

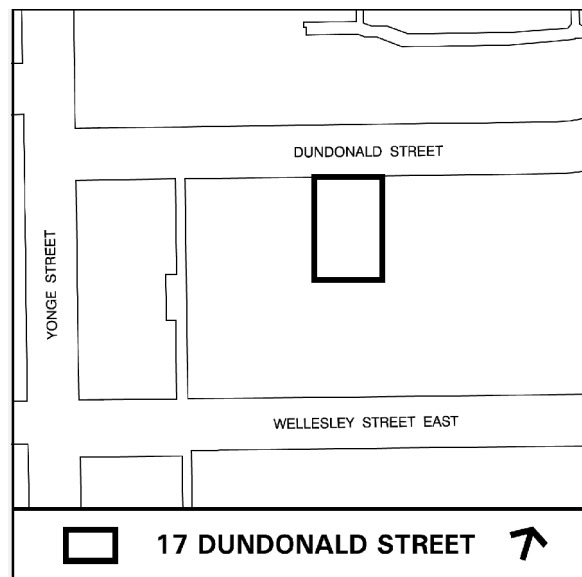
**17 Dundonald Street– Zoning Amendment Application –  
Final Report**

<b>Date:</b>	February 19, 2014
<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>	12 154762 STE 27 OZ

**SUMMARY**

On October 8, 2013, City Council considered a Refusal Report dated August 12, 2013, (refer to Attachment No. 2, TE 26.25) from the Director, Community Planning, Toronto and East York District, regarding a Zoning By-law Amendment to permit a 18-storey, 115 unit residential building at 17 Dundonald Street. The proposal included the partial retention of three facades of the existing designated heritage office building on site, as well as a new secondary entrance/exit to the Wellesley TTC subway station.

This report responds to the direction to City Staff from City Council at its October 8, 2013 meeting. At the meeting, City Council directed the Director, Community Planning, Toronto and East York District, to prepare a Zoning By-law amendment for presentation to Toronto and East York Community Council, as well as provide public notice.



## RECOMMENDATIONS

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**If City Council adopts the recommendation of the Toronto and East York Community Council to approve Application 12 154762 STE 27 OZ for 17 Dundonald Street, then:**

1. City Council authorize an amendment to the Zoning By-law 438-86, as amended, for 17 Dundonald Street substantially in accordance with the draft Zoning Amendment attached as Attachment No. 1 to the report (February 19, 2014) 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, City Council authorize the appropriate City officials and require the owner to execute one or more agreements pursuant to Section 37 of the *Planning Act* to the satisfaction of the Chief Planner and Executive Director, City Planning and City Solicitor. The agreement(s) are to be registered on title to the lands in a manner satisfactory to the City Solicitor and to secure the following facilities, services and matters from the owner at its expense:
  - a. the Toronto Transit Commission shall provide verification prior to condominium registration, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, that:
    - i. a minimum of \$490,000 has been spent by the owner towards landscape improvements above base condition to the proposed landscape open space, sidewalk and Toronto Transit Commission walkway; and
    - ii. a minimum of \$60,000 has been spent by the owner towards continuation of the existing Toronto Transit Commission walkway south from the property line to Wellesley Street East;
  - b. the owner shall make a financial contribution of \$436,000 to the Toronto Transit Commission towards the redesign and incorporation of the second access to the Wellesley Street subway station into the proposed redevelopment. The Toronto Transit Commission shall provide confirmation that this financial contribution has been made prior to the issuance of the first above-grade building permit;
  - c. the owner shall make a financial contribution of \$100,000 prior to the first above-grade building permit towards capital improvement for Toronto Community Housing in Ward 27;
  - d. the owner shall make a financial contribution of \$225,000 prior to the first above grade building permit towards capital improvements to James Canning Gardens;

- e. Prior to the issuance of the first above-grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, written acknowledgement from the Toronto Transit Commission that the owner has posted the necessary securities as required by the Toronto Transit Commission, and that the owner has completed the technical review of the proposed fully accessible entrance connection and entrance tunnel from 17 Dundonald Street to the Toronto Transit Commission concourse level at the Wellesley Station, which shall be constructed at the sole expense of the owner, to the satisfaction of the Toronto Transit Commission;
- f. Toronto Transit Commission Entrance Connection Conditions:
  - 1. The Owner shall, at its sole cost and expense,
    - i. construct the Entrance Connection to the standards and satisfaction of the Toronto Transit Commission; and
    - ii. enter into all agreements as required by the Toronto Transit Commission respecting the operation and maintenance by the Owner of the Entrance Connection.
  - 2. Prior to the issuance of the first below-grade building permit for the Development, the Owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division written confirmation from the Toronto Transit Commission that the Owner has, at its sole cost and expense, fulfilled the following:
    - i. Completed the Toronto Transit Commission technical review(s) respecting the Development and the Entrance Connection, and addressed all concerns arising from the technical review(s) to the satisfaction of the Toronto Transit Commission.
    - ii. Paid to the Toronto Transit Commission all fees in respect of the technical review(s) of the Development and Entrance Connection.
    - iii. Posted all securities as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection;
    - iv. Enter into all agreements as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection;

- g. Prior to Site Plan approval, the Owner shall provide a commemorative strategy, including the estimate of cost for the Commercial Travellers' Association of Canada building to the satisfaction of the Manager of Heritage Preservation;
  - h. Prior to the issuance of the demolition permit, the Owner shall provide a Letter of Credit to secure the implementation of the approved commemorative plan; and
  - i. Such amounts to be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto calculated from the date of the Section 37 Agreement to the date the payment is made.
4. Prior to introducing the necessary Bills to City Council for enactment, the Owner must provide the following:
- i. Documentation to demonstrate that the owner is entitled to construct the building over, and the parking garage under and within the 2.0 metre wide easement on the east side of the site, to the satisfaction of the City Solicitor and Executive Director of Engineering and Construction Services;
  - ii. Revise the Functional Servicing Report in a form acceptable to the Executive Director of Engineering and Construction Services; and
  - iii. Provide and pay for any improvements to the municipal infrastructure system in connection with the revised Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services should it be determined that upgrades to such infrastructure are required to support this development.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On October 8, 2013, City Council considered a Refusal Report dated August 12, 2013, from the Director, Community Planning, Toronto and East York District, regarding a Zoning By-law Amendment to permit an 18-storey, 115 unit residential building. The proposal included the partial retention of three facades of the existing designated heritage office building on site, as well as a new secondary entrance/exit to the Wellesley TTC subway station.

The refusal recommendation was based on a number of factors: non-conformity with the Official Plan, including policies related to Built Form, Heritage and Mixed Use Areas; non-conformity with the Tall Buildings Guidelines; and the overdevelopment of the site.

City Council at its October 8, 2013 meeting, directed the Director, Community Planning, Toronto and East York District, to prepare a Zoning By-law amendment and to include specific matters to be secured by way of Section 37 of the *Planning Act* for presentation to Toronto and East York Community Council.

At that same meeting, City Council requested that the City Clerk provide notice of a statutory public meeting for the development proposal at 17 Dundonald Street.

City Council at its October 8, 2013 meeting approved the demolition of the heritage building at 17 Dundonald Street under Section 34 of the Ontario Heritage Act.

## **COMMENTS**

Planning Staff have consulted with the City Solicitor and Building Division staff to prepare a site specific Zoning By-law to implement the proposed development. A draft Zoning By-law is attached to this report as Attachment No. 1.

Planning staff continue to recommend refusal of this application for reasons outlined in the Refusal Report dated August 12, 2013, from the Director, Community Planning, Toronto and East York District.

## **Revised Proposal**

The original submission dated May 8, 2013 was for an 18-storey, 115 unit residential building at 17 Dundonald Street. The proposal included the partial integration of three facades of the existing designated 2.5 storey heritage office building on site and a new secondary entrance/exit to the Wellesley TTC subway station. On October 8, 2013, City Council directed staff to prepare a draft zoning by-law for the application at 17 Dundonald Street, as per the drawings dated by City Planning May 8, 2013.

The applicant has revised their proposal since the October 8, 2013. The applicant's resubmission dated December 23, 2013, now proposes a 19-storey, 141 unit residential building. The revised plans continue to include the partial retention of three facades of the existing designated heritage office building on site, as well as the new secondary entrance/exit to the Wellesley TTC subway station. As part of the proposal, the applicant is proposing a minimum of 8.5% of all new residential units as 3-bedroom units.

The applicant proposes a total of 54 residential parking spaces and 3 visitor spaces on 3 levels of below-grade parking. A total of 145 bicycle spaces are proposed consisting of 116 residential spaces and 29 visitor spaces.

**A summary of the changes to the proposal is listed below.**

<b>Category</b>	<b>Approved Plans May 8, 2013</b>	<b>Final Submission December 23, 2013</b>
<b>Units</b>		
Total Number of Units	115	141
Studio Units	11	7
1 Bedroom Units	59	78
1 + Bedroom Units		22
2 Bedroom Units	33	21
2 +/3 Bedroom Units	12	12
<b>Density</b>		
Floor Space Index	8.2	8.6
<b>Parking Spaces</b>		
Residential Spaces	46	54
Visitor Spaces	3	3
Total Vehicle Spaces	49	57
<b>Bicycle Parking Space</b>		
Residential Spaces	92	116
Visitor Spaces	23	29
Total Bicycle Spaces	115	145
<b>Amenity Space</b>		
Indoor Amenity Space	102 sq.m	300 sq.m
Outdoor Amenity Space	96 sq.m	280 sq.m
<b>Building Height</b>		
Height including mech.	56.8m	64.5 m

The new submission proposes an increase in building height by approximately 7.5 metres in order to accommodate the 19th floor/ roof top outdoor amenity space elevator and elevator overrun.

### **Site and Surrounding Area**

The subject property is rectangular in shape and approximately 1,080 m<sup>2</sup> in size with a frontage of 27 metres on Dundonald Street and a depth of 40 metres. Currently there is a 2.5 storey brick and metal modernist office building built in 1956 on the property. City Council adopted an Intention to Designate on June 8, 2010 and the Designation By-law was enacted by Council April 10, 11, 2012.

The access to the existing office building is from a driveway on its east side leading to a slightly raised surface parking and storage area in the rear. There is an existing easement/right-of-way along and over this driveway which also provides access to the neighbouring residential condominium to the east 19 Dundonald Street.

Within the immediate context, the following uses surround the site:

North: On the north side of Dundonald Street and the south side of Gloucester Street is a stable low-rise (2-3 storey) neighbourhood of detached and semi-detached house-form, residential buildings on lands designated as *Neighbourhoods* in the Official Plan. Across Dundonald Street, just to the west of the site is James Canning Gardens, the first in a series of linear public parks.

East: A row of 2-3 storey townhouses fronting onto Dundonald Street with a 7-8 storey residential condominium in behind. Further east on Dundonald Street are (2-3 storey) detached residential dwellings as well as an 18 storey apartment building.

South: Directly south of the subject site and fronting onto Wellesley Street East is a 23 storey condominium building and a 5 storey office building which is subject to a zoning amendment application for a 44 storey condominium which is currently before the Ontario Municipal Board (05 212275 STE 27 OZ). Further east there is approval for a 28 storey condominium building which has not yet been constructed (04 164940 STE 27 OZ).

West: A 23 storey apartment building which shares the site to the south west of the subject site with the Wellesley TTC subway station building. These lands are owned by the TTC. Further west are low to mid-rise mixed use buildings along Yonge Street.

## Official Plan

The subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan. This site is designated as *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan. The property is surrounded by properties designated *Parks* and *Neighbourhoods* to the north, *Apartment Neighbourhoods* to the east, *Mixed Use Areas* to the west and to the south.

*Mixed Use Areas* are made up of a broad array of residential uses, offices, retail and services as well as institutional, entertainment, recreational and cultural activities in addition to parks and open spaces. *Mixed Use Areas* are intended to be areas for new retail, office, and service employment and new housing.

The Official Plan provides development criteria in *Mixed Use Areas* which include: providing a transition between areas of different development intensity and scale; locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*; and providing an attractive, comfortable and safe pedestrian environment. The Official Plan notes that not all *Mixed Use Areas* are intended to experience the same scale or intensity of development, noting that the *Financial District* and the *Centres* may support a higher level of intensification than other areas.

The City of Toronto's Official Plan is available on the City's website at:

[http://www.toronto.ca/planning/official\\_plan/introduction.htm](http://www.toronto.ca/planning/official_plan/introduction.htm)

## **Zoning**

The City's Zoning By-law 438-86, as amended, designates the site as R3 Z2.5 which permits a range of residential uses at a density of 2.5 times the area of the lot. The height permission for the site is 30 metres (approximately 10 storeys). Structures in this zone shall have a minimum side yard and flanking setback of 7.5 metres. Attachment 6 provides an excerpt of the zoning map for the site and immediate area.

In addition, the site is also subject to certain zoning exceptions in By-law 438-86 including a permissive exception that allows buildings in the Central Area Toronto to be used for commercial purposes so long as those uses were permitted in 1975/1976 subject to provisions in Section 12(1) (232). It is this exception which allows for the legal use of the existing office building as it would not be a permitted use in an R3 zone.

## **Site Plan Control**

A Site Plan Control application was received by the City on December 23, 2013 and is currently being processed.

## **Section 37**

Given the increase in proposed height, the Official Plan would require the provision of Section 37 benefits. The applicant has agreed to the following Section 37 contribution. The benefits to be secured would be as follows:

1. the Toronto Transit Commission shall provide verification prior to condominium registration, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, that:
  - i. a minimum of \$490,000 has been spent by the owner towards landscape improvements above base condition to the proposed landscape open space, sidewalk and Toronto Transit Commission walkway; and
  - ii. a minimum of \$60,000 has been spent by the owner towards continuation of the Toronto Transit Commission walkway south from the property line to Wellesley Street East;
2. the owner shall make a financial contribution of \$436,000 to the Toronto Transit Commission towards the redesign and incorporation of the second access to the Wellesley Street subway station into the proposed redevelopment. The Toronto Transit Commission shall provide confirmation that this financial contribution has been made prior to the issuance of the first above-grade building permit;
3. the owner shall make a financial contribution of \$100,000 prior to the first above-grade building permit towards capital improvement for Toronto Community Housing in Ward 27;



4. the owner shall make a financial contribution of \$225,000 prior to the first above grade building permit towards capital improvements to James Canning Gardens;
5. Prior to the issuance of the first above-grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, written acknowledgement from the Toronto Transit Commission that the owner has posted the necessary securities as required by the Toronto Transit Commission, and that the owner has completed the technical review of the proposed fully accessible entrance connection and entrance tunnel from 17 Dundonald Street to the Toronto Transit Commission concourse level at the Wellesley Station, which shall be constructed at the sole expense of the owner, to the satisfaction of the Toronto Transit Commission;
6. TTC Entrance Connection Conditions:  
The Owner shall, at its sole cost and expense,
  - i. construct the Entrance Connection to the standards and satisfaction of the Toronto Transit Commission; and
  - ii. enter into all agreements as required by the Toronto Transit Commission respecting the operation and maintenance by the Owner of the Entrance Connection.

Prior to the issuance of the first below-grade building permit for the Development, the Owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division written confirmation from the Toronto Transit Commission that the Owner has, at its sole cost and expense, fulfilled the following:

- i. Completed the Toronto Transit Commission technical review(s) respecting the Development and the Entrance Connection, and addressed all concerns arising from the technical review(s) to the satisfaction of the Toronto Transit Commission;
- ii. Paid to the Toronto Transit Commission all fees in respect of the technical review(s) of the Development and Entrance Connection;
- iii. Posted all securities as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection; and

- iv. Enter into all agreements as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection;
7. Prior to Site Plan approval, the Owner shall provide a commemorative strategy, including the estimate of cost for the Commercial Travellers' Association of Canada building to the satisfaction of the Manager of Heritage Preservation; and
8. Prior to the issuance of the demolition permit, the Owner shall provide a Letter of Credit to secure the implementation of the approved commemorative plan.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Draft Zoning By-law Amendment

Attachment 2: 17 Dundonald Street Refusal Staff Report, dated August 12, 2013

**Attachment 1: Draft Zoning By-law**

**CITY OF TORONTO**

**BY-LAW No. ~**

**To amend Zoning By-law No. 438-86, as amended, of the former City of Toronto.  
respecting the lands municipally known as 17 Dundonald Street.**

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 the Council of the City of Toronto has determined to amend Zoning By-law No. 438-86, as amended, of the former City of Toronto;

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 *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 lands elects to provide facilities, services and 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 and *height* permitted hereunder, beyond those otherwise permitted in the aforesaid lands by By-law No. 438-86 of the former 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 ("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;

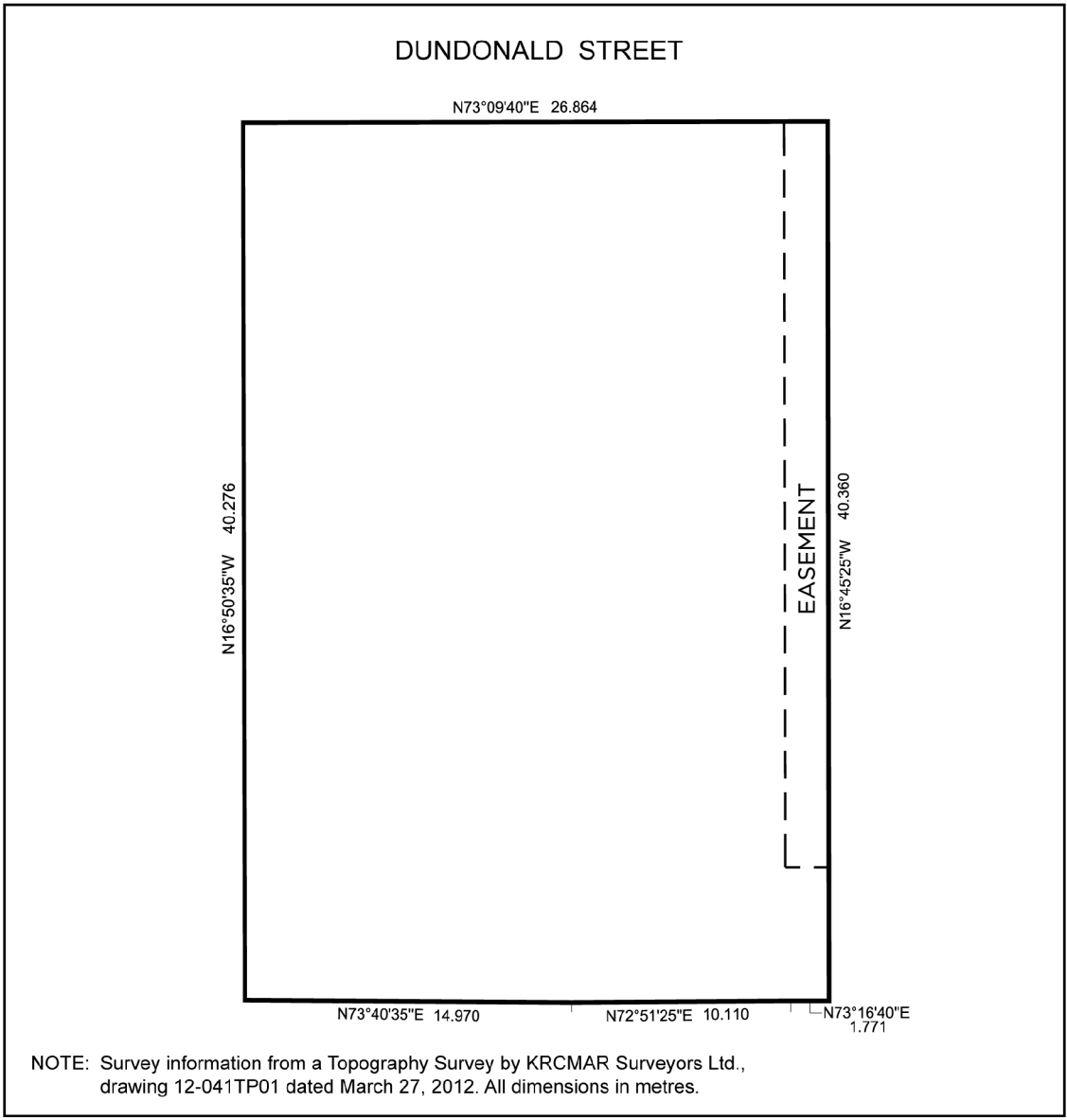
The Council of the City of Toronto HEREBY ENACTS as the follows:

1. Except as otherwise provided herein, the provisions of By-law No. 438-86, as amended, shall continue to apply on the lot.
2. None of the provisions of Sections 2(1) with respect to the definition of "grade", "height" and "lot, 4(2)(a), 4(5)(a) to (e), 4(12), 4(13) (c) (d), 4(16), 4(17), 6(3) Part I (1), 6(3) Part II(2) to (4), 6(3) Part II(8), and Part III (1) of Zoning *By-law 438-86*, as amended, shall apply to prevent the erection or use of a *residential building* within the *site* which may contain dwelling units and non-residential uses and accessory uses thereto including a *parking garage* and *public transit station entrance vestibule* provided that all the provision of this By-law are complied with.
3. For the purposes of this By-law, the *lot* shall consist of the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law.
4. The *lot* on which the uses are located shall comprise at least the *site*.
5. The total *residential gross floor area* erected or used on the *site* shall not exceed 9,105 square metres.
6. Not more than 141 *residential dwelling units* are erected on the *lot*.
7. At least 8.5% of all *residential dwelling units* erected or used on the *site* shall have three or more bedrooms.
8. The building height should be a maximum of 19 storeys in *height*.
9. Parking spaces shall be provided and maintained on the lot in accordance with the following requirements:
  1. Resident parking is to be provided at a ratio of 0.4 spaces per unit; and
  2. A minimum of three parking spaces are to be provided for residential visitors.
10. A maximum of nine *small car* parking spaces are permitted with minimum dimensions of 2.6 metres in width and 5.6 metres in length, which are obstructed on one side by a wall or column which extends more than 1.0 metre from the front or rear of the parking space, with such obstructions being located less than 0.3 metres from the side of the parking space, measured at right angles.
11. Indoor *residential amenity space* shall be provided in accordance to Section 4(12) of By-law 438-86.
12. A minimum of 280 square metres or 1.9 square metres of outdoor *residential amenity space* shall be provided for each *residential dwelling unit*.

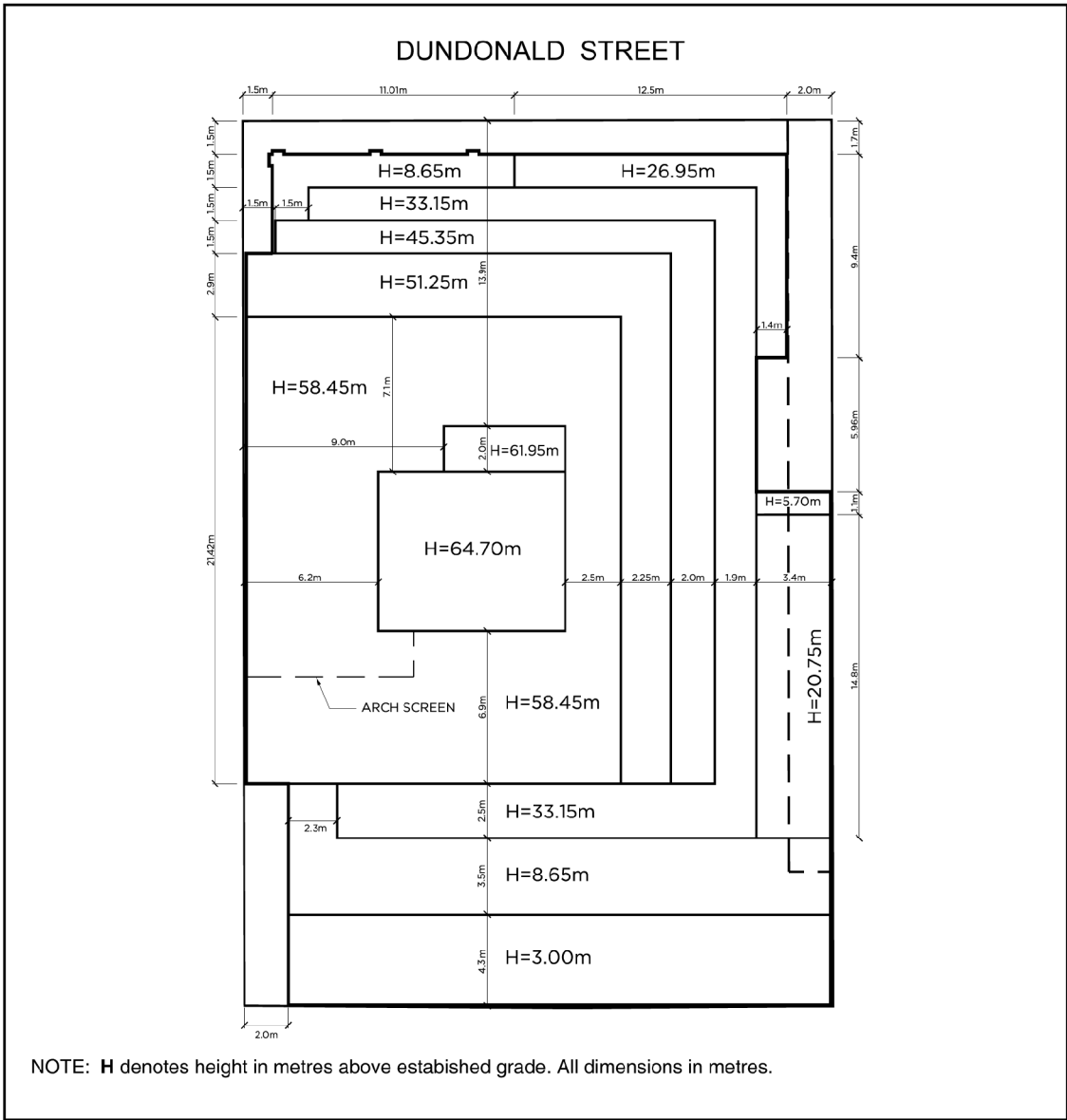
13. No portion of any building erected above finished ground level is located outside the areas delineated by heavy lines shown on Map 2 attached to and forming part of this By-law, with the exception of the following:
  - a. Lighting fixtures, cornices, sills, eaves, window washing equipment, parapets, railings, privacy screens, terraces, cabanas, planters, balustrades, bollards, stairs, stair enclosures, wheel chair ramps, ornamental or architectural features, landscape features, and art installations may extend beyond the heavy lines shown on attached Map 2;
  - b. Canopies on the ground floors may extend a maximum of 1.5m beyond the heavy lines shown on Map 2, as measured perpendicular to the exterior walls of the building; and
  - c. Balconies may extend a maximum of 1.8 m beyond the heavy lines shown on Map 2, as measured perpendicular to the exterior walls of the building.
14. No person shall erect or use a building or structure on the lot having a greater *height*, above grade in metres than the *height* in metres specified by the numbers following the symbol H on the attached Map 2, provided this does not prevent:
  - a. The erection or use of the structures, elements and enclosures permitted by Section 4 of this By-law subject to the following additional requirements
    - i. Railings to a maximum vertical projection of 2 metres above the *height* limits shown on Map 2;
    - b. Elements on the roof of the building or structure used for green roof technology or alternative roofing system, provided the maximum vertical projection of such elements is no higher than 1.5m metres above the *height* limits shown on Map 2; and
    - c. Rooftop stacks and vents to a maximum vertical projections of 1.5 metres above the *height* limits shown on Map 2.
15. A minimum of 15.5 % of the area of the lot shall be in the form of landscaped open space.
16. None of the provisions of this By-law shall apply to prevent a temporary *sales office* on the *site*.
17. Notwithstanding any existing or future severances, partition, or division of the *site*, the provisions of the By-law shall apply to the whole of the *site* as if no severance, partition or division had occurred.

18. *Bicycle parking spaces* for residents and visitors shall be provided and maintained in accordance with Section 4(13) of By-law 438-86, except that:
- (i) stacked *bicycle parking spaces* may be used to meet requirements
  - (ii) despite the minimum dimensions of a *bicycle parking space* in Section 2(1) of By-law 438-86, the minimum dimension of a *bicycle parking space – occupant* may be 0.4 metres in width, 1.8 metres in length and 1.5 metres in height and the minimum dimension of a *bicycle parking space – visitor* may be 0.32 metres in width, 1.2 metres in length and 1.9 metres in height
19. Within the *site*, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- a. All new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
  - b. All water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.
20. For the purpose of this By-law, the following expressions shall have the following meaning:
- a. "Building envelope" means a building envelope for each *height* area as shown by an "H", and as delineated by the heavy lines on Map 2 attached hereto;
  - b. "*By-law 438-86*" means *By-law 438-86*, as amended, of the former City of Toronto being, "A By-law to regulate the use of land and the erection, use, bulk, *height*, spacing 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";
  - c. "City" means the City of Toronto
  - d. "*grade*" means the Canadian Geodetic elevation of 110.65 metres;
  - e. "*height*" means the vertical distance between *grade* and the highest point of the building or structure;
  - f. "*owner*" means the fee simple *owner(s)* of the *site*:

- g. "*sales office*" means an office, or sales trailer, used exclusively for the initial sale and/or initial leasing of dwelling units or the non-residential uses to be erected on the *site*;
- h. "site" mean those lands outlined by heavy lines on Map 1 attached hereto;  
and
- i. Each other word or expression, which is italicized in this by-law, shall have the same meaning as each word or expression as defined in By-law No. 438-86.







## Appendix "1"

### Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of that lot at its expense to the City in accordance with an agreement or agreements, pursuant to Section 37(3) of the Planning Act, in a form satisfactory to the City and the owner with conditions providing for indexing escalation of both the financial contributions and letters of credit, indemnity, insurance, HST, termination and unwinding, and registration and priority of agreement:

1. The Toronto Transit Commission shall provide verification prior to condominium registration, to the satisfaction of the Chief Planner and Executive Director, City Planning, and the City Solicitor, that:
  - i. a minimum of \$490,000 has been spent by the owner towards landscape improvements above base condition to the proposed landscape open space, sidewalk and Toronto Transit Commission walkway; and
  - ii. a minimum of \$60,000 has been spent by the owner towards continuation of the Toronto Transit Commission walkway south from the property line to Wellesley Street East;
2. The owner shall make a financial contribution of \$436,000 to the Toronto Transit Commission towards the redesign and incorporation of the second access to the Wellesley Street subway station into the proposed redevelopment. The Toronto Transit Commission shall provide confirmation that this financial contribution has been made prior to the issuance of the first above-grade building permit;
3. The owner shall make a financial contribution of \$100,000 prior to the first above-grade building permit towards capital improvement for Toronto Community Housing in Ward 27;
4. The owner shall make a financial contribution of \$225,000 prior to the first above grade building permit towards capital improvements to James Canning Gardens;
5. Prior to the issuance of the first above-grade building permit, the owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division, written acknowledgement from the Toronto Transit
6. Commission that the owner has posted the necessary securities as required by the Toronto Transit Commission, and that the owner has completed the technical review of the proposed fully accessible entrance connection and entrance tunnel

- from 17 Dundonald Street to the Toronto Transit Commission concourse level at the Wellesley Station, which shall be constructed at the sole expense of the owner, to the satisfaction of the Toronto Transit Commission;
7. The Owner shall, at its sole cost and expense:
    - i. construct the Entrance Connection to the standards and satisfaction of the Toronto Transit Commission; and
    - ii. enter into all agreements as required by the Toronto Transit Commission respecting the operation and maintenance by the Owner of the Entrance Connection.
  8. Prior to the issuance of the first below-grade building permit for the Development, the Owner shall provide to the satisfaction of the Chief Planner and Executive Director, City Planning Division written confirmation from the Toronto Transit Commission that the Owner has, at its sole cost and expense, fulfilled the following:
    - ii. Completed the Toronto Transit Commission technical review(s) respecting the Development and the Entrance Connection, and addressed all concerns arising from the technical review(s) to the satisfaction of the Toronto Transit Commission;
    - iii. Paid to the Toronto Transit Commission all fees in respect of the technical review(s) of the Development and Entrance Connection;
    - iv. Posted all securities as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection; and
    - v. Enter into all agreements as required by the Toronto Transit Commission respecting the construction of the Development and Entrance Connection.
  9. Prior to Site Plan approval, the Owner shall provide a commemorative strategy, including the estimate of cost for the Commercial Travellers' Association of Canada building to the satisfaction of the Manager of Heritage Preservation;
  10. Prior to the issuance of the demolition permit, the Owner shall provide a Letter of Credit to secure the implementation of the approved commemorative plan; and

11. The owner of the lot shall enter into and register on title to the lot and on title to the lands known municipally in the year 2014 as 17 Dundonald Street, one or more agreements with the City pursuant to Section 37 of the Planning Act, to the satisfaction of the City Solicitor, in consultation with Chief Planner and Executive Director, City Planning Division, to secure the facilities matters set forth in this Appendix.



**STAFF REPORT  
ACTION REQUIRED**

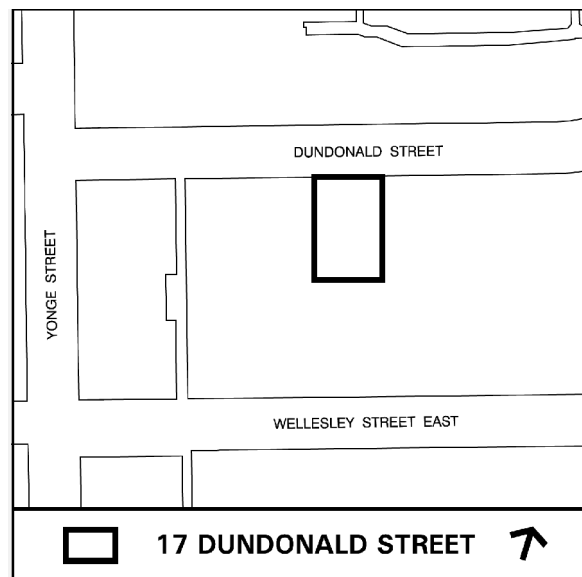
**17 Dundonald Street – Zoning Amendment – Refusal Report**

<b>Date:</b>	August 12, 2013
<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>	12 154762 STE 27 OZ

**SUMMARY**

This application proposes an 18-storey residential building at 17 Dundonald Street with 115 dwelling units and 3 levels of below grade parking with 49 parking spaces. The proposal includes the partial retention of three facades of the existing designated heritage office building on site as well as a new secondary entrance/exit to the Wellesley TTC subway station.

Although the proposal consolidates a TTC access to a subway station on the ground floor of the residential building, the proposal is not consistent with the policies of the Official Plan pertaining to Heritage, Built Form and development within Mixed Use Areas. The application proposes to completely dismantle the designated heritage building on-site and rebuild the front façade and portions of the side facades, using some of the original materials. The heritage approach being proposed does not represent appropriate conservation and the proposed building does not provide adequate separation to the adjacent residential buildings given the circumstances and represents over-



development of the site.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council refuse the application for a Zoning By-law Amendment at 17 Dundonald Street for the following reasons:
  - a. the proposal does not conform to the Official Plan, including policies related to Built Form, Heritage and Mixed Use Areas;
  - b. the proposal is not consistent with the Tall Building Guidelines; and
  - c. the proposal represents over-development of the site.
2. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
3. City Council authorize City Planning in consultation with the Ward Councillor, to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner, should the proposal be approved in some form by the Ontario Municipal Board.

### **Financial Impact**

The recommendations in this report have no financial impact.

## **ISSUE BACKGROUND**

### **Decision History**

In 2010 the Ward Councillor, at the time, requested Heritage Preservation Services staff in a letter dated January 29, 2010 to assess the heritage merits of the building at 17 Dundonald Street as a "fantastic example of mid-century modernism." Staff undertook detailed research of the property and determined it meets the criteria for municipal designation prescribed by the Province of Ontario under the categories of design and contextual value.

A staff report (April 1, 2010) from the Acting Director, Policy and Research, City Planning Division, 17 Dundonald Street – Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act, was considered by the Toronto Preservation Board at its meeting on April 30, 2010, by Toronto East York Community Council at its meeting on May 25, 2010 and approved without amendment by Toronto City Council at

its meeting June 8 and 9, 2010. By-law 490-2012 designating the property at 17 Dundonald Street as being of cultural heritage value or interest was enacted by City Council on April 11, 2012.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.TE34.11>

At its meeting of June 22, 2011 Toronto and East York Community Council, directed staff to undertake the North Downtown Yonge Street Planning Framework study in response to the Downtown Tall Buildings Study and concerns regarding the extent and type of applications being received for the area. The boundary for the study area included Bay Street on the west, Bloor Street to the north, Church Street to the east and College/Carleton Streets to the south. The study was to consider mixed use sites in the area with potential for intensification and revitalization and recommend a framework for future redevelopment that City Council can use as a guide for consideration of individual redevelopment proposals within the area. The subject site is located within this area.

## **Proposal**

The applicant proposes to redevelop the site at 17 Dundonald Street with an 18-storey (56.8 metres, including mechanical) residential building. The building is proposed to have 115 residential units and 3 levels of below grade parking with 49 parking spaces. The proposal includes the partial integration of three facades of the existing designated 2.5 storey heritage office building on site as well as a new secondary entrance/exit to the Wellesley TTC subway station.

A three level underground parking garage is proposed with 46 parking spaces for residents, 3 visitor parking spaces. A total of 115 bicycle parking spaces are being provided with 62 for residents at the P1 level, 30 for residents and 23 for visitors at grade. The parking will be accessed from a 6.0 metre driveway located at the eastern property line with entry from Dundonald Street. This is an existing shared driveway and as part of the proposal a new landscaped entry and forecourt to the existing building at 19 Dundonald Street and the proposed residential building at 17 Dundonald Street is proposed to achieve an enhanced and integrated pedestrian and vehicular access.

The application proposes the partial incorporation of the existing 2 1/2 storey heritage designated modernist office building into the base of the proposed tower. The intent is to dismantle the existing building and rebuild some of the façades including the north façade, 5 bays of the west façade and partially rebuilding 1 bay of the east façade. The existing building facades are proposed to be relocated 3.5 metres closer to Dundonald Street providing a setback of 1.5 metres from the north and western property line. The proposed sidewalk zone will be approximately 8 metres and includes a 2.9 metre wide pedestrian clearway in the public right-of-way. While there is no continuous pedestrian weather protection on the Dundonald Street frontage proposed, there is a 3x4 metre canopy over the proposed TTC entrance.

The floors of the proposed building have offset floor plates with varying separation distances produced by floors that at times steps back and at others, cantilever. The north side of the tower, along Dundonald Street is set back 1.5 metres from the property line. At the 3<sup>rd</sup> floor the building steps back 3.2 metres but cantilevers back over so that there

is only an approximate 1.7 metre setback for the 4<sup>th</sup> and 5<sup>th</sup> floors. For a portion of the front elevation the setback is lost as the building projects forward, lining up with the podium. At the 11<sup>th</sup> floor the building steps back 1.5 metres and another 1.5 metres at the 15<sup>th</sup> floor. The final 2 storeys are then further setback another 3 metres.

The south elevation is built to the rear property line and steps back at the 2<sup>nd</sup> floor 4.3 metres. From the 3<sup>rd</sup> to 10<sup>th</sup> floors there is a 7.5 metre setback and further to 10 metres from the 11<sup>th</sup> to the 18<sup>th</sup> floors.

The ground floor height is 5.1 metres with a portion of the 2<sup>nd</sup> floor being open to the TTC entrance below. The proposal also has varying floor plate sizes which range from 484-641 square metres from the 3<sup>rd</sup> to 16<sup>th</sup> floors and steps back to approximately 345 square metres for the top two floors including the mechanical space on the 18<sup>th</sup> floor.

The original submission was similar to the current proposal, however, the most significant changes were in response to consultation the applicant had with the adjacent property owners at 19 Dundonald and 22 Wellesley Street. The most significant was a shift of the building to the west of the property and stepping away from the adjacent building at 19 Dundonald Street. Along the west side the building has now been brought to the property line with only 8.9 metres of separation from the existing apartment tower due to the side yard setback of 15 Dundonald Street. Along the east side, a six-storey building element meets the property line and fills what was originally proposed as an access lane between the proposed building at 17 Dundonald and the existing building at 19 Dundonald Street, creating essentially a "party wall" condition where no windows exist on either building. Above the 6<sup>th</sup> storey the proposed building is now 3.6 metres from the east property line to the 10<sup>th</sup> storey, 5.5 metres to the 14<sup>th</sup> storey, 7.5 metres to the 16<sup>th</sup> storey and 9.8 metres to the 18<sup>th</sup> storey.

**Table 1 – Summary of Revisions to the Application**

	<b>First Submission April 2012</b>	<b>Second Submission May 2013</b>
<b>Site Area</b>	1,081 sq.m	1,081 sq.m
<b>Total Gross Floor Area (GFA) (above grade)</b>	9,004 sq.m	8,855 sq.m
<b>GFA Commercial</b>	0	0
<b>GFA TTC</b>	143 sq.m	148 sq.m
<b>Floor Space Index</b>	8.3	8.2
<b>Number of Units</b>	120	115
<b>Vehicle Parking</b>	37	49
<b>Bicycle Parking</b>	120	115
<b>Loading Spaces – Type G</b>	1	1
<b>Amenity Space</b>		
<b>Indoor</b>	130 sq.m	103 sq.m
<b>Outdoor</b>	102 sq.m	96 sq.m
<b>Building Height (including mechanical)</b>	56.8m	56.8m



The applicant is also exploring opportunities with the condominium owners at 19 Dundonald Street to consolidate waste handling jointly within the rear at-grade service area of the proposed residential building of 17 Dundonald Street. Currently 19 Dundonald Street has curb-side City waste pick-up.

## Site and Surrounding Area

The property at 17 Dundonald Street is located in the area northeast of Yonge Street and Wellesley Street East. The subject property is rectangular in shape and approximately 1,080 m<sup>2</sup> in size with a frontage of 27 metres on Dundonald Street and a depth of 40 metres. Constructed in 1956 to the designs of the Toronto architectural firm of Weir, Cripps and Associates, the 2 1/2 storey office building is an early and representative example of a small-scaled and well-designed office building that displays Modern styling from the period after World War II when the Modern Movement in architecture was gaining popularity in Toronto. Contextually, the Commercial Travellers' Association of Canada Building was carefully designed to respect the scale and integrity of Dundonald Street at the time, a street that still retains much of its early 20<sup>th</sup> century appearance as a residential subdivision.

The building follows a near-square plan under a flat roof with cladding in concrete, turquoise-hued glazed brick, travertine, aluminum and glass. On the principle north elevation four bays are defined by concrete piers dividing tiers of strip windows with travertine spandrels and panels. The east and west side elevations are divided into five bays with the outer bays filled with glazed brick and the centre bays repeating the fenestration on the north façade. The building sits on Dundonald Street with a small landscaped forecourt separating it from the street.

The access to the existing office building is from a driveway on its east side leading to a slightly raised surface parking and storage area in the rear. There is an existing easement/right-of-way along and over this driveway which also provides access to the neighbouring residential condominium to the east 19 Dundonald Street. Running along the east side of the site is an existing mid-block pedestrian connection from Dundonald Street to Wellesley Street East.

Within the immediate context, the following uses surround the site:

North: On the north side of Dundonald Street and the south side of Gloucester Street is a low-rise (2-3 storey) neighbourhood of detached, semi-detached and townhouse residential buildings on lands designated as *Neighbourhoods* in the Official Plan. Across Dundonald Street, just to the west of the site is James Canning Gardens, the first in a series of linear public parks.

East: A row of 2-3 storey townhouses fronting onto Dundonald Street with a 7-8 storey residential condominium in behind. Further east on Dundonald Street are (2-3 storey) detached residential dwellings as well as an 18-storey apartment building.

South: Directly south of the subject site and fronting onto Wellesley Street East is a 23-storey residential condominium building and a 5-storey office building which is subject to a zoning amendment application for a 44-storey condominium which is currently before the Ontario Municipal Board (File No: 05 212275 STE 27 OZ). Further east there is approval for a 28-storey condominium building which has not yet been constructed (File No: 04 164940 STE 27 OZ).

West: A 23-storey apartment building which shares the site to the south west of the subject site with the Wellesley TTC subway station building. There is also a pedestrian mid-block connection between Dundonald Street and Wellesley Street East, on the west side of the site. These lands are owned by the TTC. Further west are the low to mid-rise mixed use buildings along Yonge Street.

### **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 to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

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

### **Official Plan**

The subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan. Chapter Two – Shaping the City identifies that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to particular areas of historic or distinct character will be implemented to ensure new development fits into the context of existing built form, streets, setbacks, heights and relationship to landmark buildings.

Chapter Three – Building a Successful City identifies that most of the City's future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2 Built Form provides policies that are aimed at ensuring that new development fits within and supports its surrounding context. Policies 3.1.2.1 to 3.1.2.5 seek to ensure that development is located, organized

and massed to fit harmoniously with existing and/or planned context; frames and appropriately defines streets, parks and open spaces at good proportion; and limits impacts of servicing and vehicular access on the property and neighbouring properties. Meeting these objectives requires creating consistent setbacks from the street, 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, and limiting shadow and wind impacts on streets, open spaces and parks. Policy 3.1.2.6 provides direction regarding amenity space for new multi-unit residential developments for both indoor and outdoor spaces for residents.

Section 3.1.3 contains specific policies on tall buildings and built form principles to be applied to the location and design of tall buildings. The background text in Section 3.1.3, which provides context for the policies, is clear in stating that tall buildings do not belong everywhere. Tall buildings are generally limited to areas in which they are permitted by a Secondary Plan, an area specific policy, a comprehensive zoning by-law, or site specific zoning. Tall buildings will only be permitted in other areas on the basis of appropriate planning justification consistent with the policies of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have a base at an appropriate scale for the street and that integrates with adjacent buildings, a middle with a floor plate size and shape with appropriate dimensions for the site, and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban design considerations, including:

- meeting the built form principles of the Official Plan;
- demonstrating how the proposed 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;
- providing high quality, comfortable and usable publicly accessible open space areas; and
- meeting other objectives of the Official Plan.

Policy 3.1.5.1 of the Official Plan states that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved". Policy 3.1.5.7 states that "The reuse of buildings with architectural or historic importance will be considered when selecting buildings to accommodate public functions".

This site is designated as *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan. The property is surrounded by properties designated *Parks* and *Neighbourhoods* to the north, *Apartment Neighbourhoods* to the east, *Mixed Use Areas* to the west and to the

south. *Mixed Use Areas* are made up of a broad array of residential uses, offices, retail and services as well as institutional, entertainment, recreational and cultural activities in addition to parks and open spaces. *Mixed Use Areas* are intended to be areas for new retail, office, and service employment and new housing.

The Official Plan identifies *Mixed Use Areas* as locations for residential intensification and states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown (2.2.1.4). Growth will be directed to the Downtown in order to concentrate jobs and people in areas well served by surface transit and rapid transit stations (2.2.2). The Official Plan provides development criteria in *Mixed Use Areas* which include: providing a transition between areas of different development intensity and scale; locating and massing new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*; and providing an attractive, comfortable and safe pedestrian environment. The Official Plan notes that not all *Mixed Use Areas* are intended to experience the same scale or intensity of development, noting that the *Financial District* and the *Centres* may support a higher level of intensification than other areas.

## **Zoning**

On May 9, 2013 Toronto City Council enacted City-wide Zoning By-law 569-2013. This site, as it was subject to a rezoning application under the former general zoning by-law was not included in By-law 569-2013.

The City's Zoning By-law 438-86, as amended, designates the site as R3 Z2.5 which permits a range of residential uses at a density of 2.5 times the area of the lot. The height permission for the site is 30 metres (approximately 10 storeys). Structures in this zone shall have a minimum side yard and flanking setback of 7.5 metres. Attachment 3 provides an excerpt of the zoning map for the site and immediate area.

In addition, the site is also subject to certain zoning exceptions in By-law 438-86 including a permissive exception that allows buildings in the Central Area Toronto to be used for commercial purposes as long as those uses were permitted in and used in 1975 to 1976 subject to provisions in Section 12(1) (232). It is this exception which allows for the legal use of the existing office building as it would not be a permitted use in an R3 zone.

## **Site Plan Control**

The application is subject to Site Plan Control. An application for site plan control has not been submitted to date.

## **Tall Building 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 that 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). 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>

### **North Downtown Yonge Street Planning Framework**

City Planning is concurrently reporting on an Official Plan Amendment for a North Downtown Yonge Area Specific Policy which includes the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The subject site is located within these boundaries. The original direction of the NDYPF was to provide urban design guidelines to direct development within the study area. As the study process evolved, it was determined that an Official Plan amendment with area specific policies should also be drafted to provide a policy framework with urban design guidelines as the implementation tool. At their meeting of July 17, 18 and 19, 2013 Council approved the Draft North Downtown Yonge Urban Design Guidelines. The accompanying staff report provided an overview of the study process including the decision history for the North Downtown Yonge Street Planning Framework and the resulting urban design guidelines and official plan amendment. The following is the link to the decision and the report:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE25.27>

The subject site is included in the Gloucester/Dundonald Character Area. The Gloucester/Dundonald Character Area is a stable area with low-rise residential being the predominant building type. Significant growth and intensification are not intended within this Area, however sensitive low scale infill development that respects and reinforces the general physical character, pattern, scale, massing set-backs and heritage value of this Character Area is recommended for this area.

### **Reasons for Application**

A rezoning application is required to permit the scale and density proposed by the applicant. The proposal would also require relief from other zoning standards including front, side and rear yard setbacks, landscaped open space, amenity space, auto and bicycle parking and requirements. The as-of-right zoning permits a 30 metre building, however, more recently, City Council adopted an Intention to Designate on June 8, 2010 and the Designation By-law was enacted by Council April 10, 11, 2012.

## **Community Consultation**

A Community Consultation meeting was held at St. Basil's Church on October 23, 2013. Approximately 30 members of the public were in attendance at this meeting. Concerns expressed at that meeting and in written comments submitted to City Planning since the application has been submitted include:

- Height and massing of the proposed building;
- The separation distances proposed to the surrounding residential buildings;
- Shadowing impacts on the nearby James Canning Park;
- On-site tree preservation;
- Concerns about the existing heritage building on site; and
- Accessibility and function of the secondary TTC entrance/exit proposed to be incorporated in the tower.

## **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 (PPS) promotes the appropriate intensification and efficient use of land, recognizing that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

The Provincial Policy Statement states, in Section 4.5, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. Furthermore, Section 4.5 directs municipalities to provide clear direction for the development of the municipality as well as areas suitable for growth.

The PPS also speaks to conservation of heritage resources. Section 2.6.1 of the Provincial Policy Statement states that, "Significant built heritage resources *and* significant cultural heritage landscapes *shall be* conserved." Although the proposal does generally comply with the policies contained within the PPS, the heritage intervention being proposed is not consistent with Section 2.6.1 of the PPS.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

## **Land Use**

The Provincial Policy Statement indicates that the Official Plan is to direct development to suitable areas. Intensification and redevelopment is to be provided in areas that take into account the existing building stock or area, and availability of infrastructure and public service facilities that meet projected needs.

The subject site is designated *Mixed Use Areas* in the Official Plan. The Official Plan identifies that these areas are intended to achieve a multitude of planning objectives by combining a broad array of residential, office, retail and service uses. Mixed Use Areas are intended to be areas which allow residents to live, work and shop in the same area, even in the same building, giving individuals an opportunity to be less dependent upon their automobiles, while creating districts along transit routes that are animated, attractive, and safe. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development. The highest buildings and greatest intensity will occur in the Downtown, with decreased intensity and scale in the Centres and along Avenues.

The development criteria contained within Section 4.5.2 of the Official Plan seek to ensure that, among other matters, development in *Mixed Use Areas* creates a balance of high quality commercial, residential, institutional uses that reduce automobile dependency while meeting the needs of the local community. The proposal would result in the loss of 1,116 square metres of office space at a subway node. Staff encouraged the applicant to consider replacement of the existing office space. Due to the small proposed building floor plates, a separate office entrance and lobby requirements in addition to the ground floor area of the proposed TTC entrance/exit, the applicant determined that an office component was not feasible. The proposed residential building with ground floor TTC transit access is consistent with the land use provisions of the Official Plan; however, it would need built form modifications to better respond to the policies related to built form and neighbourhood context.

## **Density, Height, Massing**

### ***Density***

The applicant's proposal is for 8,855 square metres of gross floor area. The lot size is approximately 1,080 square metres. The proposed density represents 8.2 times the area of the lot. The current zoning permits up to 2.5 times the lot area for residential uses. The subject site is suitable for some intensification given the location in the downtown area and its proximity to transit. However, given the size of the site and the adjacency issue outlined below, the resulting density will represent an over-development of the property.

### ***Height***

Downtown Tall Buildings: Vision and Supplementary Design Guidelines includes maps that form part of the vision and identify major Downtown streets (High Streets & Secondary High Streets) where tall buildings are considered to be appropriate. These Guidelines assist with the implementation of Official Plan policy and illustrate how tall

buildings, where appropriate, can fit within their context and minimize their local impacts.

Dundonald Street is not identified a High nor a Secondary High Street. Tall buildings are generally defined as buildings exceeding the width of the right-of-way. Dundonald Street is a local street with a right-of-way width of 20 metres. The proposed height of approximately 57 metres (including mechanical penthouse) would be considered a tall building. The proposed height exceeds the current permission of the Zoning By-law of 30 metres.

### ***Massing***

In addition to a height limit of 30 metres, the current zoning permission requires side lot and rear yard setbacks of 7.5 metres and a front lot setback of the average of the two adjacent properties which for this site would be 5.11 metres. The current proposal does not meet any of those setbacks. As outlined in the detailed proposal description above, the proposed building has offset floor plates with varying separation distances produced by floors that at times steps back and at others cantilever.

The lot has a dimension of 27 metres frontage on Dundonald Street and a depth of 40 metres. Downtown Tall Buildings: Vision and Supplementary Design Guidelines Section 3.2.3: Implementation of Tower Separation Distances: Small Sites discusses that some sites are too simply too small to accommodate a tall building. It is not feasible to construct a tower on this site after applying the recommended minimum tower setbacks of 12.5 metres. This will allow for a separation distance between towers of 25 metres. The construction of tall buildings on sites that are too small to accommodate the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working condition for building occupants and the overall liveability of the city.

The proposal should provide appropriate separation distances with respect to the existing built form context. With regard to the Tall Building Guideline's 12.5 m minimum distance requirement from property lines, the proposal achieves some separation distances by taking unfair advantage of the neighbouring tower to the west setback to achieve a separation distance of 8.9 m when the guideline intent is 25 m between towers. To the east the first six storeys are at 0 lot line, increasing gradually in a stepped fashion to 9.9 metres. Clearly this built form massing does not provide what the guidelines call for and demonstrates an overly ambitious building program for a site too small to reasonably accommodate a proper built form massing.

On the south side of the site, rear yard stepbacks of 7.5-10 meters when combined with the 22 Wellesley Street East setback of 11.8 meters allows for a better tower separation with respect to the intent of the Tall Building Guidelines.



## **Sun, Shadow, Wind**

Section 3.1.3 (Built Form) of the Official Plan includes a policy that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The Downtown Vision Guidelines identify certain areas within the downtown as shadow sensitive areas to protect the public realm from undue overshadowing by proposed buildings. The applicant has submitted a Shadow Analysis to illustrate the shadows created by the proposed 18 storeys during March 21<sup>st</sup>, June 21<sup>st</sup> and September 21<sup>st</sup> between the hours of between the hours of 9:18 a.m. and 6:18 p.m. The Planning Rationale report recognizes that there is incremental shadowing on James Canning Gardens in the morning of the spring and fall equinoxes in comparison to the shadows that could be anticipated with the as of right zoning envelope of approximately 10 storeys. A reduction in height for the proposed tower would reduce these impacts on James Canning Park and the low-rise residential *Neighbourhoods* on the north side of Dundonald Street.

A Qualitative Pedestrian Level Wind Assessment was prepared by Gradient Microclimate Engineering Inc. and submitted as part of the rezoning application. The analysis of architectural drawings, local surrounding context data and the local wind climate concluded that wind comfort at grade is expected to be suitable without mitigation.

## **Streetscape**

The proposed sidewalk zone will be approximately 8 metres wide and includes a 2.9 metre pedestrian clearway in the public right-of-way. While no continuous pedestrian weather protection is proposed on the Dundonald Street frontage, there is a 3x4 metre canopy over the proposed TTC entrance.

Dundonald Street would be animated by the proposed residential building entrance and TTC subway entrance/exit, a high ground floor height of 5.1 metres and a landscaped forecourt. The existing pedestrian mid-block connection between Dundonald Street and Wellesley Street East, on the west side of the site is proposed to remain and include an enhanced forecourt area on the 15 Dundonald Street site with tree plantings and paving improvements.

There are four trees that are proposed to be removed to allow for the development. Two are private trees, both on properties adjacent to the subject site of 15 and 19 Dundonald Street. The applicant has been advised that the determination of ownership of any subject tree(s) is the responsibility of the applicant and any civil or common-law issues which may exist between property owners with respect to trees, must be resolved by the applicant.

The other two are City owned street trees. A tree removal permit application was submitted to Urban Forestry on May 25, 2012 for all four trees, however, to date, the application did not include the adjacent owner's authorization as requested.

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

The applicant proposes 3 levels of underground parking with 49 parking spaces, including 3 spaces for residential visitors and one Type G loading space. This increase from the 37 parking spaces originally proposed was based on recommendations from City staff and is acceptable.

Two-way access to the site is proposed via a 6.02 metre wide driveway along the east side of the site. A driveway in this location currently also serves the building at 19 Dundonald Street and is protected by a 2 metre wide easement. The applicant also proposes to construct the building over the driveway/easement area, whilst maintaining a minimum vertical clearance of about 4.83 metres over the driveway. The applicant is also proposing to construct a parking garage beneath the driveway/easement. Although this acceptable in principle, the applicant should be required to provide acceptable documentation which demonstrates that the applicant has the right to build over and under the subject easement. No information has been submitted to-date which demonstrates that the applicant has the right to build over and under the 2.0 metre-wide existing driveway easement.

## **Cycling Infrastructure**

The proposal includes 92 vertical spaces for residents on the Ground and P1 levels. The applicant has been advised that at least 50% of the resident bicycle parking should be provided horizontally. In addition, there are 24 visitor bicycle parking spaces some of which are to be provided on-site and others in a landscape forecourt on the adjacent property of 15 Dundonald Street. No information has been submitted to-date which verifies that the owner of 15 Dundonald Street, the TTC, has agreed to this resolution.

## **Servicing**

City staff have reviewed the Functional Servicing and Stormwater Management Report for the proposed residential development dated April 2013, prepared by Cole Engineering and note that the report indicates that the fire hydrant flow test has not yet been undertaken. Without fire hydrant flow test results and water distribution analysis, City staff are unable to verify that water pressures and flows are adequate to service this development for domestic and fire-fighting purpose.

## **Heritage**

A Heritage Impact Assessment (HIA) dated April 16, 2012 prepared by ERA Architects Inc. was submitted to the City as part of the development application for the subject property. In response to staff comments the HIA was subsequently revised and reissued May 3, 2013.

The HIA explores three options for the heritage resource: retention *in situ* of the principle elevation with one bay of the east and west elevations; relocation of the front elevation with one bay of the east and west elevations; and dismantle and rebuild in a relocated position. The HIA recommends the dismantle and rebuild option as the preferred strategy as it will be similar "in effect" to the other options, it reduces the cost of conservation

work allowing resources to be used to support other community benefits accruing from the development; and it provides the flexibility to allow a better functional fit between the heritage elements and the internal structure of the proposed new use. It should be noted that none of these conclusions relate to the heritage integrity of the proposed conservation strategy.

The report concludes that dismantling and rebuilding the wall system of the heritage resource is a rehabilitation strategy that is suitable for this site and is consistent with the definition of rehabilitation found in Parks Canada's *Standards and Guidelines* for the Conservation of Historic Places in Canada.

Staff has reviewed the HIA in the context of Council approved heritage policy and cannot accept or support this proposal as a conservation (rehabilitation) strategy for this heritage property. Rehabilitation is only a conservation action if the heritage value of the resource is protected. The heritage value of an historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings. The Statement of Cultural Heritage Value for 17 Dundonald Street clearly identifies the heritage value of this resource as embodied in its physical design and materials as characteristic of early Modern architecture.

This proposal shows no clear commitment to retain any of the original material of the building (the HIA indicates travertine panel and masonry wall components may be salvaged and reused). The HIA is vague, both in discussing the ability to repair original character-defining elements, and the degree to which character-defining elements that have deteriorated will be replaced in kind. Further, the HIA suggests that TTC requirements may necessitate further revision to the proposed "rehabilitation" strategy in order to meet TTC standards for accessibility and access, maintenance requirements, anti-vandalism and building durability and to ensure the heritage elements are structurally suitable for the new purpose within the development site. The extent of these revisions was unknown by the heritage consultant at the time the HIA was submitted pending consultation with the TTC to clarify their design standards.

In accordance with the *Standards and Guidelines* the proposed strategy is not one of minimal intervention. In order to minimize the impact of the proposal staff encouraged the applicant to consider retaining the primary elevation *in situ*, taking advantage of the existing setback of the heritage resource to create a generous public open space adjacent to the new subway entrance. The applicant was not prepared to consider this alternative because of the impact it would have on below grade parking and the location and size of the tower footprint.

While no formal application has yet been received by Heritage Preservation Services for the demolition of the designated property at 17 Dundonald Street, as a result of this City Planning report being prepared for the September 10, 2013 meeting of Toronto East York Community Council, Heritage staff have prepared a report for the September 4, 2013 Toronto Preservation Board regarding the demolition.

## **Amenity**

Section 3.1.2.6 of the Official Plan states that every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents of the new development and that each resident will have access to outdoor amenity spaces. In addition, the former City of Toronto Zoning By-law requires that a minimum of 2 square metres per unit of indoor and outdoor amenity space be provided.

The applicant proposes to provide 104 square metres of indoor amenity space and 96 square metres of outdoor amenity space as part of this proposal rather than the 230 square metres of each required by the Zoning By-law. The applicant's proposal to provide less than 1 square metre of indoor and outdoor amenity space per unit is not acceptable.

## **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 Official Plan shows local parkland provisions across the City. The lands which are subject to 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 the City Wide Parkland Dedication By-law 1020-2010. The application proposed 120 residential units and 1,081 square metres of non-residential uses on a site with a net area of 931 square metres. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.16 hectares or 148% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% is applied to the residential use. In total, the parkland dedication requirement is 108 square metres.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as an on-site dedication requirement of 108 square metres would not be usable. The actual amount of cash-in-lieu will be determined at the time of issuance of the building permit

## **Transit Infrastructure**

Currently the site is well served by public transit with a pedestrian access path to the Wellesley TTC subway and bus station on the Yonge/University subway line.

The TTC is in the process of upgrading many of their subway stations with secondary access points and had been looking at a standalone access building on the front landscaped area of 15 Dundonald Street. The TTC currently owns the land and has a long-term lease with the apartment building owner at 15 Dundonald Street. The initial design of the secondary access building from Dundonald Street was utilitarian and contributed minimally to the streetscape character of the street. The project was budgeted and construction was scheduled to start in 2012. Through consultation with the Ward Councillor the opportunity to integrate the secondary entrance/exit into the ground floor of the proposed residential building was then identified.

As noted earlier, this proposal includes a TTC secondary subway entrance/exit that will be an unattended access point allowing for both entrance and exit at grade in the new

building and leading to a concourse level tunnel link to the subway below grade (P1). This access point will not have an elevator, however, the existing main station entrance/exit on Wellesley Street East is scheduled to have an elevator installed in 2020. The proposed residential development will also benefit from having a direct indoor connection from the lobby to the TTC entrance/exit. TTC Staff have indicated that they are generally satisfied with the concept of an integrated connection and have signed an Undertaking Agreement for the design, construction and financial securities related to the project.

## **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.

## **Section 37**

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are established in consultation with the Ward Councillor if the project is considered to be good planning and recommended for approval.

Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g., local shortage of parkland, provision of new parks facilities).

In the area of the subject site, such benefits could include contributions (as deemed appropriate by City Council) for local streetscape improvements in the vicinity of the subject site, local park space improvements and capital improvements for affordable housing in Ward 27. However, since this application is not considered good planning and has been recommended for refusal, no discussions about the quantum of the community benefits have taken place with the applicant.

## **CONCLUSION**

Since the preliminary application meetings City staff expressed concerns with the height, density and setbacks of the proposed building, as well as the treatment of the heritage building on the property. While the current zoning permits a 30 metre building, the mitigating factors such as the presence of the designated heritage building on this small site makes redevelopment of the site a challenge to support as is. The proposed 18-storey

(57 metre) tower does not meet the intent of Official Plan *Built Form, Heritage and Mixed-Use Areas* and the various implementing urban design guidelines.

## **CONTACT**

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## **SIGNATURE**

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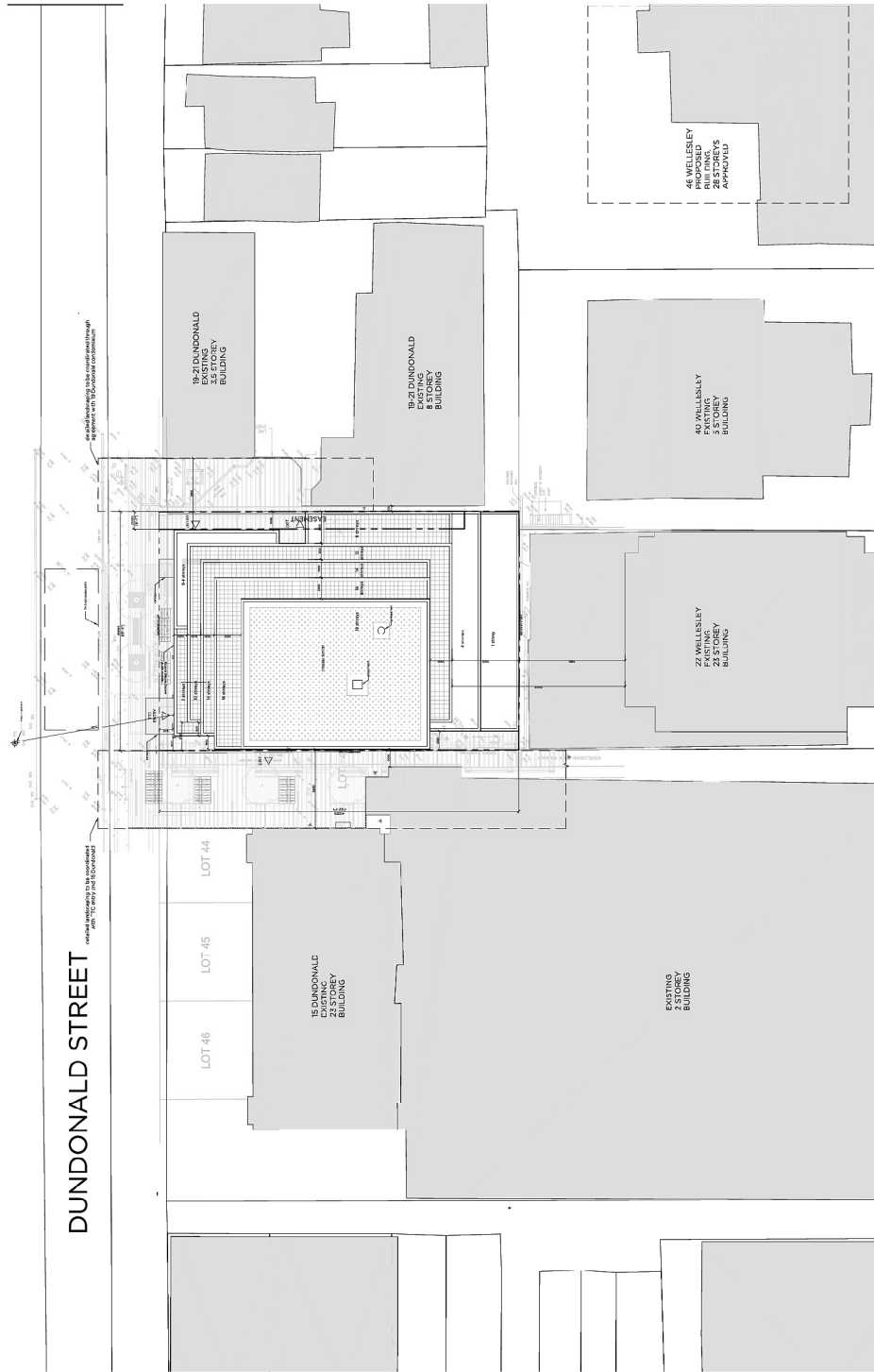
Gregg Lintern, MCIP, RPP  
Director, Community Planning  
Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2a: North Elevation  
Attachment 2b: South Elevation  
Attachment 2c: East Elevation  
Attachment 2d: West Elevation  
Attachment 3: Zoning  
Attachment 4: Application Data Sheet

# Attachment 1: Site Plan



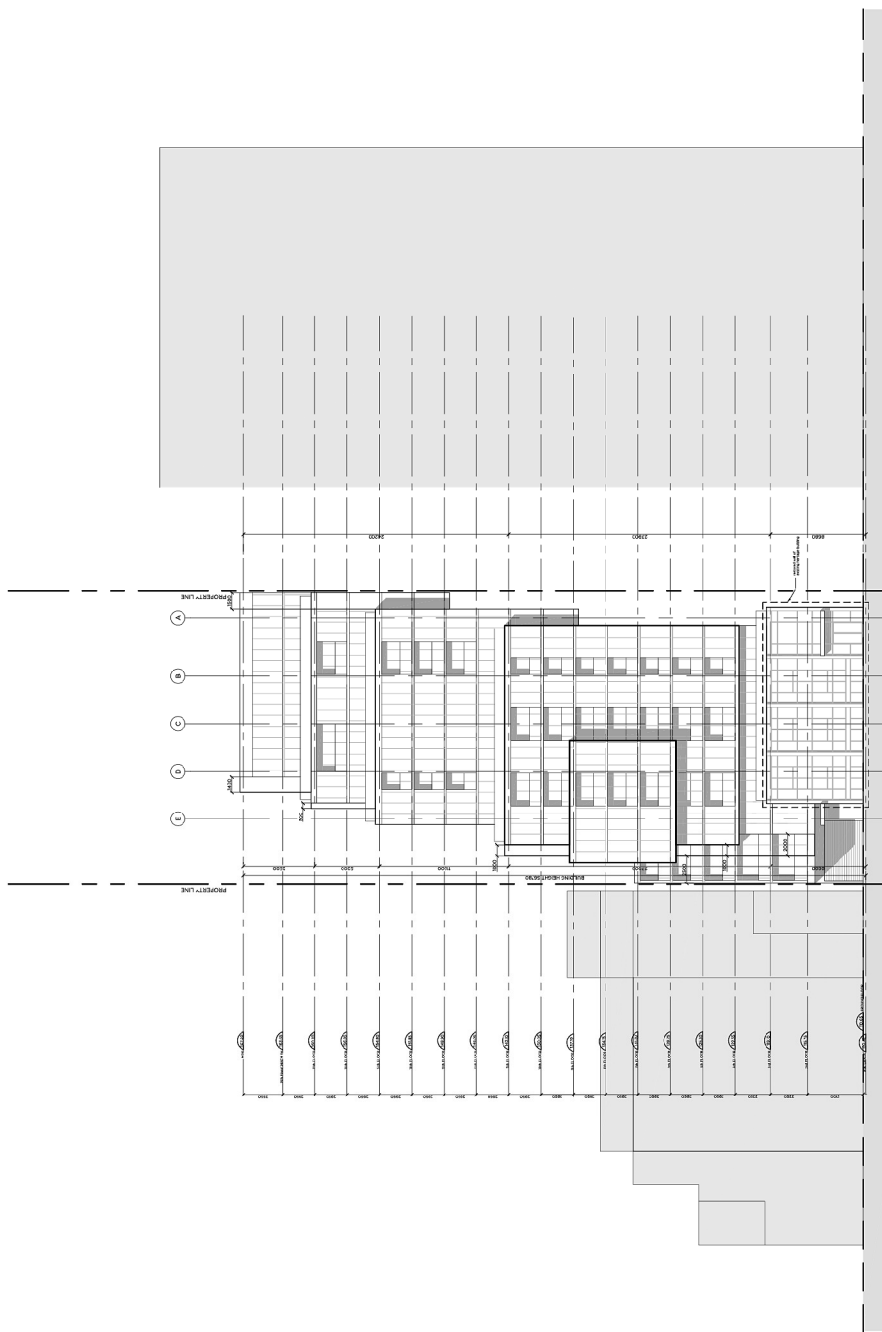
17 Dundonald Street

**Site Plan**  
 Applicant's Submitted Drawing

Not to Scale  
 08/12/2013

File # 12 154762 0Z

**Attachment 2a: North Elevation**



North Elevation

17 Dundonald Street

**Elevations**

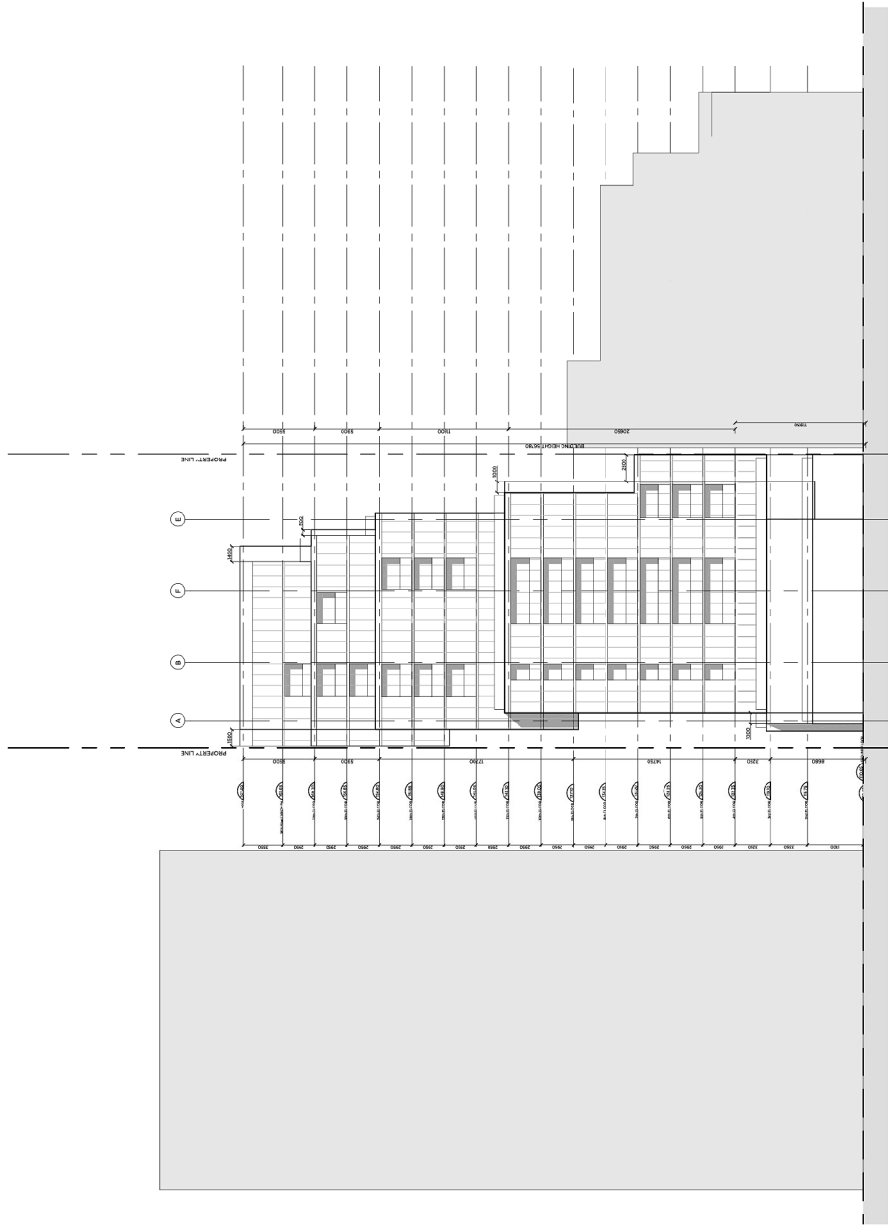
Applicant's Submitted Drawing

Not to Scale  
08/12/2013

File # 12 154762 0Z



Attachment 2b: South Elevation



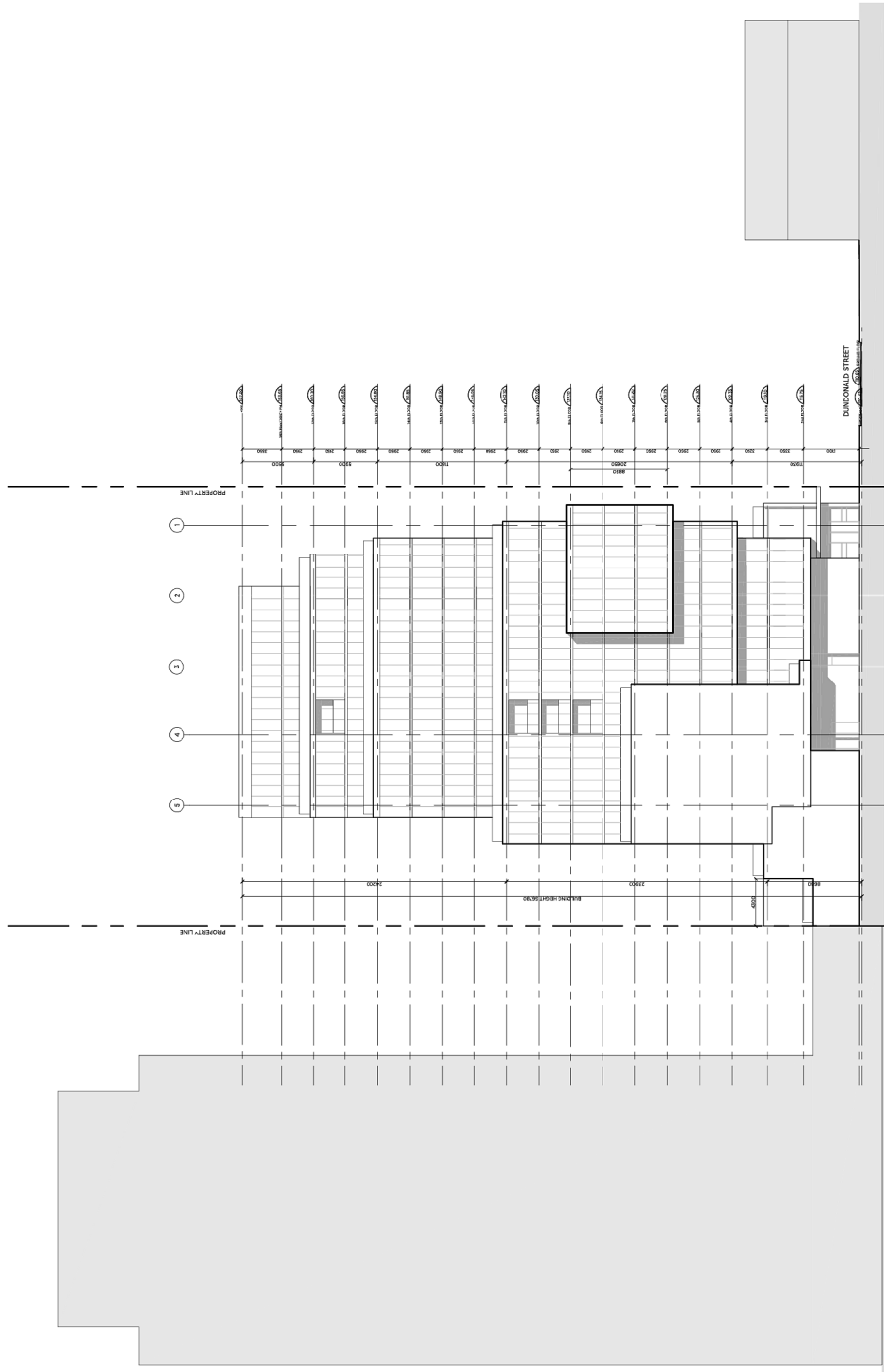
South Elevation

17 Dundonald Street

Elevations  
Applicant's Submitted Drawing  
Not to Scale  
08/12/2013

File # 12 154762 0Z

**Attachment 2c: East Elevation**



East Elevation

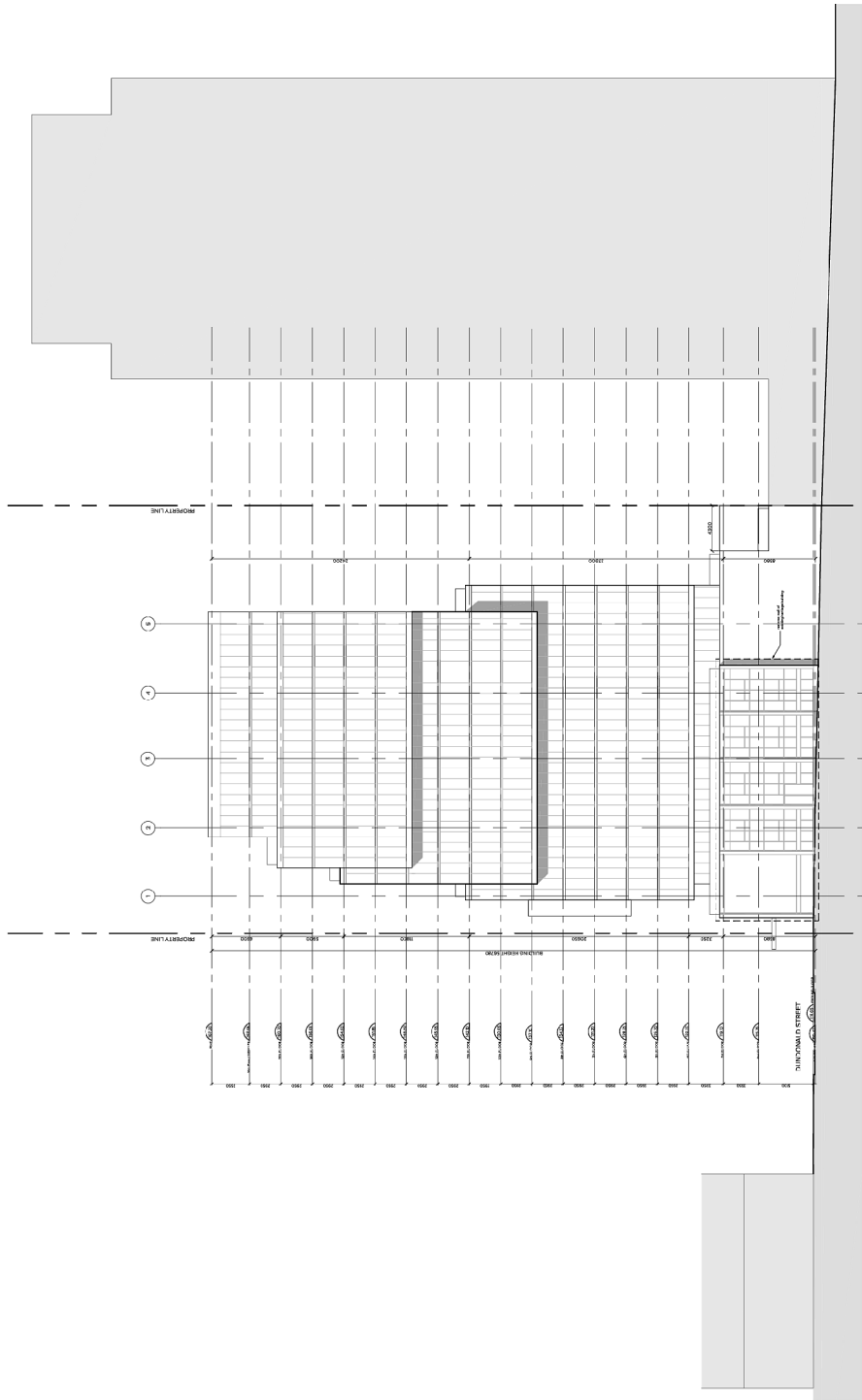
**17 Dundonald Street**

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
08/12/2013

File # 12 154762 0Z

**Attachment 2d: West Elevation**



West Elevation

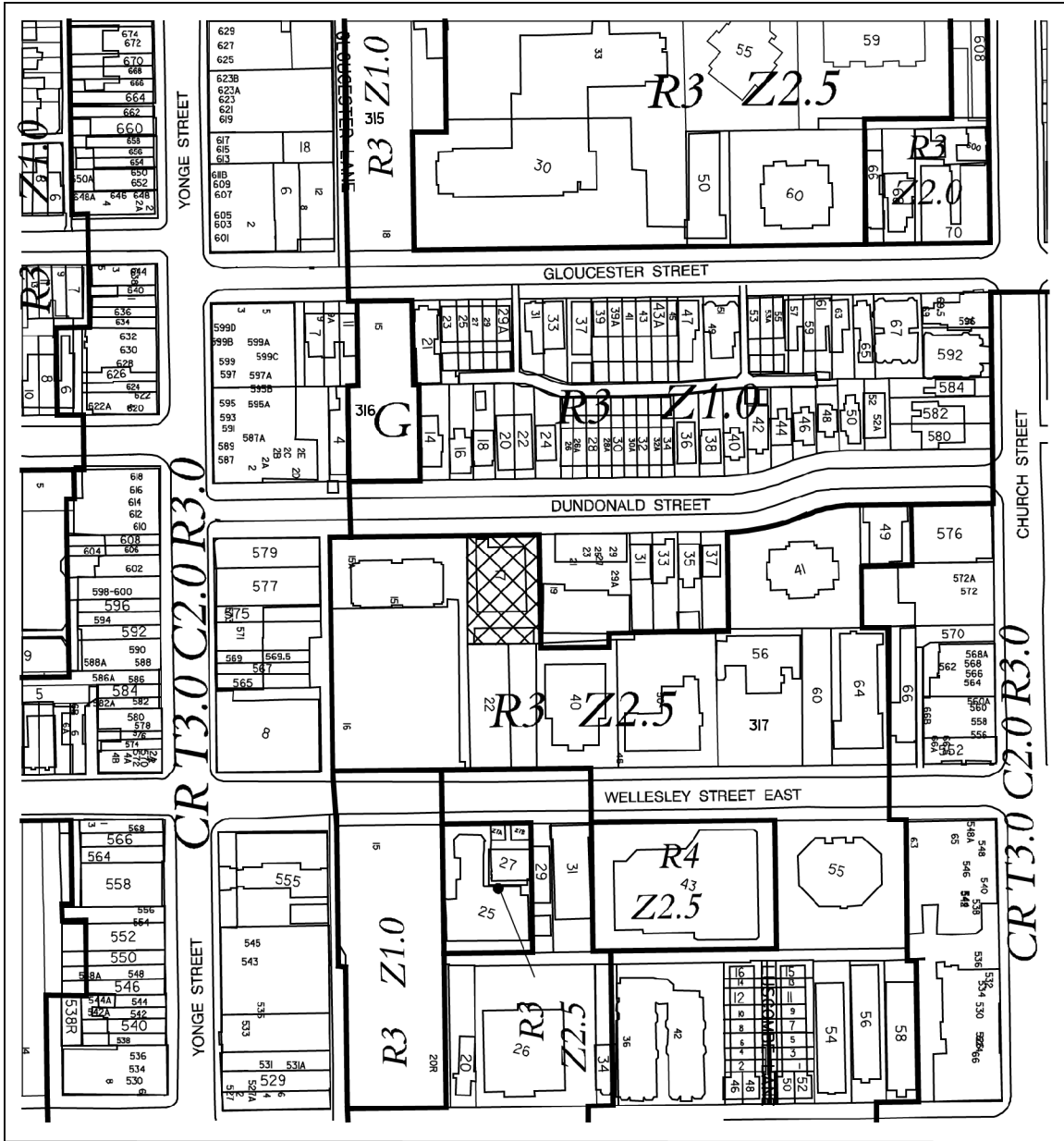
17 Dundonald Street

**Elevations**  
Applicant's Submitted Drawing

Not to Scale  
08/12/2013

File # 12 154762 0Z

### Attachment 3: Zoning



17 Dundonald Street

File # 12\_154762\_02

- G Parks District
- R3 Residential District
- R4 Residential District
- CR Mixed-Use District



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 05/08/2012

## Attachment 4: Application Data Sheet

Application Type	Rezoning	Application Number:	12 154762 STE 27 OZ
Details	Rezoning, Standard	Application Date:	April 16, 2012
Municipal Address:	17 DUNDONALD ST		
Location Description:	PLAN 250E LOTS 41 & 42 PT LOT 43 **GRID S2708		
Project Description:	Rezoning application to permit an 18-storey residential building with 115 dwelling units and 3 levels of below grade parking with 49 parking spaces. The proposal includes the partial rebuild of the facades of the existing designated heritage office building on site as well as a new secondary entrance/exit to the Wellesley TTC subway station.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
Hunter & Associates Ltd. 555 Richmond Street West Suite 405, P.O Box 702 Toronto, Ontario, M5V 3B1		RAW Architects 317 Adelaide St W #405 Toronto, ON M5V 1P9	Worsley Dundonald Ltd 17 Dundonald Street Toronto, ON M4Y 1K3

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	No
Zoning:	R3 Z2.5	Historical Status:	Designated
Height Limit (m):	30.0	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq. m):	1,081	Height:	Storeys:	18
Frontage (m):	27		Metres:	56.8
Depth (m):	40			
Total Ground Floor Area (sq. m):	691			<b>Total</b>
Total Residential GFA (sq. m):	8,707		Parking Spaces:	49
Total Non-Residential GFA (sq. m):	148		Loading Docks	1
Total GFA (sq. m):	8,855			
Lot Coverage Ratio (%):	64			
Floor Space Index:	8.2			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	11 (10%)
1 Bedroom:	59 (51%)
2 Bedroom:	33 (29%)
3 + Bedroom:	12 (10%)
Total Units:	115

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	8,707	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	148	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Angela Stea, Planner
	<b>TELEPHONE:</b>	416-392-7215
	<b>EMAIL:</b>	astea@toronto.ca