-86, with a height limit of 18 metres and permits a variety of industrial uses up to a density of 3 times the area of the lot. Residential uses are not permitted.

Site Plan Control

The proposed development is subject to site plan control. An application for Site Plan approval has been submitted and appealed to the Ontario Municipal Board.

Reasons for Application

The applicant proposes uses which are not permitted in the I2 zone in Zoning By-law 438-86. In addition, the applicant proposes a building height of 34.0 metres which exceeds the permitted height limit of 18 metres in the I2 zone. Development standards related to residential development are also required.

Community Consultation

Two community consultation meetings were held - one on February 7 and the other on April 16, 2008 - at the Queen Street East Presbyterian Church. Approximately 100 members of the public attended the first meeting, which was a joint meeting to discuss a similar proposal at 319 Carlaw Avenue.

Approximately 50 members of the public attended the second meeting which strictly dealt with this application. Issues raised by the public included:

- the height and density of the proposed building;
- loss of employment use on site;
- compatibility with adjacent non-residential uses to the south and low rise neighbourhood to the east;
- lack of greenspace in neighbourhood;
- design of the building and streetscape;
- adequacy of the number of parking spaces for residents and visitors;
- traffic; and
- shadowing, privacy and overlook.

City Planning staff have also received written comments from approximately 30 residents in the area. These comments are addressed in this report.

Agency Circulation

The application was circulated to appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Land Use

Since Council adopted the Official Plan in 2002, the Carlaw and Dundas area has evolved from an area of mostly *Employment Area* uses into an area that includes a mix of live/work, employment and residential uses.

This proposal includes both residential and employment uses. This satisfies Site and Area Specific Policy No. 154 with respect to the permission of a mix of employment and residential uses.

The non-residential component of the proposal comprises the first two floors of the building (1,421 square metres) and it consists of two components. The first component includes 938 square metres of office and manufacturing/studio uses as provided for through Policy 1 of *Employment Areas*. The second component includes 483 square metres of retail uses. The zoning by-law proposed by the applicant limits the retail uses in both overall area and individual unit size, to 483 and 300 square metres respectively. These small scale retail uses will serve businesses and workers in the Carlaw and Dundas area, which is consistent with Policy 1 of the *Employment Areas* policies, as well as serving area residents, which is consistent with Site and Area Specific Policy No. 154 of the Official Plan.

Staff are satisfied that the residential component of the proposal will provide a compatible, satisfactory living environment in terms of the proposed building and adjacent area.

Height, Massing, Built Form

City Planning staff have reviewed this proposal within the existing and planned context of the area. The proposal does not adequately address the Official Plan Built Form Policies (Section 3.1.2) It is staff's opinion that the height and massing of the proposed building is not appropriate.

The proposed height is 11 storeys (34.0 metres) including mechanical penthouse. A number of the existing and approved, but not yet constructed, buildings along Carlaw Avenue have heights which range from 5-8 storeys. Due to larger than standard floor-to-ceiling heights (3.9-5.2 metres) in these buildings, the absolute building heights range from 26 metres to 28.5 metres, excluding mechanical penthouse.

This applicant has another development application at 319 Carlaw Avenue, directly south of the Dundas Street East site. This was recently before Toronto and East York Community Council on July 7, 2008. Council adopted the staff recommendation to work towards an OMB settlement on the 319 Carlaw site. On August 14, 2008 the OMB delivered an oral decision approving the proposal allowing for an 11 storey (33.9m) building.

Given the site location and configuration, staff supported the height at 319 Carlaw Avenue. A transition downward towards the surrounding *Neighbourhood* to the north and east should begin from the 319 Carlaw site. This will require the elimination or modification to the upper most floor(s) which may include further step backs along the east property line. The industrial properties east and north of 1201 Dundas Street East have the same existing Official Plan permissions as the Dundas site and the industrial properties directly abut the *Neighbourhoods*. The transition to the *Neighbourhood* must be clearly established now.

The proposed building would be constructed to the edge of all property lines on the first 2 storeys (non-residential floors). As a result of consultation with staff, the proposed rear terracing and other setbacks have been increased. Building setbacks are as follows:

- 5.5 metres starting at the third floor along the south property line, adjacent to the former rail spur. The applicant proposes private balconies which would encroach 1.8m into this setback.
- An additional 1.8 metre setback starting at the fifth floor from the south property line.
- A setback of 1.8 metres from approximately half of the north (Dundas Street East) property line.
- A setback of 5.5 metres starting at the 7th storey from the entire east property line.
- A minimum of 3.6 metres setback at the 10th storey from the entire north(Dundas Street East), and west(Carlaw Avenue) property lines.

The City has supported wrapping the mechanical penthouse with limited residential floor space if it is setback from the floors below in order to incorporate the penthouse into the building design. The mechanical penthouse proposed appears to be much larger than required and the access to the stair tower at the south west corner adds to the bulk of the top floor. To address these issues, the mechanical penthouse should be pulled back from the edge of the floor below on the south side to reduce visual impact and the area for the access stairs reduced.

The applicant has identified this site as a landmark site due to the alignment of Dundas Street East at Carlaw Avenue. The applicant successfully maximized this opportunity with the general design of the building; however this view terminus does not justify proposed height of 11 storeys or the proposed massing. A reduction of the building height and massing would achieve the built form objectives of the Official Plan and would still result in a landmark building.

Privacy and Overlook

The site is located approximately 50 metres from the existing low scale residential neighbourhood to the east and separated from the neighbourhood by an existing surface parking lot and a former rail spur. With a good building design, the distance separation will provide an effective buffer to mitigate issues of overlook, privacy and shadowing.

Shadow

Urban Design staff have conducted a review of shadow studies submitted by the applicant and have concluded that the proposed height and massing would not create significant negative impacts on Dundas Street East or in the surrounding neighbourhood.

Traffic Impact, Access, Parking and Loading

During the community meeting, in response to questions raised, the applicant offered to submit a traffic impact analysis for the proposal. The analysis was submitted to the City in January 2008, and concluded that the proposed development of this site would not adversely impact traffic along Carlaw Avenue during the a.m. and p.m. peak hours. Transportation Planning and Technical Services staff concur with the conclusions of the traffic impact analysis and find it to be acceptable.

The applicant must provide a minimum width of 6 metres at the point of ingress/egress to the site to the loading space whereas the applicant is currently proposing 5.2 metres.

The location of vehicular access to the underground garage directly off Dundas Street East at the eastern limit of the site is generally acceptable, but having separate loading and parking entrances is not. The applicant should consolidate the loading entrance with the parking access. The current proposal unnecessarily creates two entrances on Dundas Street East adjacent to each other and precludes trucks exiting the site in a forward motion. This creates an undesirable condition especially with a dedicated bicycle lane running directly in front of the site on Dundas Street East. See Attachment 1.

The City has approved a loading/parking configuration that consolidates the two uses into one ramp on similar small project sites and such a configuration would work on this site. This configuration would allow for the possibility of City Garbage Pickup and for the trucks to enter and exit in a forward motion. Furthermore, consolidating the accesses would increase the employment frontage along Dundas Street East with minimal impact on the ground floor GFA (only impacting sub-standard space at the rear of the building). See Attachment 2 for conceptual plan.

A total of 68 parking spaces, including 52 spaces for the use of residents, 10 spaces for the use of residential visitors, five spaces for the use of the office component and one car share parking space, are proposed to serve this development. The proposed parking supply is sufficient to support the proposal, however staff note that some proposed parking spaces are substandard in size.

In order to allow for some flexibility with respect to the size and mix of the live/work units proposed, the City's Technical Services Division has recommended that the following minimum ratios be incorporated into the site specific zoning bylaw:

- | | |
|-----------------------------|---------------------|
| - Bachelor Units (if any) | 0.3 spaces per unit |
| - 1-bedroom Units | 0.7 spaces per unit |
| - 2-bedroom Units | 1.0 space per unit |
| - 3+ bedroom Units (if any) | 1.2 spaces per unit |

- Visitors 0.12 spaces per unit
- Office component 1 space per 93 m²

The owner is required to comply with these ratios, save and except, that one car share parking space may be provided in lieu of ten resident parking spaces, and that such a reduction cannot exceed ten resident parking spaces irrespective of the number of car share parking spaces provided.

Transit Infrastructure

The site is well served by public transit with two streetcar lines; the Gerrard and Queen Street lines both approximately 330 and 400 metres away respectively. In addition to these two streetcar lines there is bus service along Carlaw Avenue.

Servicing

Municipal services are available to service the site and proposed development.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0.43 to 0.79 hectares of local parkland per 1,000 people.

Parks, Forestry and Recreation staff have advised that the development site is subject to the alternate parkland dedication. The parkland contribution that would apply to this site is 10%. The required parkland dedication will be satisfied through cash in lieu.

Forestry

The applicant has submitted an arbourist report which has been reviewed by the City's Urban Forestry Section. Urban Forestry has concurred with the applicant that no privately owned trees protected under the City of Toronto's Private Tree By-law will be impacted by the proposed development.

Streetscape

The proposal includes 4 trees in the public boulevard along Dundas Street East and would include upgraded pavers. The width of the sidewalk would also be increased from 2.8 metres to 3.1 metres.

Private Amenity Space

The By-law requires a minimum of two square metres of both indoor and outdoor amenity space for each residential unit. The applicant is proposing to provide 100 square metres of indoor amenity space and 86 square metres of outdoor amenity space. This is significantly below the minimum By-law requirement of 170 square metres of indoor and 170 square metres of outdoor amenity space. The applicant must provide a minimum of 2 square metres of indoor and outdoor amenity space, respectively, per unit, as was provided for the recently approved proposal on the neighbouring site at 319 Carlaw Avenue.

Cycling Infrastructure

The applicant proposes to provide the minimum number of required residential bicycle parking spaces in accordance with the Zoning By-law. The applicant proposes 51 bicycle parking for residents and 13

spaces for visitors. The bicycle parking for visitors and residents would be located on the ground floor and within the underground parking garage levels.

There are designated bicycle lanes directly in front of this site on Dundas Street East.

Toronto Green Development Standard

The Toronto Green Development Standard checklist submitted by the applicant indicates that the proposed development is intended to meet or exceed 31 performance targets. Some of the targets proposed to be met include:

- the primary entrance of the proposed building is within 200 metres of a transit stop and direct integration with existing pedestrian routes;
- bicycle parking that meets or exceeds 0.75 spaces per dwelling unit (residential);
- all water fixtures meet efficiency standards; and
- green roof installed with at least 50% coverage of the roof. The rest of the available roof space will be covered with light coloured roofing materials.

Development Charges

It is estimated that the development charges for this project will be \$530,695. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

Conclusion

City Planning staff do not support the proposal in its current form. If the applicant successfully addresses the issues outlined in this report, then staff would be in the position to support a revised proposal at the upcoming Ontario Municipal Board hearing.

CONTACT

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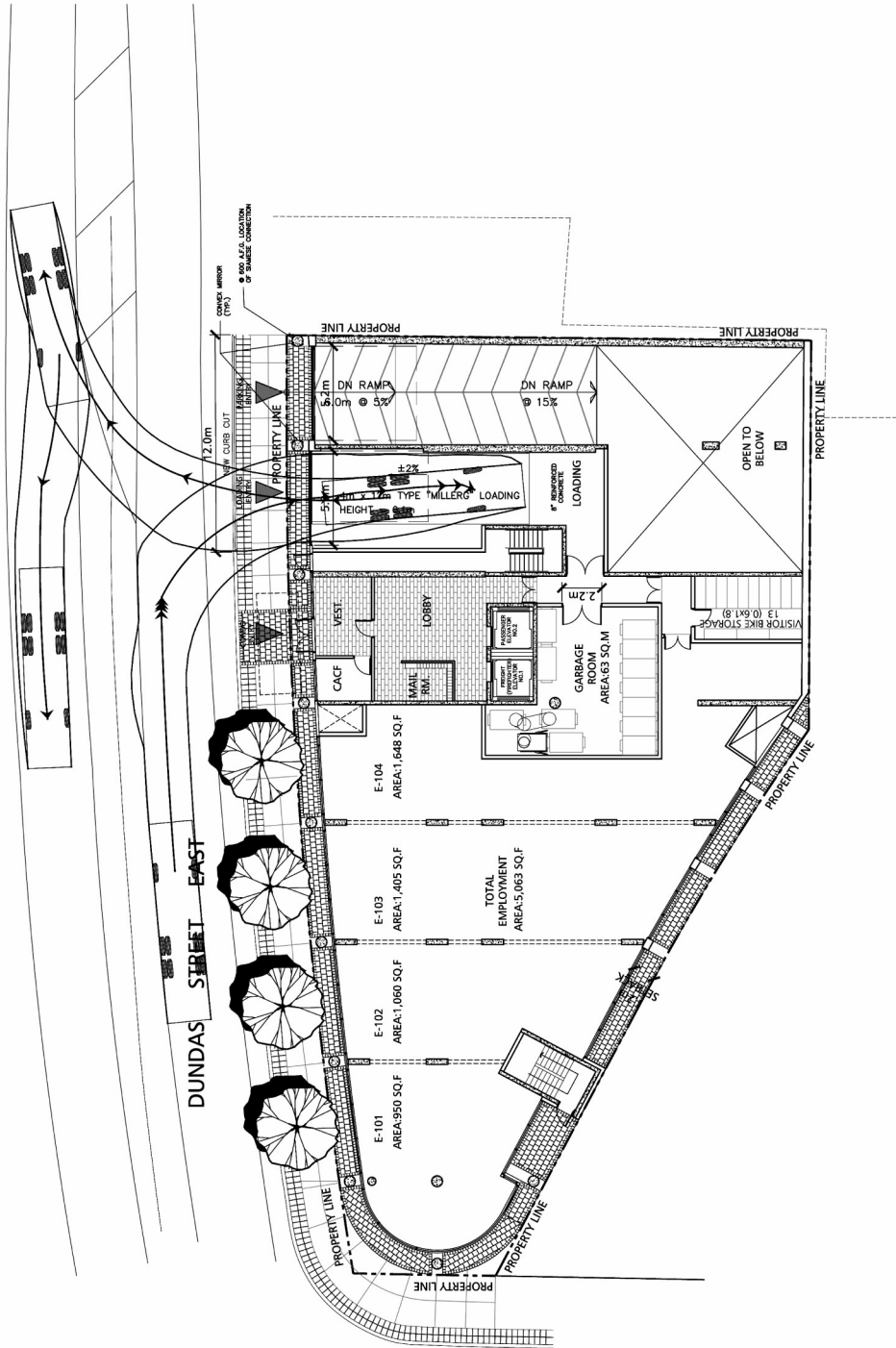
Raymond David, Acting Director
Community Planning, Toronto and East York District

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ATTACHMENTS

- Attachment 1: Proposed Site Plan with Turning Movements
- Attachment 2: City's Proposed Loading Space - Turning Movements
- Attachment 3: Elevations
- Attachment 4: Elevations
- Attachment 5: Elevations
- Attachment 6: Zoning
- Attachment 7: Application Data Sheet

Attachment 1: Proposed Site Plan with Turning Movements



1201 Dundas Street East

Applicant's Proposal With Separate Vehicular Access & Loading

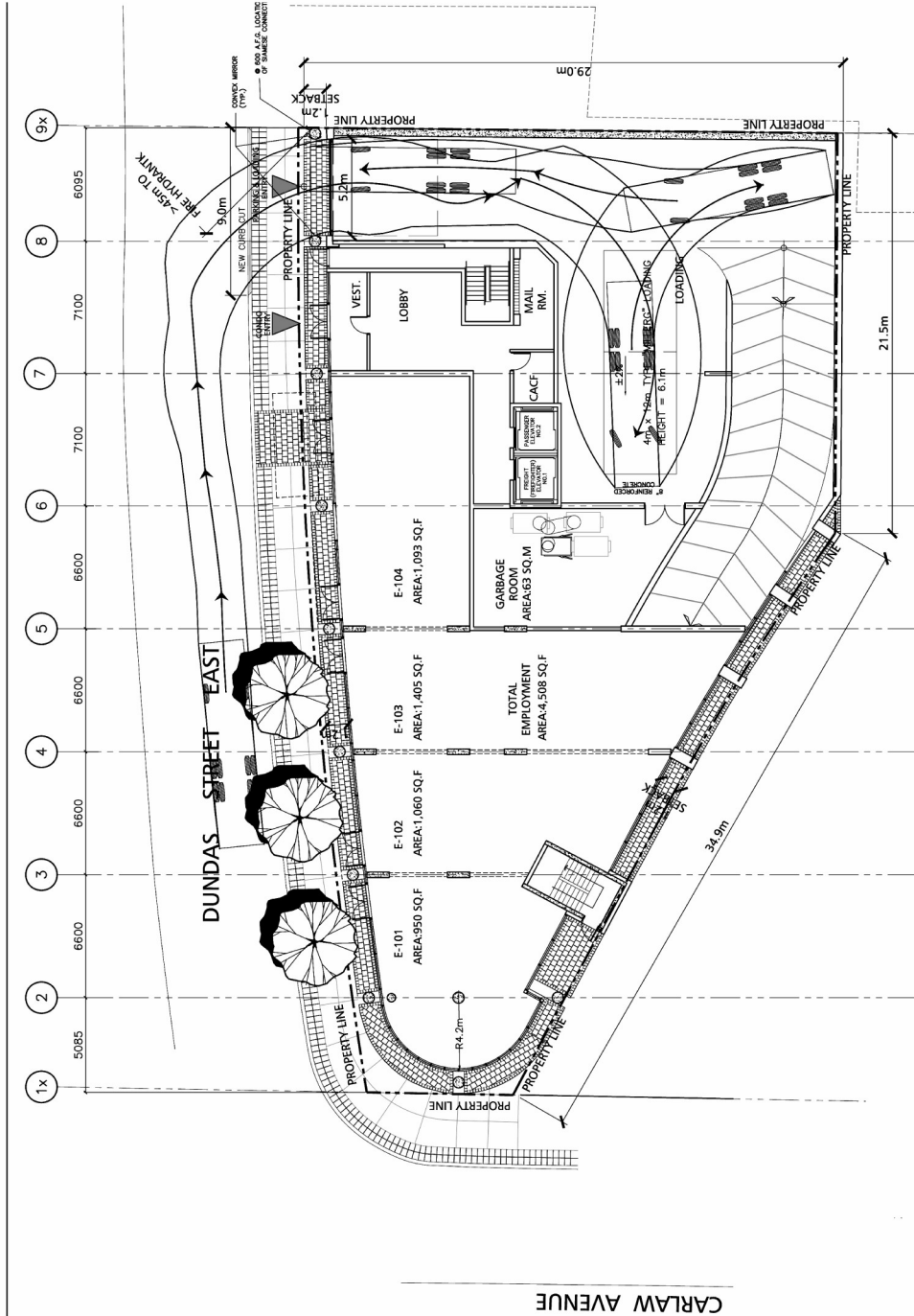
Applicant's Submitted Drawing



Not to Scale
08/27/08

File # 07_289556

Attachment 2: City's Proposed Loading Space - Turning Movements



1201 Dundas Street East

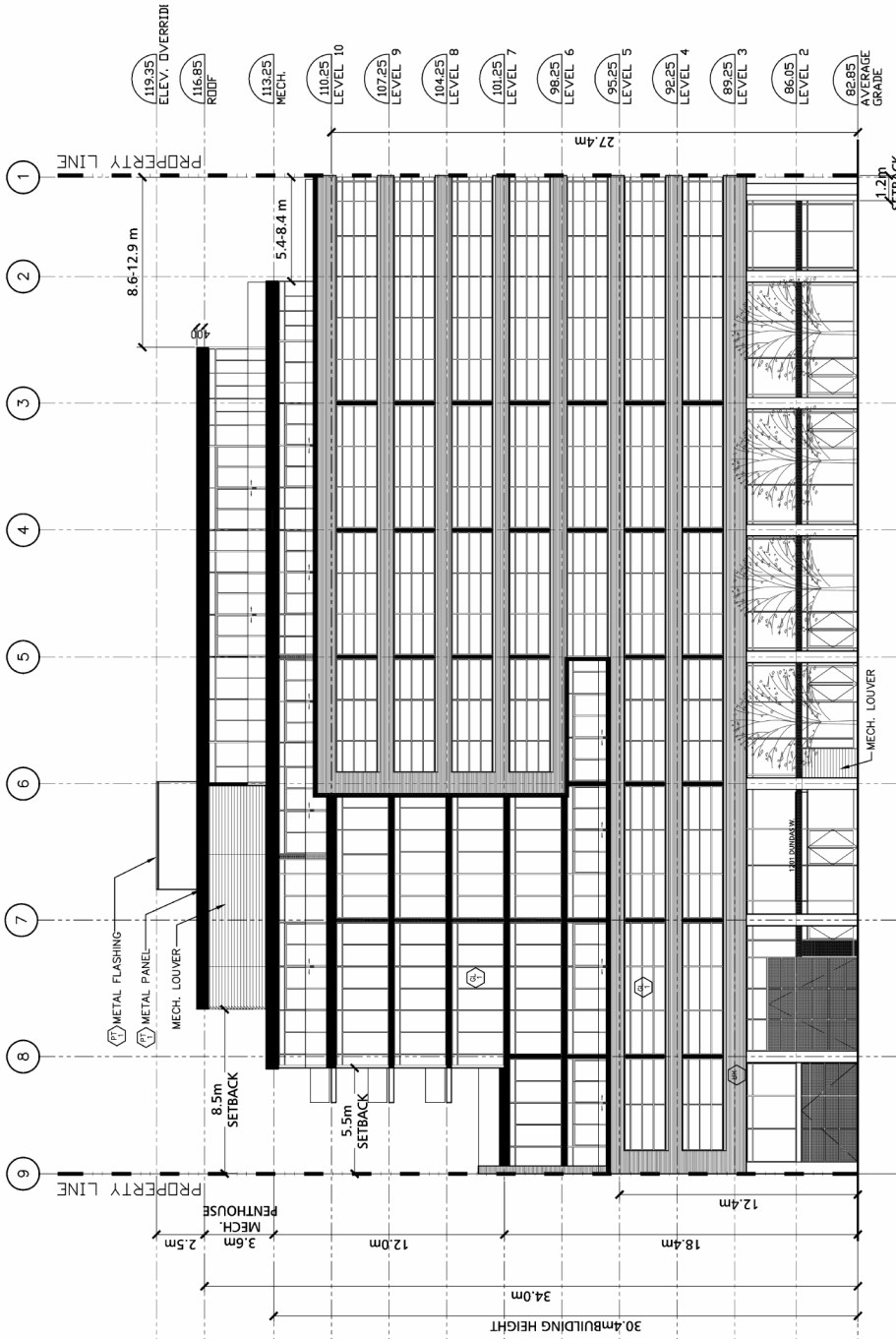
Possible Consolidated Vehicular Access & Loading

Applicant's Submitted Drawing

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Attachment 3: Elevations



1201 Dundas Street East

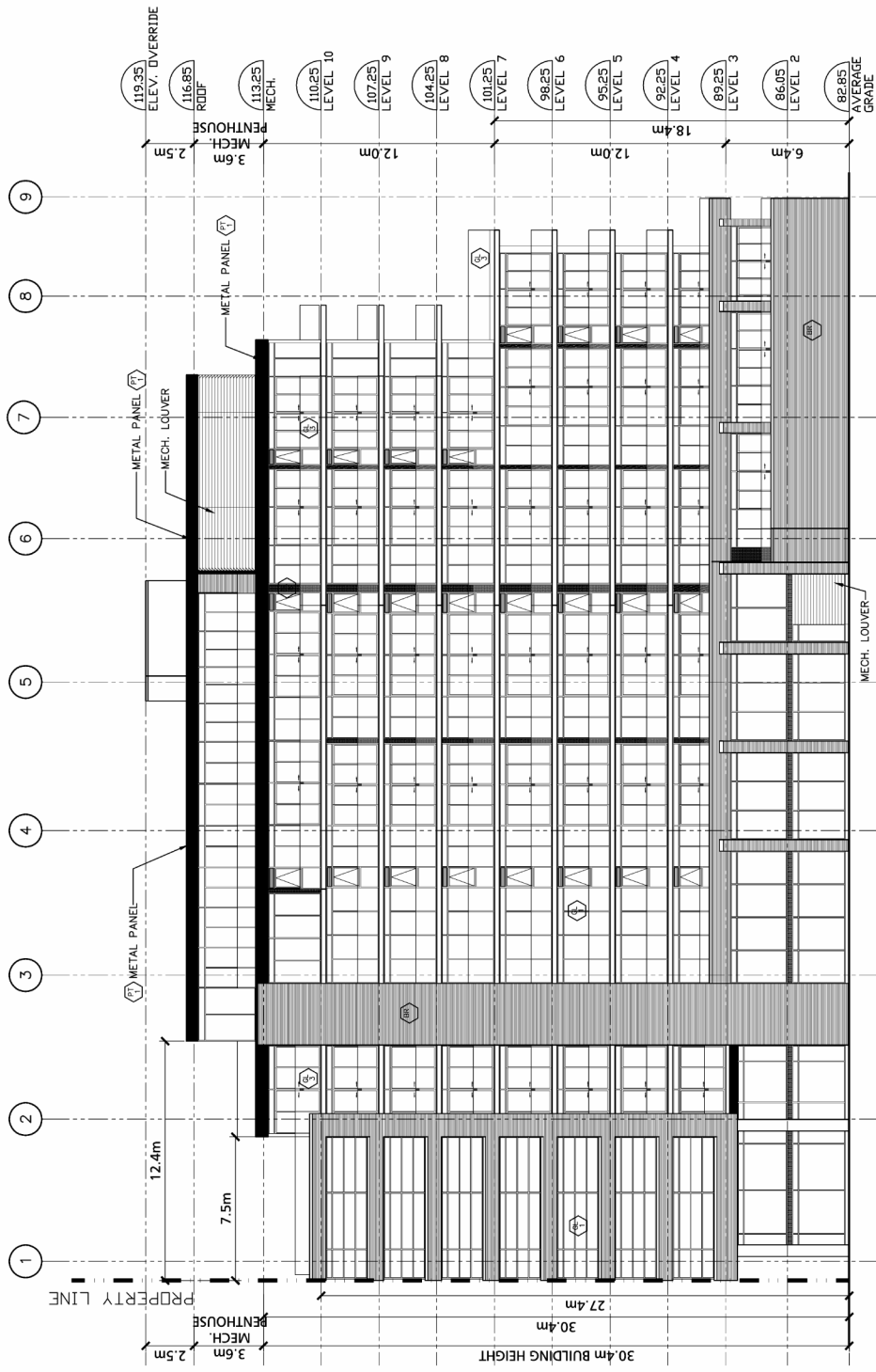
North Elevation

Applicant's Submitted Drawing

Not to Scale
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Attachment 4: Elevations



1201 Dundas Street East

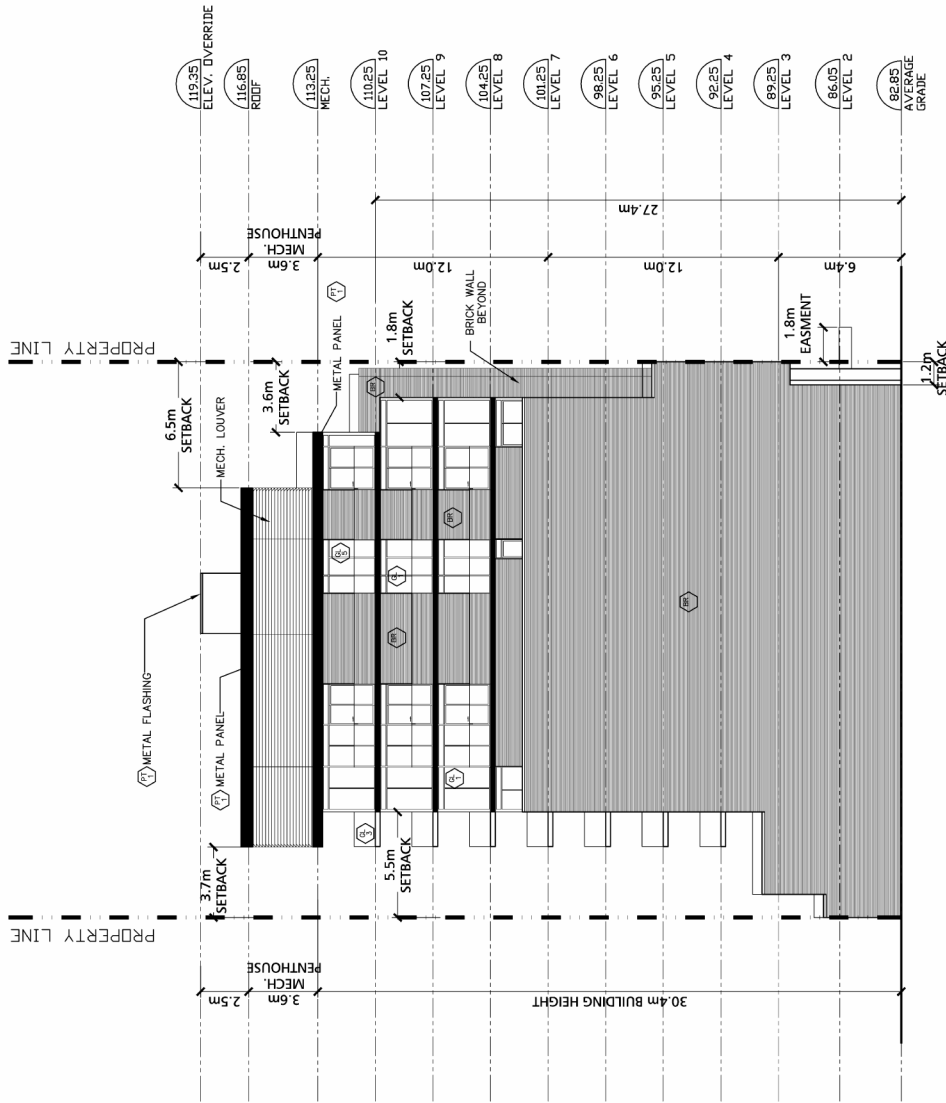
South Elevation

Applicant's Submitted Drawing

Not to Scale
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Attachment 5: Elevations



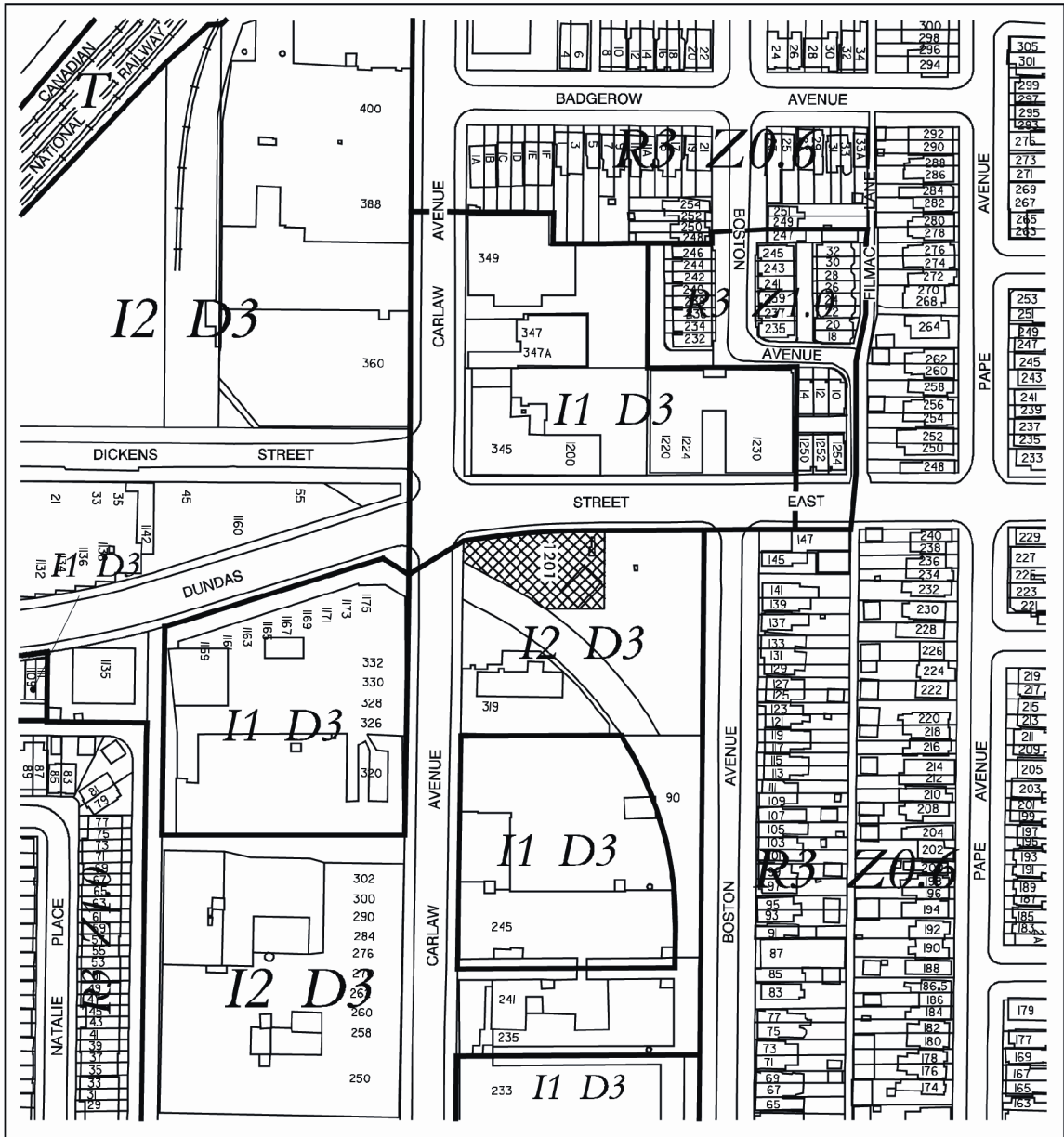
1201 Dundas Street East

East Elevation
 Applicant's Submitted Drawing

Not to Scale
 08/27/08

File # 07_289556

Attachment 6: Zoning



1201 Dundas Street East

File # 07_289556

- R3 Residential District
- I1 Industrial District
- I2 Industrial District
- T Industrial District



Not to Scale
Zoning By-law 438-86 as amended
Extracted 02/07/08 - TA

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	07-289556 STE 30 OZ
Details	Rezoning, Standard	Application Date:	December 28, 2007

Municipal Address: 1201 DUNDAS STREET EAST
 Location Description: PL 96 PT LT1 RP63R-1757 PT 2 **GRID S3008
 Project Description: Proposed 11-storey mixed-use building with 85 live/work units.

Applicant:	Agent:	Architect:	Owner:
Aird & Berlis, LLP			Front and Sher Auto Repairs Ltd

PLANNING CONTROLS

Official Plan Designation:	Employment Areas	Site Specific Provision:
Zoning:	I2 D3	Historical Status:
Height Limit (m):	18	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	1163.03	Height:	Storeys:	11
Frontage (m):	7.86		Metres:	34
Depth (m):	51.78			
Total Ground Floor Area (sq. m):	677			Total
Total Residential GFA (sq. m):	6504.1		Parking Spaces:	68
Total Non-Residential GFA (sq. m):	1421.9		Loading Docks	1
Total GFA (sq. m):	7926			
Lot Coverage Ratio (%):	58			
Floor Space Index:	6.80			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	6504.1	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	76	Office/Other GFA (sq. m):	1421.9	0
2 Bedroom:	9	Industrial GFA (sq. m):	0	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	85			

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