

Witness Statement of Pino Di Mascio, MCIP, RPP

Zoning By-law Amendment and Site Plan Approval Applications

2376-2388 Dundas Street West

City of Toronto

Prepared for Dun West Properties Ltd.

OMB Case No. PL121287

Dun West Properties Ltd. has appealed to the Ontario Municipal Board under subsection 34(11) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 438-86, as amended, of the former City of Toronto to rezone lands respecting 2376 Dundas Street West to permit the development of an 8-storey mid-rise mixed-use building and a 23-storey tower.

Part 1- Introduction

Purpose

1. The purpose of this witness statement is to provide an overview of the testimony that I will provide in support of an application to amend Zoning By-law 438-86, and a Site Plan Approval application, to permit development of the lands known as 2376 and 2388 Dundas West in the City of Toronto (the “subject property”).

Witness Qualifications

2. I am a practicing urban planner and Partner at Urban Strategies Inc. I am a Registered Professional Planner and a Member of the Canadian Institute of Planners. I have over 18 years of professional experience on a wide variety of planning matters. I hold a Master’s in Environmental Studies (Planning) degree from York University. My curriculum vitae is attached to this witness statement.
3. As a partner at Urban Strategies, I have many years of relevant experience. I have significant experience in the City of Toronto with development applications involving Official Plan Amendments, Rezoning and Site Plan Approval. In the immediate area I was involved in the rezoning of lands to permit a mixed-use mid-rise and high-rise development at Keele Street, just north of Dundas (former Canadian Tire store), and a rezoning to permit the redevelopment of a church on High Park Avenue as an apartment building. I am currently working on two other mixed-use development applications in the area (Sterling/Bloor and Dupont/Campbell). Throughout the City, I have assisted public and private sector clients on a variety of development applications.
4. I also have significant experience in master planning and a variety of planning policy matters. This experience is outlined in my curriculum vitae.
5. I have been involved as an expert witness at many OMB hearings, and regularly appear before the Board to provide planning evidence. I have been qualified before the OMB to give expert testimony in planning. I have executed and attached the Board’s Acknowledgement of Expert’s Duty. This is attached to the witness statement.

Retainer and Work Undertaken

6. I have been retained by Dun West Properties since March 2011. I was retained to provide planning advice, assist their architect in finalizing a development project and submit and manage the development application. My first task was to provide an opinion on the redevelopment potential of the subject property. As part of the analysis, the following tasks were undertaken:
 - site visits;
 - review of applicable planning regulations;
 - reviewing the recent development and proposals in the area; and,

- meeting with the City of Toronto Planning Staff.
7. Based on my review, it was my opinion at the time, and remains my opinion, that the subject property is an underutilized site that would be better integrated into the surrounding community and make most efficient use of existing infrastructure if it were redeveloped with mixed-use and residential uses in the form of a street-related mid-rise building on Dundas Street and a tall building component to the rear of the site.
 8. Following my initial review, I continued to work with Dun West Properties Ltd. and its architect to develop a site plan concept for the subject property based on site planning and development principles that build upon the guiding principles for the area, as articulated through the Bloor Street Visioning Initiative and the Bloor-Dundas Avenue Study.
 9. I was involved in meetings with City staff and the local Councillor to discuss the development concept and made a pre-application presentation to the local community in October 2011 at a meeting organized with the Councillor. Following that meeting, modifications were made to the scheme and an application was submitted in November 2011.
 10. I prepared a Planning Rationale report in support of the application, which included a detailed review of the policy and planning framework, including the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Metrolinx' Big Move, the City of Toronto's Official Plan, the Bloor-Dundas Avenue Study, the City of Toronto's Design Criteria for the Review of Tall Building Proposals and the City's Avenues and Mid-rise Buildings Study. I worked closely with Dun West Properties Ltd. and a team of consultants to prepare the rezoning application.
 11. I continued to work closely with City staff when the application was processed to work through and address issues. I prepared an update to the original Planning Rationale report in June 2012 to support revisions to the application, which were made at that time.
 12. In preparation for this Hearing, I have undertaken the following:
 - visited the site and surrounding area on numerous occasions;
 - reviewed relevant planning legislation, policies and regulations that apply to the subject property and its surroundings;
 - reviewed relevant background information and planning reports; and
 - reviewed the Witness Statements prepared by the other expert witnesses in support of the appeal.
 13. A list of documents I have referred and relied upon is attached to this Witness Statement.

Part 2- The Site and Context

The Subject Property

14. The subject property, municipally known as 2376-2388 Dundas Street West, is located on the east side of Dundas Street West, north of Bloor Street West. It is located west of the rail corridor, immediately adjacent to the existing GO train station and the future Union-Pearson Express (also known as AirLink) station (to open in 2015). It is rectangular in shape with a total area of 5,860 square metres, and has 55 metres of frontage along Dundas Street West and a lot depth of approximately 123 metres.
15. The subject property is bound by the rail corridor to the east, two-29 storey slab residential buildings to the south (The Crossways), a retail plaza and associated surface parking to the north, and Dundas Street West to the west
16. The western half of the subject property was most recently used for the purposes of a used-car dealership, with its associated sales trailers and surface parking/car storage areas. The car dealership ceased operation in 2011, and that portion of the site is currently vacant. The eastern portion of the site has been vacant for several years. The site is currently being leased to Metrolinx, which is using it for construction staging related to the Union Pearson Express station and improvements to the rail corridor.

The Surrounding Uses

17. **North:**

Northeast side of Dundas Street West:

2400-2440 Dundas Street West (east side of Dundas Street West) – a large format retail plaza is located immediately north of the subject property, on the east side of Dundas Street West. A Shopper's Drug Mart is located on the site's northern end, and the Fresh Co. grocery store is located on the site's southern end. The low-rise retail buildings are surrounded by surface parking.

To the north of the retail plaza are mid-rise warehouse buildings located at 2460- 2480 Dundas Street West, and then just north of that the rail lines runs immediately adjacent to and parallel with Dundas Street West.

18. **South:**

Southeast side of Dundas Street West:

2340 Dundas Street West – A mixed use development known as the Crossways is located immediately south of the subject property at the northeast corner of Dundas Street West and Bloor Street. The Crossways development consists of two 29-storey apartment residential towers above a retail-office commercial podium, known as the Crossways Mall. The Crossways site land are owned by the City of Toronto but subject to a long-

term lease owned by a numbered company. The lease expires November 30, 2034 at which time the site will revert back to the City of Toronto.

1515 Bloor Street West - Bishop Marrocco/Thomas Merton Catholic Secondary School is located at the southeast corner of Dundas and Bloor West Streets. This site contains the school building and a large open space and playground area.

2880-2990 Dundas Street West - A retail plaza is located further south of Bloor Street, along the east side of Dundas Street West. The plaza is anchored by a Loblaws supermarket, an LCBO store and a former-Zellers department store. The retail plaza has a significant amount of surface parking.

19. **West:**

Northwest side of Dundas Street West (north of Bloor Street West)

Along Dundas Street West, between Edna Avenue and Chelsea Avenue, directly across from the subject property, are predominately low-rise mixed-use and residential 2-3 storey buildings, and a three and a half storey apartment building, containing a variety of small scale retail uses. Further north is a Budget Car rental office.

The TTC Dundas West Subway Station is located on the west side of Dundas Street West at the corner of Edna Avenue, across the street from the subject property. The TTC Station contains a bus and streetcar loop with a waiting area for the multiple surface transit lines that connect at this Station.

1540 Bloor Street - The northwest corner of Bloor Street and Dundas Street West contains a two-storey building. This site was subject to a previous rezoning application that did not receive approval from the City of Toronto or the OMB.

Southwest side of Dundas Street West (South of Bloor Street West):

2323-2233 Dundas Street - Bloor Dundas Square, a mixed-use (retail/office/residential) 12-storey building is located on the southwest corner of Dundas and Bloor West Streets.

20. **East:**

Rail Corridor - Directly abutting the subject property to the east is the Metrolinx rail corridor. The rail corridor is owned and operated by Metrolinx, and carries commuter GO trains, and will also carry the Union-Pearson Express rail line, which will connect Pearson Airport to Union Station. The Bloor GO Station will also be the location of the future Union Pearson Express Station.

The West Toronto Rail Path is located east of the existing railway on abandoned portions of the corridor.

The area east of the rail corridor contains a mix of residential and employment uses.

The Surrounding Context Area

21. The subject property is located in the Bloor Street-Dundas Street West area. This area is characterized by a mix of uses, including main street activities along Bloor Street West (west of Dundas Street West) towards Indian Road and Keele Street, and a mix of former industrial uses, auto-oriented retail uses and high-rise mixed-use development and institutional uses (east of Dundas Street West). The built form and neighbourhood character of the surrounding area varies considerably along both Bloor Street West and Dundas Street.
22. **Character along Dundas Street West:** The west side of Dundas Street West, north of Bloor Street, consists of predominately low and mid-rise mixed-use and residential buildings, intersected by a subway station and major streetcar/bus terminal. The east side of the street (where the subject property is located) contains a series of parcels that directly abut the rail corridor. The parcels form a triangle as the rail corridor runs northwest. Whereas the subject property is very deep, properties to the north become progressively shallower until there are no parcels at all and the rail corridor runs adjacent to Dundas Street West.
23. **Character along Bloor Street West:** The character along Bloor Street West changes west of Dundas Street West. This portion has an active streetwall with pedestrian activity, and consists of predominately low-rise and mixed-use and residential buildings, characteristic of a traditional 'main street' built form. East of Dundas Street West, Bloor Street has a different character, consisting of poor grade-related uses on both sides of Bloor Street due to the design of the Crossways and Bishop Marrocco Catholic School.
24. **Transit and Access** - The subject property is currently serviced by a variety of local and regional transit options, and planned transit investments, including:
 - **TTC Dundas Street West Subway Station** – the existing entrance to the Dundas West TTC station on the Bloor-Danforth Subway is located across from the subject property.
 - **Surface Transit:** There are a number of surface transit lines that operate out of the Dundas West TTC Station, including:
 - **40 Junction** – surface bus route that services the area of Dundas Street West and Runnymede Road, generally in an east-west direction.
 - **168 Symington** - surface bus route between Dundas West Station on the services the area of Rogers Road and Weston Road, generally in a north-south direction.
 - **193 Exhibition Rocket** – special event surface bus route with serve to the Dufferin Gates (West Entrance) of Exhibition Place), generally in a north-south direction. The exhibition rocket does not serve local bus stops along the route.

- **306 Carlton Blue Night Streetcar** – operates between Main Street Station and Dundas West Station, generally in an east-west direction.
 - **504 King Streetcar** – operates between Dundas West Station and Broadview Station, generally in an east-west direction along King Street, with connections to St. Andrew and King Stations on the Yonge-University Spadina Subway.
 - **505 Dundas Streetcar** – operates between Dundas West Station and Broadview Station, generally in an east-west direction along Dundas Street West, with connections to St. Patrick and Dundas Stations.
- **Bloor GO Transit Station** is located on the east side of the rail corridor, east of the subject property at 1456 Bloor Street West. Access to the Bloor GO Station is currently off of Bloor Street West. The Bloor GO Station also fronts onto the West Toronto Rail Path. The Bloor GO Station is serviced by eastbound and westbound GO trains on the Kitchener GO Train line (formerly known as Georgetown).
25. **Planned/Current Transit Infrastructure Investment** – Metrolinx/GO Transit is currently making a number of improvements to the Bloor GO Station that will improve the platforms, provide additional GO train service, and the Union Pearson Express (UPE, formerly known as the Air Rail Link). The Union Pearson Express is a new regional transit service that will provide direct connection between Union Station and Pearson International Airport. The Dundas West stop will be only one of two stops on the Union Pearson Express between Pearson Airport and Union Station, and the only stop with direct TTC subway connection. The Union Pearson Express will share the area with GO's Bloor Station, and be located at one end of the GO platforms.
26. Metrolinx is currently undertaking construction to make significant enhancements to the station. The Bloor-Dundas area is one of the only places in Toronto with both a TTC Subway station and a GO commuter rail station, however currently there is no direct connection between the regional and municipal stations. It is intended that through these enhancements, there will be direct connection between the Bloor GO Station and the Dundas West TTC Station, which is located at the western side of Dundas Street West. Metrolinx is constructing a pedestrian tunnel connection, which will provide direct connection to the future Union Pearson Express and Bloor GO Station. The pedestrian tunnel connection is located outside of the subject property, and is not associated with this proposal.
27. **Key streets** within the vicinity of the subject property include:
- **Bloor Street West** – major arterial with a 20 metre right-of-way east of Dundas Street West and a 27 metre right-of-way west of Dundas Street. It has four lanes of traffic, with an off-peak, on-street parking lane.
 - **Dundas Street West** – a four lane major arterial with a 20 metre right-of-way. South of Dundas Street West, the street accommodates a streetcar within the centre lanes.

- **Roncesvalles Avenue** – a minor arterial with a 20 metre right-of-way that connects directly to Dundas Street West, with two lanes of traffic in each direction with on-street parking.

Part 3 - Development Context

Recent Area Development

28. Within the surrounding area, there is one recently approved development currently under construction. It is worth noting that no development applications, with the exception of the application before the Board, have been submitted to the City since an Avenue Study was completed and approved in 2009.

1638-1644 Bloor Street West

29. On January 2008, HP Bloor Street Ltd. submitted a rezoning and site plan application for a 12-storey mixed-use building at the northeast corner of Bloor Street and Indian Road. The proposal was for a 108-unit building with 10,866.9 square metres of gross floor area of residential uses, and 894.5 square metres of gross floor area of non-residential uses, resulting in a density of 8.5 times the site area, with a height of 38.95 metres in height, ranging between 20 and 31 metres along Bloor Street West and Indian Road.
30. The application was submitted prior to the initiation of the Avenue Study in the area, and as a result, completed an *Avenue Segment Review* as part of the application, in response to Official Plan Policy 2.2.3.3.
31. The applicant appealed the zoning by-law amendment and site plan applications to the Ontario Municipal Board due to Council's failure to make a decision within 120 days allotted by the *Planning Act*.
32. In the Staff Request for Directions Report (October 2nd 2008), City Planning indicated that the 12-storey building height could be supported if there were changes to the massing and built form, given the "*site-specific features of this site which makes it unique within its context including the depth of the lot (35.2 m), the width (38.28 m) in comparison to nearby soft sites, size (1,280m²) and distance to adjacent residential properties (58 m)*" (pg. 16). In the report, Staff proposed a 'Development Alternative' for a possible OMB settlement.
33. The Conclusions of the Staff Report indicate that the site has the potential for redevelopment given its substantial size and depth, its location on an Avenue, and within a Mixed Use Designation, its proximity to transit, retail, services and entertainment facilities and to places of employment, and ability to provide adequate traffic access and circulation. However, the report indicated that the proposal was unsupportable with respect to the 31-metre corner element, the insufficient step-backs along Bloor Street, and because the mechanical penthouse was not incorporated into the architecture and massing of the building. It is worth noting that

Staff did not specifically raise any concerns related to the proposed density of 8.5 times the site area.

34. Prior to the OMB hearing date, the applicant submitted a “without prejudice” settlement offer, based on revised plans to the City, as detailed in the Staff Report (October 28, 2008), which was supported by the City.
35. On November 20, 2008, the OMB issued notice of decision regarding the settlement hearing. In the Decision, the Board issued notice that the settlement proposal was acceptable and would “*revitalize and rejuvenate*” the area, and the massing, height and urban design seem to be fitting and appropriate, and would not set a bad precedent for the area. The Board indicated that the proposal was in keeping with the provincial policy framework, as the site is located in an area where growth is encouraged, and where it is served by a range of urban infrastructure and facilities, including high order inter-modal transportation facilities.
36. The resulting By-law (approved by the OMB) permitted the 12-storey building with a total gross floor area of 11,151 square metres on the site, resulting in a density of 8.7 times the site. The development is currently under construction.

1540 Bloor Street West – Rezoning & Site Plan Applications

37. In June 2007, A & G Mercouris Inc. submitted a rezoning and site plan application for 1540 Bloor Street West, located at the northwest corner of Bloor Street West and Dundas Street West. The original proposal submitted was for a 29-storey building with an 8-storey podium consisting of 293 residential units with commercial uses on the ground and second floors, with a gross floor area of 25,768.70 square metres.
38. On August 4, 2009, the applicant submitted revised plans, proposing a 27-storey building, and the 8-storey podium was reduced to 6-storeys. The overall gross floor area proposed was reduced to 21,949.19 square metres, resulting in a density of 16.08 times the lot area.
39. On August 17, 2009, the City of Toronto Clerk received notification that the applicant filed an appeal of the Zoning By-law Amendment and Site Plan applications to the Ontario Municipal Board, due to Council’s failure to make a decision on the application within the prescribed timelines as per the *Planning Act*.
40. The application was submitted prior to the initiation of the Avenue Study; however the Avenue Study was undertaken and completed while the application was processed by City Staff. In the Consultant’s Report, the Avenue Study identifies the subject property and additional properties to the west as an Opportunity Site for redevelopment, in the form of a 15-storey building, stepping down to a 10 storey building on the western portion of the site, as well as front and side-yard step-backs.
41. The OMB Board decision (issued on March 9 2010) dismissed the appeal, noting that the “*proposed structure of 92.5 metres in height at over 16 times coverage is simply too large for the site and inappropriate for the area. In my opinion, it is not*”

consistent with the findings and recommendations of the Avenue Study, it does not conform with the City OP and it does not represent good planning” (pg. 11).

42. I agree with the position of the Board with regard to its decision on this matter. The site is too small (1365 square metres) to accommodate the height of the proposed building in a manner that would ensure no negative impacts on the surrounding area. Furthermore, the proposal did not provide the level of connectivity to the transportation infrastructure to support the proposed level of intensity and did not provide an appropriate transition between different intensities and form of development in the area.
43. In the processing of the application before the Board, City staff directed me to this decision as evidence that a tall building on the subject property before Board is not appropriate. I disagree with that assertion. The subject property and the proposed development before the Board are very different from this circumstance in a number of ways.
44. First, the density of the proposal before the Board is significantly lower and generally consistent with the total density for the site as contained in the City's Zoning By-law. Second, the subject property is much larger and can provide for a mid-rise pedestrian-scaled building at its street frontage while limiting the tall-building component to a very small footprint to the rear of the site, where it will have no negative impact on surrounding uses. Third, the height of the proposal before the Board is lower than that proposed at 1540 Bloor Street and, together with the mid-rise component of the proposal, provides an appropriate transition between existing uses of different heights and densities. Fourth, the proposal provides an exceptional site plan that improves pedestrian amenities on Dundas Street West, provides a new direct pedestrian link to the Metrolinx stations and future connection to the TTC subway and provides land for improved transit infrastructure, as requested by Metrolinx and the TTC.

2376-2388 Dundas West - Past OMB Decision

45. The subject property is subject to a previous OMB Decision. The OMB Disposition delivered by Board Member A. Delfino on July 8, 1996 issued on January 17, 1997, and Decision/Order No. 0216 issued on February 2, 1998, permitted a 5-storey building (16 metres, 21 metres including mechanical penthouse) along Dundas Street West and an 11-storey building (31.5 metres, 36.5 metres including mechanical penthouse) to the eastern portion of the property. The total GFA permitted on the site was for 16,325 square metres of residential uses, and 300 square metres of non-residential uses, resulting in a total FSI of 2.84. The proposed Official Plan amendment and Zoning By-law amendment were never implemented.

Part 4 - The Application before the Board & the Proposed Development

The Proposal Before the Board

46. The proposal before the Board (based on the architectural drawings dated August 15, 2013), revised drawings resubmitted for Site Plan Control on August 16) is for a mixed-use development, consisting of an 8-storey mid-rise component along Dundas Street West and a 23-storey tower at the rear of the site, adjacent the rail corridor and planned Metrolinx station improvements. The proposed mid-rise component along Dundas Street West features building step-backs at the fourth and sixth storeys. The total proposed residential gross floor area is 24,663.2 square metres, and the total proposed commercial gross floor area is 548.3 square metres. The proposed floor space index (FSI) is 4.3 times the site area. There are 369 units proposed in total, and 233 vehicular parking spaces and 285 bicycle parking spaces. All vehicular parking is provided below-grade.
47. The proposal includes an at-grade east-west pedestrian connection that is located at the southern portion of the subject property. The pedestrian connection will provide direct at-grade connection from the Bloor GO and Union Pearson Express Station and Dundas Street West.
48. This proposal also includes the provision of lands for an at-grade Metrolinx pedestrian pick-up and drop-off facility (PPUDO), at the eastern portion of the subject property. The PPUDO facility will be accessed from the existing signalized intersection to the north, at 2400-2440 Dundas Street West (Shopper's Drug Mart/Fresh Co. plaza). As requested by the TTC, the proposal also includes the provision of lands at the P1 level for a potential second exit for the Dundas West TTC Station, on the easterly side of Dundas Street West.

History of the Application

49. On September 21, 2010, Dun West Properties met with City staff for a pre-consultation meeting, prior to my retainer with Dun West Properties. On June 21, 2011, I met with City staff for a pre-consultation meeting. The main issue for City staff was the height of the tall building component.
50. Prior to filing the application we had meetings with the local Councillor on June 13, September 28 and October 27, 2011. In addition, the project team had meetings with Metrolinx on May 7 and June 22, 2011 to align the proposal with public transit investment in the area.
51. From June to October 2011, Urban Strategies worked with the project architect and Dun West Properties to develop a series of site planning and development principles, which built upon the guiding principles for the area, as articulated through the Bloor Street Visioning Initiative (2008) and the Bloor-Dundas Avenue Study (2009).

52. On October 20, 2011, a pre-consultation community meeting was organized by the local Councillor. At this meeting, I presented a proposal for an 8-storey building on Dundas Street West, and a 29-storey building on the eastern portion of the property, adjacent to the railway corridor. The proposal also included a vehicular pick-up and drop-off area for Metrolinx. Issues discussed at this meeting focused on parking, traffic, built form, and concerns regarding the height of the tall building.
53. Following the community consultation meeting, the project team further revised and updated the site plan and development concept.
54. On November 29, 2011, an application to amend the Zoning By-law 483-86 was filed with the City of Toronto. The application, as originally proposed, featured a 9-storey building along Dundas Street West and a 26-storey building at the subject property's eastern end, with the buildings being connected by a 3-storey component. The resultant density was 4.6 times the site area.
55. In December 2011, in accordance with the City of Toronto procedures, a sign giving notice of the application was erected on the subject property.
56. On January 10, 2012, the City of Toronto issued notice that the application meets the complete application submission requirements of the *Planning Act* and the Toronto Official Plan as of December 22, 2011.
57. On March 2, 2012, I met with City staff to discuss and review the application. The main issues for City staff were the height of the tall building component and massing details related to the mid-rise building component (e.g., setbacks and step-backs).
58. The Preliminary Staff Report dated February 17, 2012 was presented to the Toronto East York Community Council on March 20, 2012. The report recommended that a community consultation be scheduled together with the Ward Councillor, and that notice for the community consultation meeting be given to landowners and residents within 120 metres; and notice for the public meeting under the *Planning Act* be given according to the regulations of the *Act*.
59. The Preliminary Report indicated that "*the application, as currently proposed, is not supportable by Staff as the proposed tall building is not consistent with the conclusions of the Bloor-Dundas Avenue Study*". The report listed the following issues that need to be addressed, including:
 - *"Ensuring the development of the site conforms with the Bloor-Dundas Avenues Study and Urban Design Guidelines.*
 - *Conformity with the Mixed Uses Areas policies of the Official Plan, including the requirement that development result in a height built form and massing which provides for a transition to areas of different development intensity and scale.*
 - *Consideration of the Avenues and Mid-Rise Buildings Study design criteria with regard to the proposed mid-rise building on Dundas Street West;*

- *Compliance with the Design Criteria for Review of Tall Building Proposals for the proposed tall building on the eastern portion of the property, if this is determined to be an appropriate site for a tall building;*
 - *Traffic, parking, site servicing, and impacts on the pedestrian realm that may result from the intensity and scale of the proposed development;*
 - *The opportunity to provide improved connections to the GO Transit Station and the proposed Air/Rail Link.*
 - *Identification and securing of community benefits, under Section 37 of the Planning Act, should the proposed development, or some version thereof advance.”*
60. Following the Community Council meeting, on April 4, 2012, our project team met with City staff to review proposed changes to the proposal. Following this meeting, we advised the City that we would be updating the proposal to formally submit revised drawings and updated studies to reflect the changes.
61. On May 14, 2012, Dun West Properties met with the local councillor in advance of the Community Consultation meeting. A Community Consultation meeting was held on June 11, 2012. The City planner initiated the meeting with a brief overview of the application, and the planning framework for the subject property. I presented the application and explained the development, and reviewed the changes to the proposal. The local Councillor chaired a question and answer period.
62. A revised application was formally submitted to the City of Toronto on June 25, 2012. The revised proposal consisted of a 23-storey building at the eastern end of the subject property and an 8-storey mid-rise building along the site’s western end, resulting in a density of 4.3 times the site area.
63. On July 5 and August 15 2012, I met with City Planning and Urban Design staff to discuss the resubmission and the timing of the Final Staff Report. Staff indicated that they did not support the application in its current form due to the height of the tall building, and would be working on a Final Report for September.
64. On October 31, 2012, Dun West Properties Ltd. appealed to the OMB under subsection 34(11) of the *Planning Act*, due to Council’s neglect to make a decision within the time prescribed by the *Planning Act*, regarding the rezoning application.
65. A Staff Request for Direction Report, dated January 14, 2013 was presented to the Toronto East York Community Council on January 22, 2013. The Community Council recommended to City Council to:
1. *“Authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to oppose the applicant’s appeal respecting the Zoning By-law Amendment application....and attend any Ontario Municipal Board hearings in opposition to such appeal, and retain experts the City Solicitor may determine appropriate in support of the position recommended in the Staff Request for Directions Report, dated January 14, 2013....*

2. *Direct the City Solicitor to also advise the OMB that City Council's position is that any redevelopment of the subject property, if approved by the OMB, should secure such services, facilities or matters pursuant to Section 37 of the Planning Act, as may be recommended by the Chief Planner and Executive Director, in consultation with the Ward Councillor, including a pedestrian connection to the GO Transit Station and lands and capital improvements to provide for a proposed second access to the Dundas West Subway Station.*
3. *Authorize the City Solicitor and other City staff to take any necessary steps to implement the foregoing."*

66. The Conclusions of the Staff Report indicated that Staff are supportive of the redevelopment of the site, but stated that the proposed 23-storey building does not meet the City's built form and policies, and is not consistent with the findings of the Bloor-Dundas Avenue Study. The report notes that should the OMB approve a tall building on the site, that it should be a maximum of 15 storeys in height.
67. The Report also outlined a number of issues related to transit connections associated with the proposed development, related to a potential Metrolinx Passenger Pick-Up and Drop-Off facility (PPUDO), an at grade east-west pedestrian connection along the southern portion of the subject property, and the provision of lands both at and below-grade for a future second TTC exit from Dundas West TTC station.
68. On February 12, 2013, I met with Metrolinx staff to discuss the option of locating a PPUDO facility on the subject property. At this meeting, Metrolinx presented a concept plan for the station area, illustrating a future pick-up facility on both the subject property lands and the Fresh Co. property lands to the north (2400-2440 Dundas Street West). The concept plan, prepared by Metrolinx, illustrates the pick-up and drop-off turnabout circle at the rear of the subject property, with access via the Fresh Co. property to the north, utilizing the existing signalized intersection at Dundas Street West.
69. On February 20, 2013, City Council adopted the recommendations from City staff and Community Council.
70. On April 4 2013, Dun West Properties Ltd. submitted updated drawings and a supporting letter summarizing the revisions. The proposal had been revised to accommodate a 3.0 metre wide at-grade east-west pedestrian connection entirely on the subject property lands, and provide for Metrolinx' pick-up and drop-off facility and at and below-grade lands for a future TTC second exit.
71. On April 4 2013, the Board held a Prehearing Conference hearing before Ontario Municipal Board Member S. Sutherland. Dun West Properties Ltd. and the City of Toronto were given party status, and 20 local residents were given participant status.
72. On Friday April 19, 2013, Dun West Properties met with the City of Toronto Community Planning and Traffic Planning Staff and representatives from Metrolinx and the TTC to discuss the Passenger Pick-up and Drop-off facility and the

anticipated traffic implications. The meeting was generally positive as Metrolinx, City and TTC staff were all supportive of the changes, subject to final design details.

73. On May 3, 2013, the Board issued Notice from the Prehearing Conference, and order that the Procedural Order (attached to the Decision as Attachment 1) shall be in force and effect for the purpose of governing the required procedures leading up to and including the hearing commencing on September 23, 2013.
74. On May 8, 2013, Dun West Properties resubmitted all studies and reports associated with the updated drawings, accommodating the Metrolinx Passenger Pick-up and Drop-off facility.
75. On June 10, 2013, Dun West Properties submitted a Site Plan Control application for the subject property.
76. On July 12, 2013, Dun West Properties received confirmation from the City of Toronto that the Site Plan Control application meets the City's application submission requirements as of June 13, 2013.
77. On July 17, 2013, Dun West Properties Ltd. appealed the application for Site Plan Control application pursuant to subsection 41(12) of the *Planning Act*, R.S.O. 1990, C. P. 13, and requested that the matters be administratively consolidated for purposes of a hearing at the Board.
78. On August 16, 2013, Dun West Properties Ltd. submitted revised Site Plan Control drawings and studies to respond to the City's comments. On the same day, I met with City planning staff to review staff's comments to date and explain the revisions to address those comments.

Part 5 - Planning Framework

The Planning Act

79. *The Planning Act*, R.S.O. 1990, c. P.13, establishes the basis for land use planning in Ontario. It describes how land uses may be controlled and who may control them.
80. The *Planning Act* integrates matters of provincial interest into provincial and municipal planning decisions. Section 3(1) states that the Minister may issue policy statements on matters relating to municipal planning that are of provincial interest.
81. Section 3(5) states specifically that a decision that affects a planning matter shall be consistent with the policy statement (Subsection a), and shall conform with the provincial plans that are in effect and shall not conflict with them (Subsection b).
82. Section 2 of the *Planning Act* identifies specific matters of Provincial interest. Notable matters related to the application before the Board include Subsections (f) (p) and (q):

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (p) the appropriate location of growth and development; and
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

83. ***In summary***, it is my opinion that the location of the subject property adjacent to a significant Provincial investment in major rapid transit service, and the ongoing investment of multiple municipal and Provincial transit operations, requires an appropriate use and design of the site to take advantage of, and make efficient use of that investment. This is a clearly established Provincial interest within the Planning Act and further articulated in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, as discussed below. Therefore, it is my opinion that the proposal before the Board has due regard for the matters of Provincial Interest as identified in the Planning Act whereas the City's position to limit development on the subject property does not.

Provincial Planning and Policy Framework

Provincial Policy Statement (2005)

84. Another tool whereby the Province leads land use planning in the Province is through the Provincial Policy Statement. The Provincial Policy Statement (2005) (the "PPS") provides policy direction on matters of provincial interest related to land use planning and development. The current PPS came into effect on March 1, 2005. The PPS provides direction for land use planning policy and development and promotes a provincial 'policy-led' planning structure.
85. It is worthwhile noting that the City of Toronto's Official Plan was adopted in 2002 by City Council, and the Minister of Municipal Affairs and Housing approved the Plan, in part, with modifications, and then brought into force by the Ontario Municipal Board in 2006. As such, the Official Plan predates the 2005 PPS. Nevertheless, By-law No. 1222-2009, which enforces the recommendations of the Avenue Study was enacted in December 2009, and the proposed zoning by-law amendment to permit the proposed development must be consistent with and conform to the 2005 PPS, and also conform to other Provincial policies.
86. Section 1.1 of the PPS provides policies on how to manage and direct land use to achieve efficient development and land use policies. Policy 1.1.1 outlines a number of criteria that sustain healthy, livable and safe communities. These include promoting efficient development and land use patterns, accommodating a mix and range of uses, and avoiding development that would promote the inefficient use of land. The proposed development is a good example of the type of development that the PPS seeks to achieve through the efficient use of land. The proposed redevelopment is in keeping with a more efficient and appropriate use for the site.
87. Policy 1.1.2 of the PPS states that "*sufficient land shall be made available through intensification and redevelopment to accommodate an appropriate range and mix of*

employment opportunities, housing, and other land uses to meet projected needs for a time horizon of up to 20 years.” The proposed development provides appropriate intensification along an identified intensification corridor and adjacent to two major rapid transit stations and multiple transit services.

88. Section 1.1.3 deals specifically with the promotion of development within settlement areas. Policy 1.1.3.2 notes that land use patterns shall be based on densities and a mix of land uses that efficiently use land and resources and are appropriate for the planned and available infrastructure. The proposed development meets this policy.
89. Policy 1.1.3.3 requires planning authorities to promote opportunities for intensification and redevelopment where it can be accommodated, taking into consideration existing building stock or areas, includes brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.
90. The proposed development of the subject property provides appropriate intensification on a former brownfield site, and an underutilized lot that is well serviced by existing infrastructure and public service facilities. The proposed development is located in an Avenue, an identified Intensification Corridor in the City's Official Plan.
91. Section 1.2 outlines that planning matters should be dealt with in a coordinated manner. Policy 1.2.1 specifically notes that a coordinated, integrated and comprehensive approach should be used when dealing with planning matters, including managing and promoting growth and development, and infrastructure and public service facilities (a and f).
92. Section 1.4 of the PPS promotes directing development of new housing towards locations where appropriate levels of infrastructure and public services are or will be available to support current and projected needs; promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit areas where it exists or is to be developed (Policy 1.4.3.c-d). The proposed development will create 369 new residential units on a site that has been identified by the City of Toronto to support growth and intensification of housing, and is supported by both soft and hard infrastructure, including public transit, site servicing and community facilities.
93. Section 1.5 of the PPS provides direction with regard to public spaces, parks and open space. Policy 1.5.1 of the PPS indicates that healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, and facilitate pedestrian and non-motorized movement, including, but not limited to, walking and cycling.
94. Section 1.6 of the PPS provides direction with regard to Infrastructure and Public Service Facilities. Policies 1.6.1, 1.6.2, 1.6.5.2, of the PPS indicate that planning authorities shall promote opportunities for intensification and redevelopment taking into account areas with suitable *infrastructure* and *public service facilities*. These

policies also promote coordinated land use and transportation planning, and the development of travel-intensive uses in areas that are well served by public transit.

95. Policy 1.6.5.3 states that *“connectivity within and among transportation systems and modes should be maintained, and where, possible, improved including connections which cross jurisdictional boundaries”*. Further, Policy 1.6.5.4 specifically states that a *“land use pattern, density and mix of uses should be promoted to minimize the length and number of vehicle trips and support the development of viable choices and plans for public transit and other alternative transportation modes, including commuter rail and bus”*.
96. The proposed development is located within the immediate vicinity of the Dundas West TTC Subway Station, the GO Bloor Station, and a number of surface streetcar and buses, and the future Union Pearson Express service. The proposed land use and density are appropriate for an area with significant transit infrastructure and substantial transit investment. Furthermore, the proposed development will help facilitate improved transit infrastructure and connections in the area, by providing a pedestrian walkway that will provide direct connection to regional, urban and local transit in the area, facilitate the creation of a second entrance to the Dundas West TTC, and provide lands for Metrolinx to build a Passenger Pick-up and Drop-off facility. The proposal will help achieve policies 1.5.1, 16.1, and 1.6.5.2 by creating a pedestrian-oriented environment, and significantly improve the public realm through the creation of an animated, pedestrian-scaled streetwall along Dundas Street West, a widening and improvement to the sidewalk along Dundas Street West.
97. Section 1.7 of the PPS provides direction on long-term economic prosperity. Policy 1.7.1.c. of the PPS states that long-term economic prosperity should be supported by *“promoting the redevelopment of brownfield sites”*. Policy 1.7.1.d. of the PPS states that long-term economic prosperity should be supported by *“providing for an efficient, cost-effective, reliable multi-modal transportation system that is integrated with adjacent systems”*. The proposed development includes a direct east-west pedestrian connection with direct connection to the future Metrolinx/GO Transit tunnel, and will facilitate the provision of a second TTC exit from Dundas West Station.
98. Section 1.8 of the PPS deals with energy and air quality. Policy 1.8.1 of the PPS states that planning authorities shall support energy efficiency and improved air quality through land use and development patterns, which promote a compact form and a structure of nodes and corridors, promote the use of public transit, improve the mix of employment and housing uses to shorten commuter journeys and decrease transportation congestion and promote design and orientation which maximize the use of alternative or renewable energy, such as solar and wind energy, and the mitigating effects of vegetation (1.8.1a-e). The proposed development will be transit-supportive and enhance the existing transit connections by providing a direct pedestrian connection between the Metrolinx GO/Union Pearson Express Station and the westerly Dundas Street West TTC exit, and also provide lands for a future second TTC exit. The proposed development provides new housing uses at an important transit node, and will promote the use of public transit by supporting commuter journeys not reliant on the automobile.

99. Section 4.0 of the PPS deals with Implementation. Policy 4.5 states that official plans are the most important vehicle for implementing the PPS, and that municipal plans shall provide clear, reasonable and attainable policies to protect the provincial interests and direct development to suitable areas.
100. It is my opinion that the site has been appropriately designated in the Toronto Official Plan to accommodate intensification and that its location adjacent to two major rapid transit stations and multiple transit services, and its location in relation to other surrounding uses justifies the proposed height and density and helps achieve policies contained in both the PPS and the Official Plan.
101. ***In summary***, the proposal before the Board is consistent with the relevant policies described in the PPS. The proposed development provides appropriate intensification along an identified intensification corridor and is adjacent to two major rapid transit stations. The proposed development will create an animated, pedestrian-scaled streetwall along Dundas Street West, and will create publicly accessible connections to higher order transit, enhancing the current transit connections that exist today. The compact form of redevelopment will result in the efficient use of land, and encourage the use of existing and planned infrastructure. The proposal is consistent with the PPS and, as I discuss in a latter section, is in conformity with the Official Plan. In contrast, the position of the City to limit the height on the subject property within the Zoning By-law renders the achievement of a transit-supportive development on the subject property unattainable, and as such makes the achievement of PPS policies unattainable.

Growth Plan for the Greater Golden Horseshoe (2006)

102. The Growth Plan for the Greater Golden Horseshoe (2006) was released under the terms of the provincial Places to Grow Act (2005) ("Places to Grow"). In accordance with Places to Grow, all decisions made by municipalities under the powers granted by the *Planning Act* shall conform to the Growth Plan. The Growth Plan came into force on June 16, 2006.
103. The Growth Plan is a Provincial plan that defines how and where long-term growth and development should occur in the Greater Golden Horseshoe. Addressing the fast-growing municipalities around Lake Ontario as one region working together, the Growth Plan establishes a vision and corresponding policies addressing transportation, infrastructure, land use planning, urban form, housing and natural heritage protection. It includes policies addressing transportation, infrastructure, land use planning, urban form, housing and natural heritage protection on a regional scale.
104. **Vision & Guiding Principles** - Section 1.2.1 and 1.2.2 set out the vision and principles for the Growth Plan for the Greater Toronto and Hamilton Area, which includes principles such as the building of complete communities, planning for and management of growth to support a strong economy, wise use of natural resources and optimal use of infrastructure. The Growth Plan is intended to guide decisions on future growth in order to curb sprawl and maintain the Greater Golden Horseshoe's economic competitiveness.

105. **Context** – Section 2.1 provides for the context for the development of Growth Plan. The focus on the Growth Plan is to accommodate anticipated growth for the region in a sustainable and efficient manner. To that end, the plan envisages increasing intensification of the existing built-up area, with a focus on urban growth centres, intensification corridors, major transit station areas, brownfield sites and greyfield sites. Within that list of focus areas for intensification, it is worth noting that the subject property falls within three categories.
106. **Section 2.2.2 – Managing Growth** - Particularly relevant policies of the Growth Plan include those set out in Section 2.2.2 – Managing Growth. These policies indicate that a significant proportion of population and employment growth will be directed to the built-up area through *intensification*, as defined in the PPS. Additionally, the policies state that growth will be accommodated by reducing auto-dependence through the development of compact, mixed-use, transit-supportive, pedestrian-friendly urban environments, by providing access to intra- and inter-city transit, and by accommodating a mix of uses and housing types, high quality open spaces as well as easy access to local stores and services.
107. In accordance with the Growth Plan policies in 2.2.2.1, the proposed development: directs population growth to a built-up area of the community through *intensification* (2.2.2.1.a); reduces the dependence on the automobile through the development of mixed-use transit-supportive, pedestrian-friendly urban environments (2.2.2.1.d); moves toward creating a complete community with a diverse mix of land uses and range and mix of employment and housing types, high quality public open space and easy access to local stores and services (2.2.2.1.h); and directs development to settlement areas that offer municipal water and wastewater systems and limiting growth in areas serviced by other forms of water and wastewater services (2.2.2.1.g).
108. **Section 2.2.3 – General Intensification** – Section 2.2.3 of the Growth Plan sets out the policies related to *intensification*. Policy 6 of Section 2.2.3 sets out that municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve intensification and the intensification target to encourage intensification generally through the built up area (b); recognize *urban growth centres*, *intensification corridors* and *major transit station areas* as a key focus for development to accommodate intensification (e); include density targets for *urban growth centres* where applicable, and minimum density targets for other intensification areas consistent with planned transit service levels, and any transit-supportive land use guidelines established by the Government of Ontario. It is my opinion that the proposal before the Board provides an appropriate level and form of intensification that recognizes the site as part of both an *intensification corridor* and *major transit station area*, and supports the level of planned transit services as well as the Provincial transit-supportive guidelines which have been established by the Government of Ontario. This is in contrast to the City position, which does not adequately recognize or support the redevelopment of the site as part of a *major transit station area* that is also located along an identified *intensification corridor*.
109. Policy 7 of Section 2.2.3 sets out that the *intensification areas* will be planned and designed to cumulatively attract a significant portion of population and employment

growth, which focuses on accommodating intensification with a high-quality mix of uses and places at a density higher than the surrounding area. The subject property is located along an Avenue – an identified intensification corridor in the City’s Official Plan.

110. Policy 8 of Section 2.2.3 sets out that the Crown and municipalities will use infrastructure investment and other implementation tools and mechanisms to facilitate intensification. Significant investments are currently being made by the Crown with regard to commuter rail improvements on the adjacent rail corridor and the expansion of the existing station and related facilities, which in my opinion facilitate, promote and require appropriate intensification of surrounding lands. The proposal before the Board provides the appropriate level and form of intensification to support the Crown’s investment.
111. The proposed development is in conformity with the Growth Plan’s general intensification policies. The proposed development creates an appropriate type and scale of development that is located in a *major transit station area* and *intensification corridor* undergoing significant infrastructure investment. Furthermore, the density of the proposed development is generally consistent with the density that the City of Toronto has proposed for the subject property and surrounding area and, as such, is consistent with the intensification strategy as currently set out in the Toronto Official Plan and the General Zoning By-law No. 438-86.
112. **Section 2.2.5 – Major Transit Station Areas and Intensification Corridors -** Section 2.2.5 sets out policies for *major transit station areas* and *intensification corridors*. *Major transit station areas* are generally defined as a 500 metres radius, or walking distance, around a higher order transit station. *Intensification Corridors* are *intensification areas* along major arterials or higher-order transit corridors with potential to support higher density development. The subject property is located within a *major transit station area*, and along an *intensification corridor*.
113. Policy 2.2.5.1 notes that *major transit station areas* will “*be designated in official plans and planned to achieve increased residential and employment densities that support and ensure the viability of existing and planned service levels*” (2.2.5.1.a), and “*will be designated and planned to achieve a mix of residential, office, institutional and commercial development wherever appropriate*” (2.2.5.1.b). It is my opinion that the proposal before the Board helps achieve this policy, whereas the City’s position to restrict development on the site does not support this policy, and is rather, contradictory to this policy.
114. Policy 2.2.5.2 outlines that “*Major transit station areas will be planned and designed to provide access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter pick-up and drop-off areas.*”
115. The proposed development is in conformity with all these policies. The subject property is located within a major transit station area that contains the Dundas West TTC Station, the Bloor GO Station, and the future Union Pearson Express station. This is a unique regional *major transit station area* in the Greater Golden Horseshoe Area, as it contains both a subway and a GO Station, regional higher-order transit,

and is undergoing significant transit and infrastructure investment. The intensification of the subject property and the proposed density is suitable for the *major transit station area*, as it will support and ensure the viability of existing and planned service levels. The proposal before the Board directly enhances Policy 2.2.5.2 by featuring an east-west pedestrian connection between the future GO/Metrolinx station and Dundas Street West, the provision of a second TTC Station exit and lands for a Passenger Pick-up and Drop-off facility.

116. **Section 3.2.1 – Infrastructure Planning** - Policy 3.2.1.1 notes that infrastructure planning, land use planning and infrastructure investment will be coordinated to implement the Growth Plan. Policy 3.2.1.2 states that priority will be given to infrastructure investments made by the Province. Policy 3.2.2.2 states that transportation system planning, land use planning and transportation investment will be coordinated to implement the Growth Plan. Given the provincially-led planning system and the current Provincial investment in the Dundas West-Bloor Mobility Hub area, the proposed development of the subject property are important means to achieve the Growth Plan policies. It is worthwhile noting that the City's Official Plan predates the PPS and the Growth Plan, and identification of Metrolinx's Mobility Hubs and the planned Union Pearson Express line, and also the Provincial investment in the area. However, the proposed zoning by-law amendment to permit the proposed development must be considered in light of these Provincial policy directions.
117. **Section 3.2.3 – Moving People** - sets out policies related to moving people. Policy 3.2.3.2.a specifically notes that transit infrastructure is to shape growth and shape planning for high density areas to support planned transit levels. The proposal before the Board represents an appropriate planning and development response to the surrounding transportation infrastructure; whereas, in my opinion, the City's position to restrict height and development on the subject property does not appropriately consider the surrounding transportation infrastructure.
118. Policy 3.2.3.2.d and Policy 3.2.3.3.b both speak to the need of improving linkages between existing neighbourhoods and major transit stations areas, transit stations and dedicated spaces for cyclists. The proposed development provides at and below-grade lands for a future TTC second exit, and includes an at-grade pedestrian connection that will facilitate improved connections between the TTC Dundas West Subway station, the Bloor GO and the Union Pearson Express platforms, for the local community, future residents, and regional and local transit commuters.
119. **Section 3.2.6 – Community Infrastructure** - Policy 3.2.6.1 asserts that community infrastructure planning, land use planning and community infrastructure investment will be coordinated to implement the Growth Plan. Policy 3.2.6.2 notes that planning for growth will take into account the availability and location of existing and planned community infrastructure so that infrastructure can be provided efficiently and effectively. A Community Services and Facilities Study was prepared as part of the Bloor-Dundas Avenue Study. The Study identified a wide variety of existing and planning community services and facilities in the surrounding area.
120. **In summary**, the proposal before the Board is in conformity with the Growth Plan, and advances the Plan. The proposed mixed use development is within the built-up

and service area, along an *intensification corridor*, and in a *major transit station area*. The proposed development will support the viability of the Province's infrastructure investment into the Bloor-Dundas Mobility Hub area. In contrast, the City's position to limit height and development on the subject property does not conform to several Growth Plan policies as I have outlined above, and the decision to limit the development of the subject property would directly serve to frustrate the policy objectives of the Growth Plan.

The Big Move Regional Transit Plan (2008)

121. The Big Move Regional Transportation Plan (The Big Move) was adopted by the Metrolinx Board on November 28, 2008 and forwarded to the Minister of Transportation as part of the requirement under subsection 6(4.1) of the *Metrolinx Act*, S.O. 2006, c. 16.
122. Metrolinx is a provincial agency that operates under the *Metrolinx Act*, S.O. 2006, c. 16, and was created to improve the coordination and integration of all modes of transportation in the Greater Toronto and Hamilton Area (GTHA). The Big Move Regional Transportation Plan outlines a strategy for improved regional transit, and was created in accordance with the requirements set out in Section 6(2) of the *Metrolinx Act*.
123. The Plan is based upon nine 'Big Moves' to transform the GTHA transportation system. The nine 'Big Moves' are considered Priority Actions that will have the largest and most transformational impacts on the GTHA's transportation system.
124. Big Move #7 aims to create a "system of connected mobility hubs" and relates directly to Strategy #7 - "*Build Communities that are Pedestrian, Cycling and Transit-Supportive*". Strategy #7 and the corresponding Big Move #7 draw a direct link between the provincial Growth Plan and the Regional Transportation Plan: "*the RTP builds on the linkages between the transportation system and the management of urban growth that have been established in the province's Growth Plan for the Greater Golden Horseshoe and helps to support and implement the Growth Plan vision*" (p. 44).
125. 'Big Move' #7 – *A system of connected mobility hubs*, 7.1 states that a Priority Action is to "*create a system of connected mobility hubs, including Anchor Hubs and Gateway Hubs, at key intersections in the regional rapid transit network that provide traveller with access to the system, support high density development, and demonstrate excellence in customer service*" (p. 45).
126. Mobility hubs are defined as *major transit station areas*, as defined by the Growth Plan, that have "*particularly significant levels of transit service planned for them and the development potential around them.*" To be identified as a mobility hub, "*a major transit station area must be located at the interchange of two or more current or planned regional rapid transit lines as identified in the RTP...*" (Glossary, p. 88).
127. The Big Move identifies two types of mobility hubs: *Gateway Hubs* and *Anchor Hubs*. Section 4.1 of the backgrounder paper, *Mobility Hubs*, December 2008, defines *Gateway Hubs* as *major transit station areas* that are: located at the interchange

between two or more current or planned regional rapid transit lines identified in the RTP, and have 4,500 or more forecasted combined boardings and alightings in 2031. These areas are generally forecasted to achieve or have the potential to achieve a minimum target density of approximately 10,000 people and jobs combined within 800 metres.

128. The subject property is located within the Dundas West-Bloor Mobility Hub, as designated on Schedule 1 of the Big Move.
129. The Big Move contains a number of supporting policies to help implement the concept of mobility hubs (supporting Big Move #7). The most relevant are the following:
 - Policy 7.8 states that the *“the transportation system shall be planned, designed, built and operated to create pedestrian-, cycling-, and transit-friendly communities, and to ensure connectivity between places and along corridors that support the urban structure and intensification objectives of the Growth Plan for the Greater Golden Horseshoe”* (p. 48). The proposal before the Board helps achieve this policy.
 - Policy 7.10 states that the *“regional rapid transit and highway network in Schedules 1 and 2 shall be incorporated into all municipal Official Plans, and these planned transit services shall be used as the basis for determining appropriate land uses and densities in conformity with the Growth Plan”* (p. 48). The proposal before the Board represents an appropriate land use and density given the planned transit services and in conformity with the Growth Plan whereas, in my opinion, the City position to restrict height and development on the subject property is not consistent with this policy.
 - Policy 7.11 states that *“in new residential, commercial and employment developments in municipalities where transit service is planned or available, all homes and businesses shall be within walking distance of a transit stop with frequent service. Transit stop signage shall be erected as soon as roads are constructed so that prospective businesses and homeowners are aware of where transit service will be provided”* (p. 48). The proposal before the Board meets this policy.
 - Policy 7.14 states that gateway and anchor hubs shall be identified and incorporated into municipal Official Plans and Transportation Master Plans, and Policy 7.15 further states that municipalities shall prepare detailed master plans for each mobility hub. The Toronto Official Plan has not incorporated the mobility hubs into its Official Plan and, to the best of my knowledge, the City has not prepared a detailed master plan for any mobility hubs (p. 49).
 - Policy 7.15 requires that municipalities prepare master plans for identified mobility hubs, and ensure appropriate densities are provided. Policy 7.15 outlines that master plans will include policies to conform with and implement the GPGGH ‘s policies for major transit station areas, and where applicable urban growth centres; establish density targets that conform to the GPGGH ‘s and are based on planned

transit service levels; and optimize transit-orient development; among other considerations (p. 49). To the best of my knowledge, the City has not prepared a master plan for the Bloor-Dundas Mobility Hub. The Avenue Study conducted for the area predates the planned transit investment in the Bloor-Dundas Mobility Hub, and in my opinion, the analysis undertaken in that Avenue Study does not meet the requirements of Policy 7.15.

130. ***In summary***, the proposal before the Board supports and advances the applicable Provincial policies in the Big Move Regional Transit Plan. The proposed mixed use development is located within a major transit station area which contains GO Transit service, and TTC Subway and surface connections, as well as future direct service to Pearson International Airport. The mixed use development supports the viability of the existing and planned infrastructure investment into the Bloor-Dundas Mobility Hub area. In contrast, the City's position to limit height and development on the subject property does not support the policies of the Big Move Regional Transit Plan.

Mobility Hub Guidelines (2011)

131. In October 2009, Metrolinx initiated a study to develop Mobility Hub Guidelines - a framework for the planning and development of Mobility Hubs, as described in the Big Move Regional Transportation Plan. The Mobility Hub Guidelines were distributed in draft form for consultation in November 2010, and approved by the Metrolinx Board on February 18, 2011.
132. The Mobility Hub Guidelines focus on creating successful mobility hubs, and address a number of key objectives and topics, including transit station design, station circulation and access, transit customer information and wayfinding, land use and urban design surrounding rapid transit stations, and funding and implementation. For each of the identified objectives, the Mobility Hub Guidelines provide detailed strategies, best practices, case studies, and suggested resources.
133. Pages 16-17 outline that within the mobility hub there are four zones identified in relation to the proximity to the transit station including the *Primary Zone*, *Secondary Zone*, *Tertiary Zone* and *Catchment Area*. According to Table 2.2 Mobility Hub Zones, the Primary zone includes the rapid transit station and associated facilities, as well as the immediate surrounding area, approximately a 250 metre/2.5 minute walk radius. The zones are presented as hierarchies for the purpose of development intensity. This is a well-established principle of transit-oriented development (TOD) and, in my opinion, represents good planning around transit stations.
134. In terms of land use considerations, the Guidelines state that "*highest intensity and greatest mix of uses should typically be encouraged within this zone to encourage high levels of transit use and provide a mixed-use, vibrant activity node for the local community,*" and that there is an "*opportunity to provide traveler amenities through development in this zone*" (p. 16-17).
135. The subject property is located within the *Primary Zone* of the Dundas West-Bloor Mobility Hub, and the proposed development provides an appropriate density and

built form to encourage high levels of transit use and provide a mixed use, vibrant activity node with direct public connections to the GO Transit and Bloor Dundas West TTC, as well as providing land for a Metrolinx Passenger Pick-Up and Drop-off facility. In contrast, the City's position aims to limit the height and development at this location and not be consistent with the principle of good planning around transit station areas.

136. Page 18 provides some guidance on how to treat development areas and stable neighbourhoods within mobility hubs. Specifically, the Guidelines state that brownfields or large underutilized lots (such as the subject property) typically offer better development potential than sites in well-established communities and that care should be taken into integrating new higher density development and the existing community. The proposal before the Board has followed this principle and taken advantage of a prime development opportunity within a mobility hub while also providing an appropriate transition with the surrounding uses and ensured no negative impacts on the surrounding established community.
137. The specific Mobility Hub Guidelines are related to the following themes: Seamless Mobility, Place-making and Successful Implementation. Particular relevant guidelines are noted as:

"2.4 – Provide an attractive pedestrian environment with a high level of priority, safety, and amenities. (p. 51-54)

5.1 – Provide a diverse mix of uses, including employment, housing, regional attractions and public spaces to create a high quality urban environment in close proximity to the transit station. (p. 88-90)

5.2 – Focus and integrate increased and transit-supportive densities, at, and around transit stations to create a compact built form and a critical mass of activity while ensuring appropriate transition to the surrounding community. (p.92-95)

5.2.1. Plan for a hierarchy of densities within the hub with smooth transition between the hub and the surrounding communities;

- where possible, locate the highest densities (residents and jobs combined/hectare) in closest proximity to the transit station, decreasing towards the edge of the hub around/ along the surrounding communities;*
- employ a variety of building massing strategies to accommodate higher densities and building intensities in order to avoid monolithic building masses;*
- high-rise towers should be used judiciously to reinforce landmark locations to punctuate the skyline. Mid-rise building forms are a practical alternative to achieve high densities; (p. 92).*

5.2.2. *Encourage infill and redevelopment to achieve higher densities and a greater mix of uses;* (p. 93), and

5.2.3. *Municipalities should use and amend existing planning tools to exceed the legislated minimum densities in the Growth Plan where applicable and to meet the intensification targets.”* (p. 94).

138. ***In summary***, the proposed development is consistent with the Mobility Hub Guidelines and supports the general planning principles contained within the Guidelines. Specifically, it takes full advantage of a prime development site adjacent to a major transit station and provides a form of development that integrates well with surrounding uses and does not create any adverse impacts on surrounding uses. In contrast, the City position to limit height and density on the subject property is not supportive of the guidelines or planning principles as contained in the Mobility Hub Guidelines. The City's position does not recognize the planning principle that higher density development should be encouraged adjacent to major transit stations.

Metrolinx Dundas West-Bloor West Mobility Hub Study (2011)

139. The Dundas West-Bloor Mobility Hub Study is a consultant study that was initiated in early 2010, and completed in June 2011 for Metrolinx. To the best of my knowledge, there is no formal approval process for Mobility Hub studies and so the Study itself stands as a Consultant's Report with no formal regulatory status.
140. It is worth noting that the Dundas West-Bloor Mobility Hub Study was prepared by the same consultant that undertook the City of Toronto Avenue Study for the surrounding area, which I will discuss in a later section of this Witness Statement. It is my opinion that the findings of the Avenue Study as they relate to the subject property are inconsistent with policies of the PPS, the Growth Plan, the Big Move and Mobility Hub Guidelines. To the extent that the Avenue Study findings as they relate to development potential of the subject property have been replicated within this consultant study, it is also my opinion that the findings of this study as they relate to the development of the subject property are inconsistent with those same policies and guidelines. In fact, it is my opinion that whereas the general findings of the Dundas West-Bloor Mobility Hub Study are consistent with Provincial policies and Guidelines and supportive of the development proposal that is before the Board, the development potential for the subject property, as illustrated in the Consultant's Mobility Hub Study, is contradictory to those findings.
141. The stated study objectives are to prepare a Mobility Hub Development Plan and to prepare design concepts for the station area and immediate vicinity, including plans to improve connections between the TTC's Dundas West Station, the Georgetown GO platforms, the Union Pearson Express stop, and the West Toronto Rail Path. The Mobility Hub comprises an 800-metre radius from the Bloor Street West and Dundas Street West intersection.
142. Section 2.2.3 (p. 27) describes three districts within the Mobility Hub based on development potential, walkability, and access to rapid transit. The subject property is located within the Primary Zone, which according to the Study, *"includes the*

Dundas West Station, Bloor GO Station, and multiple vacant or underutilized sites. The Primary Zone supports the greatest potential for improved connections between the various modes of transportation, as well as the most significant opportunities for infill and redevelopment and will therefore be the focus of the Mobility Hub" (p. 27 of Study). Notwithstanding this general statement, the design concepts as contained in Section 4 of the Study, as they relate to the subject property, do not appear to capitalize on the redevelopment opportunity provided by the site and its location to the transit station and, in fact, provide limits on development which, in my opinion, are contradictory to established Provincial policies and guidelines for mobility hubs. The design concepts rely on the earlier development direction from the 2009 Avenue Study, which was initiated prior to the adoption of Metrolinx's Mobility Hub Guidelines, and the Provincial investment in the Union Pearson Express and GO Stations.

143. Section 3.0 (Mobility Hub Development Plan) includes ten guiding design principles (p. 31-32). These include:
- 1) *"A traveler transportation hierarchy;*
 - 2) *Visible, functional and safe transportation connections;*
 - 3) *'Walkable' and inviting streets and open spaces*
 - 4) *Protect existing neighbourhoods*
"Stable residential neighbourhoods are to be protected from undesirable development and intensification. Taller buildings are to be designed and located to minimize shading, noise, and other adverse impacts".
 - 5) *Develop at an appropriate scale and density;*
"Increased densities and building heights are to be encouraged, where appropriate and within close proximity to transit. Development will be consistent with city documents (i.e. Official Plan, Avenue Studies and Avenues & Mid-Rise Building Study) and sensitive to the community context and character"
 - 6) *Integrate transit accessibility within new development;*
 - 7) *Mix of uses within the Primary and Secondary Zones;*
 - 8) *Design excellence for buildings and streetscapes;*
 - 9) *Promote effective partnerships and incentives; and*
 - 10) *Flexible Plan to accommodate growth and change."*

The proposal before the Board is consistent with these guiding principles.

144. Section 3.5 – Built Form of the Mobility Hub merely summarizes the key built form recommendations of the Bloor-Dundas Avenue Study. The built form recommendations from the Avenue Study are discussed in sections 207-217 of this Witness Statement, in the section related to the municipal planning framework and provisions. As noted in that section, the proposal before the Board appropriately addresses these built form recommendations.
145. Section 3.6 outlines Intensification/Reurbanization Opportunities in the mobility hub area. Intensification opportunities include, *"sites with an approved site plan; sites presently under construction; vacant or underutilized sites; and large sites where lot depths and widths can accommodate taller buildings."* The subject property is

identified on the Intensification/Reurbanization Sites map as an Approved/Under Construction site, but is not identified as a Vacant/Underutilized Parcel. Based on the Consultant's Avenue Study report (discussed in a later section of this Witness Statement), it is my belief that the approval that the consultant is referring to is the 1998 OMB Decision (5 and 11 storeys) which was never implemented by way of Zoning.

146. The Mobility Hub Study includes four focus areas (Section 4.0) that have been identified where redevelopment and streetscapes enhancements can have the greatest impact on the creation of a healthy and active mobility hub. The subject property is included as part of Area 2 – the TTC and GO/Air Rail Link Connection and North Development Parcel. This area is bounded by the Crossways property to the south, the rail corridor to the east, Dundas Street West to the west, and the Fresh Co/Shoppers Drug Mart property to the north.
147. Area 2 is discussed on pages 57-62 of the Study. The key recommendations for this area relate to the need to create a direct connection for passengers transferring between the Dundas West TTC Station, the GO/Air Rail Link platforms, including a direct, universally accessible connection between the existing rail infrastructure.
148. The key design guidelines for the area are illustrated on page 61 and include:
 - *“A maximum building height of 6 storeys to reflect the existing warehouse character.*
 - *Similarly, due to the warehouse character of the area, no step-backs are required along Dundas Street West except where necessary to provide adequate sunlight on the opposite sidewalk.*
 - *The southern section of the loop road should allow for vehicular access to a future PPUDO;*
 - *The loop road should be a public Local Road;*
 - *The 30 metre rail buffer should be designed as publicly accessible open space fronted by positive building frontages.”*
149. From a site planning perspective, the design concept illustrated in the Study is outdated and no longer applicable. Metrolinx is no longer looking at a Local Road loop to access the PPUDO. Rather, access is planned from the existing signalized intersection serving the property to the north and through that property vehicular access will be provided to the rear of the subject property. The proposal before the Board accommodates the current Metrolinx servicing of the PPUDO and provides sufficient land, as requested by Metrolinx, to locate a PPUDO on the subject property.
150. From a development intensity perspective, it is my opinion that the Design Concept illustrated on page 61, as it applies to the subject property, is not supportive of Provincial policies and guidelines with regard to the appropriate scale and form of development at the location of major transit stations. Restricting building height to six storeys on the subject property does not, in my opinion, represent good planning, and does not adhere to other Provincial and City policies. Restricting building height

to six storeys on the subject also seems to be inconsistent with identification in Section 3.6 as an approved/under construction site, which was modeled in the Consultant's Avenue Study as a 5 and 11-storey approved development. There is no rationale provided why 6-storeys is an appropriate building height, particularly given the proximity to the major transit station, and planned TTC and GO/Union Pearson Express connections.

151. ***In summary***, the Dundas West-Bloor Mobility Hub Study is a consultant study that has not undergone any formal approval so has no formal regulatory status. To the extent that the study provides any guidance to the development of the area, the general planning principle, consistent with Provincial policies and guidelines, of identifying a Primary Zone in close proximity to the rapid transit stations where the highest development intensities are to be located is found within the Study. The proposal before the Board is supportive of this planning principle. However, the illustrated design concept for the subject property, as contained within study has been extracted from the Avenue Study findings (which predates the Provincial Mobility Hub Guidelines and Transit-Supportive Guidelines) and do not advance this this planning principle.

Provincial Transit-Supportive Guidelines (2012)

152. The Provincial Transit-Supportive Guidelines were prepared by the Ministry of Transportation and released in January 2012. The Guidelines are intended to “*assist municipalities in implementing the policies and objectives of the PPS, as well as those of the Growth Plan for the Greater Golden Horseshoe.*” (p. 2).
153. The Guidelines provide relevant guidance on appropriate objectives and methods for coordinating the design of new environments to support the use of, and investment, in transit. The Guidelines provide guidance in the general areas of land use, physical design, improvements to the transit system and implementation. They are intended to provide a wide range of places and in large cities, such as Toronto, are meant to “*help utilize existing infrastructure, grow ridership and manage urban growth in a more transit-supportive manner.*” (p. 1).
154. Section 1 of the Guidelines describe where, on a regional and city-wide scale, development should be located to take the best advantage of transit investment. *Guideline 1.1.3- Corridors* specifically states that “*Major transit routes should be planned and developed as medium and high-density corridors. They are places to concentrate growth and intensification in immediate proximity to transit.*” (p. 16). The explanatory text outlines that existing corridors can be reinforced through infill and redevelopment and supported with investments in enhanced transit service. Specific strategies identify that highest densities on a corridor should be located closest to stop or a station area, or close to the intersection of transit routes (p. 17).
155. *Guideline 1.1.7 – Coordination of Transit and Land Use* further emphasizes the connection between transportation planning and land use planning and states that, “*land uses should be coordinated alongside existing and proposed transit investments to ensure that appropriate densities and mix of uses are provided in proximity to transit service.*” Specific land use strategies to coordinate transit and

land use include preparing official plans that establish a positive correlation between levels of transit service and higher-density development to ensure that a maximum number of potential users are located within close walking distance to transit services (p. 24-25).

156. Guideline 1.1.7 recommends a minimum density of 90 units per hectare in areas served by subway, and 200 residents and jobs combined. This density applies to the entire area within walking distance of the station (5-10 minute walk or 400-800 metres), and may include lower density stable areas, and higher densities located adjacent to the station. The Guideline also notes that mobility hubs and major transit stations may require higher minimum densities.
157. Based on Metrolinx' Dundas West-Bloor Mobility Profile dated September 19, 2012, the population density (residents per hectare) is 89.5 at the station area (800 metres around the station), and the employment density (jobs per hectare) is 15.9, resulting in a combined density of 105.4, which is significantly less than the suggested minimum density of 200 residents and jobs combined. The Mobility Hub has a total population of 18,000, and 3,200 jobs are located in the area. The proposed development will contribute 369 additional units to the station area, resulting in approximately 779 new residents in the area (assuming 2.11 residents per unit) and 548.3 square metres of retail space, resulting in approximately 20 jobs in the area. As such, following this development, the resulting population and employment density will be 109.5 residents and jobs per hectare (800 metres around the station), which falls well below the suggested minimum density of 200.
158. Section 2 of the Guidelines includes District-Level and Site-Specific Guidelines. *Guideline 2.4.1 - Layout and Orientation of Building within a Block* includes specific strategies emphasizing that higher-density development should be located close to transit stations or station areas, and that transitions in building scale can enable higher-density uses close to transit stops/stations while integrating with the scale and character of the surroundings (p. 72).
159. *Guideline 2.4.3 – Intensification of Station Areas* states that “*planning for station areas should take into consideration the potential for intensification over time*”, and the explanatory text emphasizes that station areas represent opportunities for transit-supportive development (p. 76). *Guideline 2.6.1 – Major Transit Stations* provides additional planning and design advice, and states that “*major transit stations should be designed to optimize their potential as transit-supportive places. Plans should be in place to capitalize on new development and place-making opportunities that can help to integrate them into their surroundings and support connections between various modes of movement.*” (p. 82-83). Specific strategies emphasize maximizing investment by preserving the potential for transit-supportive development in and around the station, and providing a mix of higher-density uses reflective of the level of transit service in and around the station area to support transit ridership and promote a more active pedestrian environment.
160. ***In summary***, the proposal before the Board is consistent with these Provincially endorsed guidelines, and allows for the development of a highly transit-supportive environment. The proposed development will contribute to achieving a transit-

supportive density at a major transit station which includes both regional and urban high order transit, and maximize Provincial investment in the area by providing higher density uses at a major station area.

Municipal Planning and Policy Framework

The Official Plan for the City of Toronto (adopted by Council 2002, brought into force 2006)

161. The Official Plan for the City of Toronto was adopted by City Council in November 2002. The Minister of Municipal Affairs and Housing approved the Plan, in part, with modifications. On July 6, 2006 the Ontario Municipal Board issued an Order which brought the majority of the Official Plan into force. The Official Plan sets out policies that help to guide the growth of Toronto to 2031.
162. The proposed development conforms to the Official Plan and, therefore, does not require an Official Plan Amendment. Relevant Official Plan policies supporting the proposal before the Board are detailed below.
163. **Urban Structure** - The City's Official Plan sets out an urban structure in order to direct growth and manage change over the next 30 years. Chapter 2 of the Official Plan sets out the growth management strategy to guide reurbanization and intensification, and states that job and population growth is to be directed towards identified 'growth areas'. Specifically, Policy 2.1.1 sets out a framework for directing growth, including focusing growth around an integrated transportation system and making better use of existing infrastructure.
164. Policy 2.2.1 outlines that the Official Plan will create a better urban environment, a competitive local economy, and a more socially cohesive city by attracting more people and jobs to targeted growth areas in the City that are supported by good transit service and other infrastructure.
165. As stated in Policy 2.2.2, growth is directed to areas identified as *Centres*, *Avenues*, *Employment Districts* and the *Downtown*, as identified on Map 2 – Urban Structure. The subject property is located on an *Avenue* on Map 2 – Urban Structure. Both Dundas Street West and Bloor Street West are identified as *Avenues*. As such, the subject property is identified in the Official Plan as a place where growth and intensification is to be directed.
166. Notable goals of this growth strategy in relation to the proposed development are detailed in Policy 2.2.2. These include using municipal land, infrastructure and services efficiently; concentrating jobs and people in areas well served by surface transit and rapid transit stations; promoting mixed use development to increase opportunities for living close to work and to encourage walking and cycling for local trips; and protecting neighbourhoods, green spaces and natural heritage features and functions from the effects of nearby development (a, b, d, and i).
167. The proposed development complies with, and enhances the growth strategy of the Official Plan. The subject property is located in an identified intensification area, is

supported by exceptional city and regional transit service and other municipal infrastructure. The subject property is not located adjacent to any residential uses and has the ability to accommodate growth without any impacts on the surrounding neighbourhood.

168. **Avenues** - Section 2.2.3 of the Official Plan includes the policies related to *Avenues*. *Avenues* are considered important corridors along main streets where reurbanization can create new housing and jobs while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents. The Official Plan acknowledges that each Avenue is different, that there is no 'one size fits all' program of reurbanizing the Avenues, and that a framework for change will be tailored for the situation of each Avenue through a local Avenue study.
169. Policy 2.2.3.1 states that reurbanizing the Avenues will be achieved through the preparation of Avenue Studies for strategic mixed use segments of the corridors shown on Map 2. Policy 2.2.3.2 outlines the requirements for completing an Avenue Study.
170. An Avenue Study was completed for the Bloor-Dundas study area in 2009. The subject property is located within the Avenue Study area. On December 4, 2009, the City of Toronto adopted Official Plan Amendment No. 100 and passed Zoning By-law No. 1222-2009 to implement a number of the recommendations from the Bloor-Dundas 'Avenue' Study. The proposal before the Board is generally consistent with the findings of the Avenue Study and helps implement many of its findings and objectives, which I will describe and outline in detail in the following sections of this Witness Statement. Where the proposal differs from the Avenue is in the total density (4.3 FSI as opposed in 4.0) and in built-form and height provisions. As I will detail later in this Witness Statement, the built form provisions for the subject property as recommended in the Avenue Study do not allow for an appropriate intensity of development, given its location adjacent to major transit stations or an appropriate built form given the surrounding context.
171. **Land Use Designation - Mixed Use Areas** - The subject property is designated a *Mixed Use Area* on Map 17 of the Official Plan. According to Section 4.5 of the Official Plan, *Mixed Use Areas* are intended to combine a broad mix of residential, office, retail, service and other uses allowing people to live, work and shop in the same area, while minimizing their dependence on cars.
172. Policy 4.5.1 states that "*Mixed Use Areas are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.*" (p. 4-10).
173. Policy 4.5.2 sets out the development criteria for Mixed Use Areas. This detailed performance criteria includes:
 - "*Create a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;*

- *Provide new jobs and homes for Toronto's growing population on underutilized lands;*
- *Locate and mass new buildings to provide a transition between areas of different development intensity and scale, particularly providing setbacks from and a stepping down of heights towards lower scale Neighbourhoods.*
- *Locate and mass new building to minimize shadow impacts on adjacent Neighbourhoods during the spring and fall equinoxes.*
- *Locate and mass new buildings to frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for 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;*
- *Locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and*
- *Provide indoor and outdoor recreation space for building residents.” (p.4- 10, 11).*

174. The proposed development is in conformity with the policies applying to Mixed Use Areas, and the development criteria outlined above. The proposed development of the subject property makes appropriate use of an underutilized site that is well serviced by transit. The proposal includes commercial and residential uses, incorporates indoor and outdoor amenity areas, and features an at-grade public walkway that will provide direct connection between a transit hub and Dundas Street West for the local community and transit passengers.

175. The proposed built form and massing creates a positive transition between the existing and planned built form along Dundas Street West. The tall building component is located at the rear of the site, where the pedestrian street-level impact and wind and shadow effects are minimized. It is located 47 metres from the existing Crossways towers, which provides an appropriate separation distance to ensure sky views and privacy are protected. The subject site does not directly abut any lower scale Neighbourhoods.

176. At street-level, the mid-rise building establishes an attractive and comfortable pedestrian environment. The building features appropriate step-backs to fit within the angular plane provisions, and minimize the perception of height. The proposal offers adequate vehicular and bicycle parking for residents and visitors, and adequate indoor and outdoor amenity spaces. Loading areas are located away from the street and local residences. As requested by Metrolinx, the proposal provides adequate lands for a Passenger Pick-Up and Drop-Off facility, enhancing the public benefits associated with this proposal.

177. ***In summary***, the proposal before the Board is in conformity with the land use policies of the Official Plan. The proposal is an appropriate development in a Mixed Use area along an Avenue. The proposed development is an appropriate form of redevelopment of underutilized lands, on a site that is located in the immediate

vicinity of a rapid transit station and regional transit hub that is undergoing significant investment.

178. **Transit-Supportive Development** - A main objective of the Official Plan is to encourage development in locations that are accessible by high-order transit and make efficient use of the City's investment in public transit. Section 2.4 of the Official Plan addresses the City's transportation system, and includes policies that aim to make more efficient use of the infrastructure, and support the goal of reducing car dependency throughout the City. The explanatory text for Section 2.4 makes two important points. First, it states,

"In addition to policies regarding the physical infrastructure of the City's transportation system, we need complementary policies to make more efficient use of this infrastructure and to support the goal of reducing car dependency throughout the City." (p. 2-26)

This point specifically addresses the fact that land use policies and future development need to be planned to take advantage of transportation infrastructure available in order to support alternative modes of travel.

Second, the explanatory text states:

"Successful reurbanization requires a shift in our approach to city planning. Moving minds and changing attitudes is every bit as big a challenge as moving people, goods and services." (p. 2-26)

This point anticipates resistance to transit-oriented development but makes the important point that change is required and that a new attitude to redevelopment and intensification is necessary in order to achieve appropriate reurbanization that supports and exploits transportation infrastructure.

179. Map 4 of the Official Plan indicates the City's Higher-Order Transit Corridors. As noted previously, the subject property is located within the immediate vicinity of the Bloor GO and Dundas West TTC Station, and the future GO Transit/TTC Station interchange. It is worth noting that the Union Pearson Express line and stations are not represented on Map 4, as this new transit infrastructure was planned following the adoption of the Official Plan. Map 4 of the Official Plan also does not recognize Metrolinx' mobility hubs, as the City's Official Plan predates Metrolinx's Big Move.
180. Policy 2.4.3 states that *"in targeted growth areas, planning for new development will be undertaken in the context of reducing auto dependency and the transportation demands and impacts of such new development assessed in terms of broader social and environmental objectives of the Plan's reurbanization strategy"* (p. 2-27).
181. Policy 2.4.4 emphasizes that sites in areas well serviced by transit, such as locations around key subway stations and along major surface transit routes, consideration will be given to the establishment of minimum density requirements as well as maximum density limits, minimum and maximum parking requirements (a, c). In addition, Policy

2.4.7 states that policies, programs and infrastructure will be introduced to create a safe and comfortable and bicycle friendly environment.

182. Policy 2.4.8 states that an urban environment and infrastructure will be created that encourages and supports walking throughout the City through policies and practices that ensure safe, direct, comfortable, attractive and convenient pedestrian conditions, including safe walking routes.
183. Policy 2.4.10 notes that inter-modal and inter-line connections will be promoted to ensure that each mode is conveniently integrated with the rest of the urban transportation system.
184. ***In summary***, the proposed development and use of the subject property supports and advances the Official Plan's policy goals related to enhancing the transportation system. The proposed development is located in an area with some of the best public transit opportunities in the City (including interregional transit) and will promote a form of development supportive of existing and planned transit investment. The proposal before the Board includes a connection that will provide a direct pedestrian connection from the Bloor GO/Union Pearson Express to a second Bloor Dundas TTC Station, and Dundas Street West, and provide lands for Metrolinx to develop a Passenger Pick-Up and Drop-Off facility at the rear of the property, adjacent to the railway tracks.
185. **Public Realm**— Section 3.1.1 of the Official Plan outlines the policies relating to the public realm. Policy 3.1.1.1(c) notes quality architecture, landscape and urban design will be promoted by ensuring new development enhances the quality of the public realm. The proposed redevelopment will significantly improve the public realm in this neighbourhood by providing high-quality buildings and making investments that improve public and private open spaces and better integrate the site with the surrounding public realm and neighbourhood. Approximately 22% of the site is dedicated towards public amenities, including the Metrolinx Drop-off, the pedestrian at-grade walkway, and the sidewalk extension along Dundas Street West.
186. Policies 3.1.1.5 and 3.1.1.6 speak to the importance of City streets and the need for sidewalks to be designed as safe, attractive, interesting and comfortable spaces for pedestrians. Policy 3.1.1.12 states that design measures to promote pedestrian safety and security will be applied to street spaces, parks and other public and private open spaces. The proposed development will significantly improve the pedestrian comfort, safety and security along Dundas Street West and the surrounding property, and includes a pedestrian connection along the southern portion of the subject property, which will provide a high-quality and safe direct pedestrian connection to the TTC and the GO Transit/Union Pearson Express transit platforms.
187. **Built Form Policies** - Section 3.1.2 of the Official Plan acknowledges that built form has a large role in establishing a comfortable environment and can enhance perceptions of safety in streets and open spaces. This section acknowledges that future development will be built on infill and redevelopment sites and that future development proposals need to fit within the existing context and character of the

surrounding area. The Official Plan does not contain any density or height limits, and instead sets out that proposed development will be required to meet the tests set out by the built form policies of the Plan.

188. Policy 3.1.2.1 outlines that new development will be located and organized to fit with its neighbourhoods or planned context, and frame and support the public realm to improve safety, pedestrian interest and views to these spaces. Policy 3.1.2.2 notes that new development will locate and organize vehicular parking and access to minimize impact on the property and surrounding properties.
189. Policies 3.1.2.3, 3.1.2.4 and 3.1.2.5 are related to new development and massing. Policy 3.1.2.3 states that new building will be massed to fit harmoniously into its surrounding, and respect and improve the local scale character, while Policy 3.1.2.4 states that new development should be massed to define the edges of the streets and parks at open spaces. Policy 3.1.2.5 states that new development will provide attractive, interesting, comfortable and functional spaces for pedestrians.
190. The proposed development is in accordance with the built form policies above. The proposed 8-storey mid-rise building along Dundas Street West has been designed to be relatively proportional to the Dundas Street West right-of-way of 20 metres, and introduces building step-backs after the 4th and 6th storeys to create a pedestrian-scaled condition along the sidewalk and street edge, and respect the existing and planned surrounding context. This mid-rise building will improve the local scale character along Dundas Street West by defining the edges of the street, and provide an appropriate building setback to establish a wider sidewalk area along Dundas Street West. The pedestrian connection along the south of the property will create an attractive and positive publicly accessible pedestrian pathway with direct connection to both regional and urban transit facilities. The tall building component has been setback from Dundas Street West by 56 metres, and will be located along the subject property's eastern end, with minimal impact from the street and neighbouring residential areas.
191. **Tall Buildings** - Section 3.1.3 includes the policies related to tall buildings. This section notes that tall buildings, when appropriately located and designed, can support and draw attention to the city structure, and help define the City's image, and by concentrating development on a small portion of the site, can provide high quality publically accessible open spaces, and areas for community services and amenity.
192. It is worth noting that the Official Plan does not contain any policies with regard to specific geographic area where tall buildings should or should not be located. The explanatory text does note that tall buildings are generally limited to the *Downtown, Centres, Secondary Plan* areas, but does that tall buildings will be permitted in other areas "*on the basis of appropriate planning justification consistent with the policies of this Plan.*" (p. 3-8);
193. Policy 3.1.3.1 outlines that the design of tall buildings should be considered to be of three parts, including a base building, middle (shaft), and top- mechanical system.

194. Policy 3.1.3.2 states that tall buildings must meet key urban design considerations, including:
- a) *“Meet the built form principles of this Plan;*
 - b) *Demonstrate how the proposed building and site design will contribute and reinforce the overall City structure;*
 - c) *Demonstrate how the proposed building and site design relate to adjacent buildings and block within the immediate neighbourhood;*
 - d) *Minimize the negative impact of shadows, sky views, and wind on adjacent public areas including streets, parks, and open spaces;*
 - e) *Take into account the relationship of the site to topography and other tall buildings;*
 - f) *Minimize the negative impact of shadows, sky view and wind on neighbouring private properties and residential neighbourhoods;*
 - g) *Provide adequate transition between taller buildings and the adjacent lower-scaled buildings;*
 - h) *Provide high quality, comfortable and usable publicly accessible open spaces and areas; and*
 - i) *Meet all other policies of this Plan.”* (p. – 3-9).
195. The subject property is a suitable site to accommodate a tall building as it is deep, located adjacent to the rail corridor, does not directly abut any residential areas, and is well serviced by both a subway and regional transit. The depth of the subject property has been utilized to place a taller building on the rear of the property, where impacts on streets, parks and open spaces, and the neighbouring residential neighbourhoods are minimized, as the tall building is well setback from Dundas Street West, in accordance with Policy 3.1.3.2(d) and (f).
196. The proposed development and the proposed tall building component in particular meets the urban design considerations detailed in Policy 3.1.3.2. The tall building component of the proposed development occupies a small portion of the entire site area, and is designed as a point-tower with a tower floor plate of 750 square metres – occupying a mere 13% of the site area. By concentrating development in the form of a mid-rise building and tower, a substantial portion of the site is dedicated to public amenities and uses, including the Metrolinx Passenger Pick-Up and Drop-off Facility and the east-west pedestrian walkway.
197. The height of the tall building at 23 storeys creates a stepping down and transition between the adjacent 29-storey Crossways buildings to the south, without replicating the built form of that building. The proposed height of the tall building establishes an improved transition to the planned and existing context to the north, in accordance with Policy 3.1.3.2 (c), (d), (e), and (g). It is located 47 metres from the Crossways, which represents an appropriate separation distance, with no negative impacts in terms of privacy.
198. The proposed development includes a publicly accessible walkway that will provide access between the Metrolinx GO and Union Pearson Express Stations, and Dundas Street West, complying with Policy 3.1.3.2 (h).

199. ***In summary***, the proposed built form is appropriate for the subject property, and conforms to the built form policies in the Official Plan. The proposed development is predominately mid-rise in form, and creates a pedestrian-scaled condition along the sidewalk and the street edge. At 23-storeys and 8-storeys, the tall-building and mid-rise building components create an appropriate transition between the 29-storey Crossways and the surrounding community.
200. **Housing** - Policy 3.2.1.1 notes that a full range of housing, in terms of form, tenure and affordability, across the City and within neighbourhoods will be provided and maintained to meet the current and future needs of residents. The proposed development provides 369 housing units to help meet this need and an area of the City identified and designated for such housing opportunities.
201. **Community Services and Facilities** - Section 3.2.2 contains a number of policies regarding community services and facilities. These policies speak to the importance of ensuring that an appropriate range of community services and facilities are provided in areas of major or incremental physical growth (Policy 3.2.2.1.c) and encourage the inclusion of community service facilities in significant private sector developments through development incentives and public initiatives (Policy 3.2.2.7).
202. **Interpretation Policies** – Interpretation policies are set out in Section 5.6 of the Official Plan. Policy 5.6.12 specifically notes that all planning decisions will recognize the requirements of the Provincial government and its agencies, including Provincial legislation, statements of policy direction and matters of provincial interest, and applicable standards and guidelines. It is my opinion that the proposal before the Board meets and implements all Provincial policies and guidelines, with a specific emphasis on achieving transit-supportive development. However, the City position to limit height and density on the subject property is contrary to Provincial policies and guidelines and, as such, such a planning decision would not be in conformity with Policy 5.6.12.
203. **Toronto Official Plan Summary:** The proposed development conforms to the Official Plan and, therefore, does not require an Official Plan Amendment. The Proposal before the Board conforms to all relevant Official Plan policies as demonstrated above.

The Bloor-Dundas Avenue Study (2009)

Background & Overview

204. At its March 2008 meeting, City Council approved the initiation of an 'Avenue' study for the portion of Bloor Street West between Keele Street and Dundas Street West and for Dundas Street West between Glenlake Avenue and Boustead Avenue. The City retained consultants to prepare the Bloor-Dundas 'Avenue' Study. The final Consultant's Report ("Bloor-Dundas 'Avenue' Study"), dated September 2009, prepared by Brook McIlroy Planning + Urban Design, provides key findings from process, recommendations, urban design guidelines and associated implementation strategies.

205. The recommendations and urban design guidelines contained in the Consultant's Report were included in a Staff Report entitled "*City Initiated 'Avenue Study' of Bloor Street West between Keele Street and the rail corridor, and Dundas Street West between Glenlake Avenue and Boustead Avenue Final Report*", dated October 22, 2009. In order to implement the Avenue Study findings, the Staff Report recommended approval of amendments to the Official Plan and Zoning By-law 438-86, and the adoption of Urban Design Guidelines.
206. On December 4, 2009, the City of Toronto adopted Amendment No. 100 and passed By-law No. 1222-2009 to amend the General Zoning By-law to implement a number of the recommendations from the Bloor-Dundas 'Avenue' Study. The Official Plan Amendment applies solely to the Loblaws Site at 2280 Dundas Street West. In the following sections, I will discuss the Consultant's Report, the Staff Report, and the corresponding implementation by-law, By-law No. 1222-2009.
207. It is my opinion, as outlined in various sections below that the Avenue Study's general findings are appropriate and generally supportive of intensification within the study area in a manner that supports the transit infrastructure and is compatible with the surrounding context. However, with regard to the subject property there are a number of issues I have with the Avenue Study findings, as follows:
- there is no recognition in the recommendations for the subject property of it being located adjacent to major transit stations nor to the requirements of Provincial policies and guidelines in relation its location adjacent major transit stations;
 - there is no actual analysis of the development potential of the subject property within the Avenue Study or any discussion of appropriate development or built form for the subject property;
 - the Avenue Study simply uses a 1998 OMB decision as the basis for development potential of the subject property – notwithstanding the fact that that decision was never implemented and both the Municipal and Provincial Planning frameworks and policies have changed significantly since that time;
 - the development intensity suggested for the subject property by the Avenue Study (i.e., the 1998) is well below the eventual density recommended without any discussion on how this will or should impact built form and recommended height on the subject property; and
 - the height provisions contained in the implementing Zoning By-law, as they apply to the subject property, are in conflict with the Avenue Study report, with no discussion on the matter, or justification and analysis provided.

The Consultant's Report (prepared by Brook McIlroy Planning + Urban Design/Pace Architects in association with Poulos & Chung Limited, Sept. 2009)

208. The Consultant's Report prepared by Brook McIlroy Planning + Urban Design builds on the Bloor Street Visioning Initiative completed in 2008, and provides a framework and urban design guidelines intended to direct redevelopment. The framework includes built form recommendations, opportunity sites analyses, transit, street and

open space improvements, community facilities and services recommendations, and sustainability opportunities.

209. **The Subject Property & the Avenue Study** - In the Consultant's Report (September 2009), the subject property is referenced as a Proposed Development Project (Section 3.1.10, p.26). It is noted that a development application on the subject property predates the current Official Plan and Avenue policies. The Consultant's Report refers to the proposal of 5-storeys (16 metres at street frontage, 21 metres with mechanical penthouse), and 11 storeys (31.5 metres, 36.5 metres with mechanical penthouse) that was approved by the OMB but never implemented by by-law. The massing diagrams in the Consultant's Report for the subject property illustrate a 5-storey and 11-storey building. The Consultant's Report does not state that the density corresponding with the 5 and 11-storey OMB approved proposal resulted in a density of 2.84 times the site area. The report also does not provide any commentary on the appropriateness of such built form, massing and density within the context of the study or within the context of the Municipal and Provincial planning frameworks, which have changed considerably since 1998.
210. **Built Form Recommendations** - Section 5.2 of the Consultant's Report details the height and massing recommendations for the Avenue Study area. The general recommendations state that new built form should,
- *“Generally be mid-rise and provide a street-wall podium that strengthens the existing main street condition;*
 - *Contribute to a comfortable pedestrian realm by providing active ground floor uses;*
 - *Provide high-quality exterior materials and design that supports the character and function of Bloor Street West and Dundas Street West; and*
 - *Be massed to fit harmoniously with existing smaller scale buildings and to minimize adverse impacts including traffic, shadows, and overlook on adjacent neighbourhoods.” (pg. 35).*
211. The Consultant's Report (pg. 35) notes that taller building elements could be incorporated at specific locations to meet broader planning objectives and on page 29 specifically notes that the rail corridor is an appropriate location for taller buildings.
212. **Height & Massing** - The Consultant's Report generally recommends 20 metres (6 storeys) as the maximum allowable building height along Dundas Street West and Bloor Street West. The report acknowledges that,
- “there are sites some that, because of their location, adjacency and physical characteristics, can accommodate buildings taller than the base height of 6 storeys, or even a 1:1 ratio of building height to street width. While these sites can be taller than the maximum allowable height, they should continue to address and be sensitive to the existing context, as well as conform to other built form recommendations (these sites and conditions are outlined in Section 5.3.3 Demonstration Plans).” (p. 36)*

In my opinion, the subject property fits the criteria of a site where additional height and massing could be accommodated. However, the site is not included amongst the Demonstration Plans in section 5.3.3 and no specific analysis of appropriate height and massing appears to have been done as part of the study. In my opinion, a site adjacent to a major transit station should be looked at in a site-specific manner in order to be able to make an appropriate recommendation with regard to build form and development potential.

213. **Building Podium & Front Yard Step-backs** – Podiums and step-backs can help mitigate the perception of height and have a positive effect on the streetscape. On Dundas Street West, north of Bloor Street, the Consultant’s Report states that front yard step-backs may not be required or may occur above the top of the fourth storey in keeping with the ‘existing warehouse character’, although the subject property does not have any existing warehouses located on it. The proposal before the Board implements this measure.
214. **Side-yard Step-backs** – Side yard-step-backs are required when a building abuts a secondary street or another property. While the building does not provide step-backs it is sufficiently setback from its north and south property lines such that a side-yard step-back is not an issue.
215. **Step-backs at Upper Floors** – The Consultant’s Report recommends second step-backs at upper storeys that are as tall as the width of the R.O.W. or taller, to allow for sunlight penetration on the opposite sidewalk. The proposal before the Board implements this measure.
216. **Ground Floor – Uses & Heights** – The Consultant’s Report recommends that the ground floor on buildings on Bloor Street West and Dundas Street West should be entirely non-residential, and that the ground floor uses along Dundas Street West north of Bloor should be a combination of office and retail use. The minimum floor to ceiling height recommended for the ground floors of mid-rise buildings is 4.5 metres to allow for flexibility of uses and loading/servicing to be internal to the building. The proposal before the Board achieves this along Dundas Street West. The proposal before the Board appropriately implements this measure.
217. **Front Property Setbacks** – The Consultant’s Report recommends front property setbacks in order to establish 4.8 metre sidewalk. This condition does not currently exist along Dundas Street West. The Report notes that front property setbacks along the east side of Dundas Street West are particularly important. The Report recommends that new development should be setback to 2 metres from the front property line in order to create a minimum 4.8 metre sidewalk width. The proposal before the Board implements this measure.
218. **Rear Transition** – The Consultant’s Report recommends that the MCR Zoning regulations for rear transitions to a Neighbourhood or open space land use should be continued to be utilized in the Study Area. The subject property does not abut any residential uses, and the Metrolinx railway is located at the rear of the property line.

The rear angular plane provisions to provide adequate transition to Neighbourhoods do not apply.

219. **Rooftops** – The Consultant’s Report notes that roofs and mechanical penthouses should be incorporated into the architecture of buildings, and that mechanical penthouses or other rooftop structures should not exceed the maximum allowable height by more than 5 metres, penetrate rear angular planes, or create additional shadow impacts. The proposal before the Board implements this measure.
220. **In summary**, the proposed development complies with the intention of the general built form recommendations and is able to introduce a tall building component while still creating and reinforcing the pedestrian-scaled mid-rise environment desired for Dundas Street West. In terms of step-backs, the mid-rise building along Dundas Street West includes a step-back after the fourth and sixth storeys to mitigate the perception of height. In terms of first floor uses, the proposed development includes retail uses on the first floor of the mid-rise building along Dundas Street West. The first floor height is 4.5 metres. In terms of a rear transition, the subject property does not directly abut any residential neighbourhoods as it is located adjacent to the rail corridor. To the east of the rail corridor, are industrial/mixed uses. In order to establish a 4.8 metre sidewalk along Dundas Street West, the proposal features a 2 metre setback from the front property line.
221. **Opportunity Sites** - Section 5.3 of the Consultant’s Report describes sites identified as ‘Opportunity Sites’ in the Avenue Study area. Opportunity Sites are considered sites with short to medium-term development potential. Section 5.3.1 notes that,

“property depth plays an important role in the ability of a site to be developed at a mid-rise (or taller) height, because of angular planes and setback requirements, i.e. the deeper the site, the easier it is to comply with the regulations and still achieve a feasible building envelope.” (pg. 43)

This section also outlines that property width plays a role in redevelopment potential, and notes that the east side of Dundas Street West, is an exception to the property and building widths characteristic of the main-street typology in the area.

222. Section 5.3.2 notes that a property-by-property site analysis was conducted to gauge which sites may have development potential in the short to medium-term. The criteria to determine which sites may be subject to development interests and would be appropriate ‘Opportunity Sites’, including 1) Property Depth; 2) Property Width; 3) Special Sites; 4) Large Buildings; 5) Rental Housing; 6) Lot Ownership; 7) Existing Lot Use; and 8) Likelihood of Current Use being Redeveloped.
223. Based on the criteria, eight Opportunity Sites were identified. Section 5.3.3 details conceptual demonstration plans for each Opportunity Site. According to the Study, the built form envelopes for each Opportunity Site were determined by applying the recommendations that evolved over the course of the Study, in consideration of the objective of accommodating additional appropriate intensification, and addressing site- specific factors including site orientation as it relates to sunlight and shadow, adjacent land uses, existing built form and the width and type of the adjacent streets.

224. The subject property was not included as an Opportunity Site in the Avenue Study. In the Consultant's Report, as previously noted, it is included as a Proposed Development Project, and the massing diagrams illustrate a 5 and 11-storey proposal without any commentary or analysis on the appropriateness of that built form within the context of the study.
225. Although the subject property is not an identified Opportunity Site, in my opinion, it meets all of the criteria listed in the Consultant's Report regarding the selection of Opportunity Sites. Namely, it is a deep and wide lot that would not require consolidation for redevelopment, and due to its former use as a used-car lot and now vacant use, could be redeveloped in the short-term. As a former used-car lot with single ownership, it does not contain rental housing, and does not contain any buildings with special significance.
226. Furthermore, the site is located adjacent to major transit stations and has the opportunity to address and implement planned improvements to those stations. It is my opinion that Provincial policies and guidelines with regard to development around major transit stations necessitates the need to undertake a site-specific analysis of the subject property prior to making any planning decision related to its development potential.
227. While not analyzed, the subject property is identified in the diagrams related to Opportunity Site 7 (p. 56). That site currently contains the Shoppers Drug Mart and Fresh Co. grocery store, and associated parking areas. The study recommends that the maximum height of buildings at that location should be 6 storeys to relate to the existing warehouse character. The massing diagrams related to the subject illustrate a 5 and 11-storey building on the subject property.
228. **Transit & Street Improvements** - Section 5.4 of the Consultant's Report includes recommendations related to traffic, transportation and streetscapes. The Report calls for the need to improve access to transit in the area, including widening the west sidewalk on Dundas Street West, improving pedestrian access to Dundas Street subway station, and developing an additional entrance/exit on the east side of Dundas Street. The proposal provides lands for a TTC second exit from Dundas West TTC Station at the eastern end of the below-grade platform, as well as a direct at-grade pedestrian pathway to/from the GO and Union Pearson Express Station, the future easterly TTC exit, and Dundas Street West. The proposed development is setback from Dundas Street West to accommodate future sidewalk expansion.
229. **Open & Green Space** – Section 5.5 of the Consultant's Report identifies opportunities for improvements to the public and private realm to provide new green space opportunities. This includes opportunities to incorporate open green space in Opportunity Site 7 (Fresh Co./Shoppers Drug Mart site) and Opportunity Site 8 (Loblaws site), as well as along the rail corridor on the east side of Dundas Street West. The Consultant's Report also identifies streetscape improvements, noting that any landscape treatment along Dundas Street West will have to allow a minimum of 2.0 metres clear sidewalk. The proposed development incorporates open and green space amenities that contribute to an enhanced public realm, including an east-west

at-grade pedestrian connection along the southern portion of the site. The proposed development is setback from Dundas Street to permit sidewalk expansion.

230. **Community Services & Facilities** – City Planning prepared a Community Services and Facilities Assessment for the area. As summarized in section 5.6 of the Consultant’s Report, the Assessment identifies a need for new non-profit facilities, multi-purpose/recreation facilities, additional public parkland in the immediate area, and increased public access to the recreation facilities at Bishop Marrocco Secondary School.
231. **Sustainability** – The Consultant’s Report identifies sustainability as an important objective for new development, and states that new development will have to meet the Toronto Green Standard (TGS) as well as comply with the City’s Green Roof By-law. The proposed development meets the Tier 1 TGS and features a green roof.
232. **Urban Design Guidelines** – Section 6 of the Consultant’s Report includes Urban Design Guidelines that address both the public and private realms. The Guidelines were adopted by Council on December 4, 2009, and are intended to be used to evaluate development proposals and public realm improvements within the Bloor-Dundas Avenue Study area. The Urban Design Guidelines provide recommendations for both the public and private realms. Public realm guidelines address boulevard treatments, parks and open space, public art, signage and accessibility. Private realm guidelines address building orientation, built form, façade articulation and sustainability, all focused on encouraging high-quality and context-appropriate development. The Guidelines are consistent with the Built Form Recommendations, as described in Section 5.2 of the Consultant’s Report, and outlined above. The Witness Statement of Mark Sterling provides further elaboration on how the proposal addresses these guidelines. I have reviewed the opinions of Mark Sterling and discussed the overall design of the proposal before the Board with him, and agree with his opinions.

Staff Report – City Initiated ‘Avenue Study’ of Bloor Street West between Keele Street and the rail corridor, and Dundas Street West between Glenlake Avenue and Boustead Avenue – Final Report (October, 22, 2009)

233. Planning Staff issued a Final Report (October 22, 2009) on the Avenue Study, providing recommendations and an implementation strategy. The implementation strategy included an Official Plan Amendment for the lands located on the east side of Dundas Street West, south of Bloor Street (The Loblaws Site), a Zoning By-law Amendment for the remainder of the study area, and the adoption of the Urban Design Guidelines included in Section 6 of the Consultant’s Report. In addition, staff recommended various public realm improvements and opportunities in the area. For the most part, staff recommendations are taken from the Consultant’s Avenue Study Report.
234. City Council adopted the recommendations of the Staff Report and approved implementing Zoning By-law 1222-2009 on December 4, 2009.

235. **Zoning** –The Staff Report provides recommendations on zoning changes beginning on page 12. The vast majority of the Avenue Study area was given a building height limit of 20 metres and a zoning designation of MCR T4.0 C1.5 R3.0. Four specific sites (Opportunity Sites 1-4) from the Avenue Study were given taller height limits and higher densities (p. 13-14). No special provisions or increased height or density were provided for any properties adjacent to or in close proximity to the Dundas West Subway Station/streetcar-bus terminal or the Metrolinx GO and Union Pearson Express Stations. The approach taken was to evenly distribute height and density throughout the area, which in my opinion is not consistent with the Provincial policies and guidelines with regard major transit station areas or transit-supportive development. It is also not consistent with the Dundas West Mobility Hub study which identifies a Primary Zone where higher development intensity should occur (including subject property).
236. On page 19 of the Staff Report is a discussion regarding the explicit intention to evenly distribute density.
237. In my opinion, the approach to evenly distribute density and not recognize special policy considerations for the major transit stations does not represent good planning. Furthermore, it is a departure from the more traditional approach taken by the City in planning studies along intensification corridors with rapid transit stations, where additional height and density are provided adjacent to the stations and then height and density decrease further away from the station. The treatment of lands around the St. Clair West Subway Station as part of the St. Clair West Avenue Study and implementing documents, and the treatment of lands along the Sheppard Subway Corridor within the Sheppard Corridor Secondary Plan are two examples of transit-supportive planning policies that recognize the importance of subway stations and are consistent with Provincial policies and guidelines. In my opinion, a similar approach to height and density should have been taken around the Dundas West Subway Station, particularly given the recent investment in the Metrolinx GO and Union Pearson Express Stations.
238. It is also worth noting that the permitted height as recommended in the Staff Report with regard to the subject property is not consistent with heights on the subject property as assumed in the Avenue Study. The Avenue study illustrated the 1998 OMB decision of 5 and 11 storeys on the subject property. However the permitted height on the subject property is 20 metres and 23 metre (approximately 6 and 7 storeys). There is no explanation or discussion in the Staff Report with regard to this discrepancy, even though the Staff Report refers to the 1998 OMB decision (p. 17).
239. Furthermore, given that the 1998 OMB approval of 5 and 11 storeys resulted in a density of 2.84 FSI and that Staff recommended increasing the density on the site to 4.0 FSI, there is a clear disconnect in the zoning recommended by staff in that the permitted heights and permitted density do not match. In the absence of a site-specific analysis to determine the appropriate height on the subject property, it is unclear to me why the heights were reduced. This is especially confusing given the fact that the consultant's Avenue Study report notes that sites along the rail corridor and deep sites could actually accommodate taller buildings. Finally, reducing heights adjacent to major transit stations and providing for heights which do not allow for the

desired density adjacent to major transit stations to be achieved does not, in my opinion, represent good planning.

240. **Built Form** - The Staff Report recommended adopting the built form recommendations included in the Consultant's Report, with some modifications. The final recommendations are as follows:

- *Building Podium Heights & Step-backs*: The Staff Report states that a podium height of 13.5 metres (approximately 4-storeys) with a step-back of 2.5 metres above for Dundas Street West is required.
- *Side-Yard Step-backs*: The Staff Report requires side yard step-backs when a building abuts another property. The side yard step-back is required a minimum of 1.2 metres above the podium height. For buildings with heights above 20 metres, a minimum 5.5 metre setback is required adjacent to the side lot line.
- *Rear Yard Transition*: This provision includes a rear yard angular plane regulation which does not apply to the subject property, as it is located adjacent to the rail corridor, and does not abut residential areas.
- *Upper Floor Step-backs*: Staff modified the upper storey setback requirement, recommending a 2.5 metre step-back above 32-metres (10-storeys).
- *Front Property Set-backs*: In order to achieve the 4.8 metre sidewalk width, Staff recommended a 2 metre setback on the east side of Dundas Street West.
- *Build-to-Line*: In order to establish a continuous building wall, staff recommend minimum 'build-to' standards; a minimum building height of 10.5 metres (approximately 3 storeys) or the podium height of 13.5 metres (approximately 4 storeys) must occupy a minimum of 80% of the frontage on Bloor Street and Dundas Street West.
- *Access*: This provision does not apply, as the subject property does not have access to a rear lane or abut a side street.

241. **Section 37** – The Staff Report notes that “*certain sites may receive additional height and density permissions provided section 37 matters are secured*” (p. 18). Staff recommends that where buildings are proposed to have a height and/or density greater than the recommended base zoning, the landowner will be required to enter into a Section 37 agreement with the City to provide community benefits prior to obtaining the increase in height and/or density in the zoning by-law. In my opinion, this clearly demonstrates that staff expected site-specific applications such as the one for the subject property and understood that the proposed heights and density in the Zoning By-law were not necessarily appropriate for each and every site in the study area. In my opinion, the provision of land for the purposes of providing secured

at-grade pedestrian connection to the Metrolinx GO and TTC Stations, lands for a below-grade second TTC station exit, and to allow for the PPUDO as designed by Metrolinx are the appropriate community benefits to be secured as part of this development.

242. **Public Realm & Improved Access to Transit** - The Staff Report summarized a number of the public realm recommendations in the Consultant's Report related to the proposal before the Board, including sidewalk improvements along Dundas Street West, and improved access to transit. The Staff Report specifically identified the need to improve pedestrian access to the Dundas West Subway station, the provision of a second entrance/exit to Dundas Street West Station on the east side of Dundas Street West.
243. **Avenue Study Summary** – It is my opinion that the Avenue Study's general findings with regard to supporting transit infrastructure and intensification within the Study Area are appropriate. However, the approach to evenly distribute height and density and not provide special policy consideration around the major transit stations is not consistent with good transit-supportive planning principles and is not consistent with Provincial policies and guidelines. Furthermore, with regard to the subject property there are a number of issues with the Avenue Study findings as follows:
- there is no recognition in the recommendations for the subject property in it being located adjacent to major transit stations nor to the requirements of Provincial policies and guidelines in relation its location adjacent major transit stations;
 - there is no actual analysis of the development potential of the subject property within the Avenue Study or any discussion on appropriate development or built form for the subject property;
 - the Avenue Study simply uses a 1998 OMB decision as the basis for development of the subject property – notwithstanding the fact that that decision was never implemented and both the Municipal and Provincial Planning frameworks and policies have changed significantly since that time;
 - the development intensity for the subject property used within the Avenue Study (i.e., the 1998 OMB decision) is well below the eventual density recommended without any discussion on how this will or should impact the built form on the subject property; and
 - the height provisions contained in the implementing Zoning By-law, as they apply to the subject property, are in conflict with the Avenue Study report, with no discussion on the matter.

General Zoning By-law No. 438-26

244. The property is subject to the City of Toronto General Zoning By-law No. 438-86 of the former City of Toronto. The General Zoning By-law was amended by By-law No. 12229-2009, which carried forward the recommendations of the Avenue Study. A site-specific amendment to the by-law will be required to permit the proposed development.

By-law No. 1222-2009

245. By-law No 1222-2009 is an area-specific by-law that carried forward the recommendations of the Avenue Study. It amends the General Zoning By-Law No. 438-26 (section 12(2) 347).
246. **Zoning Designation** - The subject property carries a Mixed Commercial Residential (MCR T4.0 C1.5 R3.0) zoning designation, which permits a broad mix of residential, commercial and other uses. Residential uses are permitted at 3.0 times the lot and non-residential uses are permitted at 1.5 times the area of the lot, with a total permitted density of 4.0 times the area of the lot. Heights are permitted up to 20 metres (6 storeys) along Dundas Street West, and 23 metres (7 storeys) at the rear of the subject lands.
247. **Density Permissions** - The MCR 4.0 designation applies across the Avenue Study area, with the exception of the four of the opportunity sites that were granted additional density/height permissions through the Zoning By-law Amendment, which permits densities of up to 5.5 times the site area, and up to 7.0 times if some sites were consolidated in the future. The chart on the following page outlines the site characteristics and permissions granted at Opportunity Sites 1-4 through the By-law, in comparison to the subject property.

Bloor-Dundas Avenue Study – Zoning By-law No. 1222-2009 Zoning Permissions Comparison						
Site	Location Existing Use & Existing Heights	Site Area & Dimensions Frontage/Depth ¹	Zoning Permission	Transit Station Proximity	Existing Surrounding Heights & Uses	Low-Rise Residential Proximity & Special Features
Subject Property 2376 Dundas W.	NE side of Dundas St. W. Vacant/former car sales lot	5,860 m ² Frontage: 55 m Depth: 123 m	MCR T 4.0 C. 1.5 R. 3.0 H 20 H 23	43 m. - Dundas West TTC west exit 1 m. - Future TTC east exit/GO Station/UPE tunnel	N: 2 storeys Fresh Co. S: 29 storeys Crossways W: 2 storeys, 4-storeys E: Railway	55 m. to east Adjacent to railway, buffered by Dundas St. W. At subway location
Opportunity Site 1 Option A Consolidated 1730-1750 Bloor St. W.	NE corner of Bloor Street and Keele Rd. Consolidated: Gas station and retail strip plaza, 1 storey	2,425.9 m ² Frontage: 68.5 m Depth: 33.7 and 32.3 m.	MCR T 7.0 C2.0 R. 6.0 H 47 H 32			
Opportunity Site 1 Option B Not Consolidated 1750 Bloor St. W.	NE corner of Bloor St. W. & Keele Rd. Gas station 1 storey	1,236.8 m ² Frontage: 32 m Depth: 33.7 m	MCR T.5.5 C 2.0 R. 4.5 H 32	27 m. -Keele TTC Station Keele exit.	N: Keele TTC Subway S: 2 storeys mixed-use W: 5 storeys residential E: 1 storey retail plaza	71 m. to north Buffered by Keele subway Key intersection
Opportunity Site 1 Option B Not Consolidated 1730 Bloor St. W.	NW corner of Bloor St. W. & Indian Grove Retail strip plaza 1 storey	1,189.1 m ² Frontage: 36.5 m Depth: 32.3 m.	MCR T 5.5 C.2.0 R. 4.5 H. 32	38 m. - Keele TTC Station Keele exit.	N: Keele TTC Subway S: 2 storeys,5-storeys mixed-use W: Gas station E: 8 storeys, mixed-use residential	65 m. to north Buffered by Keele subway
Opportunity Site 2 1660 Bloor St. W.	NW corner of Bloor St. W. & Indian Rd. Auto repair shop 1 storey	1,677.3 m ² Frontage: 53 m. Depth: 30 m.	MCR T5.5 C.2.0 R. 4.5 H 32	51 m. - Keele Station Indian Road exit	N: TTC parking lot S: 2 storeys Church W: 8 storeys, residential NE: 12-storeys, mixed-use (approved 2010) SE: 2-storeys, mixed-use	80 m. Buffered by above- grade subway tracks
Opportunity Site 3 Consolidated 1540-1552 Bloor Street W.	NW corner of Bloor St. W. and Dundas Street W. Mixed use, 2- storey structures	2,760.8 m ² Frontage: Varies Depth: Varies	MCR T7.0 C2.0 R6.0 H 47 H 32			
Opportunity Site 3 Not Consolidated with Adjacent Properties 1540 Bloor St. W.	NW corner of Bloor St. W. and Dundas Mixed use, 2- storey structures	2,012.5m ² Frontage: 31 m Depth: Irregular	MCR T 5.5 C2.0 R4.5 H 20 H 32	30 m. - Dundas West TTC	N: TTC Station S: 12-storeys, mixed-use W: 2-storeys, mixed-use E: 29-storeys, mixed-use	70 m. to north Key intersection
Opportunity Site 4 1701 Bloor Street W.	SE corner of Bloor St. W. & Indian Grove Saint Joan of Arc Church, 2 storey	2,982 m ² Frontage: 72.5 m. Depth: 41.1 m	MCR T5.0 C2.0 R. 4.0 H 26	92 m. – Keele Station Indian Road exit	N: 8 storeys, mixed-use S: Low-rise residential W: 5-storeys, mixed-use E: 2-storey, mixed-use	8 m. to south Topographic condition (upward slop) at Bloor Street West and Indian Road.

¹ Site area and dimensions are taken from page 45 of the Avenue Study Consultant's Report. All other measurements are approximate and measured from City of Toronto Property Data Maps, 2007.

248. The proposed total increase of density to 4.3 times the area of the lot only slightly exceeds what is permitted as-of-right in the zoning by-law. The proposed density is appropriate for the subject lands given its location to major transit stations and is appropriate given the provincial and municipal planning policies and guidelines. This increase in density is reasonable within the context of increases typically sought and granted in the City of Toronto through zoning by-law amendments, particularly for sites with excellent access to public transit that are not adjacent to residential areas. This increase is significantly less than the 5.5 times and 7.0 times density permitted at the Opportunity Sites, and recently permitted at 1638-1644 Bloor Street (8.7 times density).
249. **Height** – The Zoning By-law limits height to 20 metres along Dundas Street West and 23 metres at the rear of the property. It is my opinion that the locational attributes of the site (proximity to transit and distance from low-rise residential) and the unique size and depth of the site allow opportunities for greater height on the site without creating any negative impacts on surrounding uses and while still achieving the public realm and pedestrian-oriented development objectives, as contained in the City's Official Plan and Avenue Study.
250. The proposed increase in height applies to an extremely small percentage of the site 13% and is limited to only 750 square metres out of a total site area of 5,860 square metres. A full 60% of the site will be developed at a mid-rise scale or will have no building footprint (27% mid-rise, 60% no building footprint). The 23-storey portion of the property is setback 56 metres from Dundas Street and is 99 metres from the closest low-rise residential house (on Randolph Avenue, east of rail corridor).
251. At 23-storeys and 8-storeys, the proposed height provides an appropriate transition between areas of different intensity as required by Official Plan policies. The adjacent property to the south contains two 29-storey buildings whereas the property to north is permitted to develop up to 20 metres in height. Buildings across the street are also permitted up to 20 metres in height. The proposed development provides for an excellent transition between these varying scales of existing and planned development.
252. Furthermore, it is my opinion that the existing permitted heights are in conflict with the existing permitted density. I have reviewed a built form analysis prepared by Mark Sterling and I agree with his findings that a transit-supportive density cannot be provided on the site without a tall building unless one wanted to build a massive slab building across the site. Such a building would not represent an appropriate built form for the neighbourhood, would be inconsistent with City of Toronto design guidelines related to tall buildings and mid-rise buildings, would not meet many of the Avenue Study principles related to public realm and built form and may not allow for the opportunity to locate the Metrolinx PPUDO on the site. The alternative of reducing the density to match the height limits is also, in my opinion, not appropriate because it would be inconsistent with Provincial and Municipal policies and guidelines related to transit-supportive development. Therefore, given that the proposed increase in height has no negative impact on surrounding uses and occupies such a small portion of the building footprint, it should be granted.

253. **Built Form Provisions-** The Zoning By-law also includes a number of built form provisions related to step-backs, setbacks, angular plane provisions, build to-area, access, ground floor uses. These provisions implement the built form recommendations from the Consultant's Report, with some revisions as detailed in the Staff Report. A review of the provisions in the By-law, in the context of the proposed development is included in the chart below. In my opinion, the variations from the existing zoning are all minor, maintain the intent of the Avenue Study findings with regard to these built form issues (as I demonstrated in that section of my Witness Statement), and create no negative impacts on the public realm or any surrounding uses.

By-law Section	Built-Form Provision	Proposed Building
(1) Heights and Step-backs		
a) Minimum height	Minimum height of 10.5 m, over 50% depth of building or structure.	The proposed mid-rise component meets the minimum height requirement.
b) First-storey height	First storey floor-to-floor height must be 4.5 metres.	The first-floor height is 4.5 metres.
c) Podium and Step-backs	Podium is required for a building with height of 13.5 metres (four storeys) with the following step-backs: Minimum step-back of 2.5 metres along Dundas Street West; Minimum step-back of 1.2 metres along a <i>side-lot line</i> .	The building features step-backs at the 4 th and 6 th storey (16 m., and 21 m). The step-backs are 5.2 and 6.8 metres deep, exceeding the 2.5 metre requirement.
d) Roof elements	Maximum height of top of roof elements and enclosures must be no higher than 5 metres and may not be contained within 45 angular plane projected, from edge of roof that contains such elements or enclosures over the roof, provided that: The aggregate horizontal area of such elements, including the area contained within an enclosure, may not exceed 30 percent of the area of the roof of the building. The width of such elements, located within three metres of a lot line that is a street line, may not exceed 20 metres of the width of the main wall of the building facing the lot line.	The tall building, located at the rear of the subject property includes a 5 metre tall mechanical penthouse. The mechanical penthouse slightly exceeds the 45 degree angular plane provision. The mechanical penthouse of the tower portion is setback 54 metres from the front lot line, and will have no undue shadow impacts on the street.
2) Building Setbacks		
a) Setback from Dundas St. W.	2.0 metre setback on the east side of Dundas St. W.	The building is setback 2 metres from the front property line.
b) Rear-yard setback	Rear yard setback of 7.5 m. is required for any lot located in R and T District	The building is setback 20 metres from the rear lot line (T District).
c) Side lot setback	5.5 metres for a building greater than 20 metres	The mid-rise component is located at least 5.5 metres from the side lot lines.
3) Angular Plane	The angular plane provision applies to the south side of Bloor St. W and west side of Dundas St. W.	This provision does not apply to the east side of Dundas St. W.
4) Build-to-Area	The podium of a building with a height greater than 10.5 metres must occupy at least 80% of the length of the <i>build-to area</i> within the lot, measured along the length of the lot to the full height of the podium. The <i>build-to-area</i> in the case of Dundas Street West is defined as the area of the lot that is located within 0.5 metres of the required building setback from Dundas Street West.	The podium of the building occupies approximately 71% of the built-to-area within the lot. This is required to accommodate both the 3.0 metre pedestrian walkway and the vehicular entrance to the site given that there is no rear laneway along Dundas Street West.
5) Landscaped Open Space	This provision applies to lots located within an R District.	N/A- This provision does not apply.
6) Windows	Building or structure containing windows must be 5.5 metres from <i>side lot line</i> .	The mid-rise component is located at least 5.5 metres from the side lot lines.
7) Access	This provision applies to lots located on a flanking street or laneway.	N/A - This provision does not apply.

<p>8) Ground Floor Uses</p>	<p>Only <i>non-residential gross floor area</i> is permitted within the first storey of any building with the exception of entrances and lobby space associated with <i>residential gross floor area</i> located above the first storey.</p>	<p>Commercial uses are proposed on the first storey of the mid-rise component along Dundas Street West. The mid-rise portion of the building base, and the 23-storey tower in the interior and rear of the site include residential amenity areas. There are no units proposed on the first floor of the building.</p>
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254. ***In summary***, the proposal before the Board and the proposed implementing zoning by-law is appropriate and represents good planning. The minor increase in density is appropriate given the location of the site adjacent to major transit stations and the variations from the built form standards are all minor and maintain the intent of those zoning provisions. With regard to height, the existing zoning permission for 6 and 7 storeys is in conflict with the as-of-right density permissions and does not represent good planning adjacent to major transit stations. The heights of the proposal before the Board are appropriate as they allow the achievement of transit-supportive development on the site, provide an appropriate transition between the different intensities of development surrounding the site, and create no negative impact on surrounding uses.

City of Toronto Design Guidelines

Design Criteria for Tall Buildings (2006) and Tall Building Design Guidelines (2013)

255. The Design Criteria for Tall Buildings (2006) was adopted by City Council in 2006. The guidelines generally aim to encourage the development of taller slender buildings with smaller footprints, and discourage the development of bulky slab buildings. The Design Criteria establishes minimum and maximum heights for the base building, minimum separation distances between buildings on the lot, and limits for tower floor plate sizes.
256. On May 8, 2013, City Council adopted updated Tall Building Design Guidelines. These guidelines consolidate and replace the 2006 Guidelines. Because this application was submitted and processed prior to the new Guidelines, the Planning Rationale (dated November 2011) and subsequent Update (dated June 2012) assessed the application in relation to the 2006 Guidelines.
257. I have reviewed the Witness Statement prepared by the Urban Design Expert, Mark Sterling, and am of the opinion that the proposed tall building complies appropriately with the Design Criteria for Tall Buildings and the updated Tall Building Design Guidelines.
258. In my opinion, a slender tall building, designed in adherence to the Criteria for Tall Buildings and updated Tall Building Guidelines and placed on the subject property in a way that respects the Avenue Study findings, is an appropriate design and planning response to the site and area context. The small tower floor plate of 750 square metres, the setback of 56 metres from Dundas Street, and the lack of

adjacent or nearby low-rise residential areas, allows for a tall building to be located on the site, without any undue wind or shadow impacts, and without setting a negative precedent for future development.

Bloor-Dundas Avenue Study Design Guidelines (2009)

259. As noted previously, the Consultant's Report for the Avenue Study included Design Guidelines (Section 6 of the Report) which were adopted by Council on October 22, 2009, and are intended to be used to evaluate development proposals and public realm improvements within the Bloor-Dundas Avenue Study area. The Guidelines provide recommendations for both the public and private realms. Public realm guidelines address boulevard treatments, parks and open space, public art, signage and accessibility. Private realm guidelines address building orientation, built form, façade articulation and sustainability, all focused on encouraging high-quality and context-appropriate development. The Guidelines are consistent with the Built Form Recommendations, as described in Section 5.2 of the Consultant's Report, and discussed previously.

Avenues and Mid-Rise Building Guidelines (2010)

260. Subsequent to the passing of By-law No. 1222-2009, the City of Toronto, at its July 8, 2010 meeting, adopted, with modifications the recommendations contained in the Staff Report prepared by City Planning entitled "*Avenues and Mid-Rise Building Study*," (Staff Report, dated May 4, 2010). Council requested staff to use the "Mid-Rise Building Performance Guidelines" contained in Section 3 of the Consultant's Report entitled "*Avenues & Mid-Rise Building Study (May 2010)*", in the evaluation of all new and current mid-rise development proposals on the Avenues and in the implementation of the future Avenue studies. The main objective of the City-wide study is to encourage future intensification along Toronto's *Avenues* that is compatible with adjacent neighbourhoods through appropriately designed and scales buildings.
261. The Staff Report, dated May 4, 2010, notes in terms of the Study Area, "*properties that front onto an Avenue that have been part of an Avenue Study, do not have Secondary Plans in place and have not been part of a City-initiated planning study that resulted in area based zoning changes are included*". As such, the Bloor-Dundas area, including the subject property is not included in the Study Area, as an area-specific Avenue study and corresponding area-specific zoning by-law is in effect. Nevertheless, the performance standards generally consistent with many of the built form recommendations and urban design guidelines in the Avenue Study.
262. ***The Performance Standards*** – The Performance Standards are intended to be used as tools to implement both the Official Plan's *Avenues* and *Neighbourhood* policies, and maintain a balance between reurbanization and stability. The study includes 19 Performance Standards, which are intended to work together to produce well-designed mid-rise buildings on the *Avenues*, and anticipate reasonable height while ensuring acceptable sunlight, separation and transition to adjacent stable neighbourhoods.

263. The proposed development complies with the intent of the Performance Standards. I have reviewed the Witness Statement prepared by the Urban Design Expert, Mark Sterling, and am of the opinion that the proposed mid-rise building component appropriately complies with the relevant performance standards.

Part 6 - Issues

City of Toronto

1) Is the Application consistent with the Provincial Policy Statement (the PPS)?

264. In my opinion, the Application is consistent the PPS. The proposed development provides appropriate intensification along an identified intensification corridor and is adjacent to two major rapid transit stations. The proposed development will create an animated, pedestrian-scaled streetwall along Dundas Street West, and will create publicly accessible connections to higher order transit, enhancing the current transit connections that exist today. The compact form of redevelopment will result in the efficient use of land, and encourage the use of existing and planned infrastructure. This is in contrast to the City position to limit height at this location and, in turn, restrict development such that the achievement of a transit-supportive development on the subject property is unattainable and, thus, its position is inconsistent with the PPS and in conflict with a clear Provincial interest in land use planning.

2) Does the Application conform to the Places to Grow and Growth Plan for the Greater Golden Horseshoe (The Growth Plan)?

265. In my opinion, the Application conforms to the Places to Grow Act and with the Growth Plan. The proposed mixed use development is within the built-up and service area, along an *intensification corridor*, and in a *major transit station area*. The proposed development will support the viability of the Province's infrastructure investment into the Bloor-Dundas Mobility Hub area. In contrast, the City's position to limit height and development on the subject property does not conform to several Growth Plan policies as I have outlined in sections 102-120 of this Witness Statement

3) Does the Application conform to the City of Toronto Official Plan (the Official Plan?)

266. In my opinion, the Application conforms to the City of Toronto Official Plan, as detailed in sections 161-203 of this Witness Statement. As noted, the subject property is located on an *Avenue* in a *Mixed Use Area*. The proposal is an appropriate use and built form for a *Mixed Use* site, on a site that is located within immediate proximity to major transit stations. The Official Plan contains a number of policies that promote intensification of *Mixed Use* areas and guide development in a form that is compatible with the surrounding context. The proposed development is

an appropriate form of redevelopment of underutilized lands with a more appropriate residential and commercial land use. Further, the proposed development is supported by a number of Official Plan policies related to enhancing the transportation system and encouraging transit-oriented development. The proposed built form is appropriate for the subject property and surrounding context, and is supported by the built form policies in the Official Plan. Finally, the Official Plan requires that all planning decisions recognize the legislation, policies and guidelines of the Provincial government. As I have outlined in this Witness Statement, the City position to limit height at this location and, in turn, restrict development is not consistent with a clear Provincial interest in land use planning and, thus, is in conflict with the Official Plan.

4) Given: principles of good planning and urban design and relevant provisions of the *Planning Act*, the PPS, the Growth Plan, the Official Plan and other relevant policy documents and guidelines; are the residential density, the scale, mass, and the built form of the proposed development (including the tower and podium heights) appropriate with particular regard to: its relationship to the surrounding context, its context within the City; transition; shadows; sky views; and the public realm?

267. Yes. The proposed residential density, scale, mass and built form of the proposed development are appropriate and represent good planning, advance Provincial policy directions, meet all of the directives of the Official Plan, and also have no impact on the surrounding context. I will address each aspect below.
268. **Residential Density** – the proposed total density of 4.3 times the area of the lot only slightly exceeds the 4.0 density permitted as-of-right in the current zoning by-law. The proposed density is appropriate for the subject lands given its location to major transit stations and is appropriate given the provincial and municipal planning policies and guidelines. This proposed density is reasonable within the context of increases typically sought and granted in the City of Toronto through zoning by-law amendments, particularly for sites with excellent access to public transit that are not adjacent to residential areas. This proposed total density is significantly less than the 5.5 times density permitted at the Opportunity Sites in the area (as identified throughout the Avenue Study) and is less than half the total density recently permitted at 1638-1644 Bloor Street (8.7 times density).
269. With regard to the residential density. It is 4.2 times the area of the lot whereas the mixing formula would restrict it to 3.0 times the area of the lot (with commercial uses permitted up to 1.5 times the area of the lot). Given that the subject property is not located within an established office node, and thus it is unlikely to achieve 1.0-1.5 times commercial density, I see the utilization of the density permission for residential uses to be acceptable and desirable at this location. At 4.2 times the area of the lot, the proposed residential density is still less than the 4.5 residential density permitted at the Opportunity Sites in the area (as identified through the Avenue Study) and is significantly less the residential density recently permitted at 1638-1644 Bloor Street (8.7 times density). Because the entire Dundas Street West frontage is being utilized for ground-floor commercial uses and the rear of the site is

being utilized for a Metrolinx PPUDO, there is an important and beneficial non-residential component to this project.

270. Within the broader context of the City, the proposed density is appropriate, and comparable to densities recently approved on *Avenues* and in sites with direct proximity to transit. As noted in this Witness Statement properties at the St. Clair West Subway Station where given densities of 5.5 -8.0 FSI as part of the St. Clair West Avenue Study.
271. Finally, the density proposed can be accommodated within an appropriate built form and massing that does not create any adverse impact on neighbouring properties and, therefore, given the locational context of the site with regard to major transit stations and the established Provincial policy interest, there is, in my opinion, no good planning reason or public interest in limiting the density of the proposal before the Board.
272. **Scale, Mass and Built Form** - The proposed development is intended to deal with a vacant and derelict site that responds to the site conditions and neighbouring built form context, and making substantial improvements to the public realm of the area. The built form components of the proposal respond to and reflect the Bloor-Dundas Visioning Principles and recommendations of the Avenue Study, by creating a well-defined pedestrian streetscape, locating a tall building component at the rear of the site to minimize impact on the street and surrounding residential neighbourhoods. The combination of tall-building and mid-rise building elements also creates an appropriate transition from the existing high-rise structures at the Crossways Mall to the planned mid-rise and low-rise development elsewhere in the area.
273. The massing, height and built form has been located and organized to fit within the varied surrounding context and achieve the built form policies, as set out in the City's Official Plan and the recommendations of the Avenue Study. Specifically, priority has been placed on locating a mid-rise building along the Dundas Street West frontage, with an appropriate step-back at the fourth and sixth storey, to create a pedestrian-scaled condition along the sidewalk and street edge. The mid-rise building provides for an enhanced pedestrian experience along Dundas Street West. The pedestrian-orientation and main street function of Dundas Street West is reinforced with a new building with commercial uses. The building provides a sufficient setback of 2 metres from the front property line to provide for a wider sidewalk along Dundas Street West. The depth of the site has been utilized to place a taller building at the rear of the property, where impact on the surrounding community is minimized.
274. The heights and massing have been developed in a manner that does not overwhelm the surrounding area:
- 60% of the site area contains no building footprint;
 - 27% of the site area is built at a mid-rise height;
 - only 13% of the site area contains a tall building, which is setback considerably from the street level and located directly adjacent the rapid transit connections; and

- 22% of the site is utilized for transit and public amenities in the area, including the lands for the Metrolinx PPUDO, the east-west at-grade pedestrian connection, and the space for sidewalk extension along Dundas Street West.

275. At 23-storeys and 8-storeys, the proposed height provides an appropriate transition between areas of different intensity as required by Official Plan policies. The adjacent property to the south contains two 29-storey buildings whereas the property to north is permitted to develop up to 20 metres in height. Buildings across the street are also permitted up to 20 metres in height. The proposed development provides for an excellent transition between these varying scales of existing and planned development.
276. In order to determine an appropriate transition from the Crossways and the planned development context to the north, we have used an angular plane that runs across the rear of the deep properties on the east side of Dundas Street West, north of Bloor Street. The north-south angular plane provision runs from the top of the Crossways Mall to the south to the 20-metre height limit to the north and establishes an approximate 72-metre height limit on the subject property. Such a plane, in my opinion, represents an appropriate transition from the existing Crossways high-rise towers to the planned context of the surrounding area, provided it is appropriately setback from the street such that the Dundas Street continues to feel like a pedestrian-oriented mid-rise street. To that end, we have extended the 45-degree angular plane for mid-rise building along the entire depth of the site and located the footprint for the tall-building component within that angular plane.
277. The tall building has been designed to minimize impact on the surrounding area in accordance with the City's Design Criteria for Tall Buildings and updated Tall Building Guidelines. In contrast to the 29-storey Crossway towers that have tower floor plates of over 1500 and 1700 square metres, the proposed tower is designed as a slender point-tower with a floor plate of 750 square metres above the 8th storey. It has been strategically located at the rear of the property, and setback approximately 56 metres from Dundas Street West. The separation distance between the proposed tower and the existing Crossways development is approximately 47 metres, and the building is setback from the north property line by 12.3 metres. The tower is located approximately 11 metres from the south yard setback, which although falls short of the 12.5 metre setback guideline, is appropriate, given that the separation distance to the existing Crossways rental buildings to the south are approximately 47 metres, and that these towers will not be redeveloped in the long-term.
278. **The Public Realm and Pedestrian and Transit-Oriented Development** – In terms of the public realm, the proposed development will significantly enhance the public realm along Dundas Street West, and provide enhanced public amenities. The proposed mid-rise building is setback 2 metres from the front property line, which will provide for sidewalk expansion activities along Dundas Street West. At street level, the development has been designed to improve the public realm and provide attractive and active public and private spaces. Commercial uses at grade will help promote community vitality and foster a pedestrian-friendly environment.

279. The proposed development makes a significant contribution to promoting public transit usage, and enhancing public transit connections and opportunities in the area, which is a clear objective of both the Mobility Hub Study and Avenue Study. In my opinion, the proposal is an appropriate scale and density given the adjacency to the Bloor GO/Union Pearson Express and the TTC Dundas West Subway Station. In addition, the proposal will greatly enhance pedestrian and transit connections in the area, by incorporating an east-west at-grade pedestrian connection along the southern portion of the site, a Passenger Pick-Up and Drop-off Facility for Metrolinx, as well as at-grade and below-grade lands for a future second TTC exit.
280. **Shadows and Skyviews** - A Shadow Study was completed by Urban Strategies for March 21, September 21, June 21 and December 21 at hourly increments, as indicated in the City of Toronto Development Guide. The Shadow Study indicates that some *Neighbourhood* properties to the northwest along Prince Rupert Avenue and Chelsea Avenue will be shadowed in the early morning in March, and to the northeast along Symington in the early evening. Because of the slender floorplate, these shadows pass quickly and no property is impacted for more than an hour. In my opinion, the shadow study demonstrates that the proposal will not have an undue impact with respect to shadowing on neighbouring streets and open spaces and neighbouring private properties. Skyviews have been protected through the use of the 45 degree angular plane and the location of the tall-building footprint to the rear for the property. As noted above, the tall-building footprint only occupies 13% of the site area. It is also worth noting that the skyview and general view looking south along Dundas Street West will be significantly improved as a result of the proposed development. The current view is overwhelmed by the massive 29-storeys slabs of the Crossways which occupy almost the entire depth of that property. The addition of the proposed mid-rise building and the slender tower will break the monotony of the current view and provide a much more pleasant view, whether someone is simply looking down the street or looking up at the sky.

5) Should the application be refused for failure to comply with the recommendations of the Bloor-Dundas Avenue Study and the implementing Zoning By-law No. 1222-2009 (“the “Avenue By-law”)?

281. As I have noted above, it is my opinion that the proposal before the Board meets the general planning and design intention of the Bloor-Dundas Avenue Study while still allowing for a small-footprint tall building element on the site due to its unique size and locational characteristics. It is also worth noting that the Avenue Study itself notes that properties with large depths and properties adjacent the rail corridor could accommodate greater height, and the Staff Report notes that some properties could be given more height and density through site-specific applications. As such, the application should not be refused for failing to comply with the specific height recommendations of that study, or implementing Zoning By-law No. 1222-2009 but, rather, should be assessed on its ability to meet good urban planning and design principles and its ability to meet broader Provincial and Municipal planning policies. The current application for a Zoning By-law Amendment was appropriately submitted to the City and is appropriately before the Board and it should be assessed on a comprehensive basis, which balances the various Provincial and Municipal planning policy objectives and design guidelines. To that end, it is my opinion that that the

proposal before the Board represents good planning and is consistent with and in conformity with the applicable Provincial and Municipal planning policies and guidelines. In contrast, the City position to limit height at this location and, in turn, restrict is in conflict with several broader Provincial and Municipal planning policies and guidelines as I have noted in this Witness Statement.

6) Would the proposed development set an inappropriate precedent for other potential developments within the area governed by the Avenue By-law?

282. In my opinion, the proposed development does not set an inappropriate precedent for other potential developments within the area. Rather: it creates an appropriate transition from the adjacent Crossways Mall to the south and the properties to the north; creates a pedestrian-oriented, mid-rise streetscape along Dundas Street West; provides a transit-supportive density at the location of a significant rapid transit hub that is generally in keeping with the City's Avenue study findings; makes provisions for and provides land for planned and needed improvements to the rapid transit infrastructure; and, introduces a small-footprint, tall-building element (by taking advantage of the unique depth of the site and location adjacent to a rail corridor) without any negative impacts on surrounding neighbourhoods. As a result, as opposed to setting an inappropriate precedent, the proposed development makes an important and positive contribution to the surrounding area and creates greater certainty as to the planning and design objectives for other potential developments.
283. It is worth noting that the subject property is unique within the Avenue Study area. It has a unique combination of site and locational attributes that does not exist on any other sites. The most prominent are as follows:
- the depth of the site (123 metres);
 - the location of the site along the rail corridor;
 - the location of the site immediately adjacent to the existing GO Transit and Union Pearson Express Station and at the location of significant improvements to that station and connections to the Dundas West TTC subway station; and
 - the absence of any adjacent low-rise residential areas.

It is this unique combination of site and locational attributes that makes it possible to provide for a tall building that meets City guidelines, keeps the overall density generally within the range established by the Avenue Study and creates no negative impact on surrounding neighbourhoods. I am unaware of any other sites in the area that possess this same combination of attributes or for which this development would set a precedent.

284. In terms of precedent, it is also worth noting the adjacency of the two 29-storey slab high-rises on the Crossways Mall site. In its decision to not approve the proposed 27-storey building known as the Giraffe at the northwest corner of Bloor and Dundas Streets, the Board noted that the Crossways Mall is an anomaly in terms of development in the area and should not be replicated in terms of built form. The Board quoted directly from the Avenue Study Consultant's Report in its discussion of the Crossways:

“Within the surrounding context, The Crossways Complex is the exception in terms of building height, massing and relationships to street frontages. It relates poorly to the prevailing character and scale of the Study Area, and as such, exemplifies what is to be avoided in new development.” (Board emphasis added)

I agree with this assessment. The Giraffe site is too small to accommodate the proposed height in a manner that would ensure no negative impacts on the surrounding area. In my opinion, the provision of new slab high-rise buildings and the provision of tall buildings directly on Dundas Street without sufficient setbacks that allow for the creation of a pedestrian-oriented mid-rise environment at street level should not be permitted. To that end, the Crossways should not be replicated. Having said that, the Crossways Mall and its high-rise elements do form part of the surrounding context and as the subject property is located adjacent to that site, Official Plan policies, and good urban planning and design principles, call for an appropriate transition to be created on the subject property. The proposed development achieves such a transition. As such, rather than create an inappropriate precedent for other developments in the area, it helps positively address the current planning/development anomaly in the area and helps establish greater certainty and greater support for the basic planning and design principles contained within the Avenue Study.

7) The resolution of the Traffic Impact and Site Servicing Matters, as noted in the City’s Request for Directions Report.

285. **Traffic Impact** – Cole Engineering Group Ltd. submitted an updated Traffic Impact and Parking Study in June 2013 to reflect the City’s previous comments and evaluate the traffic impacts associated with the Metrolinx Passenger Pick-Up and Drop-off Facility. In the Memorandum from City staff dated August 7, 2013, and the letter from Transportation Planning dated August 13, 2013, Staff indicated that they are satisfied with the updated Traffic Impact and Parking Study report, as well as the changes to the site layout to accommodate the at-grade pedestrian walkway and Metrolinx Passenger Pick-up and Drop-off Facility. I have read the Witness Statement of Kim Nystrom, and am of the position that the Traffic Impact matters identified in the City’s Request for Directions Report have been appropriately resolved.

286. **Site Servicing Matters** – As part of the revised submission on the Site Plan Control application submitted to the City on August 16, 2013, Cole Engineering Group Ltd. submitted an updated Functional and Stormwater Servicing Report and updated site servicing and grading drawings dated August 15, 2013 to address the City’s comments. I have read the Witness Statement of Pascal Monat and am of the position that the Site Servicing matters identified in the City’s Request for Directions Report and subsequent comments have been appropriately resolved.

8) The resolution of the TTC Second Exit and Access to GO Transit Air/Rail Link matters, as noted in the Request for Direction Report, including:

- a) **The setbacks or other modifications required to accommodate these TTC and Metrolinx requests, and**

b) The applicant's ownership of its proposed pedestrian connection.

287. Following receipt and review of the Staff Report, dated January 14, 2013, the proponent met with Metrolinx and the TTC to discuss the requests to locate the Passenger Pick-up and Drop-off facility on the proposed lands, and provide lands for a below-grade second TTC exit. As discussed in section 70 of this Witness Statement, the proponent has submitted revised drawings, accommodating the Metrolinx PPUDO and the provision of lands for a second TTC exit in the southeast quadrant of the subject property.
288. a) The proposal has been revised to ensure that the 3 metres east-west at-grade pedestrian connection would be located entirely on the subject property lands. The proposed setbacks have been revised to ensure that the proposed building meets the required 5.5 metre setback from the south property line.

The at-grade pedestrian connection is located on the southern-most portion of the subject property. 1.22 metres of the 3.0 metre walkway on the Dun West Properties Ltd. property is subject to a right-of-way easement in favour of the City of Toronto and its tenant (the Crossways). 1.22 metres of the northern-most portion of the Crossways site (owned by the City of Toronto) is also subject to a right-of-way easement in favour of Dun West Properties Ltd. Together, the mutual right-of-way is 2.44 metres wide on both properties.

The proposed at-grade walkway has been designed to serve the intent of the existing easement by providing for pedestrian access. In my opinion, the existing configuration of the mutual right-of-way lands does not appropriately provide for vehicular access given that it is only 2.44 metres wide, and given that there is a substantial change in grade and a retaining wall to the south of the mutual right-of-way lands. These conditions effectively restrict vehicular connection to the Crossways property from the easement lands. As such, in my opinion, the proposed design and location of the pedestrian at-grade walkway is appropriate and does not encumber the purposes of the existing easement.

b) The applicant proposes that the proposed pedestrian connection be conveyed through a strata-title agreement to the City of Toronto.

9) In the event the Board approves additional heights and/or densities beyond what is currently permitted by the applicable zoning by-law, what facilities, services and matters should be secured pursuant to Section 37 of the Planning Act?

289. In my opinion, the securing of land for the proposed pedestrian walkway from Dundas Street West to the Metrolinx stations, the securing of land for the Metrolinx PPUDO and the securing of the below-grade easement for the purposes of the TTC are the only appropriate items to secure pursuant to Section 37. The Staff Request for Directions report (p. 19) recommends pedestrian connection to the GO Transit Station and lands and capital improvements to provide for the proposed second access to the Dundas West Subway Station, be secured pursuant to Section 37 of

the *Planning Act*. In my opinion, securing capital improvements has not been requested by the TTC or Metrolinx, and therefore is not appropriate.

10) The appropriate form of the appellant's draft zoning by-law amendment, if approved by the Board.

290. I have prepared a proposed draft Zoning By-law Amendment, which is attached to this Statement, which I believe appropriately implements the proposal before the Board. However, should the Board grant the appeal, I am prepared to work with City staff on reviewing and making stylistic and formatting changes prior to final issuance of the Board Order.

291. I have also prepared a draft Notice of Approval of Conditions (NOAC) concerning the application submitted for Site Plan Control, which is attached to this Statement, which I believe appropriately implements the proposal before the Board for the purposes of Site Plan Control. Dun West Properties Ltd. appealed the Site Plan Control application on July 17, 2013 and requested to the Board that the appeals be consolidated due to the substantive and procedural similarities of the appeals. Should the Board grant the Site Plan Control appeal, I am prepared to work with City staff on reviewing and making stylistic and formatting changes to the NOAC prior to final issuance of the Board Order.

11) Does the issue identified below by Dundas West Properties Ltd. justify the approval of the residential density, the scale, the mass, and the built form of the proposed development?

292. Yes. In my opinion, given the subject property's immediate proximity to multiple rapid transit options, including a subway stop, multiple streetcar and bus routes, and the GO Transit Station and future Union Pearson Express station and in light of the Provincial policies encouraging the intensification of major transit station areas, and the current Provincial investment in the area, the proposed development is appropriate for the subject property. The proposed development advances transit-oriented planning and development, and is conformity with the Official Plan, meets the appropriate built form provisions, and is consistent with recent transit-oriented planning studies led by the City.

293. The land use planning framework in Ontario is led by Provincial policy and Provincial interests. That Provincial policy and interest has been increased over the past decade through the release of PPS, the Places to Grow Act and amendments to the Planning Act. In Toronto and the surrounding region, the Growth Plan and The Big Move represent two strongest areas of Provincial policy concerns and investments in shaping the growth and development for the region. Municipalities are given implementation powers on land use planning matters and municipal councils are given decision-making authority with regard to various implementing components (e.g., Official Plans, Zoning By-laws) to advance the Provincial policy directive. Section 4.5 of the PPS specifically notes that the official plan is the most important vehicle for implementing the PPS, and note that municipal official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. Planning decisions must always be consistent with

the PPS and in conformity with Provincial Plans, and they must not conflict with established Provincial interests. In addition, it is my opinion that it is appropriate to require or test whether new development actually implements or advances expressed Provincial interests, particularly in cases where the Province has ongoing transit infrastructure investment in an area.

294. With regard to the appeal before the Board, the fact that the site is located adjacent to major transit stations and within a designated Mobility Hub requires that an appropriate form and scale of development takes place on the site in order to support the significant level of transit infrastructure and investments in the area. The site is large enough, deep enough and located far enough away from low-rise residences such that it can accommodate a tall building while still providing the desired mid-rise pedestrian-oriented form along Dundas Street West and creating no negative impact on surrounding uses. As a result, the proposed development is appropriate specifically because of its proximity to and ability to make use of the transit infrastructure. Provincial legislation, policies and guidelines specifically require this kind of development in such locations and have been established to specifically ensure that such sites are not underutilized as this would not be in the public interest. The City position to limit height (where it has no impact on surrounding uses) and, in turn, to limit development on the subject property, therefore, is not in the public interest.

Dun West Properties Ltd.

12) Is the proposed development appropriate given the proximity of the site to multi-modal rapid transit options (including a subway, multiple streetcar and bus routes, a GO Transit Station and a proposed AirLink Station), having regard to Official Plan policies and Provincial policies related to development in proximity to public transit stations, including among others, the policies of the Big Move Regional Transit Plan related to mobility hubs (Big Move #7, Policies 7.8, 7.10, 7.10, 7.14, and 7.15)?

295. Yes. Applicable Provincial and Municipal policies place great emphasis on ensuring the efficient use of transit infrastructure and ensuring appropriate land use policies are established and appropriate transit-supportive developments are realized to support transit infrastructure and make use of transit investments. Provincial policies have been significantly strengthened in this regard over the past decade and both Mobility Hub Guidelines and Transit-Supportive Guidelines have been prepared by the Province. These policies and guidelines clearly establish that in planning for major transit station areas and mobility hubs that the sites closest to the stations achieve the highest intensities of development. The subject property is clearly underutilized today and it has been demonstrated that the proposed form of development appropriately relates to its surrounding context, creating an important transition between different existing intensities of development around it, while not have any negative impact on surrounding neighbourhoods. As such, the proposed development is appropriate for the site.

Conclusions and Recommendations

296. It is my opinion that the proposed development is consistent with the Provincial Policy Statement and in conformity with the Growth Plan for the Greater Golden Horseshoe. It also meets and implements Provincial policies and guidelines as contained in the Big Move, the Mobility Hub Guidelines and the Transit-Supportive Guidelines.
297. It is my opinion that the proposed development is in conformity with the Toronto Official Plan, and implements and advances its goals.
298. It is my opinion that the proposed development represents good planning. The proposal is for an appropriate reuse of lands on an existing underutilized site adjacent to a major rapid transit hub and makes sufficient improvements to on-site conditions and the public realm. The proposed development is in the public interest and helps achieve intensification in an appropriate location and in a built form that is compatible with its surroundings without adverse impact on neighbouring properties
299. It is my opinion that the proposed Zoning By-law and proposed Notice of Approvals of Conditions (NOAC) properly implements the proposed development.
300. It is my opinion that the Board should allow the appeal.



August 23, 2013

Pino Di Mascio, MCIP, RPP
Partner,
Urban Strategies Inc.

Date

PINO DI MASCIO

Pino is a registered professional urban planner and partner at Urban Strategies. Pino has significant experience in both development and policy planning. His work focuses on managing and directing complex projects of various scales, including regional growth strategies, official community plans, sustainability strategies, local area studies and master plans, urban design guidelines and municipal approvals for specific projects. Through these assignments, Pino has developed expertise in a broad range of planning and design issues, including public engagement, urban and waterfront revitalization, suburban renewal, urban-rural interfaces, health-care campus planning, and local climate change solutions.

Pino is currently working on a variety of projects for Build Toronto, the Ontario Realty Corporation, Toronto Community Housing Corporation and a number of private-sector clients. In Mississauga, Pino has recently completed a Visionary Concept Plan for the Former Lakeview Generating Facility and surrounding waterfront area. He also recently completed a completed a municipal comprehensive review and new Official Plan for the City of Vaughan and prepared for the first ever Regional Growth Strategy for the Comox Valley Regional District on Vancouver Island. Both those projects involved extensive public engagement. Pino also continues to work closely with Waterfront Toronto on various waterfront initiatives, has assisted various health-care institutions plan for long-term growth, works with numerous private landowners.

Pino regularly teaches courses at York University's Faculty of Environmental Studies and is a partner in the City Institute's multi-year research initiative on suburbs. He has published several articles, presented at various conferences and is regularly contacted by the media to comment on urban issues. Pino was the recipient of the 2007 American Planning Award for Community Engagement and the 2009 Ontario Planning Award of Excellence for Public Education. In November 2009 he was invited to the National Training Centre for Mayors in China to lead training sessions on public engagement.

EDUCATION

1995

Master in Environmental Studies
(Planning),
York University, Toronto

1992

Bachelor of Arts, Specialised Honours
(Geography) in Urban and Regional
Development,
York University, Toronto

PROFESSIONAL BACKGROUND

2005 -	Partner, Urban Strategies Inc.
2004 - 2005	Acting Vice-President, Planning and Development Toronto Waterfront Revitalization Corporation
2000 - 2005	Associate, Urban Strategies Inc.
2000 -	Course Director, York University, Toronto
1996 - 2000	Planner, Urban Strategies Inc.
1995 - 1996	Planner, Middlesex Somerset Mercer Regional Council, Princeton
1994	Researcher, The Network of Small Cities in Central Italy, Florence
1993	Researcher, Canadian Urban Institute, Toronto
1992	Planning Assistant, Regional Municipality of Peel, Brampton

PROFESSIONAL AFFILIATIONS

Member, Canadian Institute of Planners
Member, Ontario Professional Planners Institute

CONTACT

T 416 340 9004 x210
F 416 340 8400
pdimascio@urbanstrategies.com
www.urbanstrategies.com

CURRICULUM VITAE

PINO DI MASCIIO

SELECTED PROJECTS

2013 -	CAMH Non-Hospital Lands Planning and Design Study
2012 -	Humber River Regional Hospital Surplus Lands Disposal Strategy
2012 -	Infrastructure Ontario, Ontario Place Due Dilligence Study
2012 -	Parc Downsview Park, Sheppard Neighbourhood Planning and Design
2012 -	Lormel Homes Apartments Intensification, Mississauga
2011 -	Infrastructure Ontario, LCBO Site Optimal Use Study and Disposition Strategy
2011 -	Infrastructure Ontario, Grosvenor Site Optimal Use Study and Disposition Strategy
2011 - 2012	Infrastructure Ontario, Keele/407 Optimal Use Study and Approvals
2010 -	Build Toronto, Downsview Site District Plan and Approvals
2010 - 2012	TCHC, Allenbury Gardens Revitalization Planning Approvals
2011 -	Options for Homes Apartments Intensification, Scarborough
2011 -	Lormel Homes Dundas/Bloor Redevelopment, Toronto
2011 -	Castlepoint Development, Sterling Road Site Master Plan and Redevelopment, Toronto
2010 -	City of Mississauga Lakeview Visionary Concept Plan, Mississauga
2008 -	Comox Valley Regional Growth Strategy, Vancouver Island
2007 - 2013	Ontario Shores Centre for Mental Health Sciences, Master Plan and Land Use Analysis
2007 - 2010	City of Vaughan, ON, Vision and New Official Plan
2007 -	Women's College Hospital Redevelopment, Toronto
2007 - 2008	Province of Ontario Downsview Master Plan
2007 -	Options for Homes - Bathurst/Lawrence, Toronto
2007	Mississauga Visioning Exercise, Mississauga, ON
2006 - 2007	Toronto Parks Renaissance Strategy, Toronto
2006	Waterfront East Transit Environmental Assessment, Toronto
2005 - 2006	Toronto District School Board, Wanita Site Analysis, Toronto
2003 - 2005	West Don Lands Precinct Plan and Master Plan EA
2003 -	East Bayfront Precinct Plan, EA and Approvals, Toronto
2003 - 2007	Waterfront Toronto Program Mangement
2003 -	Amacon Mississauga City Centre Development, Mississauga, ON
2002	City of Youngstown Civic Engagement Process, Youngstown, OH
2000 - 2005	Agincourt Centre TSTT Site Redevelopment, Toronto
1999 - 2003	Centre for Addiction and Mental Health Master Plan, Toronto

SELECTED AWARDS

2011	Planning Institute of BC, Small Town and Rural Planning, Comox Valley Regional Growth Strategy
2010	US International Film & Video Festival Certificate for Creative Excellence, "Vaughan's Vision for Transformation"
2009	Ontario Professional Planners Institute Award of Excellence for Public Engagement and Consultation Vaughan Official Plan and Vision
2007	American Planning Association Public Outreach Award Youngstown Ohio Vision
2005	Toronto Urban Design Awards, West Don Lands Precinct Plan
2001	Ontario Professional Planners Institute Excellence in Planning Award, Vision for the Redevelopment of the Queen Street Site, Centre for Addiction and Mental Health

CURRICULUM VITAE



Ontario

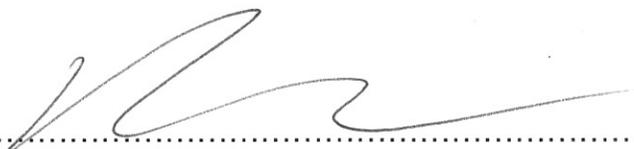
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
PL No. 12 12 87	City of Toronto

1. My name is **Pino Di Mascio** (name)
I live at the ... 53 Fermagh Ave(municipality)
in the ... City of Toronto(county or region)
in the ... Province of Ontario(province)
2. I have been engaged by or on behalf of **Dun West Properties Ltd.** to provide evidence in relation to the above-noted Board proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the Board may reasonably require, to determine a matter in issue.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date Aug. 15, 2013


.....

Signature

2376-2388 Dundas Street West

Dun West Properties Ltd. OMB File No. PL 121287 & PL130743

Witness Statement of Pino Di Mascio

List of Documents

Documents to which I may refer in my testimony include:

PROVINCIAL PLANNING LEGISLATION & POLICIES

- Planning Act, R.S.O, Chapter P. 13.
- Provincial Policy Statement, 2005.
- Growth Plan for the Greater Golden Horseshoe, 2006.

PROVINCIAL TRANSPORTATION PLANNING POLICIES AND GUIDELINES

- Metrolinx, The Big Move Regional Transit Plan, November 2008.
- Metrolinx, The Big Move Mobility Hubs Backgrounder, December 2008.
- Metrolinx Mobility Hub Guidelines, February 18, 2011.
- Metrolinx - Dundas West-Bloor Mobility Hub, 2011.
- Ministry of Transportation, Transit-Supportive Guidelines, 2012.
- Dundas West-Bloor Mobility Hub Profile, September 19, 2012.

MUNICIPAL PLANNING FRAMEWORK & DESIGN GUIDELINES

- City of Toronto Official Plan, 2006.
- City of Toronto General Zoning By-law No. 438-86.
- Bloor-Visioning Initiative, City of Toronto Staff Report, June 17th, 2009.
- Bloor-Dundas Avenue Study, Consultant Report, September 2009.
- City Initiated 'Avenue Study' of Bloor Street West between Keele Street and the rail corridor, and Dundas Street West between Glenlake Avenue and Boustead Avenue, Final Staff Report, October 22nd, 2009.
- By-law No. 1221-2009, To adopt Amendment No. 100 of the Official Plan of the City of Toronto with respect to the lands municipally known as 2238- 2290 Dundas Avenue West and 105 Ritchie Avenue.
- By-law No. 1222-2009, To amend General Zoning By-Law No. 438-86.
- Design Criteria for Review of Tall Buildings, 2006.
- City-Wide Tall Building Guidelines, 2013.
- Staff Report: Updated City-Wide Tall Building Design Guidelines, City of Toronto Staff Report, March 27, 2013.
- Staff Report: Avenues & Mid-Rise Building Study and Action Plan, May 2010.
- Avenues & Mid-Rise Building Study, Consultant Report, May 2010.

DEVELOPMENT CONTEXT AREA

- 1540 Bloor Street West Request for Direction Report, October 20, 2009.
- 1540 Bloor Street West, OMB Decision delivered by S. J. Stefanko and Order of the Board, March 9, 2010.

- 1638-1644 Bloor Street West, Request for Directions Report, October 2nd, 2008.
- 1638-1650 Bloor Street West, OMB Decision delivered by S.W. Lee, November 20th, 2008.
- 1648-1644 Bloor Street West- Settlement Offer Staff Report, October 28th, 2008.

1998 OMB DECISION

- Ontario Municipal Board Disposition, dated January 17, 1997.
- Ontario Municipal Board Order PL956072, issued February 2 1998.

CITY OF TORONTO STUDIES AND RELEVANT DEVELOPMENT PRECEDENTS

ST. CLAIR 'AVENUE' STUDY

- City-Initiated Avenue Study for St. Clair Avenue West between Bathurst Street and Keele Street – Final Staff Report, May 11, 2009.
- St. Clair Avenue West – Bathurst Street to Glenholme Avenue – Avenue Study – Final Report, Consultant Report, December 2007.
- City of Toronto By-law No. 1102-2009, To adopt Amendment No. 84 to the Official Plan for the City of Toronto with respect to certain lands abutting St. Clair Avenue West between Old Weston Road and Bathurst Street.
- City of Toronto By-law No. 1103-2009, To amend the General Zoning By-law No. 438-86 of the former City of Toronto with respect to the lands fronting onto the north and south side of St. Clair Avenue West between Old Weston Road and Bathurst Street.

SHEPPARD 'EAST' SUBWAY CORRIDOR SECONDARY PLAN

- Sheppard East Subway Corridor Secondary Plan.

EGLINTON CONNECTS PLANNING STUDY

- Eglinton Planning Study Status Report No. 2, Staff Report, dated June 3, 2013
- Eglinton Connects, City of Toronto Planning Study, Volume 1, dated July 2013 Draft

DUN WEST PROPERTIES LTD. REZONING AND SITE PLAN CONTROL APPLICATIONS & SUBMISSIONS

- Zoning By-law Amendment Application, Cover Letter, Application Forms and Planning Rationale Report, dated November 29, 2011
- Revised Submission of Zoning By-law Amendment Application, Cover Letter and Planning Rationale Addendum, dated June 20, 2012
- Revised Submission of Zoning By-law Amendment Application, Cover letter re: Resubmission of Zoning By-law Amendment Application and Revised Submission of Zoning By-law Amendment Application, dated April 3, 2013
- Site Plan Control Application Contents, Cover Letter and Application Form, dated June 10, 2013
- Site Plan Control Application Contents, Resubmission, Cover Letter, dated August 16, 2013

OMB APPEALS

- Notice of Appeal of Zoning By-law Amendment Application, dated October 31, 2012
- Memorandum of Oral Decision delivered by S. Sutherland on April 4, 2013 and Order of the Board, issued April 12, 2013
- OMB Order, issued May 3, 2013

- Notice of Appeal of Site Plan Approval Application, dated July 17, 2013

OTHER LETTERS AND CORRESPONDENCE

- Letter from Aird & Berlis LLP to De Meneghi Holdings Limited re: Pedestrian Walkway, dated May 16, 2013

CITY OF TORONTO
BY-LAW No. ___ 2013 (OMB)

To amend the General Zoning By-law No. 438-86 of the former City of Toronto respecting the lands municipally known as 2376 and 2388 Dundas Street West

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

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 set out in the By-law;

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 any increase in the height or 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;

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

WHEREAS the increases in the density or heights permitted hereunder, beyond those otherwise permitted in the aforesaid lands by the By-law No. 438-86, as amended, are to be permitted in the 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 other owner of such lands and the City of Toronto (hereinafter referred to as the "City");

WHEREAS the Official Plan of the City of Toronto contains provisions relating to the authorization of the height and density of development;

WHEREAS the Ontario Municipal Board, by way of Order ___ issued on ____, 2013, following an appeal pursuant to Section 34(11) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, determined to amend the former City of Toronto Zoning By-law No. 438-86, the General Zoning By-law, with respect to the lands known municipally as 2376 and 2388 Dundas Street West;

THEREFORE, By-law No. 438-86, the General Zoning By-law of the former City of Toronto, as amended, is further amended by the Ontario Municipal Board 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 including the provision by the owner of the lot of the facilities, services and matters set out in Appendix 1 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in Section 2 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 or matters set out in Appendix 1 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 a building until the *owner* has satisfied the said requirements.

3. Except as otherwise provided herein, the provisions of By-law No. 438-86, shall continue to apply to the lands municipally known as 2376 and 2388 Dundas Street West (hereinafter referred to as the *lot*).
4. None of the provisions of Section 2(1) with respect to '*height*', and Section 4(2)(a), 8(3) Part I 1 and 3(a), and 12(2)347 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 land 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, and shall apply to prevent the erection or use of a mixed use building on the *lot*, provided that:
 - a. The *lot* comprises the lands delineated by heavy lines on Map 1 attached to and forming part of this By-law;
 - b. The *residential gross floor area* shall not exceed 24,663.2 square metres.
 - c. The total combined non-residential and residential gross floor area erected or used on the lot does not exceed 25,211.5 square metres.
 - d. No portion of the building or structure erected on the *lot* is located otherwise than wholly within the areas delineated by heavy lines on the attached Map 2 subject to the following:
 - i. Canopies, eaves, awnings and building cornices are permitted outside the heavy line shown on Map 2; and,
 - ii. Balconies, light fixtures, ornamental and architectural elements, parapets, railing and fences, planters, trellises, window sills, underground garage ramps, landscape and public art features which may extend beyond the heavy lines shown on the attached Map 2;
 - e. No part of any building or structure to be erected on the *lot* shall exceed the height limits in metres specified by the numbers following the symbol "H" as shown on Map 2 with the exception of the following:
 - i. A mechanical penthouse is permitted with a maximum height of 5.0 metres above the height limit H 72 shown on Map 2;
 - ii. Parapets are permitted with a maximum height of 0.6 metres above height limit H 28 Map 2;
 - f. Notwithstanding paragraph (e) above, the maximum floorplate for any building located in the area marked as "H 72" on Map 2 shall not exceed 750 square metres, above 28 metres;
 - g. A minimum of 738 square metres of *outdoor residential amenity space* shall be provided and maintained on the *lot*;
 - h. A minimum of 738 square metres of *indoor residential amenity space* shall be provided and maintained on the *lot*;

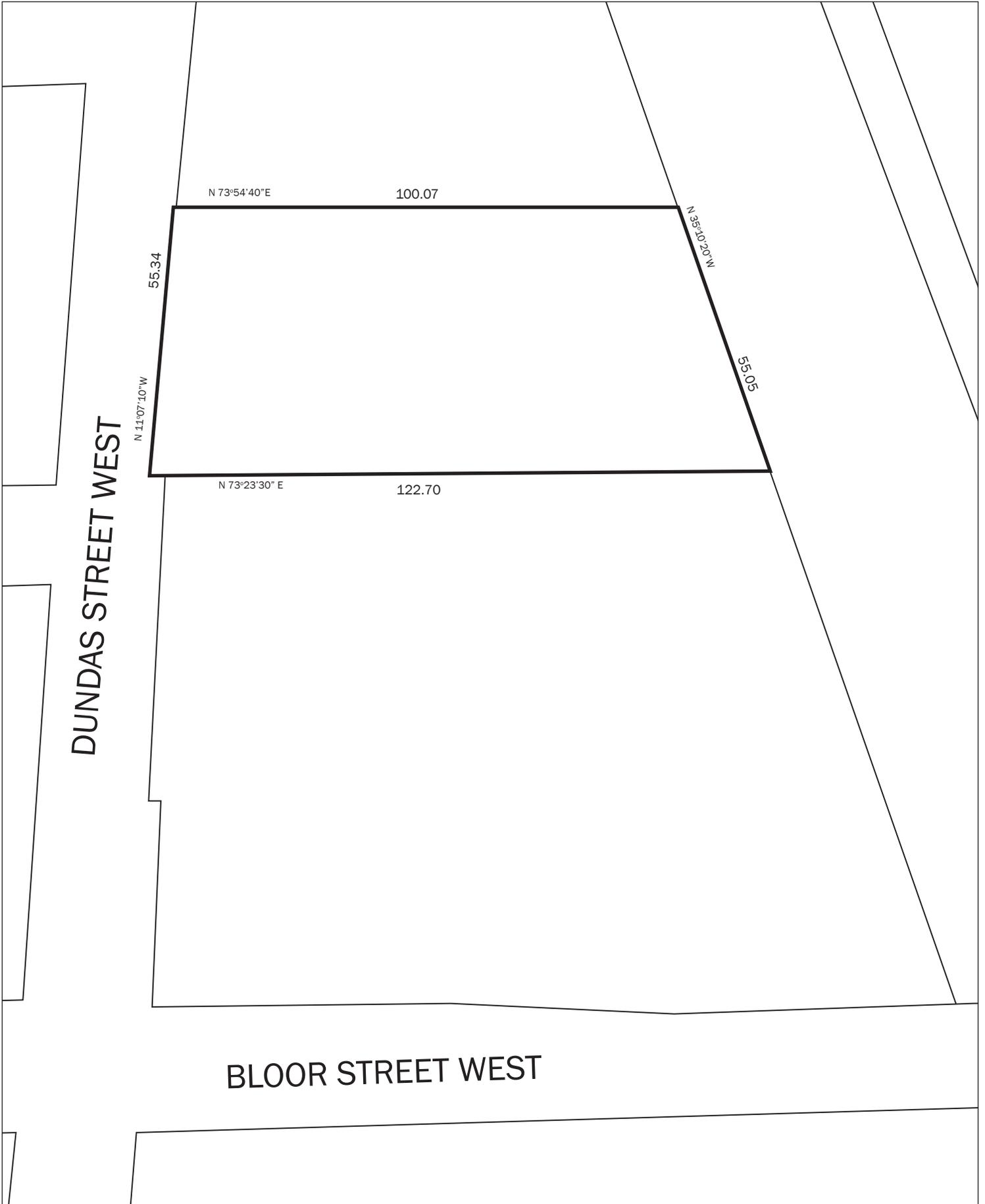
- i. A minimum number of *parking spaces* shall be provided and maintained on the *lot* in accordance with the following:
 - i. 0.5 *parking spaces* for each *one-bedroom dwelling unit*;
 - ii. 0.75 *parking spaces* for each *two bedroom dwelling unit*;
 - iii. 0.06 *parking spaces* for each *dwelling unit* for visitor use.
 - j. A minimum of 285 *bicycle parking spaces* shall be provided and maintained on the *lot*.
 - k. At least one *loading space-type B* and one *loading space-type G* shall be provided and maintained on the *lot*.
5. None of the provisions of By-law No. 438-86 shall apply to prevent a *temporary sales office* on the lot.
6. For the purposes of this By-law,
- a. *Height* means the vertical distance between grade and the highest point of the roof, building, structure shown on Map 2;
 - b. *Temporary sales office* means a building, structure, facility or trailer on the lot used for the purpose of the sale of dwelling units to be erected on the lot.
7. Despite any existing or future severance, partition or division of the lot, the provisions of this By-law shall apply to the whole of the lot as if no severance partition or division occurred.
8. Building permit issuance with respect to the lands in which this By-law applies shall be dependent upon satisfaction of the provisions in this By-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

Appendix “1”
Section 37 Provisions

The facilities, services and matters set out herein are the matters required to be provided by the owner of the lot at its expenses 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 with conditions providing for no credit for development charges, indexing escalation of the financial contribution any letters of credit, indemnity, GST, HST, termination and unwinding, and registration and priority of both agreement and easement:

Provisions for transit improvements and transit-related matters including the owner agreeing to:

- 1) Convey an easement to the City for at-grade public usage of a 3.0 metre wide strip of land along the southern property line of the *lot* for the purposes of providing a public pedestrian connection between the Metrolinx/GO Station and Dundas Avenue West, , as shown on Drawing SPA 101, at no cost to the City, the TTC or Metrolinx
- 2) Convey an easement to Metrolinx for the provision of lands for the creation of a Passenger Pick-Up and Drop-off Facility along the eastern portion of the *lot*, as shown on Drawing SPA 101; and
- 3) Convey an easement to the TTC for the provision of an area at the southeast corner of the *lot* for the future construction of a TTC second exit facility from Dundas West subway station. This area includes approximately 160 m² at the P1 level as shown on Drawing SPA 202, and approximately 280 m² at the ground floor level, as shown on Drawing SPA 101.
- 4) The conveyance of these easements shall be secured and registered on title to the *lot* with the City pursuant to Section 37 of the *Planning Act*, to the satisfaction of the City Solicitor, in consultation with the Chief Planner and Executive Director, City Planning Division, to secure the facilities, services and matters set forth in this Appendix 1.



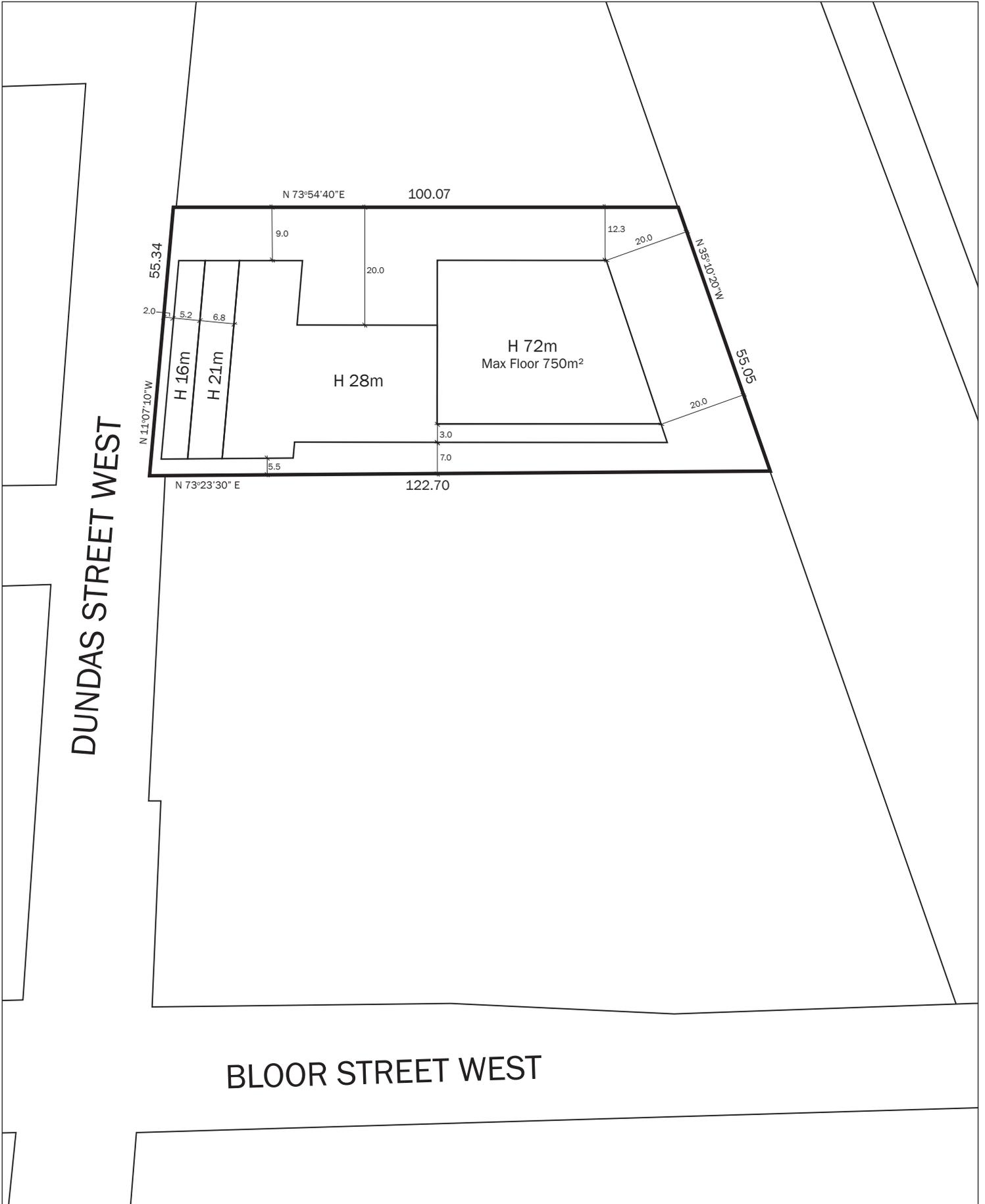
Not to scale



2376-2388 DUNDAS WEST

Map 1

Note: Bearings and dimensions from a Topographic Survey submitted by KRCMAR. All dimensions are in metric.



Not to scale



2376-2388 DUNDAS WEST
Map 2

Note: Bearings and dimensions from a Topographic Survey submitted by KRCMAR. All dimensions are in metric.

Notice of Approval of Conditions – August 23, 2013

Site Plan Control Application No. 13 184 877 STE 14 SA

2376-2388 Dundas Street West

Ward 14

A. PRE-APPROVAL CONDITIONS

LEGAL SERVICES

1. Enter into the City's standard site plan agreement to secure the post approval conditions below and including registration on the site plan agreement on title to the subject lands by the City at the Owner's expense.

DEVELOPMENT ENGINEERING

2. Make satisfactory arrangements with Engineering & Construction Services for work on the City's right of way (road) to provide access to and from the land and provide financial security, submit engineering and inspection fees and provide insurance, as required.

CITY PLANNING

3. Submit a financial security in the amount of **yet to be determined** to the Director, Community Planning, Toronto and East York District, in the form of a Letter of Credit to guarantee the provision of landscape development works as shown on the approved Landscape Plans.

B. POST APPROVAL CONDITIONS

In addition to the above pre-approval conditions, the following post approval conditions are to be fulfilled by the Owner following site plan approval and will be incorporated into a site plan agreement.

The proposed development shall be carried out and maintained in accordance with the plans and drawings referred to herein, to the satisfaction of the City.

Drawing Number	Title of Plan	Prepared By	Date
SPA 101	Site Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 201	Parking Level 2	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 202	Parking Level	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 301	Ground Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 302	2 nd Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 303	3 rd -4 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 304	5 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 305	6 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 306	7 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 307	8 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 308	9 th Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 309	10 th -23 rd Floor Plan	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 310	Mechanical Penthouse Plan	Richmond Arch.	Dated June 5 th , 2013 and updated August 15 2013
SPA 311	Roof Plan	Richmond Arch.	Dated June 5 th , 2013 and updated August 15 2013
SPA 401	Elevations	Richmond Arch.	Dated June 5 th , 2013 and updated August 15 2013
SPA 402	Elevations	Richmond Arch.	Dated June 5 th , 2013 and updated August 15 2013
SPA 403	Elevations	Richmond Arch.	Dated June 5 2013 and updated August 15 2013
SPA 404	Detailed Colour Elevations	Richmond Arch.	Dated June 5 2013 and updated August 15 2013

SPA 405	Detailed Colour Elevations	Richmond Arch.	Dated August 15 2013
SPA 406	Detailed Colour Elevations	Richmond Arch.	Dated August 15 2013
SPA 407	Detailed Colour Elevations	Richmond Arch.	Dated August 15, 2013
SPA 501	Section	Richmond Arch.	Dated June 5 2013, updated August 15 2013
SPL-1	Hard Landscape Plan	Ferris & Associates	Dated June 6 2013 and updated August 14, 2013
SPL-2	Planting Plan Ground and Roof	Ferris & Associates	Dated June 6 2013 and updated August 14, 2013
SPL-3	Interim Plan & Alternate Plan	Ferris & Associates	Dated June 6 2013, and updated August 14, 2013
SPL-4	Details	Ferris & Associates	Dated June 6 2013, and updated August 14, 2013
EC-1	Erosion Control	Cole Engineering	Dated June 6 th , 2013 and updated August 15, 2013
SG-01	Site Grading Plan	Cole Engineering	Dated June 6 th , 2013 and updated August 15, 2013
SS-01	Site Servicing Plan	Cole Engineering	Dated June 6 th , 2013 and updated August 15, 2013
DD-01	Drawing Details	Cole Engineering	Dated June 6 th , 2013 and updated August 15, 2013

TECHNICAL SERVICES

Facilities to Provide Access to and from the Land

1. Close and restore all existing curb cuts and entrance driveways along the development site frontages that are no longer required and reinstate the boulevards within the public rights-of-way, to the satisfaction of the General Manager of Transportation Services.

Off-Street Vehicular Loading and Parking Facilities/Driveways

2. Provide and maintain control gates which physically separate the resident and visitor parking spaces;

Facilities for the Storage of Garbage and Other Waste Material

3. Prior to solid waste collection services are to begin, the Owner must provide the City a letter certified by a professional engineer that in all cases where a collection vehicle is required to drive onto or over a supported structure (such as an underground parking garage) the structure can safely support a fully loaded collection vehicle (35,000 kilograms) and conforms to the following:
 - (a) Design Code - Ontario Building Code
 - (b) Design Load - City bulk lift vehicle in addition Building Code requirements

- (c) Impact Factor - 5% for maximum vehicular speeds to 15 km/h and 30% for higher speeds

Stormwater Management, Grading and Site Servicing

4. Construct and maintain stormwater management measures/facilities and site grading as recommended in the accepted Functional Servicing and Stormwater Management Report and Grading Plan.
5. Construct and maintain the site servicing indicated on Site Servicing Drawing, as accepted by the Executive Director, Engineering & Construction Services.
6. Provide certification to the Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction confirming that the stormwater management facilities and site grading have been constructed in accordance with the accepted Stormwater Management Report and the accepted Grading Plans.
7. Provide certification to the Executive Director, Engineering & Construction Services from the Professional Engineer who designed and supervised the construction, confirming that the site servicing facilities have been constructed in accordance with the accepted drawings.

Other Conditions

8. The site is comprised of three properties which should be amalgamated for assessment and Official Record municipal numbering purposes. The applicant should be required to apply for revised municipal numbering prior to filing an application for a building permit.

Transportation Services

9. The Owner shall be required to make separate applications to the General Manager of Transportation Services for permits to carry out any works involving the construction in, or occupancy of, the abutting public rights-of-way.

Engineering & Construction Services

10. That prior to the issuance of a construction permit for work within the public rights-of-way, the Owner must submit in the amount of an Irrevocable Letter of Credit in the amount of **yet to be determined** to guarantee the work to be undertaken and a certified cheque in the amount of **yet to be determined**, made payable to Treasurer, City of Toronto, to cover the cost of engineering and inspection fees related to same.

Site Servicing

11. A separate application must be made to Toronto Water Division for the installation of any proposed services within the public right-of-way after acceptance of the stormwater management report and site servicing plan. For further information, please contact the Toronto Water Service Counter at (416) 338-6526 or the North York Civic Centre at 5100 Yonge Street, 2nd floor.

Utilities

12. The Owner is financially responsible for all costs associated with the excavation, improvement, removal and/or relocation of any above or below-grade public or private utility resulting from the development of this property.

Toronto Hydro Approval

13. The Owner shall obtain approval from Toronto Hydro Street Lighting Incorporated, THSLI, for removing and/or relocating any utility with attached municipal street lighting and for any upgrades. The Owner is advised to contact THSLI (416-542-3195) or www.torontohydro.com/streetlighting for comment and cost estimates for required fieldwork.

Other Conditions

14. That further changes and/or requirements may be imposed by the City upon receipt of the revised plans and/or additional documentation required under Part I, Condition "A" and also Part II Condition "A" above.
15. To have regard for the City's Vibrant Streets design guidelines, which are available on the City's website at: www.toronto.ca/involved/projects/streetfurniture/pdf/vibrant_streets.pdf

TTC

16. The Owner shall enter into a permanent easement agreement to provide and maintain a permanent public pedestrian walkway along the southern property line, at a minimum clear walking width of 3.0 metres, to the satisfaction of the TTC and City.
17. The Owner shall enter into a permanent easement agreement for the provision of an area at the southeast corner of the development site for the future construction of a TTC second exit facility from Dundas West subway station. The area to be provided for is shown on the draft property protection drawings and includes two areas of approximately 160 m² at the P1 level as shown on Drawing SPA 202 and approximately 280 m² at the ground floor level of the development, as shown on Drawing SPA 101.
18. The Owner shall agree that warning clauses regarding TTC operations shall be inserted into all offers to purchase, agreements of purchase and sale or agreements to lease, and condominium declaration document(s) for each affected residential or commercial unit within the proposed development. Such warning clauses shall advise of the potential for noise, vibration, smoke, particulate matter, electromagnetic interference and stray current impacts on the proposed development, and that the TTC and the City of Toronto accept no responsibility for such efforts. [conditions from TTC]
19. Prior to starting any demolition or construction, or the issuance of the first or any building permit, the Owner shall complete a Toronto Transit Commission ("TTC") Technical Review of the proposed development as applicable to the particular permit applied for and obtain the TTC's written

acknowledgement that the Developer has satisfied all of the conditions arising out of the review. As part of the review process, the Developer shall provide the requisite information and pay the associated review fee to the TTC. [conditions from TTC]

Bell Canada

20. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easement that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
21. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

DUN WEST PROPERTIES LTD. PROPOSED CONDITIONS

Metrolinx Passenger Pick-Up and Drop-Off Facility

22. The Owner shall agree in the Site Plan Control Agreement to provide an easement agreement to Metrolinx for the creation and maintenance of a Passenger Pick-Up and Drop-off Facility on the eastern portion of the property as shown on Drawing SPA 101 to the satisfaction of Metrolinx.

Phasing Landscape Plans

23. In the event that Metrolinx has not formalized plans for the design, construction and provision of a Pick-Up and Drop-off Facility at the issuance of the **final building permit [confirm milestone date]**, the Owner agrees that the site shall be developed and maintained in accordance with the Interim Condition Landscape Plan – 1-SPL-3.
24. In the event that Metrolinx has not formalized plans for the design, construction and provision of a Pick-Up and Drop-off Facility following **two years after first occupancy [confirm milestone date]**, the Owner agrees that the site shall be developed and maintained in accordance with the Alternate Landscape Plan (No Metrolinx PPU DO) – Landscape Plan 2-SPL-3.

URBAN FORESTRY

25. The Owner shall have a qualified company implement the approved Landscape Plans.
26. The site shall be developed and maintained in accordance with the approved plans and conditions of approval associated with the Site Plan, Grading Plan, Site Servicing Plan, Landscape Plans, Building Permit, and Tree Permit(s)/Approvals. Any proposed revisions/alternations to the approved plans or permits that affect trees must be approved by Urban Forestry, on behalf of the General Manager of Parks, Forestry & Recreation.

- D**
27. The Owner agrees to notify all builders, contractors and agents of all tree protection requirements where any part of the development will be carried out by them on behalf of the Owner.
28. The Owner shall provide a two-year renewable guarantee for all new tree plantings within the City road allowance and shall notify the Supervisor of Urban Forestry, Tree Protection & Plan Review in writing, of the planting date prior to planting. This date is used to establish the anniversary date of the require two-year renewable guarantee.
29. The Owner shall maintain all new tree plantings within the City road allowance in good condition. Trees will be inspected during and prior to the end of the renewable guarantee period. If the trees are in good condition at the end of the renewable guarantee period, the City will assume maintenance and Ownership of the trees.
- R**
30. The Owner shall be responsible for the maintenance or replacement of all new trees plantings within the city road allowance if during or at the end of the renewable guarantee period the trees are not in good condition, require maintenance or require replacement. The Owner will be responsible for rectifying the problem if determined by and to the satisfaction of the General Manager of Parks, Forestry & Recreation.
- A**
31. Prior to the issuance of a Landscape Permit (by Transportation Services, Right of Way Management), the Owner shall provide a tree planting security deposit in the form of an irrevocable Letter of Credit or certified cheque payable to the Treasurer City of Toronto, in the amount of \$583.00 for new tree planting within the City Road allowance. The deposit will be drawn upon to cover all costs incurred by the City of Toronto in enforcing and ensuring that the trees are planted and kept in a healthy and vigorous state during the two-year guarantee period. The tree planting security deposit must be submitted to the attention of the Supervisor of Urban Forestry, Tree Protection & Plan Review. Payment must be made in person at the Urban Forestry office located at 50 Booth Avenue, 2nd Floor. Our front reception desk hours are 8:30 a.m. to 3:00 p.m., Monday to Friday.
- F**
32. The Owner shall agree in the Site Plan Control Agreement to provide any required encroachment agreements to the City of Toronto for any portion of newly planted trees within the City road allowance that encroach on the Owner's property.

CITY PLANNING

- T**
33. The Owner shall agree in the Site Plan Control Agreement to provide Vibration and Noise mitigation measures as recommended in the study prepared by HGC Engineering, dated June 6th 2013, as amended on August 13, 2013.
34. The Owner shall secure in the Site Plan Control Agreement to provide Wind mitigation measures as recommend in the study prepared by GmE, dated June 6th 2013, as amended on August 14, 2013.