

**175-191 Dundas Street East and 235 Jarvis Street  
Zoning Amendment Application- Request for Direction  
Report**

<b>Date:</b>	April 9, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	14 208177 STE 27 OZ

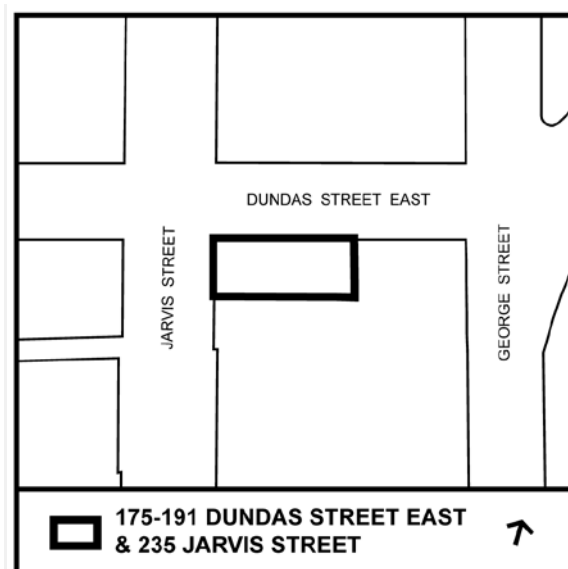
**SUMMARY**

The application proposes a 47-storey mixed use building containing retail uses on the ground floor and residential uses above. The proposed development would include a 4-storey base building with a 43-storey tower above, containing 528 dwelling units and 186 square metres of retail space. There are 535 bicycle parking spaces and 80 car parking spaces proposed.

The site currently consists of an assembly of two-storey mixed-use buildings containing five residential rental dwelling units at 175-191 Dundas Street East and a 45 bed rooming house at 235 Jarvis St. At the time of application, most rental units were occupied. All five rental dwelling units and the rooming are proposed to be demolished. A Rental Housing Demolition application is not required as there are fewer than 6 residential dwelling units.

The applicant appealed its zoning by-law amendment application on December 30, 2014 to the Ontario Municipal Board due to Council's lack of decision within the times prescribed by the *Planning Act*. A full hearing has been scheduled for May 25, 2015.

This report recommends that Council direct the City Solicitor, together with appropriate City staff, to support the proposal at the Ontario Municipal Board.



## RECOMMENDATIONS

---

1. City Council authorize the City Solicitor, together with appropriate staff, to attend the Ontario Municipal Board hearing in support of the applicant's appeal respecting the zoning by-law amendment application for 175-191 Dundas Street East and 235 Jarvis Street (File Numbers 14 208177 STE 27 OZ) for the following reasons:
  - a. The proposal conforms with the Official Plan and the direction of the recently adopted policies of the Downtown East Planning Study.
  - b. Appropriate Section 37 benefits have been secured, including the provision of additional affordable housing and a comprehensive tenant assistance and relocation package.
  - c. The proposal is consistent with applicable policies in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe and represents good planning.
  
2. City Council support this application on the condition that the Owner enter into a Section 37 Agreement wherein the Owner agrees to provide at the Owners expense the following services, facilities and matters pursuant to Section 37 of the Planning Act and enter into a Section 37 agreement to secure these conditions:
  - a. The Owner shall provide additional tenant relocation assistance beyond the requirements of the Residential Tenancies Act as generally outlined in the attached Schedule and as more specifically outlined in the Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner;
  - b. The Owner shall use all reasonable efforts to secure and convey to the City a mutually acceptable property at nominal consideration. At the owner's expense, the following cost will be included in the conveyance of this property:
    - i. all closing costs, including but not limited to, transfer tax, registration fees;
    - ii. all costs of obtaining a building condition assessment and a Phase 1 environmental study;
    - iii. a cost estimate, satisfactory to the City's Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office for any needed renovations or major repairs to bring the building up to industry standards for the purpose of providing a residential property to be operated by a non-profit housing provider to be selected by the City.
  - c. The Owner shall undertake at the owner's expense all needed renovation and repairs to bring the building up to industry standards as identified within the provided cost estimate outlined in paragraph 2(b) iii.

- d. The Owner shall provide an up-to-date survey of the property, satisfactory to the City, the property shall be legally zoned for multi-residential use at the time of closing, and the property shall be free and clear of encumbrances, to the satisfaction of the City Solicitor.
  - e. The Owner shall provide the City or the non-profit housing provider selected by the City with a cash contribution equal to 2 years of estimated operating expenses to support the operations of the property following conveyance by the Owner on mutually agreeable terms.
  - f. The City and Owner agree to work in good faith to finalize all such arrangements. Any resulting agreements, including the Agreement of Purchase and Sale, will be in a form and with content satisfactory to the City Solicitor in consultation with the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning.
  - g. In the event that the City and Owner are unable to finalize the conveyance of a property as outlined in Recommendation #2 prior to the issuance of the first above-grade permit for the development of the subject site, the Owner shall pay to the City a financial contribution in the amount of \$3,750,000 (less any amounts paid by the Owner pursuant to the additional tenant relocation assistance provisions outlined in paragraph 2(a) or the tenant compensation required under the Residential Tenancy Act) prior to the issuance of the first above-grade building permit to be directed by the City for one or more of the following:
    - i. Completion of the Tenant Relocation and Assistance Plan
    - ii. Creation of new affordable housing;
    - iii. Creation of new community space; and
    - iv. Capital improvements for existing City-owned facilities in the immediate area.
  - h. The owner will maintain the tenancies of any existing tenants and provide all related information to the satisfaction of the Chief Planner.
  - i. The cash amount identified in paragraph 1(f) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of funds by the Owner to the City.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required;

4. City Council authorize the City Solicitor in consultation with the Chief Planner and other City staff to take the necessary steps to implement the foregoing; and

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

### **DECISION HISTORY**

On January 13, 2015, Toronto and East York Community Council adopted the recommendations of Staff contained in the preliminary report for 175-191 Dundas Street East and 235 Jarvis Street.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE3.34>

### **ISSUE BACKGROUND**

The applicant is proposing a 47-storey mixed use building, containing residential uses above and retail at grade. The proposed tower would include a 4-storey podium with a 43-storey tower above. The total building height is proposed to be 141.9 metres, excluding mechanical. The proposed gross floor area for the development is 34,551 square metres. This is comprised of approximately 528 residential units with a proposed residential gross floor area of 34,365 square metres, and a proposed retail component at grade with a non-residential gross floor area of 186 square metres.

Vehicular access to the building is proposed off of Jarvis Street. One type G and one type C loading space are proposed to be located on the ground floor level with three levels of underground parking proposed below grade containing a total of 80 vehicular parking spaces, comprised of 78 resident spaces and 2 car share spaces.

A total of 535 bicycle parking spaces are proposed for the development, including 475 resident spaces and 53 visitor spaces for the residential component of the development and 7 spaces for the retail component.

A total of 4.0 square metres per unit of indoor and outdoor amenity space is proposed consisting of 1,500 square metres of indoor amenity space and 620 square metres of outdoor amenity space.

Further details of the proposal are located in Table 1 below:

**Table 1 – Summary of Application**

Category	First Submission	Second Submission
Site Area	1,191 m <sup>2</sup>	1,191 m <sup>2</sup>
Proposed Tower Setbacks:		
South Property Line	3.89 m	5.0 m
East Property Line	3.075 m	3.0 m
Dundas Street East	2.5 m	3.0 m
Jarvis Street	3.0m	3.0 m
Proposed Base Setback at Grade:		
South Property Line	0.0 m	0.0 m

East Property Line	0.0 m	0.0 m
Dundas Street East	0.0 m	1.0 m
Jarvis Street	0.0 m	1.71 m
Tower Floorplate (approximate)	750 m <sup>2</sup>	750 m <sup>2</sup>
Gross Floor Area (Above Grade)		
Residential	34,700 m <sup>2</sup>	34,365 m <sup>2</sup>
Non-Residential	300 m <sup>2</sup>	186 m <sup>2</sup>
Total	35,000 m <sup>2</sup>	34,551 m <sup>2</sup>
Floor Space Index	29.4	29.0
Number of Units		
Bachelor	43 (8%)	0
One-Bedroom	179 (33.5%)	352 (67%)
Two-Bedroom	220 (41%)	133 (25%)
Two-Bedroom + Den	3 (1%)	N/A
Three-Bedroom	42 (8%)	43 (8%)
Total	534	528
Ground Floor Height (inc. Mezzanine)	6.7 m	8.7 m
Sidewalk width:		
Jarvis Street	6 m	6 m
Dundas Street East	3 m	4 m
Proposed Vehicular Parking (residential: visitor: non- residential: car share)	(78:0:0:2)	(78:0:0:2)
Proposed Bicycle Parking (residential: visitor: non- residential)	(480:59:5)	(475:53:7)
Loading Spaces:		
Type G	1	1
Type B	0	0
Type C	1	1
Amenity Space		
Indoor Residential	1068 m <sup>2</sup>	1500
Outdoor Residential	386 m <sup>2</sup>	620
Total Amenity Space Provided	1,454 m <sup>2</sup>	2120
Building Height (including mechanical penthouse and architectural elements)	145.4m; 47 storeys	147.4 m, 47 storeys

## Site and Surrounding Area

The subject site is located at the corner of Jarvis Street and Dundas Street East. The site is rectangular shaped with a frontage of 38.4 metres along Dundas Street East and a depth of 31 metres along Jarvis Street. The total lot area is 1,191 square metres.

The site is relatively flat and currently consists of three separate parcels: 175-189 Dundas Street East, 191 Dundas Street East, and 235 Jarvis Street. The property at 175-189 Dundas Street East has three two-storey commercial buildings which contain a number of retail stores and restaurants and three apartment units on the second floor. The building at 191 Dundas Street East is currently occupied by a three-storey converted dwelling which contains a retail service on the ground floor and two apartment units on the upper levels. The parcel at 235 Jarvis Street contains a 2 ½-storey commercial building set back from the street and a 3-storey building in the rear joined by a 2-storey link. This parcel currently contains a restaurant and a licensed rooming house. None of the buildings are heritage listed or designated.

The following uses surround the site:

**North:** Immediately to the north of the site is a 9-storey hotel, the Hilton Garden Inn (200 Dundas Street East). A rezoning was approved in 2013 on this site to permit a 45-storey residential tower with a 16-storey mid-rise element and a 6-storey base (Dundas Square Gardens). A recent Committee of Adjustment approval increased this to 47 storeys. Further north is a housing complex consisting of the 7-storey TCHC Jarvis Street Housing Building (261 Jarvis Street), the 10-storey Jarvis-George Housing Co-op (279 Jarvis Street), and the 5-storey Jenny Green Co-operative Homes (300 Jarvis Street).

**South:** A 14-storey hotel, The Grand Hotel and Suites, is located immediately south of the site. Further south are several heritage listed row houses (207-219 Jarvis Street), a commercial parking lot rezoned in 2010 to permit a 20-storey hotel (203 Jarvis Street), a vacant site at 102 Shuter Street which is currently under construction for an approved 14-storey residential building, the Moss Park Armoury grounds, and Moss Park.

A rezoning application was submitted on March 30, 2015, by the Owner of the Grand Hotel showing a proposed 45-storey tower with a north setback of 12.5m. Staff are in the process of determining whether it meets the requirements of a complete application.

**East:** Immediately east of the site are a grouping of low-rise buildings including a 3-storey converted dwelling used for office, and a 3-storey commercial/residential building which includes restaurant uses on the ground floor and residential above (203 Dundas Street East). Further east is the École Gabrielle Roy elementary school at 14 Pembroke Street.

**West:** An approved 42-storey residential building with a 7-storey base (Pace Condominium, 155 Dundas Street East) that is currently under construction.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld. City Council's planning decisions are required to be consistent with the PPS.

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. Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The City of Toronto's Official Plan contains a number of policies that affect the proposed development. Further, a Site and Area Specific Policy for the Garden District has recently been adopted by City Council.

The Official Plan policies that affect the proposed development area as follows:

### **Chapter 2 – Shaping the City**

#### **Section 2.2.1 Downtown: The Heart of Toronto**

The proposed development is located in the *Downtown* as defined by Map 2 of the City of Toronto Official Plan. Section 2.2.1 outlines policies for development within the *Downtown*. Certain areas of the *Downtown* are intended to accommodate growth of both residents and jobs, in an effort to build and strengthen the *Downtown* as the premier employment centre in the GTA and to provide a full range of housing opportunities. The City will also explore opportunities to maintain and improve the pedestrian realm in the *Downtown*.

Transportation within the *Downtown* is a priority as economic success and accessibility go hand-in-hand. Priority is given to transit access in the *Downtown* as a form of transportation, while the expansion of automobile use is discouraged. A program for street improvements will be implemented to enhance the pedestrian environment and improve the safety of walking and cycling *Downtown*.

### **Chapter 3 – Built Form**

#### **Section 3.1.1: The Public Realm**

Public realm policies are intended to ensure beautiful, comfortable, safe and accessible streets, parks, open spaces, and public buildings. New development is intended to enhance the quality of

the public realm and excellence in architecture, landscape, and urban design will be encouraged in private developments.

### **Section 3.1.3: Built Form – Tall Buildings**

The applicant is proposing to construct a Tall Building. Chapter 3.1.3 states that Tall Buildings are desirable in the right places, but they do not belong everywhere. This section identifies that Tall Buildings have a larger civic responsibility and obligations than other buildings. Tall Building proposals will have to address key urban design considerations, including: demonstrating how the proposing building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context, taking into account the relationship of the site to topography and other Tall Buildings; and providing high quality, comfortable, and usable publically accessible open space.

### **Section 3.2.1: Housing**

Section 3.2.1 of the Official Plan emphasizes the need to provide and maintain a full range of housing across the City to meet the current and future needs of residents. According to the Official Plan, a full range of housing includes shared housing arrangements such as rooming houses.

Section 3.2.1.6 of the Official Plan requires the replacement of rental housing where there are 6 or more rental units to be demolished. As this proposal involves the demolition of 5 rental units, this policy does not apply.

## **Chapter 4 – Land Use Designation**

### **Section 4.5 Mixed Use Areas**

The site of the proposed development is located in an area designated *Mixed Use Areas* in the Official Plan. *Mixed Use Areas* are intended to include a broad range of commercial, residential, and institutional uses in single use or mixed use buildings.

Development in *Mixed Use Areas* is intended to create a balance of high quality commercial, residential, institutional, and open space uses to reduce automobile dependence and meet the needs of the local community. New buildings should be located and massed to provide a transition between areas of different development intensity and scale, particularly toward lower scale *Neighbourhoods*. New buildings are to be located and massed to limit shadow impacts on adjacent *Neighbourhoods*. New buildings are also to be located and massed to frame the edges of streets and parks, with good proportion and to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Developments in *Mixed Use Areas* are also intended to: provide attractive, comfortable, and safe pedestrian environments; have access to schools, parks, community centres, libraries, and childcare; take advantage of nearby transit services; provide good site access and circulation and an adequate supply of parking for residents and visitors; locate and screen services areas, ramps, and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.



Compliance with other relevant policies in the Official Plan including the environment and transportation will also be addressed.

## **Official Plan Amendment 82**

### **Downtown East Planning Study**

On April 2, 2015, City Council adopted, with amendments, the recommendations of the report from the Director, Community Planning, Toronto and East York District, titled: Downtown East Planning Study – Official Plan Amendment – Final Report and dated January 22, 2015. Official Plan Amendment no. 82 enacted the Garden District Site and Area Specific Policy ("the GDSASP").

The purpose of the GDSASP is to set a framework for new growth and development in areas that can support change, while protecting those areas that should continue to remain stable. The GDSASP supports the revitalization of Seaton House, the protection of important parks and open spaces, reinvestment in the public realm and the provision of new affordable housing. The proposal at 175 Dundas Street East was deemed a complete application prior to the adoption of the GDSASP, however, the applicant has attended all public meetings and has developed a proposal which largely complies with the policies of the GDSASP.

The GDSASP establishes character areas in which built form provisions are specified on a block by block basis. The current proposal falls within Block 4A of the Hazelburn character area. The policies as amended by City Council permit a tall building in a tower base form on Block 4A of the Hazelburn Character Area provided:

- there are only two towers on Block 4 as a whole;
- it consists of a tower base typology; and
- the tower is set back 3 metres from Dundas Street East and Jarvis Street.

The policies of the GDSASP restrict new tall buildings to the character areas identified providing they:

- meet the shadowing restrictions stipulated in the plan (outlined further below);
- are set back 20 metres from a *neighbourhood* ;
- are 25 metres from other tall buildings;
- have regard to the Tall Building Guidelines unless otherwise specified;
- have a tower floor plate of 750 square metres, with some exceptions; and
- provide new affordable housing units.

## **Zoning**

The property is zoned CR T2.5 C2.0 R1.5 in the City of Toronto By-law 438-86 and CR2.5(c2.0; r1.5) SS2 (x1605) in the City of Toronto By-Law 569-2013. Both by-laws permit a variety of commercial, residential and institutional uses.

## **Rental Housing Demolition and Conversion By-law**

The Rental Housing Demolition and Conversion By-law (885-2007) implements the City's Official Plan policies protecting rental housing. The By-law established Chapter 667 of the Municipal Code and was approved by City Council on July 19, 2007. The By-law prohibits demolition or conversion of residential rental units without a permit issued by the City under Section 111 of the City of Toronto Act. Proposals involving six or more rental housing units or where there is a related application for a Zoning By-law amendment require a decision by City Council under Section 111 of the City of Toronto Act. Council may refuse an application or approve the demolition with conditions which typically involve the replacement of rental housing and assistance to any tenants affected by the proposed demolition, before a Section 111 permit is issued. The conditions are based on the Official Plan policies and established practices the City has in place when considering rental housing demolition.

Staff has determined through a site visit that a Section 111 permit is not required as there are fewer than six residential units. The site contains 5 rental units and 1 rooming house. Therefore, a Section 111 Permit is not required.

## **Site Plan Control**

This site and application are subject to Site Plan Control. An application for Site Plan Control was submitted on March 3, 2015.

## **City-Wide Tall Building Design Guidelines**

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The city-wide Guidelines are available at <http://www.toronto.ca/planning/tallbuildingdesign.htm>

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). The Guidelines have been used to evaluate this proposal. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

Jarvis Street is identified as a High Street as identified on Map 1 and would be suited to towers ranging from 47 metres to 77 metres with a tower-base form as identified in Maps 2 and 3. Dundas Street East is not identified as a High Street.

## **Tree Preservation**

An arborist report submitted by the applicant identified eight trees both within and immediately adjacent to the subject property. Urban Forestry staff has reviewed the Arborist Report to determine the impact of the proposed development on the existing trees. The owner will be required to obtain the necessary permits prior to any removal of trees.

## **TOcore**

On May 13, 2014, the Toronto and East York Community Council (TEYCC) considered a Staff Report regarding *TOcore: Planning Toronto's Downtown*, along with a related background document entitled *Trends and Issues in the Intensification of Downtown*. Both reports are available at:

<http://www1.toronto.ca/wps/portal/contentonly?vgnextoid=222101f2e9745410VgnVCM10000071d60f89RCRD>

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The review of this application will be informed by the issues being considered under TOcore.

## **Reasons for the Application**

The application has been submitted as the applicant requires an amendment to the zoning by-law to permit the proposed built form. A height of 147.4 metres (including mechanical penthouse) is proposed by the applicant, while the existing height limit for the site under both By-Law 438-86 and By-Law 569-2013 is 18.9 metres. An FSI of 29.0 is proposed, while an FSI of 2.5 is permitted under both By-Law 438-86 and By-Law 569-2013. The applicant is also seeking relief from by-law standards for amenity space, vehicular parking and required loading spaces.

## **Community Consultation**

A community meeting was held on February 23, 2015 and was attended by approximately 40 people. The response at the community meeting was largely positive to the proposed development, many of the participants were enthusiastic about the perceived positive effect the development would have on neighbourhood revitalization, reinvestment in the area and improved public safety. Two primary concerns were raised at the meeting. The owners of the property to the south of the proposal (the Grand Hotel) were concerned about the proximity of the proposed tower to their northern property line. In addition, concerns were raised about the existing rooming house tenants. Specifically, there were concerns that the tenants in the existing rooming house were being forced to leave without fully understanding their rights and with inadequate compensation. These concerns are addressed below.

## **Agency Circulation**

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

## COMMENTS

### Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement promotes new development primarily through intensification and requires that new development create efficiencies in land use. The Provincial Policy Statement also states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Section 1.1.3.3 of the Provincial Policy Statement also requires: "planning authorities to identify and promote opportunities for intensification redevelopment".

This application constitutes a significant redevelopment of a property. It serves to revitalize a portion of the downtown, represents an efficient use of land and conforms to the policies of the City of Toronto Official Plan. Therefore, the proposal is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe designates Toronto as a growth area. The growth is primarily intended to occur through infill development and intensification. While the applicant's proposal represents a significant intensification of property, the proposed residential development is not necessary to meet the growth targets forecast by the Province of Ontario for the City of Toronto. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

### Land Use

The proposed development is located in the *Mixed Use Areas* of the Official Plan. The uses proposed for the project are residential and retail. These uses would constitute a mixed-use building which use is permitted in *Mixed Use Areas* in the Official Plan.

### Height, Density and Massing

The proposed development largely complies with the policies of the Official Plan, the Tall Buildings Guidelines (except for the downtown vision height map); and the built form directions of the downtown east planning study (OPA 82). Staff are generally supportive of the proposed development and built form for the reasons outlined below:

#### a) Built Form and Massing

As noted above, recent approvals have been granted for buildings of 45 and 47 storeys at the south-west and north-east corners of this intersection. The proposed 47 storey height (147.4m) is in keeping with those approved heights and is appropriate at the intersection.

The proposed tower is massed into a tower base typology as required by the Garden District Site and Area Specific Policy. The development is composed of a single tower (47-storeys) with a 750 square metre floor plate resting on a base of 4 storeys. The tower occupies a large proportion of the site and the four storey base transitions effectively to the largely three storey buildings that extend east along Dundas Street East and the proposed mid-rise scale called for in the GDSASP.

The Guidelines recommend a maximum base building height of eighty percent of the street right-of-way with a step back. In the case of Dundas Street East, this would normally require a base

building height of 16 metres stepping back to 20 metres and for Jarvis Street would require a base building height of 19.48 metres stepping back to 24 metres. The proposed four storey base building has an overall height of 19.25 metres, with a large first floor height of 8.7 metres. The proposed height of the base building is appropriate for establishing a human scale.

### **b) Steppbacks, Separation Distances and Transition**

The proposed tower steppbacks 3 metres from all property lines, except the southernmost property line, where the tower steps back 5 metres. The tall building guidelines require a setback of 3 metres from the base building adjacent to streets and 12.5 metres from adjacent property lines. Although the proposal does deviate from the Tall Building Guidelines, it is supported by the built form policies of the Garden District Site and Area Specific Policy which contemplates one tower on the southeast corner of Dundas Street East and Jarvis Street. The rationale for supplying 12.5 metres to adjacent property lines, is to preserve separation distance between towers should adjacent properties develop (12.5 metre plus 12.5 metres equals 25 metres). The Tall Building Guidelines represent good planning principles and are valuable in evaluating tall building proposals on a site by site basis. In the case of the proposal, however, it is occurring within an area that has been studied comprehensively by Staff and in which new built form criteria have been established through a block by block analysis.

In studying the Garden District, Staff were cognizant of the evolving direction of Dundas Street East and Jarvis Street. The corners of Dundas Street East and Jarvis Street were identified as appropriate locations for Tall Buildings and that massing density at these corners creates a “gateway” into the Downtown East while establishing a transition to new mid-rise development along the remainder of Dundas Street East, which is in keeping with the fine grained urban fabric that characterizes the area east of Jarvis Street.

As part of the consideration of this application, and in the course of the Garden District study, Staff modelled new tower development on the site and adjacent properties. Staff have determined that it is possible to construct a tower on the property at 175 Dundas Street East and still construct a new tower on the site of the Grand Hotel to the south (the proposed tower is 25 metres from the existing Grand Hotel building). This policy direction does require that more of the setback be absorbed by the neighbouring property to the south. However, due to the constraints presented by the low-rise built form on George Street and the school yard of the École Gabrielle Roy, it was concluded that the property to the south could only support one tower, with a lower overall height or alternative massing, and that the development rights of the southern property were, therefore, not adversely affected by the proposed policies as both properties could contain one tower. The properties to the east of 175 Dundas Street East are not considered appropriate for tower development given their cumulative size and their heritage value being considered as part of the Heritage Conservation District Study. They are not designated for tall building development in the GDSASP. The proposed tower development at 175 Dundas Street East, with its existing 5 metre setback is appropriate and in keeping with the policy direction of the Downtown East Planning Study.

The proposed tower is setback 25 metres or more from all adjacent Tall Buildings in compliance with the policies of the Garden District Site and Area Specific Policy. Lastly, the tower as located transitions to a four storey base which responds to the three-storey context on Dundas

Street East. This will create an effective transition to the mid-rise built form proposed for the remainder of Dundas Street East to Sherbourne Street.

As noted above, an application has recently been submitted on the Grand Hotel site. A preliminary report is expected in the second quarter of 2015 and a final report in early 2016, assuming the applicant responds to comments from staff in a timely manner.

### **c) Height**

The proposed height of the tower is 147.4 metres (including mechanical). The proposed height is in keeping with approved developments in the vicinity including 200 Dundas (152 metres, varied by the Committee of Adjustment) and the PACE condominium towers (145 metres) and conforms to the policies of the Official Plan. While the proposed height is greater than that contemplated by the Dundas Street East and Jarvis Street height vision map, Planning Staff have previously recommended additional height at this major intersection, and the proposed height is in keeping with the evolving context of the area. Furthermore, the height is in keeping with the policies of the Garden District Site and Area Specific Policy. Although no height limits are proposed in the GDSASP, the strict shadowing restrictions proposed in the policy effectively place height limits on new development. Although discussed below, the proposal at 175 Dundas Street East complies with those shadowing restrictions as well as the in force policies of the Official Plan and the Tall Buildings Guidelines.

Officials at the St. Michael's Hospital have confirmed that the site is just to the north of the helicopter flight path, which serves the Hospital's helipad. This further supports placement of larger towers at Dundas Street East and Jarvis Street and less height to the south of Dundas Street East.

### **d) Sun, Shadow, Wind, Skyview**

The Garden District Site and Area Specific Policy requires that no net new shadow be cast on the school yard at École Gabriele Roy from 10 a.m. to 4 p.m. from September to June (or the regular school year, during the regular school day). Staff have reviewed the submitted shadow studies for the proposal and have verified that the proposal complies with the shadow restrictions proposed in the GDSASP. Furthermore, due to the slender shape of the tower, there is no net new shadow cast on existing designated *neighbourhoods* until 5 p.m. as measured on the fall and spring equinoxes.

### **Traffic Impact, Access, Parking and Servicing**

The development is proposed to have access to parking and servicing from Jarvis Street. This is the most appropriate location for access as the retail character and pedestrian feel of Dundas Street East should be free from curb cuts and conflicts between vehicles and pedestrians.

Engineering and Construction Services Staff have commented on the submitted materials of the applicant. They have determined that the proposed Traffic Impacts of the development will be minimal and that the proposal can be adequately serviced, they have advised that more detailed comments will be made through the site plan process. In regards to the parking supply, Staff have advised that they do not support the proposed parking supply of 80 parking spaces and have advised the applicant to comply with the requirements of the zoning by-law.

The policies of the Garden District Site and Area Specific policy do contemplate parking rates lower than those supplied by the zoning by-law, however, to date, that rationale has not been supplied in a manner satisfactory to transportation services staff.

### **Amenity Space**

The applicant is proposing to supply 4.0 square metres per unit of amenity space. The zoning by-law requires that 2 square metres of amenity space per unit be provided for indoor and outdoor amenity space. The applicant is proposing that the ratio be calculated cumulatively for indoor and outdoor amenity space. Although the proposed outdoor amenity space is deficient from the by-law requirements, the indoor amenity space is over supplied in order to compensate. Developments of the size and density proposed, in this location, should provide adequate amenity space. Staff support the proposed supply of amenity space as a reasonable compromise on a smaller site.

### **Rental Housing Issues**

The applicant is proposing to demolish 5 residential rental dwelling units located at 175-191 Dundas Street East and a rooming house containing 45 dwelling rooms at 235 Jarvis Street. Staff has determined that the rooming house at 235 Jarvis Street does not contain any self contained residential dwelling units as defined by Chapter 667 of the Toronto Municipal Code. A dwelling unit operates as a single housing unit and contains both a kitchen and a bathroom. The rooming house at 235 Jarvis Street is comprised of dwelling rooms solely.

Chapter 667 of the Toronto Municipal Code and the City's Official Plan protects rental dwelling units, but not dwelling rooms or rooming houses. A Section 111 Permit is not required as there are fewer than 6 residential dwelling units. Since this development proposal is for a related group of buildings with fewer than 6 rental units, Official Plan policy 3.2.1.6 does not apply and no replacement of rental housing units is required.

The City's standard practice has been to secure tenant relocation and assistance for affected tenants, even where there are fewer than 6 rental units. The five rental dwelling units at 175-191 Dundas Street East are currently occupied by 4 tenant households. Staff are currently working with the applicant to develop an appropriate tenant relocation and assistance plan outlining the required notice period, compensation and moving expenses for these existing tenants.

The rental units located at 175-191 Dundas Street East and 235 Jarvis Street are very affordable rental units and have provided affordable accommodation for many low income single-person households for several decades. Some of the existing tenants receive various support services from Street Health, WoodGreen or other community organizations.

The loss of 45 affordable dwelling rooms downtown will place increased pressure on the already short supply of rooming house accommodation. Upon termination of these tenancies to accommodate the proposed demolition, many of these households will have difficulty finding alternative affordable accommodation in the area. A number of City divisions, including Shelter Support and Housing, City Planning and the Affordable Housing Office, have worked with various community agencies to develop an appropriate a tenant relocation assistance for the remaining rooming house tenants. Many tenants have already decided to leave.

### **a) Housing Proposal**

The Owner, in co-operation with the City, has agreed to focus the Section 37 contributions to address the impact that this proposed redevelopment will have on the supply of affordable rooming houses and the tenants who rely on this type of accommodation. The owner has agreed to purchase a property that could be used to providing rental accommodations for primarily low-income single-person households, either dwelling rooms or small apartments.

Staff intend to work towards finding a City approved not-for-profit organization to operate and maintain the conveyed building. The Owner has agreed provide the City or the non-profit housing provider selected by the City with a cash contribution equal to 2 years of estimated operating expenses to support the operations of the property following conveyance by the Owner on mutually agreeable terms.

### **b) Tenant Relocation**

The owner has agreed to provide all eligible tenants living within the 45 dwelling rooms at 235 Jarvis Street with a minimum five months notice to vacate and relocation assistance including a moving allowance, equal to five months rent (inclusive of the 3 months required by the RTA). They will also provide funding to be directed to a City-approved community agency of \$35,000 to deliver the necessary Housing Access Support services associated with relocation and moving, and funding up to \$125,000 for agency staff to help deliver the necessary Housing Follow-up services to assist each relocated tenants for a 12 month period. Further funding will be provided the City of \$225,000 to establish a Rooming Housing Relocation and Housing Allowance Fund, to assist with rent payments for relocated rooming house tenants. SSHA staff will be directing the use of these 3 separate funding provisions.

The owner has also agreed to provide all eligible tenants living within the 5 apartment units at 175-191 Dundas Street East with a minimum five months notice to vacate relocation assistance, and a moving allowance.

### **Toronto Green Standard**

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS. Should the application be approved, the applicant will be required to submit a site plan that brings their proposal into compliance with these standards.

### **Section 37**

Section 37 of the Planning Act allows the City to grant increased density and/or height in exchange for community benefits. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: parkland and/or park improvements above and beyond the parkland dedication; public art; streetscape improvements on the public boulevard not abutting the site, Heritage Conservation District studies identified in the Official Plan; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be



used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan.

The community benefits must bear a reasonable planning relationship to the proposed development including at a minimum, an appropriate geographic relationship and the addressing of planning issues associated with the development (e.g. local shortage of parkland, replacement rental apartment units).

In this case the Section 37 benefits are further informed by the policies of the Garden District Site and Area Specific Policy and by the need for a comprehensive tenant assistance and relocation program for the residents at 175 Dundas Street East. Although it is not considered to be a Section 37 benefit it would be secured as a legal convenience in any Section 37 agreement.

The direction of the Garden District Site and Area Specific Policy identifies the provision of new affordable housing as a priority community benefit for any new development eligible for Section 37 in the GDSASP. To this end the applicant has proposed the following:

1. The Owner shall provide additional tenant relocation assistance beyond the requirements of the Residential Tenancies Act as generally outlined in the attached Schedule and as more specifically outlined in the Tenant Relocation and Assistance Plan to the satisfaction of the Chief Planner;
2. The Owner shall use all reasonable efforts to secure and convey to the City a mutually acceptable property at nominal consideration. At the owner's expense, the following cost will be included in the conveyance of this property:
  - v. all closing costs, including but not limited to, transfer tax, registration fees;
  - vi. all costs of obtaining a building condition assessment and a Phase 1 environmental study;
  - vii. a cost estimate, satisfactory to the City's Chief Planner and Executive Director, City Planning in consultation with the Director, Affordable Housing Office for any needed renovations or major repairs to bring the building up to industry standards for the purpose of providing a residential property to be operated by a non-profit housing provider to be selected by the City.
3. The Owner shall undertake at the owner's expense all needed renovation and repairs to bring the building up to industry standards as identified within the provided cost estimate outlined in paragraph 2(b) iii.
4. The Owner shall provide an up-to-date survey of the property, satisfactory to the City, the property shall be legally zoned for multi-residential use at the time of closing, and the property shall be free and clear of encumbrances, to the satisfaction of the City Solicitor.

5. The Owner shall provide the City or the non-profit housing provider selected by the City with a cash contribution equal to 2 years of estimated operating expenses to support the operations of the property following conveyance by the Owner on mutually agreeable terms.
6. The City and Owner agree to work in good faith to finalize all such arrangements. Any resulting agreements, including the Agreement of Purchase and Sale, will be in a form and with content satisfactory to the City Solicitor in consultation with the Director, Affordable Housing Office and the Chief Planner and Executive Director, City Planning.
7. In the event that the City and Owner are unable to finalize the conveyance of a property as outlined in Recommendation #2 prior to the issuance of the first above-grade permit for the development of the subject site, the Owner shall pay to the City a financial contribution in the amount of \$3,750,000 (less any amounts paid by the Owner pursuant to the additional tenant relocation assistance provisions outlined in paragraph 2(a) or the tenant compensation required under the Residential Tenancy Act) prior to the issuance of the first above-grade building permit to be directed by the City for one or more of the following:
  - viii. Completion of the Tenant Relocation and Assistance Plan
  - ix. Creation of new affordable housing;
  - x. Creation of new community space; and
  - xi. Capital improvements for existing City-owned facilities in the immediate area.
8. The owner will maintain the tenancies of any existing tenants and provide all related information to the satisfaction of the Chief Planner.
9. The cash amount identified in paragraph 1(f) above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of submission of funds by the Owner to the City.

The proposed Section 37 benefits would, as a first priority, secure a new housing facility in the vicinity of the Downtown East to replace some of the units lost through the redevelopment of 175 Dundas Street East. Staff are hopeful from conversations with the applicant that this will be realized, however, in the event that a new property can not be secured, the owner will provide the City a cash contribution for the provision of new affordable housing. This is a second preference, Staff would much prefer that the tangible benefit of a new property be supplied rather than a monetary contribution. That being said, the proposal complies with the intent of the GDSASP and is supported by Staff.

## **CONCLUSION**

Staff have reviewed the development proposal at 175 Dundas Street East. Although the application has been appealed to the Ontario Municipal Board for Council lack of decision, Staff have continued to work with the applicant to revise their proposal. In response, the applicant has: significantly increased the amount of private amenity space, increased the distance from their south property line, provided wider sidewalks on Dundas Street East and Jarvis Street,

consolidated their servicing into one access point, and significantly improved the ground floor conditions through materiality, larger floor to ceiling heights and improved pedestrian amenity. The applicant, along with numerous other interested stakeholders participated in the public process that led to the creation of the Garden District Site and Area Specific Policy and has developed a proposal that conforms to the in force Official Plan, is largely in keeping with the recently adopted policies of OPA 82, including the provision of new affordable housing in the area.

Staff will continue to work with the applicant to finalize the draft by-law and detailed Section 37 Agreement. In the interim, however, Staff are confident in recommending to Council that they proceed in support of the application at the Ontario Municipal Board as it is in the public interest and constitutes good planning.

## **CONTACT**

Derek Waltho, Planner  
Tel. No. 416-392-0412  
Fax No. 416-392-1330  
E-mail: [dwaltho@toronto.ca](mailto:dwaltho@toronto.ca)

Giulio Cescato, Senior Planner  
Tel. No. 416-392-0459  
Fax No. 416-392-1330  
E-mail: [gcescat@toronto.ca](mailto:gcescat@toronto.ca)

## **SIGNATURE**

---

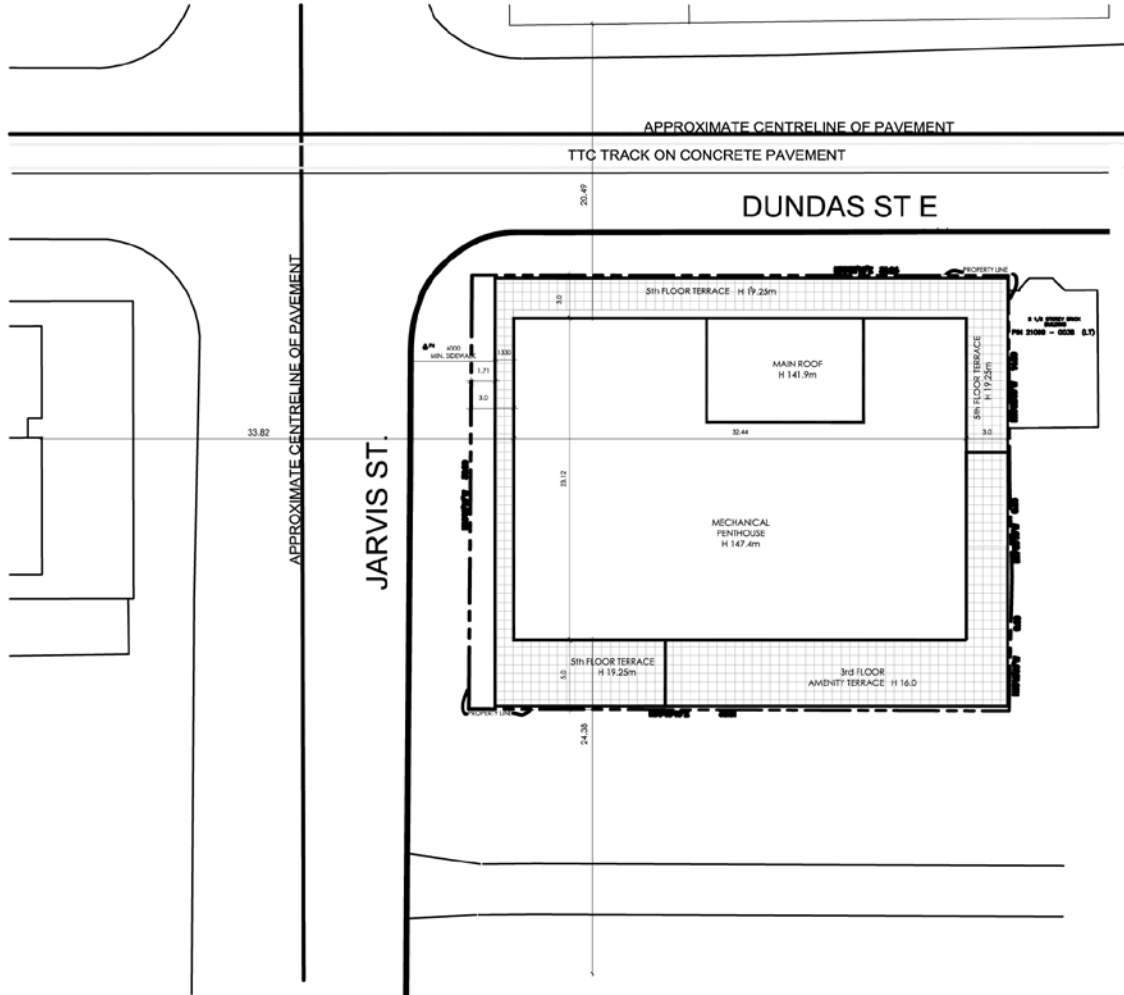
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

(P:\2015\Cluster B\pln\TEYCC\6348906008.doc)vc

## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: South Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet

# Attachment 1: Site Plan



## Site Plan

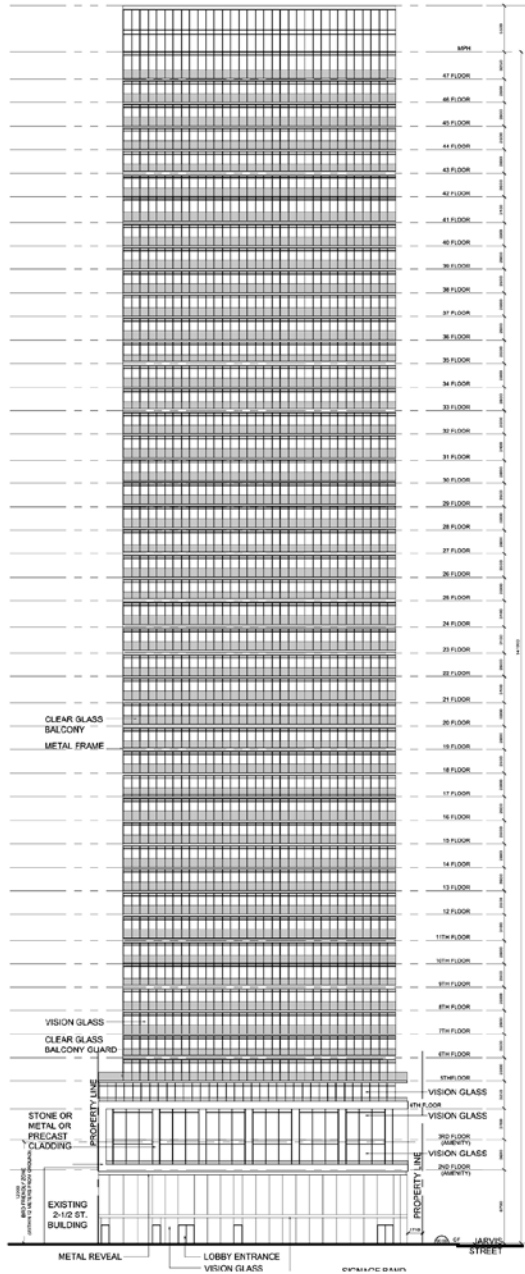
175-191 Dundas Street East & 235 Jarvis Street

Applicant's Submitted Drawing

Not to Scale 

File # 14 208177 STE 27 OZ

## Attachment 2: North Elevation



### North Elevation

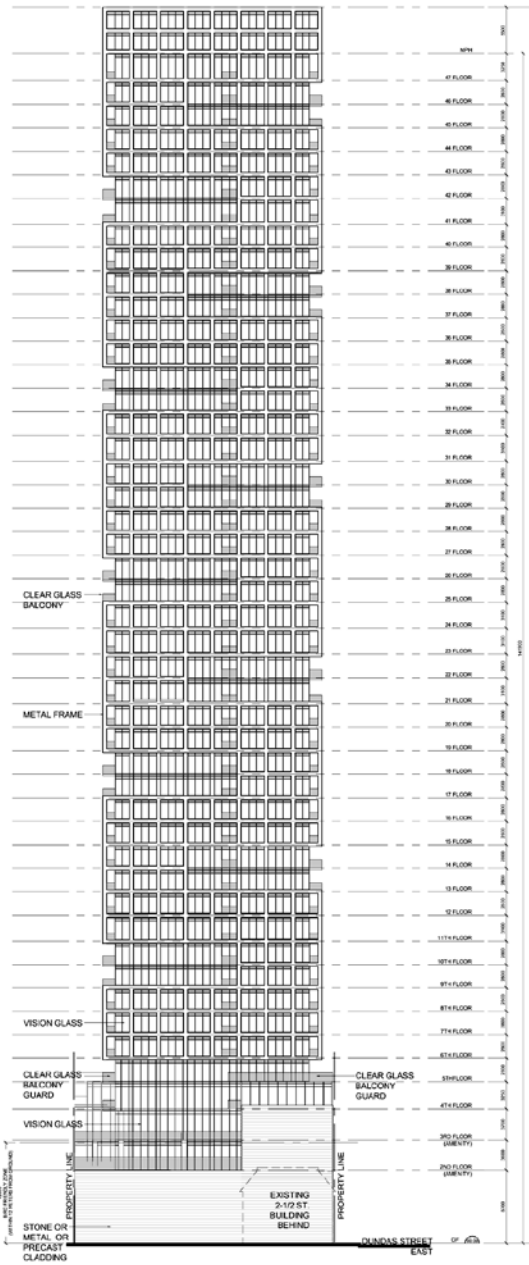
### 175-191 Dundas Street East & 235 Jarvis Street

Applicant's Submitted Drawing

Not to Scale  
04/07/2015

File # 14 208177 STE 27 OZ

### Attachment 3: East Elevation



## East Elevation

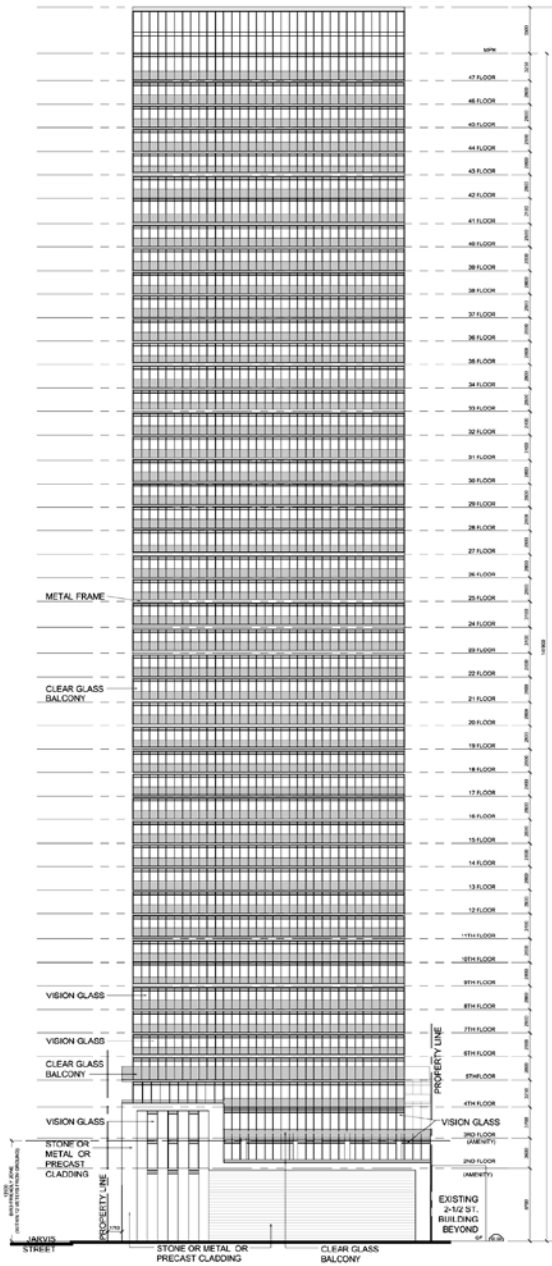
## 175-191 Dundas Street East & 235 Jarvis Street

Applicant's Submitted Drawing

Not to Scale  
04/07/2015

File # 14 208177 STE 27 OZ

## Attachment 4: South Elevation



### South Elevation

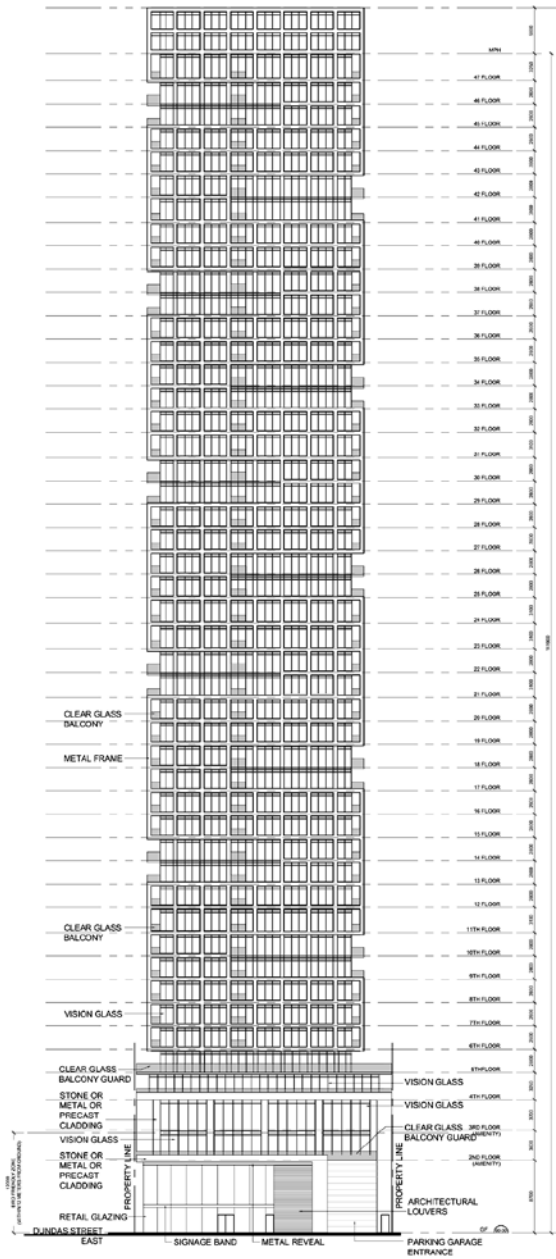
### 175-191 Dundas Street East & 235 Jarvis Street

Applicant's Submitted Drawing

Not to Scale  
04/07/2015

File # 14 208177 STE 27 0Z

### Attachment 5: West Elevation



## West Elevation

## 175-191 Dundas Street East & 235 Jarvis Street

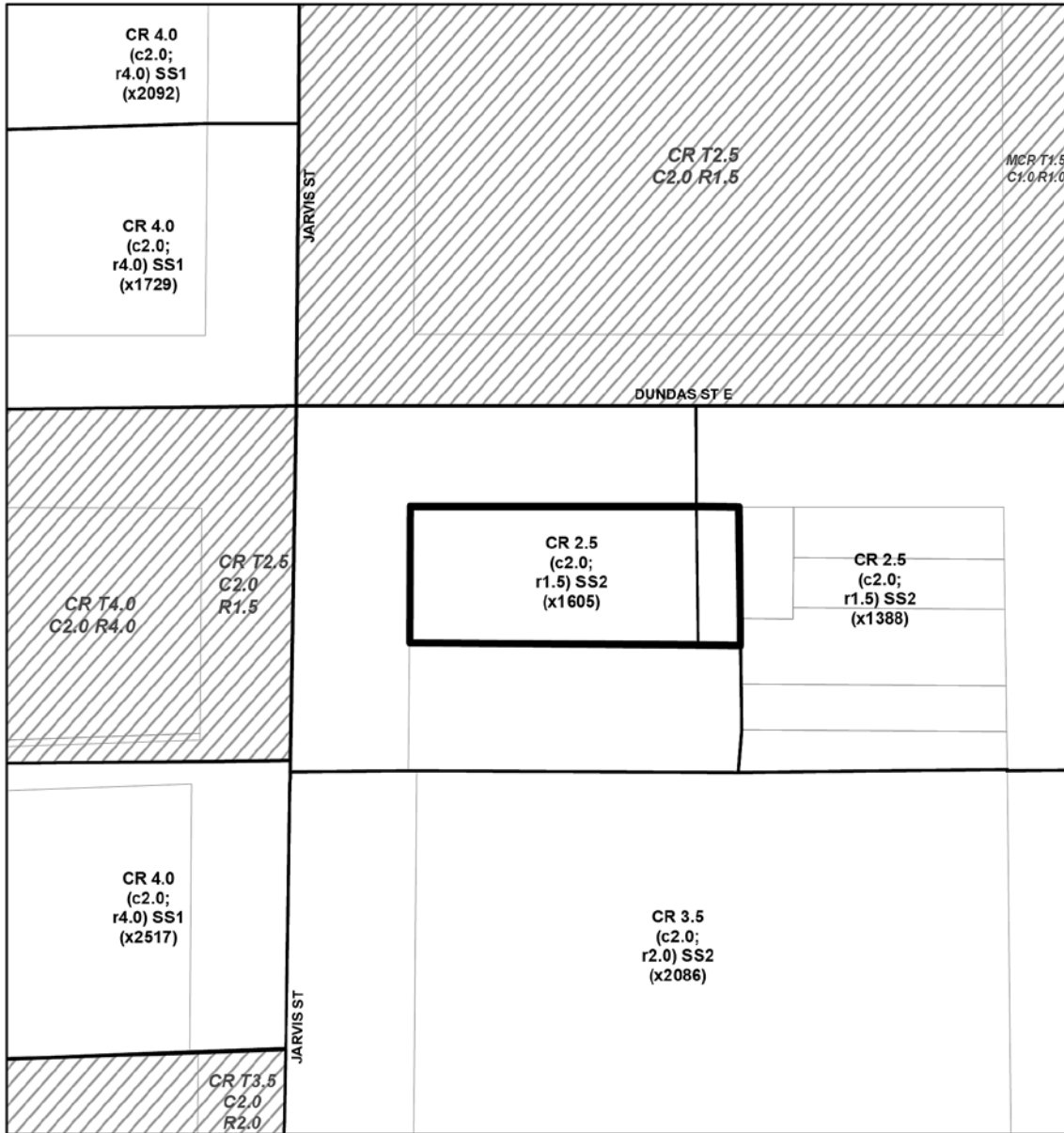
Applicant's Submitted Drawing

Not to Scale  
04/07/2015

File # 14 208177 STE 27 OZ



### Attachment 6: Zoning



175-191 DUNDAS STREET EAST & 235 JARVIS STREET

Zoning By-law 569-2013

File # 14 208177 STE 27 OZ

Location of Application  
CR Commercial Residential

See Former City of Toronto Bylaw No. 438-86  
CR Mixed-Use District  
MCR Mixed-Use District

Not to Scale  
Extracted: 12/08/2014

## Attachment 7: Application Data Sheet

Application Type	Site Plan Approval	Application Number:	15 123315 STE 27 SA
Details		Application Date:	March 3, 2015
Municipal Address:	175 DUNDAS ST E		
Location Description:	PLAN 10A PT LOTS 17 & 18 **GRID S2714		
Project Description:	To allow for the re-zoning of the subeject lands for the constructing of a 47-storey mixed use condo building containing related retail uses on the ground floor and residential uses above. A total of 80 underground parking spaces will be provided along with 534 bicycle parking spaces for visitors and residents.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Bousfields Inc. 300 Church St., Ste 300 Toronto, ON, M5E 1M2	Aird and Berlis 181 Bay St., Ste 1800 Toronto, ON, M5J 2T9	Page + Steele 95 St. Clair Ave. W, Ste. 200 Toronto, ON, M4V 1N6	Dundas Residences Inc. 208 Adelaide St. W. Ste. 300 Toronto, ON, M5H 1W7

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	569-2013; Garden District SASP (recently adopted)
Zoning:	CR2.5 (c2.0; r1.5) SS2 (x1605)	Historical Status:	
Height Limit (m):	18	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1191	Height:	Storeys:	47
Frontage (m):	29		Metres:	147.4
Depth (m):	30.8			
Total Ground Floor Area (sq. m):	1115			<b>Total</b>
Total Residential GFA (sq. m):	34365		Parking Spaces:	80
Total Non-Residential GFA (sq. m):	186		Loading Docks	2
Total GFA (sq. m):	34551			
Lot Coverage Ratio (%):	93.6			
Floor Space Index:	29			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	0
1 Bedroom:	352
2 Bedroom:	133
3 + Bedroom:	43
Total Units:	528

### FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	34365		0
Retail GFA (sq. m):	186		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Derek Waltho, Planner, Giulio Cescato, Senior Planner</b>
	<b>TELEPHONE:</b>	<b>416-394-8206, 416-392-0459</b>
	<b>EMAIL:</b>	<a href="mailto:dwaltho@toronto.ca">dwaltho@toronto.ca</a> , <a href="mailto:gcescat@toronto.ca">gcescat@toronto.ca</a>