

**155-163 Dundas Street East and 200 Jarvis Street  
Zoning Amendment Application – Final Report**

<b>Date:</b>	October 17, 2011
<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>	11 144529 STE 27 OZ

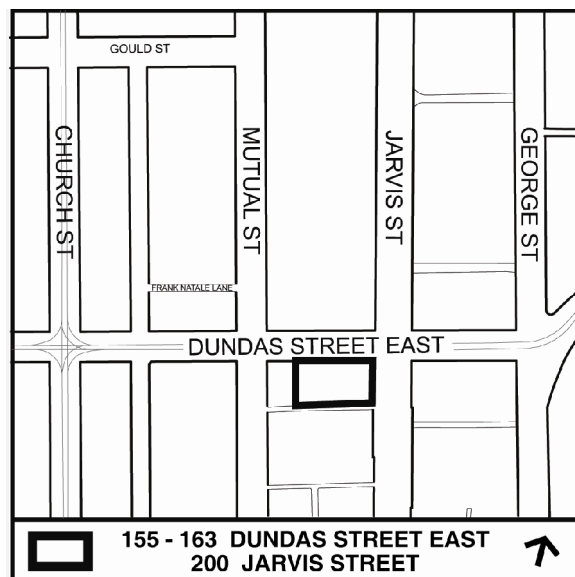
**SUMMARY**

The applicant proposes to construct a 42-storey residential development comprised of a 36-storey point tower on a 6-storey podium at 155 to 163 Dundas Street East and 200 Jarvis Street. A total of 384 residential condominium units are proposed. Staff have reviewed the application and find that it represents good planning and urban design. The plan proposes to increase the height and density of a corner needing redevelopment; it replaces an undesirable and underutilized built form with one that increases the usability, efficiency and density of the land, while minimizing the impact on local residents. This report reviews and recommends approval of the application to amend the Zoning By-law.

**RECOMMENDATIONS**

**The City Planning Division recommends that:**

1. City Council amend Zoning By-law 438-86 for the lands at 155-163 Dundas Street East and 200 Jarvis Street substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 5 to the report dated October 17, 2011 from the Director, Community Planning, Toronto and East York District



2. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendment as may be required.
3. Before introducing the necessary Bills to City Council for enactment, City Council require the owner of the lands at 155-163 Dundas Street East and 200 Jarvis Street to enter into an Agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor, to secure the following:
  - i. The conveyance of fourteen units to an arts based affordable housing provider ("the Provider") at \$250 per square foot, plus the School Board and City Development Charges associated with those units.
  - ii. Agreements of Purchase and Sale with respect to the all fourteen units in Recommendations 3.i., shall be entered into with the Provider and/or the City prior to the issuance of the first above grade building permit for the development.
  - iii. A provision allowing the Agreements of Purchase and Sale of all fourteen units in Recommendations 3.i. to be assignable.
  - iv. \$150,000 for a Heritage Conservation District Study for the area bounded by Carlton Street, Sherbourne Street, Queen Street East and Jarvis Street.
  - v. \$300,000 for laneway improvements to be directed to the City-owned laneway to the south of the proposed building.
  - vi. Require that the cash amounts identified in Recommendations 3.iv. and 3.v. above shall be indexed annually 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 the funds by the owner to the City.
4. City Council authorize the City to be a party to the Agreements of Purchase and Sale contemplated to be entered into for the Provider's units as a contingent transferee, in order to ensure the benefit of the units to be conveyed is secured for the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report", in the event either of the organizations is not able to complete the transactions, by either assigning its interest in the Agreements of Purchase and Sale or by selling the units in the open market at fair market value with the proceeds to go towards affordable housing in Ward 27.

5. City Council authorize and direct the appropriate City Officials to take the necessary action to give effect to the foregoing, including the specific actions set out in "Council Authorities to Implement Matters Pursuant to the Section 37 Agreement" as Appendix 1 to the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report".

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

A preliminary report for a 48-storey mixed-use tower was considered by Toronto and East York Community Council at its meeting of April 21, 2011. Direction was given to Planning Staff to hold a community meeting.

### **ISSUE BACKGROUND**

#### **Proposal**

The original proposal by the applicant was 48 storeys comprised of a 10-storey podium and a 38-storey tower. It had 417 total units (409 1-bedroom, 8 studio), 142 parking spaces and no continuous weather protection along Jarvis Street and Dundas Street East. The applicant proposed a laneway widening for access and servicing. The applicant has since revised the proposal.

The applicant now proposes the construction of a mixed-use residential building comprised of a six-storey podium element, and a thirty-six storey tower with an approximately 600 m<sup>2</sup> floor plate. The total gross floor area (GFA) proposed is 27,398 m<sup>2</sup> (27,014 m<sup>2</sup> residential, 384 m<sup>2</sup> retail) with a floor space index (FSI) of 19.41. There are 384 units (236 1-bedroom units, 139 2-bedroom units and 9 studio) proposed with a total of 140 parking spaces. Loading and access for the development is intended to be from the City owned lane to the south of the property, and significant laneway improvements are proposed including the use of unit pavers and increased lighting. The applicant is proposing 977 m<sup>2</sup> of amenity space (indoor and outdoor, located on the 7<sup>th</sup> floor and the podium area) and 213 bicycle parking spaces located on P1 and at grade. Furthermore, the applicant now proposes continuous weather protection along Jarvis Street and Dundas Street East, and a partial setback at the south end of the Jarvis Street frontage to generally align with 192 Jarvis Street. The proposed condominium tower steps back 2 m from the podium at the north side, 4-5 m from the podium at the east and steps back 5 m from the podium at the rear. There is also a 7-10 m step back (depending on the building articulation) at the west side.

#### **Site and Surrounding Area**

The site of the proposed development is currently vacant (recently contained a strip plaza with a number of small retail uses and front yard and surface parking). The site area is

1,448 m<sup>2</sup>. The site has frontage of 51 m on Dundas Street East and 25 m on Jarvis Street. There is a city owned lane at the rear (south side) of the property, the lane has a width of 3.71 metres, but is proposed to be expanded to 6.0 metres through conveyances.

North: To the north of the site is Dundas Street East beyond which is a surface parking lot for the Ontario Government offices at 222 Jarvis Street (the former Sears building).

South: To the south of the building is a City owned laneway and beyond which is a sixteen-storey condominium building.

East: Directly to the east of the subject property is Jarvis Street. Across the street are low-rise (two to three storey) mixed-use buildings with predominantly restaurants at grade. The 16-storey Grand Hotel is also across the street with a restaurant at grade.

West: To the west of the subject properties are three, three-storey buildings with restaurant and retail uses.

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting public health and safety. 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 by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

### **Official Plan**

The Official Plan places the site within the Downtown and Central Waterfront urban structure area on Map 2 Urban Structure. The Plan states that the *Downtown and Central Waterfront* area, with its dramatic skyline, is Toronto's image to the world and to itself: comfortable, cosmopolitan, civil, urbane and diverse. Parts of the downtown will see development to house new residents and new jobs. Every home built within the downtown area offsets the need for in-bound commuting each day. Mixed use is a key ingredient to the successful functioning of downtown and by creating accessibility through proximity.

The Plan states that the highest buildings and greatest intensity occur in the downtown. As such, the proposal was reviewed for conformity with the Built Form - Tall Building policies of the Plan, which outline built form principles that are applied to the location and design of such buildings.

The Official Plan designation is *Mixed-Use Areas*. *Mixed-Use Areas* in the Official Plan are designed to accommodate a broad range of retail, residential and institutional uses. New development in *Mixed-Use Areas* should provide an appropriate transition between diverse built forms and provide high quality employment opportunities wherever possible. Policy 3.1.2(1) provides that new development will be located and organized to fit with its existing and/or planned context. Relevant criteria include:

- generally locating buildings on corner sites parallel to both street frontage and give prominence to the corner;
- locating main building entrances so that they are clearly visible and directly accessible from the public sidewalk;
- providing ground floor uses that have views into and, where possible, access to adjacent streets; and
- preserving existing mature trees wherever possible and incorporating them into landscaping designs.

Policy 3.1.2(3) requires that 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:

- massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion;
- creating appropriate transitions in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of this Plan;
- providing for adequate light and privacy; and
- adequately limiting any resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets.

Development Criteria in *Mixed Use Areas* described in Policy 4.5(2) include:

- create balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- locate and mass new buildings to frame the edges of streets and parks with pedestrians on adjacent streets, parks and open spaces;
- provide an attractive, comfortable and safe pedestrian environment;
- 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; and locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences.

## **Tall Building Guidelines**

Toronto City Council approved the use of the document, “Design Criteria for Review of Tall Building Proposals” in June, 2006 and in April, 2010 extended authorization of its use. A tall building is generally defined as a building that is taller than the road right-of-way adjacent to the site. Jarvis Street has a right of way of 23 metres; this project is, therefore, a tall building project. Among other goals, the Tall Building Guidelines seek to reduce the impacts of tall building proposals on adjacent development, while encouraging design excellence. Assessment using these guidelines is based on issues such as height transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floorplates, separation distances, pedestrian realm consideration, sustainable design, servicing, amenity space, massing, light and privacy, landscaping, weather protection and shadow impacts. The guidelines have been used to evaluate the proposed building.

The City’s Design Criteria for Review of Tall Building Proposals study is available on the City’s website at:

<http://www.toronto.ca/planning/studies.htm#guidelines>

## **Zoning**

The property in question is zoned CR in the City of Toronto By-law (438-86). This type of zoning permits a wide variety of residential, retail and commercial uses, with the exception of automobile related uses. The site is also subject to a 44° angular plane, measured 16 m above grade from the Dundas Street East frontage with a maximum permitted height of 30 metres.

## **Site Plan Control**

This application is subject to Site Plan Control; however, an application for Site Plan Control has not yet been submitted.

## **Tree Preservation**

There is one tree located on private property subject to the City of Toronto tree preservation by-laws, and 5 trees within the City owned right-of-way. An arborist report has been submitted in support of the application. The trees will have to be removed as part of the development proposal; replacements would be secured through the site plan process.

## **Reasons for the Application**

The height of the proposal exceeds the maximum permitted height of the zoning by-law (30 metres) by 113.82 metres. The applicant is unable to meet the 44° angular plane on Dundas Street East with the proposed built form. The proposed FSI of 19.81 exceeds the permitted FSI of 4. The applicant is also supplying less parking than the zoning by-law requires. The applicant is also proposing a below-grade encroachment into a City-owned laneway to improve their parking design and function. The applicant's proposal does not, however, penetrate the Flight Path for the Hospital for Sick Children.

## **Community Consultation**

A community consultation meeting was held on April 18, 2011. Concerns were raised over the height of the podium, building and its relationship with 192 Jarvis Street as it relates to the setback from Jarvis Street. The Community also expressed concern over the perceived lack of streetscape treatments, the desire for the provision of affordable units and the shadow impact of the building on 192 Jarvis Street. In addition, Planning Staff have received correspondence from several residents at 192 Jarvis Street expressing their objections to the project, specifically as it relates to height and the servicing at the publicly owned laneway.

At the community consultation meeting, the local Councillor agreed to chair a working group of local residents to attempt to address some of the issues raised. Two working group meetings were held on July 1, 2011 and July 23, 2011. The working groups were made up of residents from 81 Dalhousie Street, 76 Shuter Street, 192 Jarvis Street, 112 Shuter Street, 155 Dalhousie Street, 270 George Street, 60 Shuter Street and 117 & 222 Dundas Street East. The applicant made changes to their design based on the feedback from the community. With the notable exception of the residents of 192 Jarvis Street, the majority of citizens represented at the working group did not express concern with the overall height of the building. There was a concern about the height of the podium, however, and certain architectural elements (e.g. the articulation of the building and the choice of materials). There were also concerns expressed over the perceived lack of parking and servicing from the laneway. At the end of the working group process no consensus was achieved; however, the majority of the working group members expressed satisfaction with the design changes the applicant had made.

## **Agency Circulation**

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

## **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. This application constitutes a significant redevelopment of an underutilized parcel of properties it serves to revitalize a portion of the downtown that would benefit from reinvestment and represents an efficient use of land. 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, redevelopment of brown fields and intensification. The applicant's proposal represents a significant intensification of property, and contributes to the overall growth targets as set out by the

Province of Ontario. Therefore, the proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The proposed development is a mixed-use residential tower with retail at grade and is in compliance with the land use policies of the Official Plan. The retail spaces proposed at grade are small, local neighbourhood serving units and front onto Jarvis Street and Dundas Street East providing animation at grade which will enhance the vitality and street life. The residential uses proposed provide a mix of units ranging from studio to two-bedroom allowing for a mix of tenancy, income and potentially tenure.

The developer has proposed as part of their Section 37 contributions to contribute 14 units of affordable housing. This further enhances the diversity of units, provides affordable space for those working in the cultural industries and implements policies that call for a mix of housing, tenure, affordability and size.

## **Built Form**

As noted, Downtown is comprised of areas where growth and change is anticipated and areas where little physical change is expected. The focus of growth and change downtown is often guided in areas that are subject to Secondary Plans such as King Parliament for example, area Official Plan policies such as Yonge Street or area guidelines such as Bloor Yorkville or St Lawrence. These policies and guidelines provide a framework for change and the planned context that will emerge over time. Often the planned context is also informed by the approved but unbuilt zoning permissions and other factors which support growth such as site configuration, the availability of higher order transit, amenities, the influence of the land use pattern and interest in new investment.

The existing context in the area east of Yonge Street generally transitions from taller buildings with heights above 40 storeys to mid rise buildings and low rise neighbourhoods to the east. The immediate context between Yonge and Jarvis north and south of Dundas Street East includes a number of buildings in the 12 to 16-storey range with a number of approved but not yet built tall buildings in the 28 to 38-storey range. Further north and south, buildings with height exceeding 40 storeys are located east of Yonge Street, at Sherbourne Street and Church Street. There are also locations where slab apartment towers exist east of Jarvis Street. It is important however to consider these heights in the context of Plan policy and guidelines should they apply in the respective areas and the overall direction to build better tall buildings.

This application invites consideration of extending the planned context for increased height east to Jarvis along Dundas Street East. The street is served by the Dundas Street streetcar service and is 500 metres away from Yonge Street. The area of Jarvis and Dundas has not experienced new residential development unlike other areas of the downtown. The retail areas experience turnover and lack reinvestment. The area is however close to Ryerson University and the attractions around Yonge and Dundas.



As one moves east, the built form fabric differs considerably from the east side of Jarvis to the west side, with the preponderance of tall buildings being located west of Jarvis Street. Lands on the east side of Jarvis Street have a more direct interface and potentially greater impact on lands designated Neighbourhoods. Height and scale transition will be important considerations in the event of further redevelopment as one moves east given these adjacencies.

It is acknowledged that the proposal is taller contextually, and the site itself is somewhat small although it is on a major corner. Height should only be increased above the prevailing context in this area in a manner that achieves appropriate development. The city wide tall buildings guidelines and the emerging tall buildings downtown work provide guidance on where tall buildings should be located and how the buildings should be massed and located on site and provide performance standards that address issues of scale, relationship to adjacent buildings and spaces and ensure safe, comfortable and interesting pedestrian environment. The evaluation of the proposal against these standards is discussed below.

During the community consultation process concern was expressed with the overall height of the development proposal and specifically about the height of the podium. There was also concern over lack of privacy, overlook, precedent and loss of sunlight (addressed below). The residents of 192 Jarvis Street are the most affected by the proposed development and were also the most concerned about the proposed built form. In a letter received by City Planning commenting on the revised built form, the residents requested that the podium be further lowered from six storeys to four and that the overall height of the building be kept to 25 storeys. City Planning Staff support the proposed built form, height and the changes made by the developer to address some of the concerns raised during the community consultation process. The reasons are outlined below.

### **Height**

Originally the applicant made an application for a 48-storey residential condominium comprised of a 10-storey "podium" and a 38-storey tower. In response to concerns raised at the first community consultation meeting the applicant lowered the podium to 8 storeys but maintained the 48-storey height level. Based on feedback gathered at the working group sessions, the applicant further revised their proposal to the current built form of a 6-storey podium and a 36-storey tower. Although this is still a taller building within the context of the neighbourhood, the reduction of the podium from 10 storeys to 6 storeys increases the separation distance of the development for four more floors, allows more light penetration and creates more separation distance between the proposed development and its neighbours.

The Tall Buildings Guidelines recommend a maximum podium height of a 1:1 ratio with the street width. Dundas Street East has a width of 20 m, while Jarvis Street has a width of 23 m, the proposed podium height is 22.8 m, which, while slightly larger than the width of Dundas Street East is less than that of Jarvis Street and conforms to the Design Criteria for the Review of Tall Building Proposals. In terms of the height of the tower this does not conform to the maximum recommended height of 25 storeys in the Tall

Buildings Downtown Study. Staff have not finally considered the consultants recommendations and will be reporting on the Tall Buildings Downtown Study early in 2012.

### **Setbacks and Separation Distances**

Setbacks and separation distances are an important consideration when considering the impact of a tall building on adjacent buildings. During the community consultation process there were concerns with the proposed setbacks and separation distances, the community believed that the application should conform to the standards as laid out in the Tall Buildings Downtown Study. The Tall Buildings Downtown Study requires a minimum setback of 10 m from the property line or the centre line of the laneway. This is achieved for the most part in the development. Due to the fact that the laneway is not exactly perpendicular to Jarvis Street, there is a small deviation at one point; however, at that point, the separation distance between the proposed development and 192 Jarvis Street is 22 m. Staff are satisfied that the proposed separation distances are generally acceptable. Should the condominium tower at 192 Jarvis Street ever be redeveloped, given the dimensions of the site, they should have no issues achieving the necessary setbacks to be in conformity with Tall Buildings Downtown Study regulations.

Furthermore, during the Community Consultation process, the residents of 192 Jarvis Street expressed concern about the alignment of the podium with neighbouring buildings. They sought a consistent street wall along Jarvis Street and cited the Tall Buildings Downtown Study in their commentary at the ideal that should be achieved. The Tall Buildings Downtown Study states that podiums should be built lot line to lot line and generally respect the alignment of existing buildings. The proposed development at 155 Dundas Street East is generally built out lot line to lot line, and the alignment is fully respected on Dundas Street East. There is a 1 m sidewalk widening on private property that is publicly accessible on Dundas Street East and Jarvis Street. The applicant at City Planning Staff's request has further set back their podium for almost half the length of the property in order to generally respect the alignment along Jarvis Street and create an even wider publicly accessible, private sidewalk. Fully respecting the alignment on Jarvis Street would make the retail floor plate non-functional. City Planning Staff are satisfied that the proposed development generally respects the alignment of neighbouring buildings as required in the Tall Buildings Downtown Study. Furthermore, the right balance has been maintained between a viable retail presence and setbacks at grade. Lastly, the proposed condominium tower steps back 2 m from the podium at the north side (Dundas Street East) and 7-10 m (depending on the building articulation) at the west side. This provides an appropriate separation distance from the buildings to the west and provides wind mitigation for Dundas Street East.

## **Massing**

The proposed development at 155 Dundas Street East is massed and articulated in a way to minimize the impact on its neighbours. The podium extends along the street line creating a street presence and the floor plate of the tower is approximately 623 m<sup>2</sup>, much less than the maximum recommended floor plate of 750 m<sup>2</sup>. This creates a very slender tower that minimizes the presence at grade, and minimizes shadow and wind impacts (discussed below). In response to comments made at the Community Working Group, the architect further articulated the eastern and western elevations and used coloured spandrel glass to effectively break up the massing. City Planning Staff are satisfied that the built form is appropriate. Should the properties to the west be redeveloped as part of this application or as a new proposal, a six storey midrise building could be constructed in a manner that suitably completes the block.

## **Sun, Shadow, Wind**

During the community consultation process concerns were expressed about the impact of shadow on the neighbourhood particularly for those residents living at 192 Jarvis Street. An analysis of the shadow impact study submitted by the applicant shows that during the peak sunlight hours of 11:00 a.m. to 4:00 p.m. on September 21 and March 21 (the vernal and autumnal equinoxes), there is no new net shadow impact on lands designated as *Neighbourhoods* in the Official Plan, and no shadow impact on the residents of 192 Jarvis Street. Due to the small floor plate, shadows move swiftly out of any area before and after the peak sunlight hours as well. City Planning Staff support the conclusions of the Shadow Study and believe the applicant has mitigated their shadow impact sufficiently.

The applicant has also submitted a pedestrian level wind study for the proposed development, it is the opinion of the professional engineer who signed the report, that the applicant has made sufficient design adjustments to mitigate the pedestrian level wind comfort at grade and that the impact on pedestrian comfort will be minimal. Planning Staff have reviewed the study and are satisfied with the wind mitigation measures.

## **Traffic Impact, Access, Parking**

During the Community Consultation process concern was expressed over the impact the number of vehicles of the proposed development would have on the overall flow of traffic in the area. The community further expressed a concern that there was not enough parking being provided which could create a situation in which residents and visitors would be seek on street parking in the area, making a perceived shortage in supply worse. The applicant has submitted a traffic impact study in support of their application. A total of 140 parking spaces is proposed for 384 units. The conclusions of the report were that the impact of traffic on the neighbourhood would be minimal. Due to the location of the proposed development, there is not expected to be a large demand for parking. The proposed development is close to the Yonge University Spadina Subway and has direct access to the Dundas Streetcar. It is also in close walking distance to Yonge Dundas Square, the Eaton Centre and Ryerson University making it a desirable location for pedestrian access. For these reasons there is a strong case to be made for a reduced parking standard. Furthermore, an analysis of the parking availability within 250 m of the proposed development has revealed a parking surplus mitigating the concerns for

overflow parking from the proposed development. Access for the below-grade parking is proposed to occur from the city owned laneway to the south of Dundas Street East. This is the appropriate location for access to parking as it minimizes the impact on Dundas Street East and Jarvis Street and is desirable from an urban design perspective. Planning Staff and Technical Services Staff support the location of the access and the conclusions of the report, respectively.

## **Servicing**

The property will be serviced from the City owned laneway to the south of Dundas Street East. The applicant has submitted a site servicing report in support of their application and Technical Services Staff support the conclusions of the report.

## **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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per Alternative Parkland Dedication By-law 1420-2007.

The application proposes 384 residential units on a total site area of .1448 hectares (1,448 m<sup>2</sup>). At the alternative rate of 0.4 hectares per 300 units specified in By-law 1420-2007, the parkland dedication would be .556 hectares (5,560 m<sup>2</sup>). However, a cap of 10% applies and hence the parkland dedication for the development would be 0.1448 hectares (144.8 m<sup>2</sup>)

The applicant proposes to satisfy the parkland dedication requirement though cash-in-lieu. This is appropriate as an on-site parkland dedication requirement of 0.01448 hectares (144.8 m<sup>2</sup>) would not be of a useable size and the site would be encumbered with below grade parking.

The actual amount of cash-in-lieu to be will be determined at the time of issuance of the building permit.

## **Residential Amenity Space**

The general Zoning By-law requires two square metres of common outdoor and indoor residential amenity space per unit. The proposed indoor amenity space is 437 m<sup>2</sup> (1.13 m<sup>2</sup> per unit) and the proposed outdoor amenity space is 605 m<sup>2</sup> (1.6 m<sup>2</sup> per unit). This represents a deficiency in the amenity space requirements. The amount of amenity space proposed is acceptable, however, given the limitations of the site, the design of the project as well as the proximity of other open space and recreation facilities such as Allan Gardens, Cathedral Square Park, Moss Park and Yonge Dundas Square.

## **Streetscape**

Jarvis Street is an important cultural corridor for the City of Toronto and requires an enhanced streetscape treatment to improve the pedestrian experience. The applicant has shown a preliminary landscape plan that provides pedestrian weather protection along Jarvis Street and Dundas Street East, and improved streetscape treatments with new trees along Jarvis Street and Dundas Street East. The details of the streetscape and securities for their provision will be secured through the site plan process.

## **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.

The site specific zoning by-law will secure performance measures for the following Tier 1 development features: key features of the TGS secured in the zoning, include the lowered parking rate, bicycle parking rates, and the provision of recycling as well as other waste diversion options for the building.

Other applicable TGS performance measures will be secured through the Site Plan Approval process. Key TGS performance measures that will be secured through the site plan process include the provision of a green roof, materiality, streetscape improvements (e.g. street trees) and the overall energy efficiency of the building.

## **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).

Section 5.1.1.4 of the Official Plan allows Section 37 of the Planning Act to be used for all developments (excepting non-profit developments) with a GFA of more than 10,000 square metres and when the proposed zoning by-law amendment increases the permitted gross floor area by at least 1,500 square metres, and/or increases the height significantly.

The community benefits recommended to be secured in the Section 37 agreement are as follows:

1. The conveyance of fourteen units to an arts based affordable housing provider ("the Provider") at \$250 per square foot, plus the School Board and City Development Charges associated with those units;
2. Agreements of Purchase and Sale with respect to the all fourteen units in Recommendations 3 i., shall be entered into with the Provider and/or the City prior to the issuance of the first above grade building permit for the development;
3. A provision allowing the Agreements of Purchase and Sale of all fourteen units in Recommendations 3.i to be assignable;
4. City Council authorize the City to be a party to the Agreements of Purchase and Sale contemplated to be entered into for the Provider's units as a contingent transferee, in order to ensure the benefit of the units to be conveyed is secured for the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report";
5. \$150,000 for a Heritage Conservation District Study for the area bounded by Carlton Street, Sherbourne Street, Queen Street East and Jarvis Street;
6. \$300,000 for laneway improvements to be directed to the City owned laneway to the south of the proposed building; and

Any reference in this report to the conveyance of dwelling units to an arts based affordable housing provider is intended to include conveyance to an appropriate alternate organization in the event that the Provider fails to pursue acquisition of the dwelling units. The Recommendations section of this report authorizes the appropriate City staff to choose another qualified arts organization.

## **Tenure**

The proposed tenure of the building is condominium housing.

## **Development Charges**

It is estimated that the development charges for this project will be \$2,724,632.44. This is an estimate. The actual charge is assessed and collected upon issuance of the building permit.

## **Conclusion**

The residential condominium proposed at 155-163 Dundas Street East represents an important mixed use investment in the Downtown East. Although taller contextually than the surrounding built form, this development continues a trend of 40 to 50-storey tall buildings expanding from Yonge Street towards the west side of Jarvis Street, with the prevailing built form fabric changing significantly east of Jarvis Street. In addition to the contextual argument, the physical impacts of the height of this building (sun, shadow, wind) have been assessed. Staff have reviewed the relevant studies and found that there

will be minimal negative impacts on the surrounding neighbourhoods and parks. Furthermore, the provision of affordable housing units fulfills the goals of the Provincial Policy Statement and the Official Plan and the provision of retail at grade will help animate Jarvis Street and Dundas Street East. Due to the proximity of higher order transit and the downtown core, the lower parking requirements are justified. This application should not be considered a built form precedent for the area, new development to the east of Jarvis Street should transition down and away from 155-163 Dundas Street. City Planning Staff think that the proposed building and the rezoning required for its construction is in the public interest and constitutes good planning.

## **CONTACT**

Giulio Cescato, Planner  
Tel. No. 416-392-0459  
Fax No. 416-392-1330  
E-mail: gcescat@toronto.ca

## **SIGNATURE**

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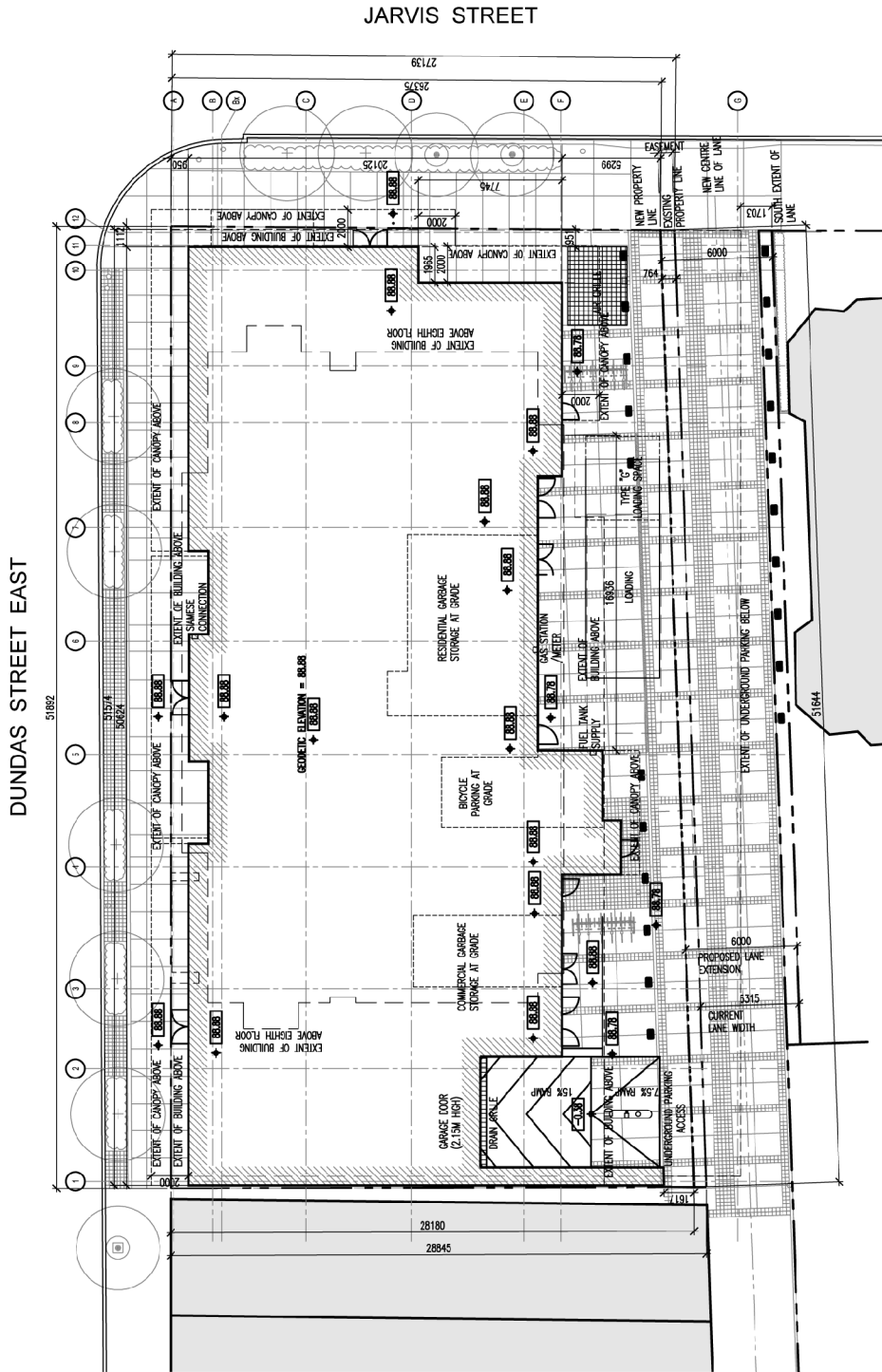
Gregg Lintern, Director, MCIP RPP  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: East Elevation  
Attachment 4: West Elevation  
Attachment 5: South Elevation  
Attachment 6: Zoning  
Attachment 7: Application Data Sheet  
Attachment 8: Draft Zoning By-law Amendment

# Attachment 1: Site Plan



155-163 Dundas Street East

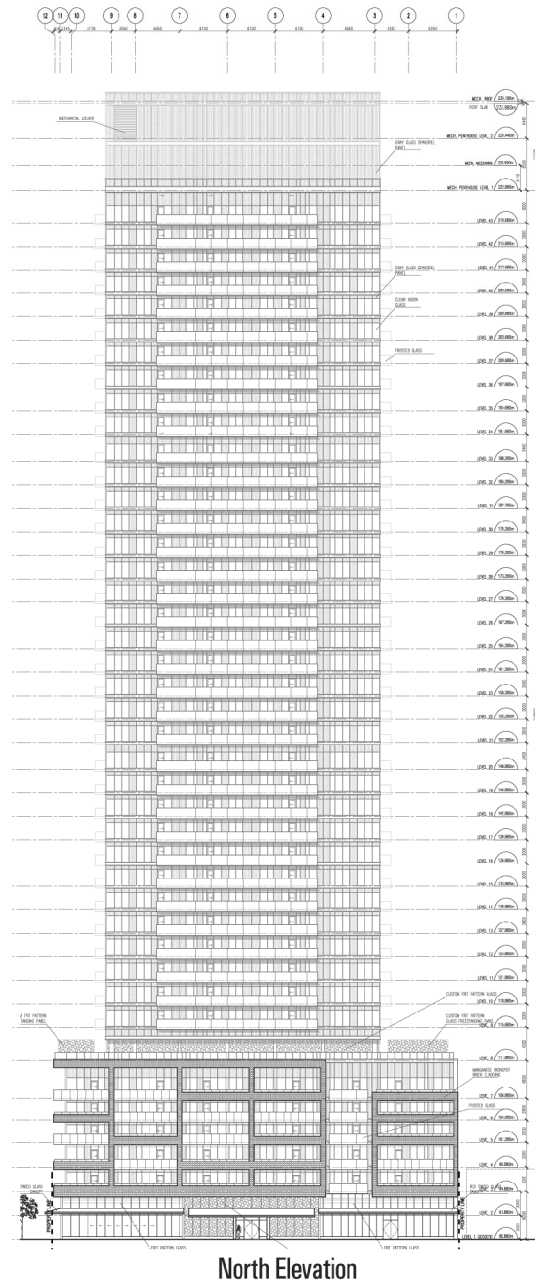
Site Plan  
 Applicant's Submitted Drawing

File # 11 144529 0Z

Not to Scale  
 09/23/2011



## Attachment 2: North Elevation



### Elevations

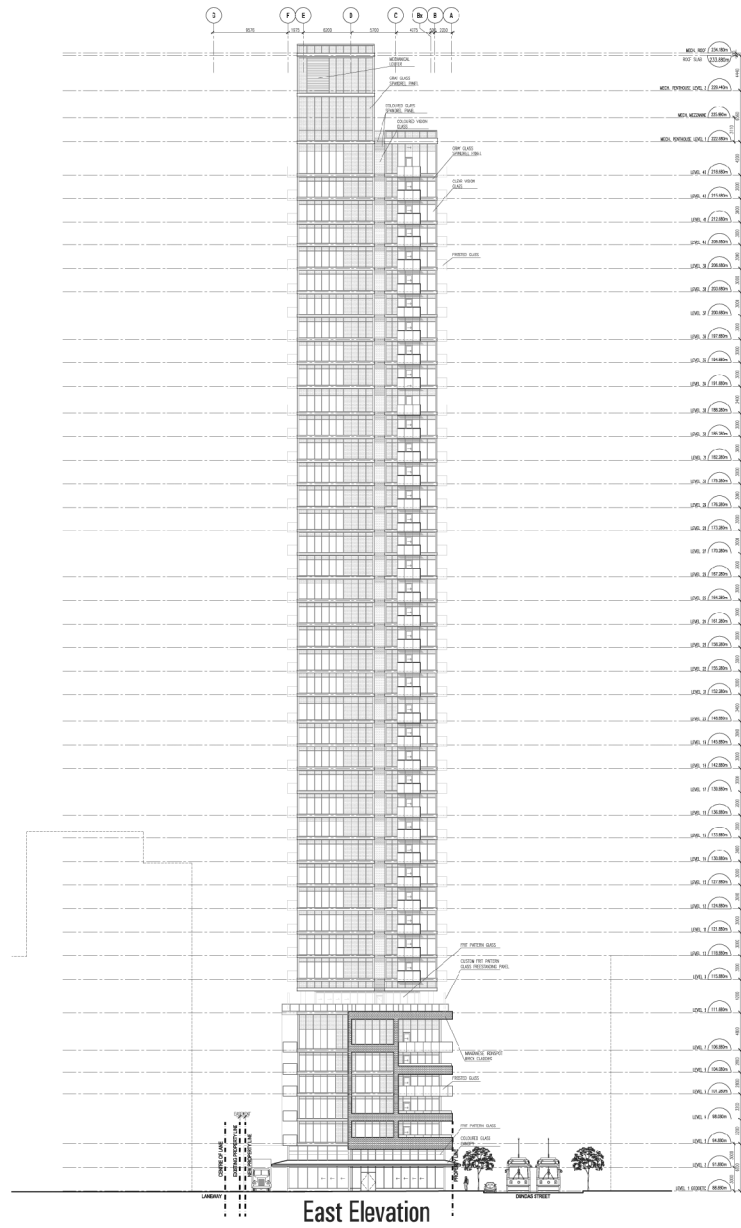
Applicant's Submitted Drawing

Not to Scale  
09/23/2011

155-163 Dundas Street East

File # 11 144529 02

**Attachment 3: East Elevation**



**Elevations**

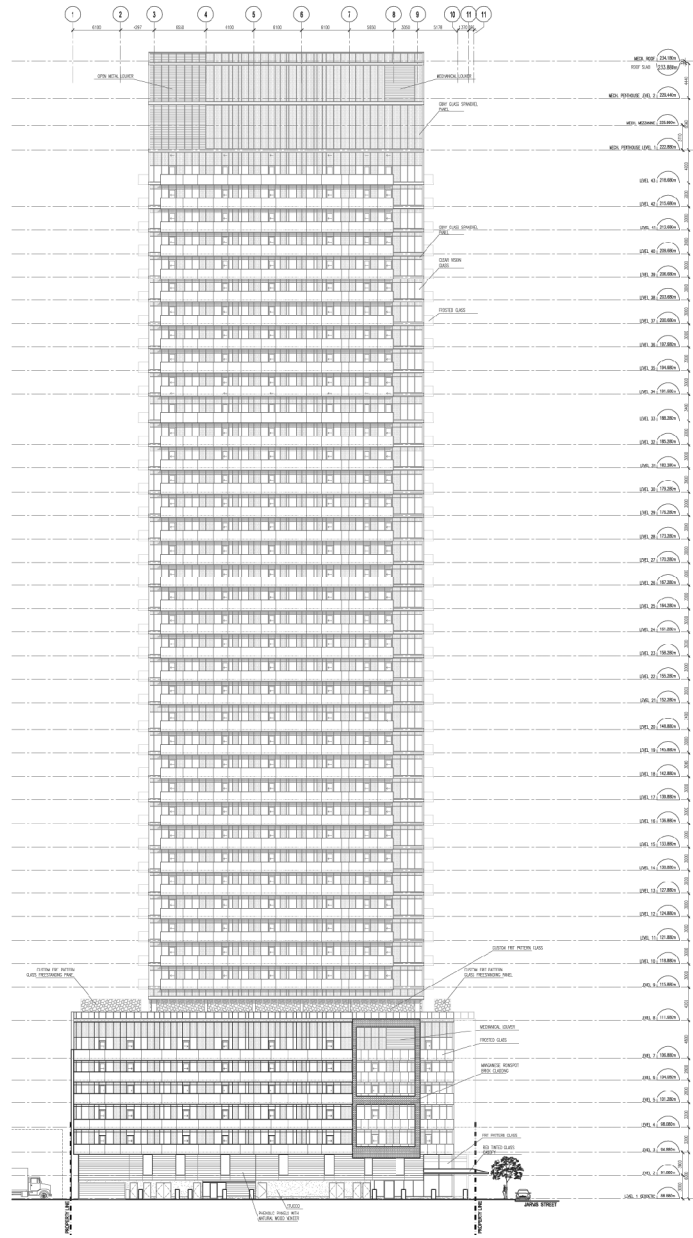
Applicant's Submitted Drawing

Not to Scale  
09/23/2011

**155-163 Dundas Street East**

File # 11 144529 0Z

## Attachment 4: South Elevation



South Elevation

### Elevations

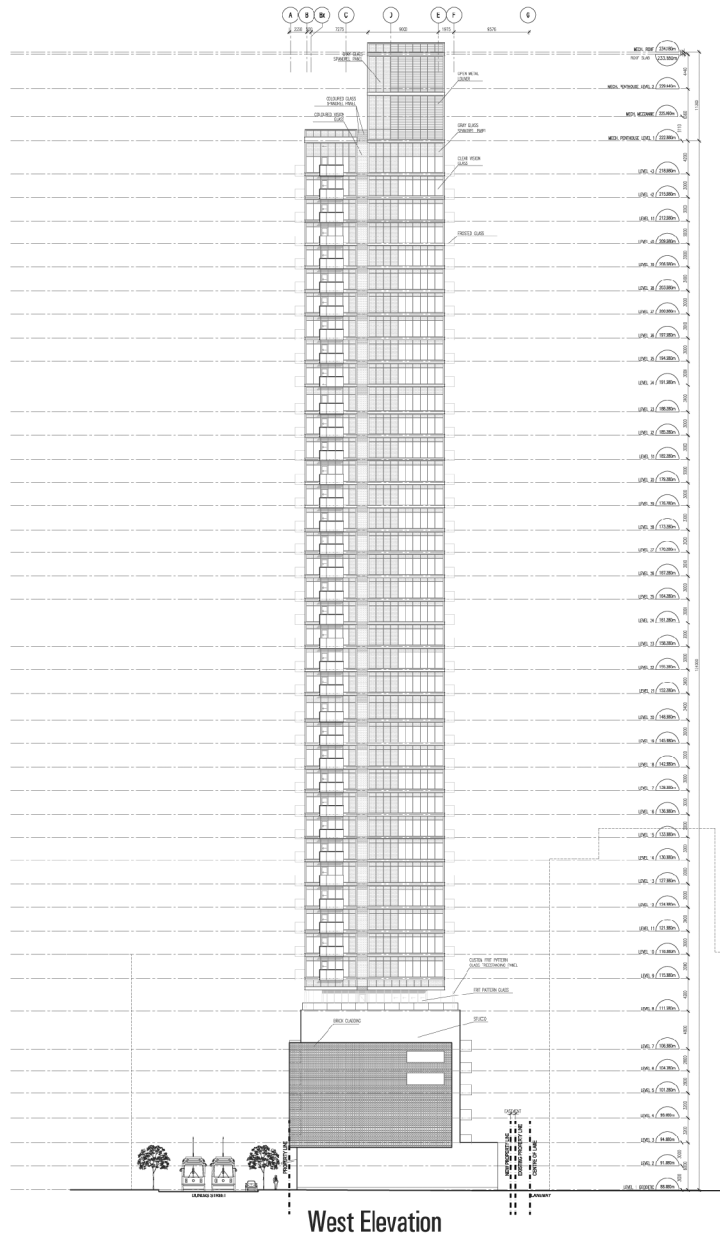
Applicant's Submitted Drawing

Not to Scale  
09/23/2011

155-163 Dundas Street East

File # 11 144529 02

## Attachment 5: West Elevation



### Elevations

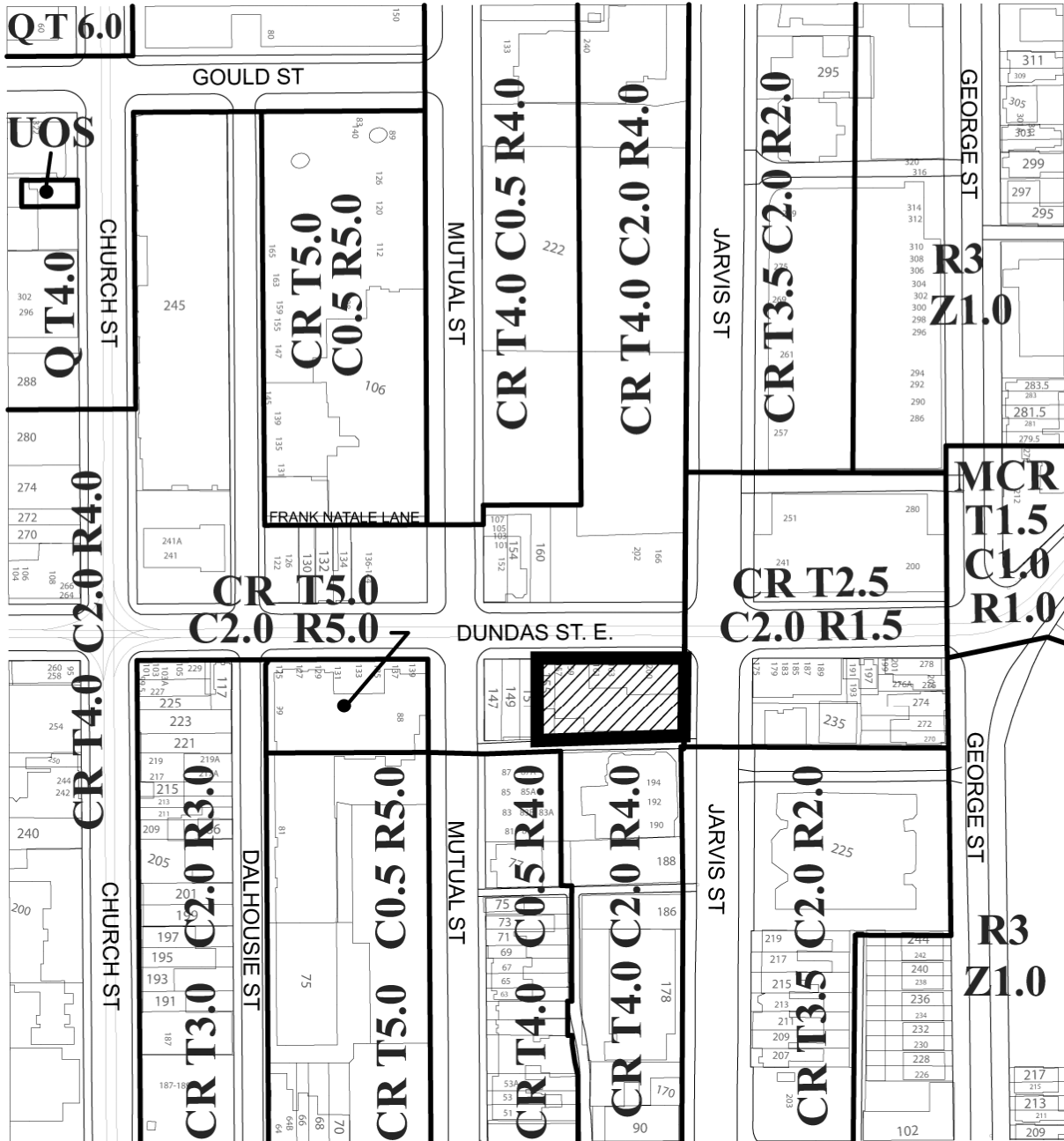
Applicant's Submitted Drawing

Not to Scale  
09/23/2011

### 155-163 Dundas Street East

File # 11 144529 0Z

Attachment 6: Zoning




Zoning City of Toronto By-law 438-86

155 - 163 Dundas Street East

File # 11\_144529\_0Z

- UOS Parks District
- R3 Residential District
- CR Mixed-Use District
- MCR Mixed-Use District
- Q Mixed-Use District

  
 Not to Scale  
 Zoning By-law 438-86 as amended  
 Extracted 03/28/2011

## Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	11 144529 STE 27 OZ
Details	Rezoning, Standard	Application Date:	March 14, 2011
Municipal Address:	155-163 DUNDAS STREET EAST AND 200 JARVIS STREET		
Location Description:	PLAN D99 PT LOTS 4 & 5 RP 66R13305 PART 2 **GRID S2714		
Project Description:	A rezoning application for the construction of a new mixed use building with retail at-grade. The building will have 384 residential units with 5 levels of below grade parking. The building is proposed to be a 42 storey building including a 6-storey podium.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Sherman Brown Dryer Karol 5075 Yonge St. Ste. 900 Toronto, ON, M2N 6C6	Bousfields, Inc. 300 Church St., Ste 300 Toronto, ON, M5E 1M2	Diamond-Schmitt 384 Adelaide St. W, Ste 300 Toronto, ON, M5V 1R6	Dundas-Jarvis Residences Inc. 525 Adelaide St. W, Suite 100 Toronto, ON, M5V 1T6

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	N
Zoning:	CR T4.0 C2.0 R4.0	Historical Status:	N
Height Limit (m):	27	Site Plan Control Area:	Y

### PROJECT INFORMATION

Site Area (sq. m):	1411.6	Height:	Storeys:	42
Frontage (m):	52		Metres:	134 (excludes Mech. penthouse)
Depth (m):	27			
Total Ground Floor Area (sq. m):	675			<b>Total</b>
Total Residential GFA (sq. m):	27014		Parking Spaces:	140
Total Non-Residential GFA (sq. m):	384		Loading Docks	1
Total GFA (sq. m):	27398			
Lot Coverage Ratio (%):	47.8			
Floor Space Index:	19			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Studio:	9 (3%)
1 Bedroom:	236 (61%)
2 Bedroom:	139 (36%)
3 + Bedroom:	0
Total Units:	384

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	27014	0
Retail GFA (sq. m):	384	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>Giulio Cescato, Planner</b>
	<b>TELEPHONE:</b>	<b>416-392-0459</b>
	<b>EMAIL:</b>	<b>gcescat@toronto.ca</b>

## **Attachment 8: Draft Zoning By-law Amendment**

Authority: Toronto and East York Community Council Item ~ as adopted by City of  
Toronto Council on ~, 201~  
Enacted by Council: ~, 201~

### **CITY OF TORONTO**

**Bill No. ~**

**BY-LAW No. ~-201~**

**To amend the General Zoning By-law No. 438-86, as amended of the former City of Toronto with respect to the lands municipally known as 155-163 Dundas Street East**

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

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

WHEREAS pursuant to Section 37 of the *Planning Act*, the Council of a municipality may in a By-law under Section 34 of the *Planning Act*, authorize increases in the height or density of development beyond those otherwise permitted by the by-law in return for the provision of such facilities, services or matters as are set in the by-law; and

WHEREAS Subsection 37(3) of the *Planning Act* provides that, where an owner of land elects to provide facilities, services or matters in return for an increase in height and density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters; and

WHEREAS the owner of the lands hereinafter referred to has elected to provide the facilities, services and matters, as hereinafter set forth; and

WHEREAS the increases in the density or height permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law 438-86 of the City of Toronto, as amended, are to be permitted in return for the provision of the facilities, services and matters set out in this By-law and are to be secured by one or more agreements between the owner of such lands and the City of Toronto (the "City"); and

WHEREAS Council has required the owner of the aforesaid lands to enter into one or more agreements dealing with certain facilities, services and matters in return for the increases in height and density in connection with the aforesaid lands as permitted in this By-law;

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

1. Pursuant to Section 37 of the *Planning Act*, the *heights* and density of

development permitted in this By-law are permitted subject to compliance with all of the conditions set out in this By-law and in return for the provision by the *owner* of the *lot* of the facilities, services and matters, to the City at the *owner's* sole expense and in accordance with and subject to the agreement referred to in Section 5(l) of this By-law.

2. Upon execution and registration of an agreement or agreements with the *owner* of the *lot* pursuant to Section 37 of the *Planning Act* securing the provision of the facilities, services and matters set out in Section 5(l) hereof, the *lot* is subject to the provisions of this By-law, provided that in the event the said agreement(s) requires the provision of a facility, service or matter as a precondition to the issuance of a building permit, the *owner* may not erect or use such building until the *owner* has satisfied the said requirements.
3. The *owner* of the *lot* shall ensure that all water mains, sanitary and storm sewers and appropriate appurtenances required for the development of this *lot* have been built or secured via a letter of credit acceptable to the Director of Technical Services prior to the issuance of a below grade building permit.
4. Except as otherwise provided herein, the provisions of By-law 438-86, as amended, shall continue to apply to the *lot*.
5. None of the provisions of Section 2 with respect to the definition of *grade*, *height* and *bicycle parking space* and Sections 4(2)(a), 4(5)(b), 4(5)(f)(i), 4(8), 4(10), 4(12), 4(13), 4(14), 4(16), and 8(3) Part I 1. and 3. of By-law No. 438-86 of the former City of Toronto, being “A By-law to regulate the use of land and the erection, use, bulk, height, spacing of and other matters relating to buildings and structures and to prohibit certain uses of lands and the erection and use of certain buildings and structures in various areas of the City of Toronto”, as amended, shall apply to prevent the erection or use of a *mixed-use building*, including *accessory* uses thereto on the *lot* provided that:
  - (a) the *lot* on which the building is to be located comprises at least those lands delineated by a heavy line on Map 1, attached to and forming part of this By-law;
  - (b) the total aggregate *residential gross floor area* and *non-residential gross floor area* shall not exceed 27,100 square metres;
  - (c) the *residential gross floor area* shall not exceed 26,200 square metres;
  - (d) the *non-residential gross floor area* shall not exceed 900 square metres;
  - (e) the *height* of any building or structure, or portion thereof, including mechanical and elevator/stair overrun, shall not exceed those heights as



indicated by the numbers following the symbol H on the attached Map 2, with the exception of the following:

- (i) parapets, terrace or balcony guards and dividers, planters and railings extending to a maximum vertical projection of 2.0 metres above the *height* limits shown on Map 2;
  - (ii) window washing equipment, landscape elements, lighting fixtures, vents, flues, pipes, access roof hatch, and structures located on the roof used for outside or open air recreation, safety or wind protection purposes may project above the *height* limits shown on Map 2;
- (f) no portion of any building or structure erected and used above *grade* is located otherwise than wholly within the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, subject to the following:
- (i) cornices, eaves, guardrails, and vents may extend beyond the heavy lines shown on Map 2;
  - (ii) awnings, and canopies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres beyond the wall to which they are attached;
  - (iii) balconies may extend beyond the heavy lines shown on Map 2 to a maximum of 2.0 metres; and,
  - (iv) retaining walls and landscape elements of maximum height of 3.0 metres may extend beyond the heavy lines shown on Map 2 but may not extend beyond the south lot line.
- (g) a minimum of 140 *parking spaces* shall be provided below *grade* on the *lot*, subject to the following:
- (i) a minimum of 130 *parking spaces* shall be provided for residents;
  - (ii) a minimum of 8 *parking spaces* shall be provided for visitors; and,
  - (iii) a minimum of 2 *car-share parking spaces* shall be provided.
- (h) despite section 4(5)(f)(i) of By-law 438-86, parking spaces may be provided under the public lane south of the lot;
- (i) a minimum of 256 *bicycle parking spaces* shall be provided on the *lot*, subject to the following:

- (i) a minimum of 206 *bicycle parking spaces* shall be provided for residents of which at least 112 shall be in a secure room or area and not to be combined with a storage locker facility;
    - (ii) a minimum of 50 *bicycle parking spaces* shall be provided for visitors of which at least 50 shall be provided at *grade*.
  - (j) *residential amenity space* shall be provided on the *lot* as follows:
    - (i) a minimum of 437 square metres of indoor *residential amenity space*; and
    - (ii) a minimum of 605 square metres of outdoor *residential amenity space*.
  - (k) a minimum of one *loading space – type “G”* shall be provided on the *lot*;
  - (l) the *owner* of the *lot* enters into an agreement with the City, pursuant to Section 37(3) of the *Planning Act*, to secure the facilities, services and matters referred to in Appendix 1 attached to this By-law and that such an agreement be registered on title to the *lot*.
6. For the purpose of this By-law:
- (a) “*car-share parking space*” means an unimpeded area that is readily accessible at all times for the parking and removal of a motor vehicle that is owned by a profit or non-profit car-sharing organization and where such organization may require that the use of cars be reserved in advance, charge fees based on time and/or kilometers driven, and set membership requirements of the car;
  - (b) “*grade*” shall mean 88.88 metres Canadian Geodetic Datum;
  - (c) “*height*” shall mean the vertical distance between *grade* and the highest point of the roof, excluding permitted projections identified in section 5(e) of this By-law; and,
  - (d) each other word or expression that is italicized shall have the same meaning as each such word or expression as defined in By-law No. 438-86, as amended.
7. Despite any existing or future severance, partition or division of the *lot*, the provisions of this by-law shall apply to the whole *lot* as if no severance, partition or division occurred.
8. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply to the *lot*.

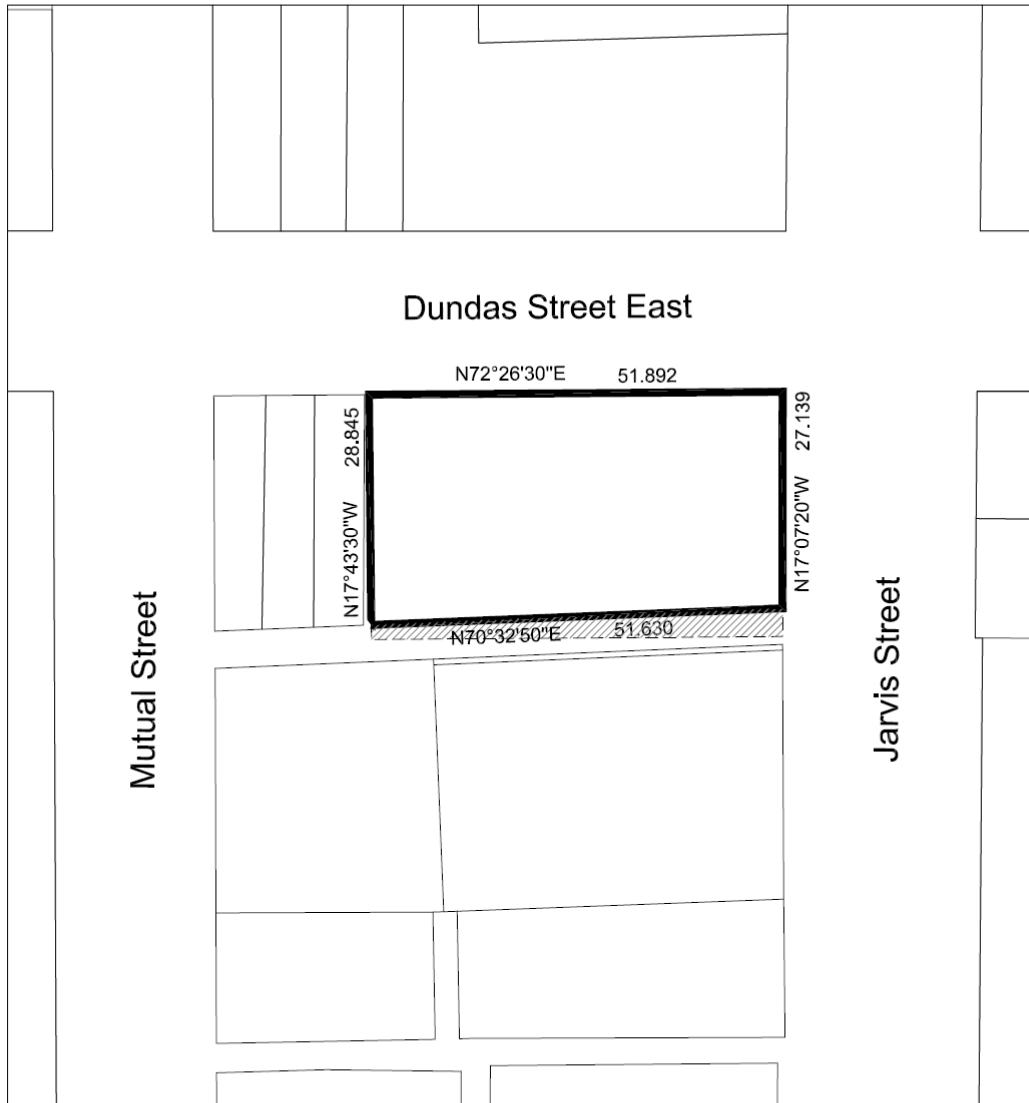
ENACTED AND PASSED this ~ day of ~, A.D. 201~.

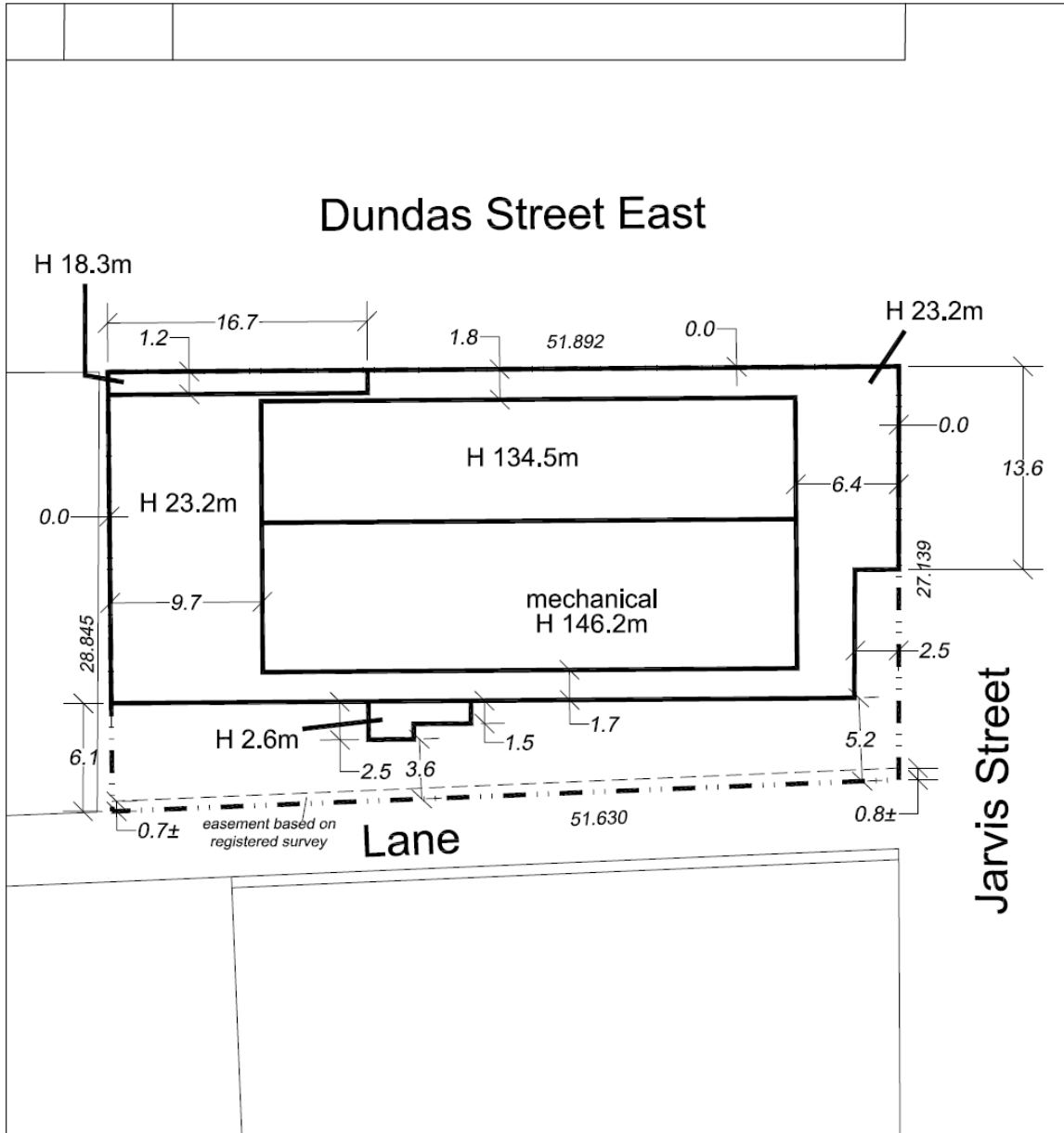
ROB FORD,  
Mayor

(Corporate Seal)

ULLI S. WATKISS,  
City Clerk

Map 1





1101-7zn Sept. 16-11

H: Denotes height in metres above grade



N.T.S.

## **Appendix 1: Council Authorities to Implement Matters Pursuant to the Section 37 Agreement**

1. City Council authorize and direct the City Solicitor to enter into a Section 37 agreement to implement the matters discussed in Recommendation 3 of the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report";
2. In order to ensure that construction, condominium registration and finalization of the transfer of units in the development may proceed in a timely manner, in the event either of the Agreements of Purchase and Sale with respect to the arts based affordable housing provider ("the Provider") cannot be completed by the intended organizations, City Council authorize the City to assign its interests in the Provider's Units to another similar organization that would give effect to the intended purpose as set out in the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report", chosen by the Director, Affordable Housing Office, on terms and conditions determined by him and in a form satisfactory to the City Solicitor, prior to the closing date with the Owner, with the intention that there are no financial consequences of the City having been a party to the Agreements of Purchase and Sale;
3. City Council authorize and direct the City Solicitor to execute the Agreements of Purchase and Sale with respect to the Provider's Units and to complete any assignment or any document relating to the re-sale transactions that may occur as a result of entering into that agreement, on behalf of the City, amending the closing, due diligence and other dates, and amending and waiving terms and conditions, on such terms as she considers reasonable;
4. City Council authorize and direct the Director, Affordable Housing Office, to enter into an agreement with the purchaser of the Provider's Units to secure the terms of the sale of the Provider's Units, at cost, to ensure the ongoing affordability, to ensure the intended arts affiliated use of the units, to require reporting of the activity involving the sale of the units and to secure such other terms and conditions as he deems advisable, such agreement to be in a form satisfactory to the City Solicitor and to be entered into prior to the completion of the Agreements of Purchase and Sale referred to in Recommendation 4 to the report from the Director, Community Planning, Toronto and East York District (dated October 17, 2011) headed "155-163 Dundas Street East and 200 Jarvis Street Zoning Amendment Application – Final Report"; and

5. City Council authorize the Chief Planner and Executive Director of City Planning Division to execute, in his sole discretion, consents pursuant to the restriction to be registered on title to the Provider's units under Section 118 of the *Land Title Act*.