

**245-251 College Street, and 39 and 40 Glasgow Street –  
Rezoning Application - Request for Direction Report**

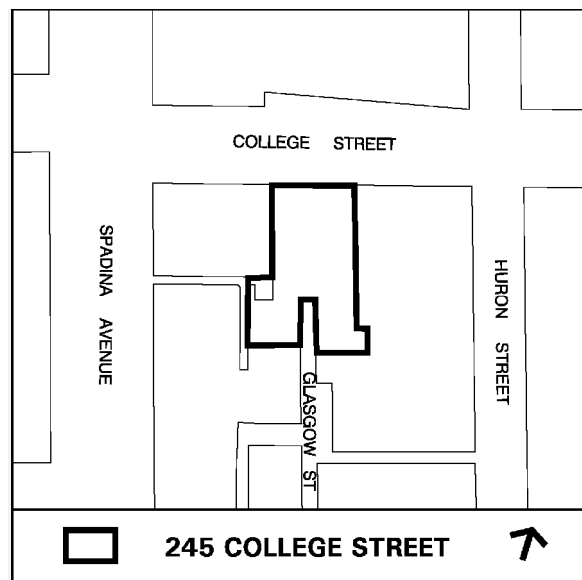
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| <b>Date:</b>             | May 18, 2012   |
| <b>To:</b>               | Toronto and East York Community Council                      |
| <b>From:</b>             | Director, Community Planning, Toronto and East York District |
| <b>Wards:</b>            | Ward 20 – Trinity-Spadina                                    |
| <b>Reference Number:</b> | 10 239490 STE 20 OZ  |

**SUMMARY**

The applicant is proposing a 24-storey academic residence, having a total height of approximately 80 metres with a total gross floor area of 26,300 m<sup>2</sup>, and a density of approximately 12 times the lot area. No parking is proposed as part of this application. The proposal in its current form is not supportable. The proposal does not promote a harmonious fit with the existing neighbourhood context and is not consistent with the relevant Official Plan Policies.

The applicant appealed to the Ontario Municipal Board on March 12, 2012 on the basis of Council's failure to enact the requested amendment within the timelines prescribed by the *Planning Act*. At the time of writing of this report, a hearing date had not been set.

The purpose of this report is to request direction from City Council regarding the pending Ontario Municipal Board hearing on the application for a Zoning By-law Amendment.



## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council authorize staff to attend the Ontario Municipal Board hearing to oppose the application at 245-251 College Street in its current form and authorize the City solicitor and any other appropriate City staff to take such actions as necessary to give effect to the recommendations of this report.
2. City Council authorize staff to continue discussions with the applicant concerning appropriate heights and massing for this development site including appropriate public benefits that would be provided for the increased height and density that may be approved for the site pursuant to Section 37 of the *Planning Act* if an agreement can be reached.
3. City Council direct staff to report back to Toronto and East York Community Council should staff be able to come to a settlement with the applicant on modified heights and massing, and appropriate Section 37 benefits for the site.
4. City Council authorize the City Solicitor and necessary City staff to take such necessary steps, as required, to implement the foregoing.

### Financial Impact

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

### DECISION HISTORY

A pre-application consultation meeting was held by Planning staff to discuss the proposal and complete application submission requirements.

The Ward Councillor held a pre-application information session with the community on May 18, 2010 to obtain initial feedback on the applicant's original proposal for a 42-storey student residence. Issues that arose at that session included: the height and massing of the proposed development; the relationship to the neighbouring properties; the impact of the proposal on other sites in the area; the precedent that this development proposal may set for the area; the affordability of the proposed units; and whether other locations for the proposal were considered such as Yonge Street or Bay Street.

A Preliminary Report was before Toronto and East York Community Council on February 16, 2011. That preliminary report dealt with the initially proposed 42-storey academic residence and 3-storey podium containing retail, academic services and lecture halls to be used by the University of Toronto. The Preliminary Report did not support the proposal as submitted, but recommended that a Community Consultation Meeting be held to get feedback and consider alternative approaches to the site. Two small working group

sessions were held in April 2011 and July 2011, with a group of local residents selected by the Ward Councillor's office.

The applicant revised their proposal after the working group meetings and submitted a revised proposal to Planning Staff on September 27, 2011. The proposed height was reduced from 42-storeys to 24-storeys in height. A Supplementary Report was before Toronto and East York Community Council on November 2, 2011. Community consultation meetings hosted by City Planning were held on December 5, 2011 and February 20, 2012.

## **ISSUE BACKGROUND**

The applicant's revised proposal consists of a 24-storey academic residence with 230 dwelling units which would contain approximately 759 beds. The proposed development would have an overall building height of approximately 80 metres, a total gross floor area of 26,270m<sup>2</sup>, and density of approximately 12 times the lot area. The non-residential gross floor area has been decreased within the podium to 1,738m<sup>2</sup> from the originally proposed 2,315m<sup>2</sup>. The applicant's original proposal contained office uses on the third floor, but due to the reduction in building height, the applicant has now eliminated the offices on this floor and replaced with residential uses. The applicant proposes to provide 331 bicycle parking spaces, and continues to propose no vehicular parking.

## **Site and Surrounding Area**

The subject site is an assembly of four properties, municipally known as 245 and 251 College Street, and 39 and 40 Glasgow Street. The site has a total lot area of 2,176m<sup>2</sup> and is currently occupied by a 2-storey commercial building, a 5-storey commercial building, and surface parking areas.

Development in the vicinity is as follows:

- North:* The north side of College Street forms part of the University of Toronto, St. George Campus and includes a mix of buildings ranging in height from 4-storeys to 13-storeys.
- South:* The area immediately south of the site is comprised of low density residential uses.
- East:* To the east of the site are a number of mixed use buildings ranging in height from 3 to 5-storeys, and the Lillian Smith Library which is listed on the City's inventory of Heritage Properties.
- West:* To the immediate west of the subject site, there are a number of mixed use buildings ranging in height from 2 to 3 storeys.

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

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and, protecting

public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the Planning Act, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

Maps 2 of the Official Plan identifies that the subject site is located *Downtown*. The Official Plan identifies the *Downtown* as one of the areas which can accommodate a vibrant mix of residential and employment growth. The Official Plan identifies that the *Downtown* will continue to evolve as a healthy and attractive place to live and work, as new development that supports the reurbanization strategy and the goals for *Downtown*, is attracted to the area. In particular, Section 2.2.1.1 of the Plan identifies that the *Downtown* policies of the Plan will shape the City's future by accommodating development that:

- builds on the strength of *Downtown* as the premier employment centre in the GTA;
- provides a full range of housing opportunities for *Downtown* workers and reduces the demand for in-bound commuting; and
- focuses on the Financial District as the prime location for the development of prestige commercial office buildings and landmarks buildings that shape the skyline.

Although the Plan identifies the *Downtown* as one of the areas which can accommodate growth, Section 3.1.3 identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings.

The subject site is designated *Mixed Use Areas* and *Neighbourhoods* in the Official Plan. The Plan designates the properties which front onto College Street *Mixed Use Areas*. This designation permits a broad range of commercial, residential and institutional uses and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale.

The development criteria in *Mixed Use Areas* includes, but is not limited to:

- creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- providing for 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;
- locate and mass new buildings to frame the edges of streets and parks;
- provide an attractive, comfortable and safe pedestrian environment;
- 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 in every significant multi-residential development.

The Glasgow Street properties are designated *Neighbourhoods* within the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than 4-storeys. Parks, low scale local institutions, home occupations, cultural and recreational facilities and small-scale retail, service and office uses are also provided for in *Neighbourhoods*. The Plan identifies these established areas as physically stable in which development will respect and reinforce the existing physical character of the neighbourhood. Particular aspects of physical character are identified including: patterns of streets, blocks and lanes; lot size; heights, massing, scale and dwelling type of nearby residential properties; prevailing building types, or predominant forms of development in the neighbourhood; and, prevailing patterns of rear and side yard setbacks and landscaped open space.

The Built Form policies, contained within Section 3.1.2 of the Official Plan emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Plan also contains policies regarding tall buildings in the city. Tall buildings are identified as those whose height is typically greater than the width of the adjacent road allowance. College Street, at this location, has a right-of-way width of 30 metres, and thus, the proposed 80.0 metre high (including mechanical penthouse) building at this location is considered to be a tall building. The Plan also limits these buildings to parts of the *Downtown, Centres*, and other areas of the city where they are specifically permitted by a Secondary Plan or Zoning By-law. The Official Plan also sets out key urban design considerations when considering a tall building proposal.

## **Tall Buildings Guidelines**

Toronto City Council approved the use of the document, “Design Criteria for Review of Tall Building Proposals” (Tall Buildings Guidelines) in June, 2006 on a pilot basis, and it was endorsed by Council in May, 2010. The Tall Buildings Guidelines provide policy recommendations for tall buildings on issues of transition, building placement and orientation, entrances, heritage conservation, massing of base buildings, tower floorplates, separation distances, pedestrian realm considerations and sustainable design.

## **Zoning**

The majority of the subject site is zoned MCR T2.5 C1.0 R2.5 in the Former City of Toronto Zoning By-law 438-86. The MCR Zone permits a range of residential and commercial uses within this zoning category to a maximum height of 14.0 metres.

The portion of the site located at Glasgow Street is zoned R3 Z1.0 by the Zoning By-law. The R3 Zone permits a range of residential building types to a maximum height of 12.0 metres.

## **OMB Appeals**

On March 12, 2012, the applicant appealed its Zoning By-law Amendment application to the Ontario Municipal Board, on the grounds that City Council failed to make a decision on the applications within the timelines prescribed within the *Planning Act*.

## **COMMENTS**

The redevelopment of lands in an established urban setting requires consideration of the immediate site context and the larger neighbourhood. Developments should recognize the defining urban characteristics of the area into which they are to be inserted and should seek to complement the established urban form. New development must relate, enhance and contribute to its surroundings.

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

The proposal is consistent with the PPS.

## **Land Use**

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

The Official Plan directs growth to certain areas of the City, and the areas which can best accommodate growth are shown on Map 2, Urban Structure of the Official Plan. The areas for growth have been identified as the Downtown, the Centres, the Avenues and Employment Districts. Map 2 of the Official Plan identifies that the subject site is located Downtown. The Official Plan identifies the Downtown as one of the areas which can accommodate a vibrant mix of residential and employment growth. The Official Plan identifies that the Downtown will continue to evolve as a healthy and attractive place to

live and work, as new development that supports the reurbanization strategy and the goals for Downtown, is attracted to the area.

Although the Plan identifies that the *Downtown* as one of the areas which can accommodate growth, Section 3.1.3 identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings. Although the subject site is within the *Downtown*, an area identified for growth, the proposal does not meet the objectives of the plan, and the current form of development is not desirable for this location.

### **Surrounding Context**

The Built Form policies within the Official Plan stress the importance of new development fitting harmoniously into its existing and/or planned context and limiting its impacts on neighbouring streets, parks, open spaces and properties. The Official Plan identifies the need to consider new development not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. New development within *Mixed Use Areas* is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The Official Plan outlines development criteria for developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods*. The Plan states that developments will:

- be compatible with those *Neighbourhoods*;
- provide a gradual transition of scale and density, as necessary, to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The Healthy Neighbourhoods Section of the Official Plan identifies that the intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. The plan also states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other matters, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, maintain adequate light and privacy for residents in those *Neighbourhoods*.

Intensification on land adjacent to neighbourhoods is required to be carefully controlled so that neighbourhoods are protected from negative impact by locating and organizing to fit with its existing and/or planned context. The plans submitted with the application do not fit harmoniously within the existing context as the proposal seeks to introduce a built form and density that is significantly greater than what exists in the immediate area. The variation between the height of the proposed buildings and the height of the adjacent neighbourhood is inconsistent with the surrounding context and does not meet the policies contained within the Official Plan.

## **Height**

The Official Plan identifies that tall buildings are desirable in the right places, but also acknowledges that they are not appropriate in all locations. When tall buildings are poorly located or designed, they can physically and visually overwhelm adjacent streets, parks and neighbourhoods. The Plan acknowledges that tall buildings are also only one form of intensification. Most of the proposed intensification is anticipated to be achieved with street oriented, grade related or mid-rise type buildings.

The applicant is proposing to develop the site with a 24-storey mixed use building which is proposed to have a height of 80.0 metres, with mechanical penthouse. The proposed height is more than five times that permitted by the zoning by-law, and significantly higher than any structure in the immediate area.

The significant variation between the height of the proposed building and the height of the adjacent neighbourhood is problematic, and fails to reflect the lower scale of this part of College Street. In addition, the proposed development significantly penetrates the 45-degree angular plane requirements for buildings in the Mixed Commercial Residential zone. These angular plane provisions ensure that a pedestrian scale and consistent streetwall are provided along with protecting for sunlight on the street. Compliance with the angular plane for this site, would significantly reduce the permitted height of the building, as well as require greater articulation of the building via stepbacks and terracing.

## **Building Siting and Massing**

The Official Plan identifies that developments may be considered not only in terms of the individual building and site, but also in terms of how that building and site fit within the context of the neighbourhood and the City. New development within “*Mixed Use Areas*” is required to locate and mass new buildings to frame the edge of the streets, maintain sunlight and comfortable wind conditions, and locate and mass new buildings to provide a transition between areas of different development intensity and scale.

The current form of development proposed by the applicant is not appropriate. The proposal has not properly considered building massing and height in relation to its existing and planned context as required by the Official Plan. In addition to not providing adequate transition between areas of different development intensity and scale.



The Built Form policies, contained within section 3.1.2 of the Official Plan emphasise the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets, parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area. The massing and siting of the applicant's proposal in its current form does not protect the *Neighbourhoods* from negative impact, nor does it respect the character of the surrounding area, and cannot be supported in its current form.

## **Density**

At 12.1 times density, the proposal exceeds the permitted density under current planning controls for the site. The mixed use zoning for College Street permits a mix of commercial and residential uses to 2.5 times the lot area. The proposed density would result in a development that does not respect and reinforce the existing physical character of the neighbourhood.

The applicant is seeking to significantly increase the density permitted by the MCR zone for College Street. Given the location of this site, the proposed density of 12.1 times the lot area represents an overdevelopment of the site. Based on the height and transition considerations discussed above, the proposed density is not appropriate for this site.

## **Section 37 of the *Planning Act***

The application in its current form will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits were not discussed in the absence of an agreement on height and massing, beyond an indication that the City intended to use this tool should the aforementioned issues be resolved.

## **Development Options**

City Planning Staff have indicated a willingness to work with the applicant to achieve a development which may be supportable for this site and is in keeping with the policies contained within the Official Plan. Staff have met with the applicant and indicated that a proposal that is closer to a mid-rise typology, which maintains transition to the *Neighbourhoods*, provides for adequate setbacks to the adjacent properties, and maintains comfortable sunlight conditions on College Street could be considered for this site.

## **Outstanding Application**

The application does not comply with the Official Plan as it relates to the portions of the site that are within the *Neighbourhoods* designation. An Official Plan Amendment application is required and remains outstanding.

## **CONCLUSION**

Staff have reviewed the submission for compliance with Official Plan Policies. The policies contained within the City of Toronto Official Plan provide the basis for refusing this proposal in its current because it does not meet the intent of the Plan for development within or adjacent to stable residential neighbourhoods. The proposed density, building

type, and building height, and lack of transition do not reinforce or respect the physical character of the existing neighbourhood. Staff recommend that City Council direct staff to support refusal of the proposed development in its current form at the Ontario Municipal Board.

Should the applicant be prepared to revise the proposal so that it is brought into greater compliance with the City's Official Plan, a supportable development on this site may be possible. Staff are willing to work with the applicant to achieve a development which may be supportable for this site. Should the applicant indicate a willingness to revise their proposal to something that may be more suitable for this site, Staff will report back to Toronto and East York Community Council and request further direction prior to proceeding to an Ontario Municipal Board Hearing.

## **CONTACT**

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## **SIGNATURE**

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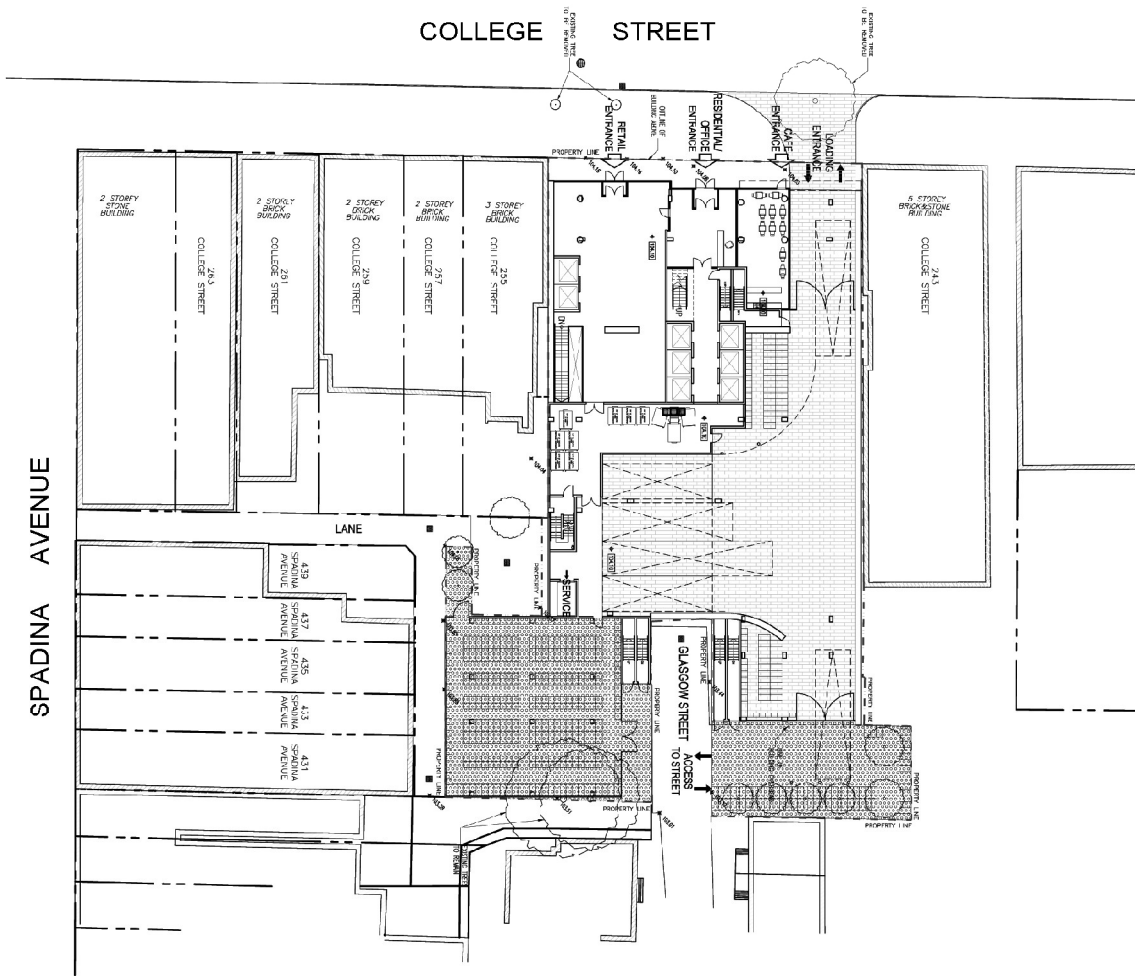
Raymond David, Director  
Community Planning, Toronto and East York District

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## **ATTACHMENTS**

Attachment 1: Site Plan  
Attachment 2: North Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: West Elevation  
Attachment 6: Zoning By-law 438-86  
Attachment 7: Official Plan

# Attachment 1: Site Plan

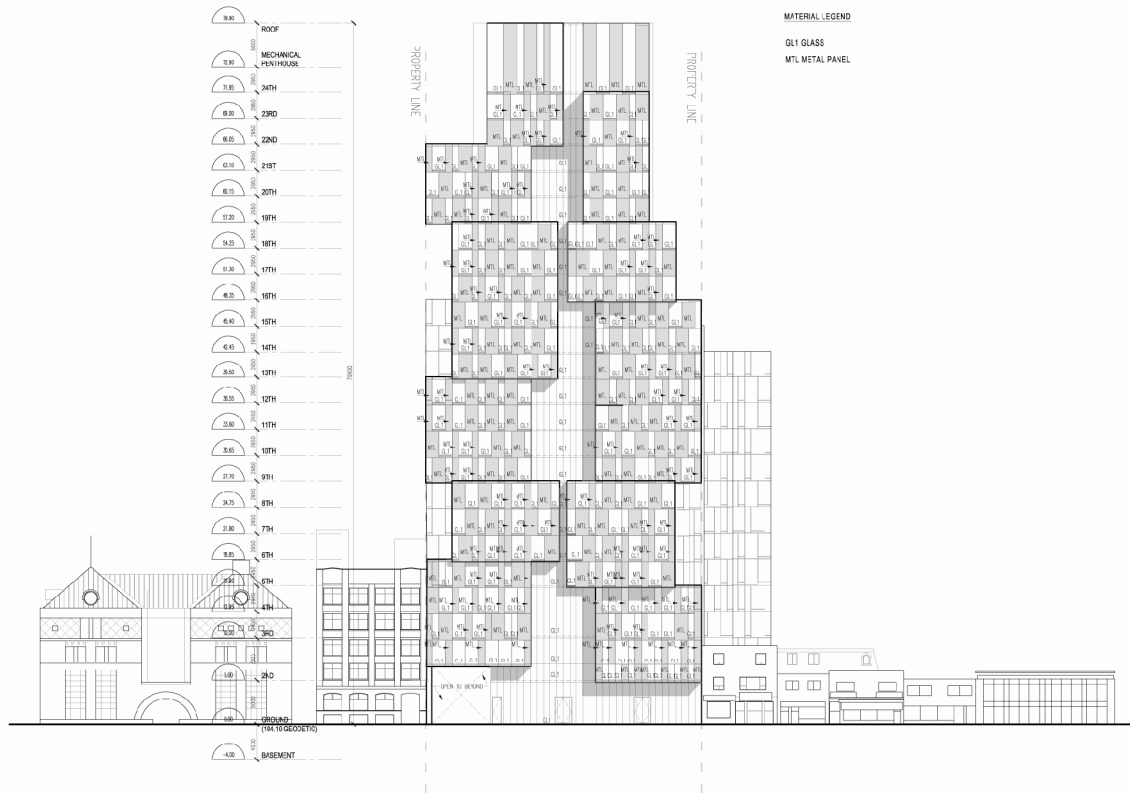


**Site Plan** **245 College Street**

Applicant's Submitted Drawing

Not to Scale 12/07/10 File # 10\_239490

## Attachment 2: North Elevation



North Elevation

### North Elevation

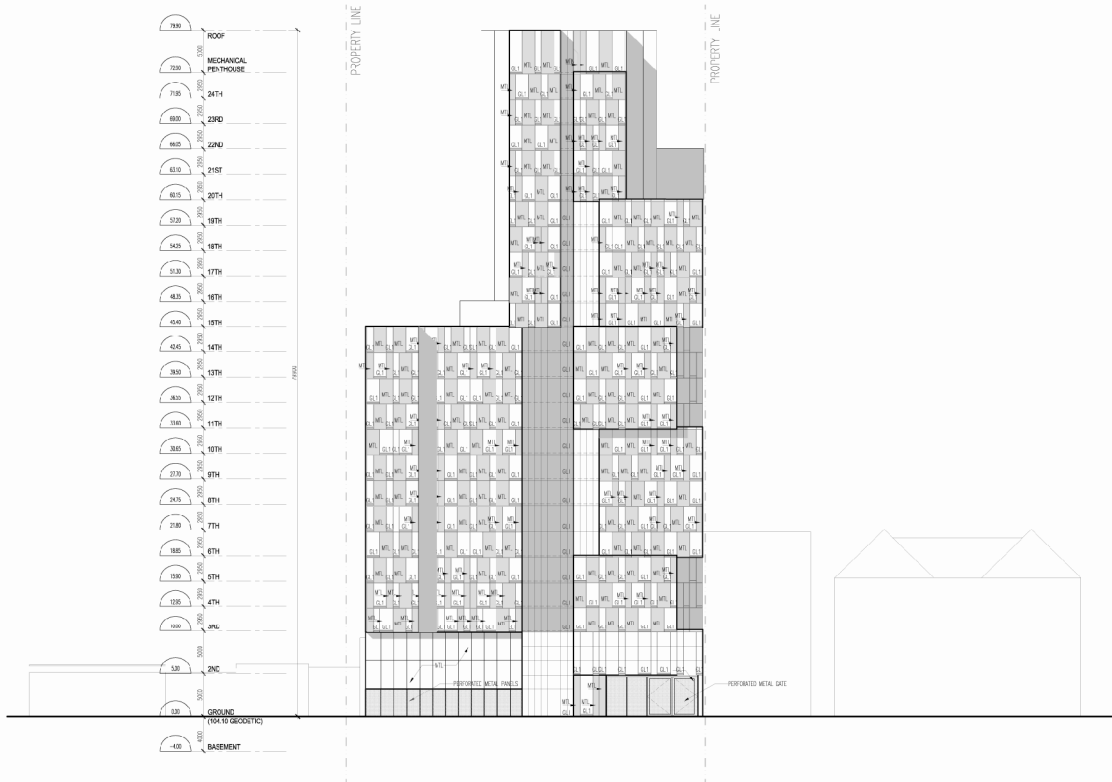
Applicant's Submitted Drawing

Not to Scale  
10/03/2011

**245 - 251 College Street  
39 and 40 Glasgow Street**

File # 10\_239490

### Attachment 3: South Elevation



South Elevation

### South Elevation

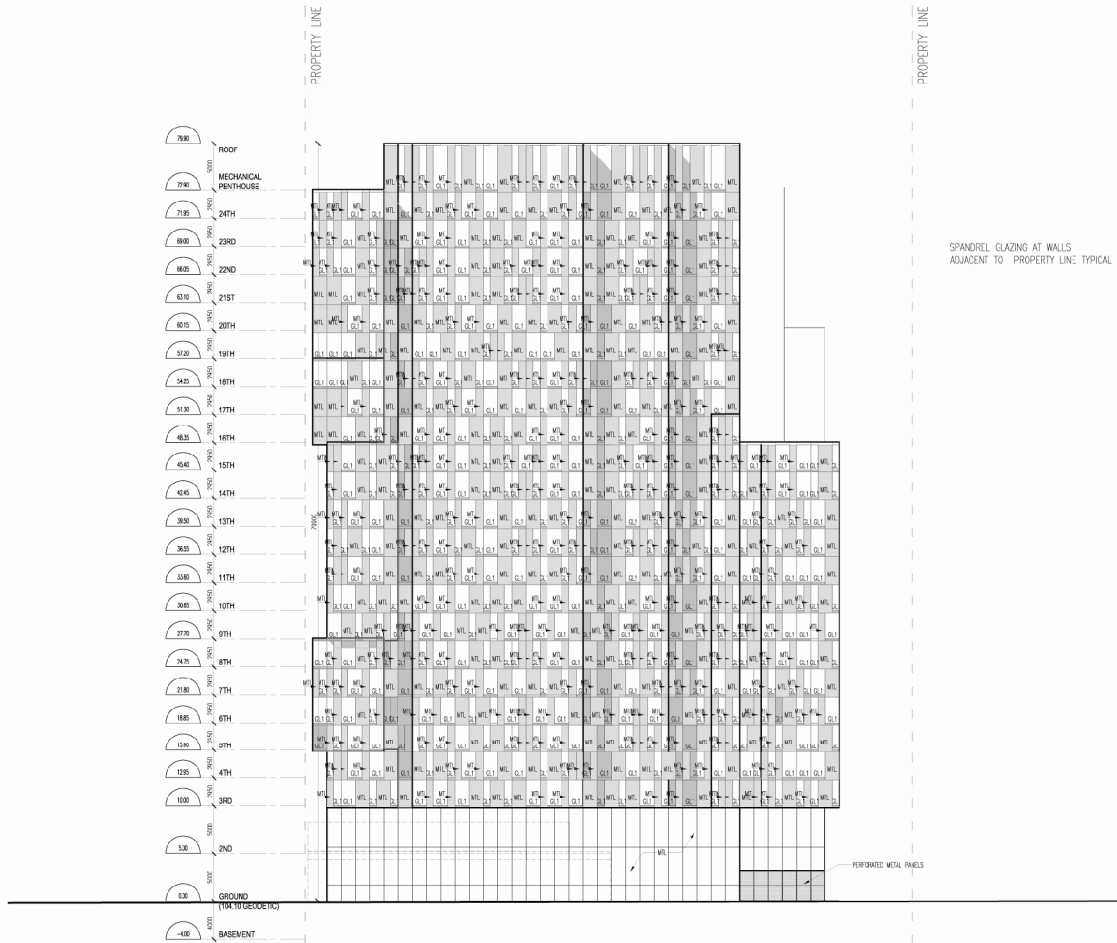
Applicant's Submitted Drawing

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245 - 251 College Street  
39 and 40 Glasgow Street

File # 10\_239490

# Attachment 4: East Elevation



East Elevation

## East Elevation

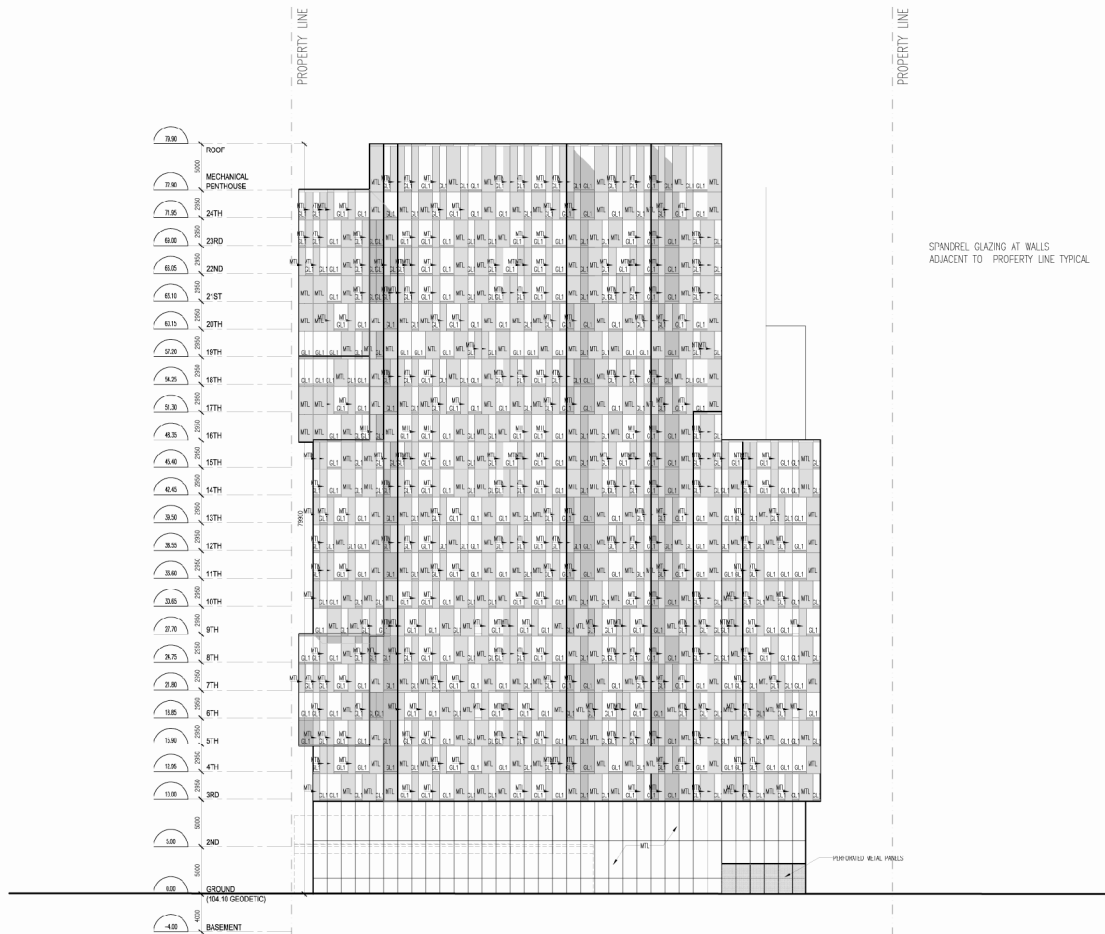
Applicant's Submitted Drawing

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245 - 251 College Street  
39 and 40 Glasgow Street

File # 10\_239490

# Attachment 5: West Elevation



West Elevation

## West Elevation

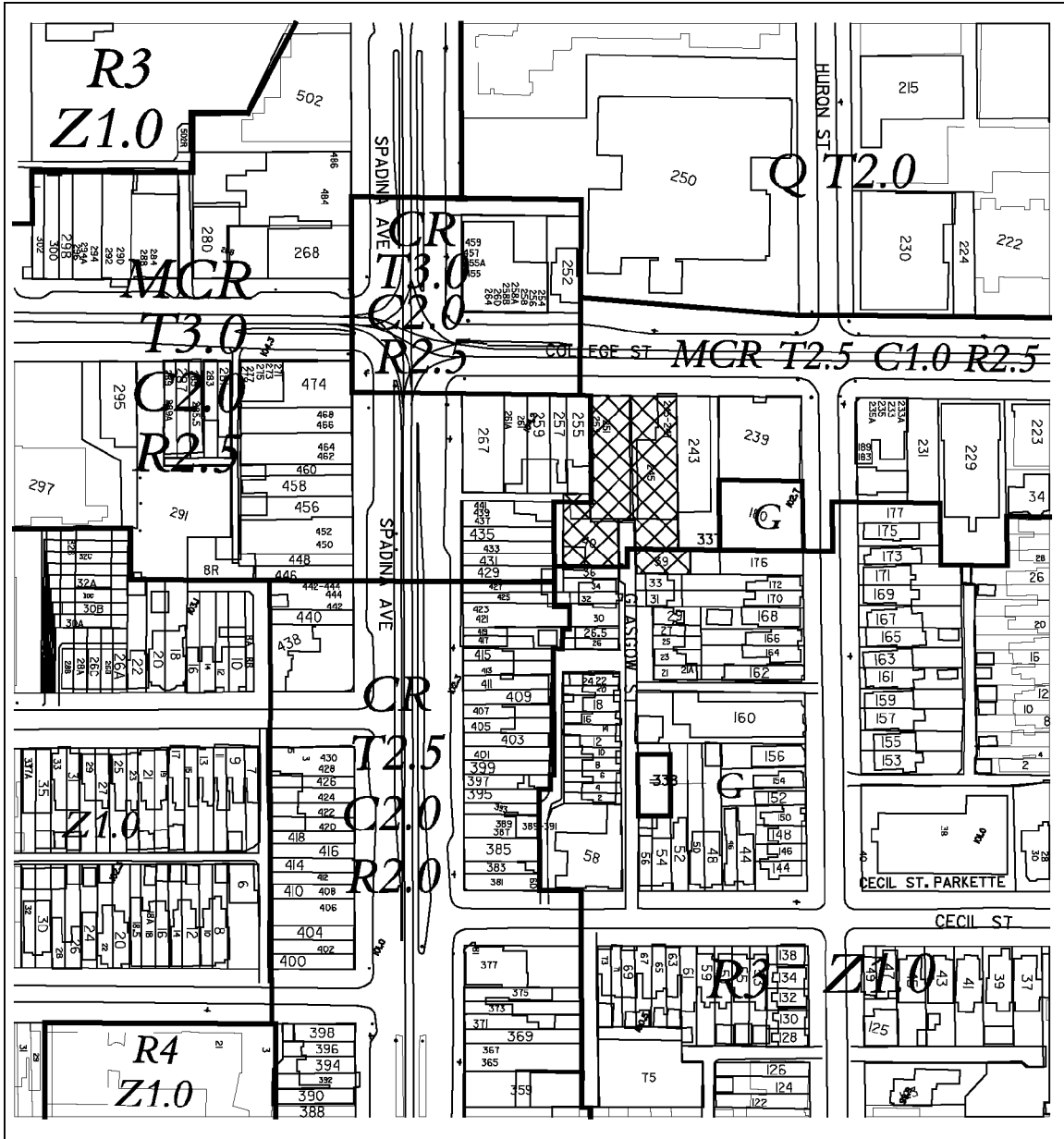
Applicant's Submitted Drawing

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245 - 251 College Street  
39 and 40 Glasgow Street

File # 10\_239490

Attachment 6: Zoning By-law 438-86



245 College Street

File # 10\_239490

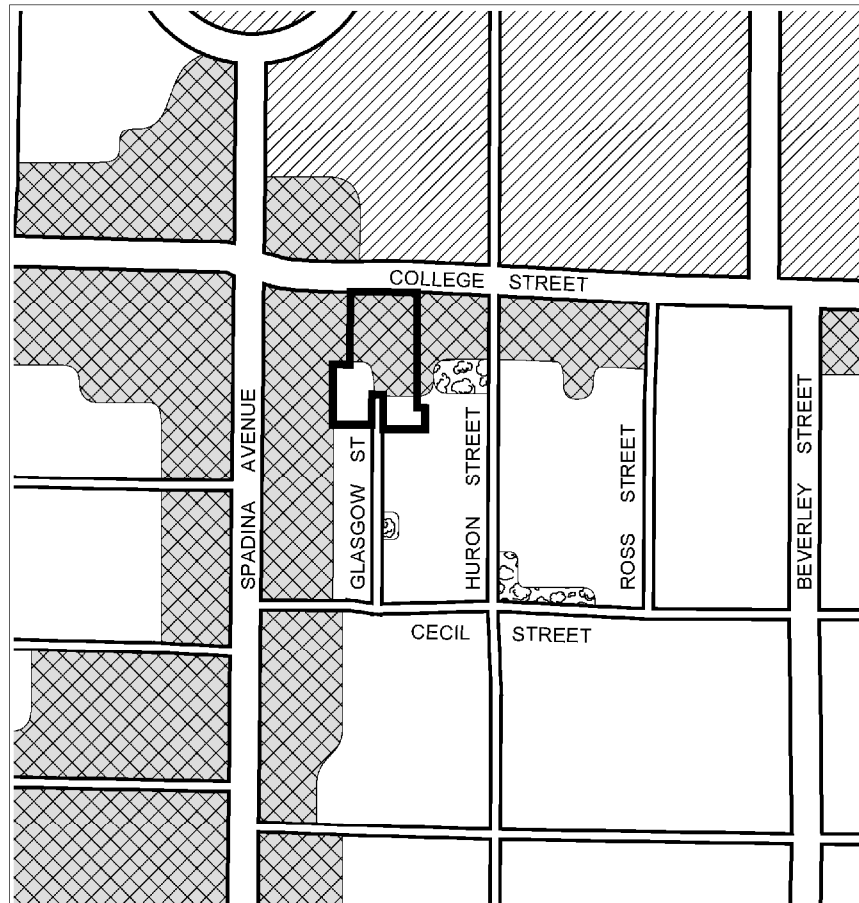
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|----|----------------------|-----|--------------------|
| G  | Parks District       | CR  | Mixed-Use District |
| R3 | Residential District | MCR | Mixed-Use District |
| R4 | Residential District | Q   | Mixed-Use District |



Not to Scale  
Zoning By-law 438-86 as amended  
Extracted 12/06/10



# Attachment 7: Official Plan



**Toronto** City Planning  
**Official Plan**

245 College Street

File # 10\_239490

-  Site Location
-  Neighbourhoods
-  Mixed Use Areas
-  Institutional Areas
-  Parks

  
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 12/07/10