

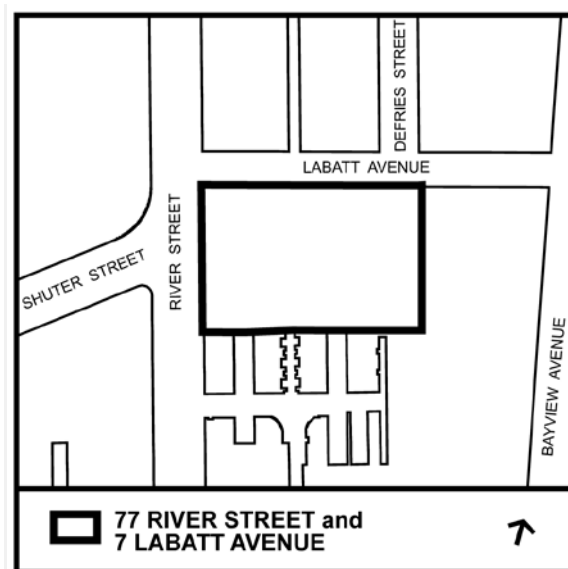
77 River Street and 7 Labatt Avenue – Official Plan Amendment and Zoning Amendment Applications – Final Report

Date:	September 26, 2016
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 28 – Toronto Centre-Rosedale
Reference Number:	14 175807 STE 28 OZ

SUMMARY

The applications to amend the Official Plan and Zoning By-law for the properties at 77 River Street and 7 Labatt Avenue propose to permit the construction of a 38-storey tower including an 11-storey base building. The proposed building would contain 584 dwelling units, 2,773.5 square metres of retail space located on the ground floor and 3,612.5 square metres of office space located on the ground floor and second floor. The proposal also includes a 3-level underground parking garage containing 405 parking spaces. The proposed development would require the demolition of the existing Salvation Army building at 77 River Street and the low-rise office building at 7 Labatt Avenue.

This proposal is the result of discussions between the City and applicant related to the applicant's appeal of the Ontario Municipal Board of the Queen-River Secondary Plan (OPA 287) and site specific development criteria. The proposal represents appropriate intensification and reinvestment on a large underutilized site within a *Regeneration Area*. While the height of the proposal exceeds that proposed by the secondary plan, the application has been revised to reduce the number of towers on site from 2 to 1 and



provides an overall massing and land use that is more in keeping with the staff recommended and Council adopted Secondary Plan. It provides retail, office and residential uses as well as an improved public realm consisting of widened sidewalks, street trees and a more animated street frontage on both River Street and Labatt Avenue.

This report reviews and recommends approval of the applications to amend the Official Plan and Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan, for the lands at 77 River Street and 7 Labatt Avenue substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 8 to report dated September 26, 2016.
2. City Council amend Zoning By-law 438-86 for the lands at 77 River Street and 7 Labatt Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to report dated September 26, 2016.
3. City Council amend City of Toronto Zoning By-law 569-2013 for the lands at 77 River Street and 7 Labatt Avenue substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to report dated September 26, 2016.
4. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
5. Before introducing the necessary Bills to City Council for enactment, City Council require the Owner to enter into an Agreement pursuant to Section 37 of the Planning Act as follows:
 - a. Prior to the issuance of the first above-grade building permit, the owner shall pay to the City the sum of \$2,000,000 to be allocated as follows:
 - i. \$1,000,000 towards the development of the Dixon Hall Youth Centre to be located in Regent Park, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - ii. \$625,000 towards local streetscape and/or parkland improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

- iii. \$325,000 towards the development of the Cabbagetown Regent Park Museum to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
 - iv. \$50,000 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
- b. the payment amounts identified in a. above shall be indexed upwardly in accordance with the Non-Residential Construction Price Index for Toronto, calculated from the date of execution of the Section 37 Agreement to the date of payment;
- c. in the event the cash contributions referred to in a. above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands;
- d. The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:
 - i. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property on those portions of River Street and Labatt Avenue abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City;

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The subject applications were submitted to the City on June 17, 2014. At their meeting of August 12, 2014, Toronto and East York Community Council adopted a preliminary report dated July 22, 2014, for the applications and directed Planning staff to schedule a community consultation meeting with notice for the community consultation meeting to be given to landowners and residents within 120 metres of the site, and to additional residents and owners to be determined in consultation with the Ward Councillor. The preliminary report can be found at the following link:

<http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-71791.pdf>

At their meeting on February 10 and 11, 2015, City Council adopted the Queen-River Secondary Plan (OPA 287). The Queen-River Secondary Plan area is generally bounded by Dundas Street East to the north, Queen Street East to the south, River Street to the west and Bayview Avenue to the east.

The Queen-River area is designated *Regeneration Areas* in the City of Toronto's Official Plan with the exception of a narrow sliver of land abutting Bayview Avenue from Dundas Street East to Queen Street East which is designated *Parks*. Section 4.7 policy 2 of the Official Plan states that development should not proceed in *Regeneration Areas* prior to approval of a Secondary Plan. The area within Queen-River designated *Parks* in the Official Plan is not subject to the Queen-River Secondary Plan.

The majority of the Queen-River area is already developed. As such, it is anticipated that the Queen-River Secondary Plan will be implemented and guide the development of the remaining under-used properties in the area. The goal of the Secondary Plan is to provide a planning policy framework for new development that recognizes the need to attract new investment to the area while ensuring that new development: is compatible with the existing and planned context; addresses the interface between residential and non-residential uses; improves the public realm; and promotes a complete community.

The subject site at 77 River Street and 7 Labatt Avenue is located within *Mixed Use Area 'C'* within the Secondary Plan. *Mixed-Use Area 'C'* is located approximately in the centre of the Queen-River Area and marks the dividing line between the primarily residential uses in lower-scale buildings concentrated in the south of the Queen-River area and the non-residential uses on large lots that occupy a large portion of the north end of Queen-River. Redevelopment in this area should respect the existing character and height of the street wall on the east side of River Street. It should provide adequate separation and transition in built form to the low-scale residential uses immediately south of the area in order to mitigate the negative impacts of higher built form elements on low-scale areas such as overlook, reduced privacy and loss of skyview. Redevelopment in this area should provide significant improvements to the public realm including publicly accessible open space.

To this end, the Secondary Plan established a number of policies to guide development of a tall building on this site. These policies include: allowing for a mix of uses on the site; allowing for only 1 tall building on the site; limiting the height of the tall building to 88 metres; creating a publicly accessible open space on the site; setting the tower portion of the tall building back 20 metres from low-rise *Neighbourhoods* designated areas; and providing building setbacks from the curb with enough space for public realm improvements including street trees, street furniture, lighting, a pedestrian clearway and landscaped open space.

The Queen-River Secondary Plan was appealed by the applicant on May 4th, 2015. The Secondary Plan was also appealed by other area property owners. A pre-hearing conference was held on October 19, 2015. A hearing date has not been scheduled. The final report for the Queen-River Secondary Plan can be found at the following link: <http://www.toronto.ca/legdocs/mmis/2015/te/bgrd/backgroundfile-74409.pdf>

ISSUE BACKGROUND

The proposal has undergone significant revisions since the original submission as a result of extensive negotiations between the City and the applicant related to the applicant's appeal to the OMB of the Queen-River Secondary Plan.

Original Proposal

The original proposal consisted of two point towers, a 26-storey tower (88.5 metres in height plus mechanical penthouse) on the western portion of the site along River Street and a 34-storey tower (112.5 metres in height plus mechanical penthouse) on the eastern portion of the site along Labatt Avenue. This includes a shared 7-storey base building at 30 metres in height. The original proposal contained a mix of uses including residential, retail, office, and community service and amenity uses.

The base building from the original proposal was 7 storeys (30 metres) in height. The ground floor was set back approximately 4 metres from the north property line and 6.75 metres from the Labatt Avenue curb. Above the first floor, the base building was proposed to be setback 3 metres from the north property line and 5.75 metres from Labatt Avenue. The proposed base building was set back approximately 11 metres from the south property line to provide an outdoor pedestrian entrance to a proposed public courtyard which extends toward the centre of the site. The ramp to the underground parking garage was proposed at the east end of the site. The base building would set back approximately 11 metres from the east property line at the ground floor to allow for a driveway entrance for loading and access to the underground parking garage. Above the first floor, the base building was proposed to be set back approximately 2.25 metres from the east property line. The west side of the proposed building was proposed to be set back approximately 3-4.5 metres from the west property line and between 6-7 metres from the River Street curb. Above the first floor, the base building was set back 3 metres from the River Street property line.

The base building was proposed to contain 13,066 square metres of non-residential uses in the first 4 levels. The 5th-7th floors of the base building were proposed to contain residential uses.

The proposed 26 and 34-storey towers were proposed to contain residential condominium apartments. Each tower had a floor plate of approximately 750 square metres of gross floor area (GFA). Including the residential uses on the 5th-7th floor of the base building, the proposed development contains 578 residential units totalling 41,572 square metres of GFA. The applicant was proposing 66 bachelor units (11%), 377 one-bedroom units (65%), 108 two-bedroom units (19%) and 27 three-bedroom units (5%).

The proposal included 1,300 square metres of indoor amenity area. The applicant was proposing total of 896 square metres of outdoor amenity space on the rooftop of the base building. The applicant was also proposing 1,161 square metres of privately-owned publicly accessible open space in the 2nd level courtyard along the south property line.

A total of 364 automobile parking spaces were proposed to be located in 4 levels of underground parking. This included 248 parking spaces for residents and 107 parking spaces to be shared between retail, office and residential visitors. The automobile parking would be accessed from the proposed driveway along the east property line. The applicant was also proposing 488 bicycle parking spaces for residents and additional 140 spaces located in the municipal road allowance to be shared between retail, office and residential visitors.

Phasing

The applicant was proposing to construct the buildings in 2 phases. Phase 1 would have been the redevelopment of the Salvation Army building and associated parking lot at 77 River Street consisting of a new 26-storey tower including a portion of the 7-storey base building extending to the eastern property line of 77 River Street. Phase 2 of the development would consist of the final build-out of the 2 tower proposal as described above.

Revised proposal

The revised proposal consists of a single point tower at 38 storeys in height (120 metres in height plus mechanical penthouse) and a 10-storey base building at 34.5 metres in height. The proposal contains mix of retail, office and residential uses. The proposal also includes a 3-level underground parking garage containing 405 parking spaces.

The base building of the proposal is 10 storeys and 34.5 metres in height. Floor-to-ceiling heights were reduced from the original proposal which accounts for the additional 3-storeys with only a 4.5 metre height increase. A portion of the base building at the east end of the site rises to 11 storeys and 39.65 metres in height. The base building is proposed to contain 287 residential units, 2,773.5 square metres of retail space located on the ground floor and 3,612.5 square metres of office space located on the ground floor and second floor.

The ground floor of the base building is set back approximately 3.4 metres from the River Street property line to allow for a 6.5 metre sidewalk area. The building steps out 1 metre toward River Street at the second floor. Above the second floor, the base building steps back approximately 4.5 metres and a further 3 metres above the 8th floor.

Along Labatt Avenue the ground floor of the building is 3.3 metres from the property line to allow for a 5.7 metre wide sidewalk area. The building steps out 1 metre toward Labatt Avenue at the second floor. Above the second floor the building steps back approximately 7 metres and a further 6 metres above the 8th floor toward River Street and above the 4th floor midway along the Labatt Avenue frontage of the proposed development.

The base building is 2-storeys in height along the south side of the subject site and steps back between approximately 10 and 15 metres toward the higher elements of the base building. The base building is set back approximately 2.3 – 2.5 metres from the east property line.

The tower portion of the proposal is 38-storeys (120 metres in height plus mechanical penthouse). The tower is located 58.7 metres from the River street property line which is a 56.3 metre step back from the River Street building face. It is set back 8.5 metres from the Labatt Avenue property line which accounts for a 5.7 metre stepback above the base building. Along the south side of the site, the tower portion of the proposed building is set back 22.1 metres from the property line of the adjacent townhouses to the south. The tower is proposed to be set back approximately 2.3-2.5 metres from the east property line adjacent to the vehicular access ramp and parking area of the neighbouring car dealership property which is within the TRCA regulated flood plain.

The tower floor plate from floors 12-27 is 819.5 square metres of GFA or 850 square metres of Gross Construction Area (GCA). Floors 28-38 have a reduced floor plate of 720 square metres of GFA or 750 square metres of GCA.

The proposal includes a total of 584 residential units including 28 studio units (5%), 368 one-bedroom units (63%), 128 two-bedroom units (22%) and 60 three-bedroom units (10%).

The proposed development includes 1,168 square metres on indoor amenity area and 1,168 square metres of outdoor amenity area. This meets the by-law standard of 2.0 square metres of indoor and 2.0 square metres of outdoor amenity space per dwelling unit. The indoor amenity area includes 1,056 square metres located at the east end of the second floor that contains a games room, theatre, library, lounge, dining/meeting room with a kitchen and a fitness area. The proposed 112 square metres of indoor amenity space located on the 11th floor adjacent to the outdoor amenity area contains a seating area, kitchen and washroom. All of the 1,168 square metres of outdoor amenity space is located on the roof of the 10th floor of the base building and includes seating and cooking

areas. The edges of the proposed outdoor amenity area contain landscaping to improve privacy reduce overlook for the surrounding low-rise residential uses in the area.

The applicant is proposing 405 parking spacing in a 3-level underground parking garage including 338 parking spaces for residents, 63 residential/visitor/non-residential spaces and 4 car share spaces. Access to the underground parking garage would be provided at the east end of the site. There are 4 loading spaces including a type B, 2 type C and a type G loading space. The loading spaces would be located on the ground floor and accessed immediately east of the ramp to the underground garage.

The application is also proposing 526 residential bicycle parking spaces located in the first level of the underground parking garage. An additional 59 visitor parking spaces would be located on the ground floor of the development.

	Original Proposal	Revised Proposal
Number of Towers	2	1
Height of Towers	26 and 34 storeys (88.5 and 112.5 metres respectively)	38-storeys (120 metres)
Height of Base Building	30 metres	34.5 metres with stepping (39.65 metres at east end of site)
Gross Floor Area (in square metres)	54,637 total -41,572 of residential -13,065 of non-residential	52,198 total -45,812 residential -2,774 retail -3,612.5 office
Density	10.1 times the site area	9.6 times the site area
Unit Mix	-66 bachelor units (11%) -377 one-bedroom units (65%), -108 two-bedroom units (19%) -27 three-bedroom units (5%) -Total: 578	-28 studio units (5%) -368 one-bedroom units (63%) -128 two-bedroom units (22%) -60 three-bedroom units (10%). -Total: 584

Site and Surrounding Area

The site is located on the southeast corner of River Street and Labatt Avenue. It is rectangular in shape and relatively flat. It measures approximately 60.6 metres along River Street and 90.5 metres on Labatt Avenue with a lot area of 5,404 square metres or approximately 1.34 acres. The site is located at the terminus of Shuter Street and River Street.

The site consists of 2 properties: 77 River Street and 7 Labatt Avenue. The property at 77 River Street currently contains a 2-storey brick building occupied by the Salvation Army as well as an associated surface parking lot. The property at 7 Labatt Avenue is occupied by a 2-storey brick and stucco building and is primarily used as offices and for storage.

The following uses surround the site:

- North: North of Labatt Avenue there are low-rise house-form buildings containing primarily residential uses with some containing commercial uses. There is a surface parking lot at the western corner of Labatt Avenue and Defries Street. There are 3 commercial buildings located on the east side of Defries Street.
- South: Immediately south of the subject site are recently developed 3-storey townhouses.
- East: There is a car dealership located immediately east of the site. Beyond the car dealership is Bayview Avenue, the rail corridor and the Don Valley.
- West: Regent Park is located north of Shuter Street. It is currently being redeveloped into a medium density neighbourhood that includes stacked townhouses, mid-rise buildings and carefully placed point towers. On the west side of River Street site plan applications have been submitted to allow a 25-storey tower on a 7-storey base building with stacked townhouses on the western portion of the site on Block 30 in Regent Park (Site Plan application file No. 15 264787 STE 28 SA) and a 29-storey tower on Block 27 in Regent Park at River Street and Dundas Street East with a 10-storey midrise building at the on the western portion of the site (Site Plan application file No. 14 234229 STE 28 SA). The area south of Shuter Street consists primarily of low-scale residential buildings.

Provincial Policy Statement and Provincial Plans

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

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

Official Plan

The site is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan and is designated *Regeneration Areas* and *Parks* on Map 18 – Land Use Plan.

Chapter Two of the Official Plan – Shaping the City, states that the downtown area offers opportunities for substantial employment and residential growth, but that this growth is not anticipated to be uniform. Rather, the Official Plan indicates that the neighbourhoods and greenspaces will be protected from development pressure while other areas of the downtown will accommodate population and employment growth.

Regeneration Areas open up unique areas of the City to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring life to the streets. These areas are key to the Official Plan’s growth strategy, reintegrating areas of the City that are no longer in productive urban use due to shifts in the local or global economies. In *Regeneration Areas*, commercial, residential, live/work, institutional and light industrial uses can be mixed within the same block or even the same building.

Regeneration Areas will provide for a broad mix of commercial, residential, light industrial, parks and open space, institutional, live/work and utility uses in an urban form to: revitalize areas of the City that are largely vacant or underused; create new jobs and homes that use the existing infrastructure and create well-paid, stable, safe and fulfilling employment opportunities for all Torontonians; restore, reuse and retain existing buildings that are economically adaptable for re-use through the use of incentives; achieve streetscape improvements and the extension of the open space network; promote the environmental clean-up and re-use of contaminated lands.

Section 4.7 Policy 2 of the Official Plan states that “for each *Regeneration Area*, a framework for development will be set out in a Secondary Plan. Development should not proceed prior to approval of a Secondary Plan”.

Zoning

City of Toronto Zoning By-law 438-86.

The western portion of the site (77 River Street) is zoned CR T2.5 C2.0 R1.5 which permits a range of residential and non-residential uses including office and retail. The maximum permitted density is 2.5 times coverage with a height limit of 15 metres. The eastern portion of the site (7 Labatt Avenue) is zoned I2 D3 which permits industrial and manufacturing uses with a total density of up to 3 times the site area and a height limit of 15 metres.

City of Toronto Zoning By-law 569-2013

On May 9, 2013 the City of Toronto enacted a new City-wide Zoning By-law. The western portion of the site which is comprised of the property known as 77 River Street is subject to both by-laws 438-86 and 569-2013. Under By-law 569-2013, 77 River Street is zoned CR 2.5 (c2.0; r1.5) SS2 (x1864). This by-law carries forward the same general zoning standards from By-law 438-86 with respect to permitted uses, density and height for this site.

Site Plan Control

The proposed development is subject to site plan control. An application for site plan approval has not been submitted but will be required.

Tall Building Design Guidelines

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

<http://www.toronto.ca/planning/tallbuildingdesign.htm>

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

TOcore

On December 9, 2015, City Council adopted a staff report entitled 'TOcore: Planning Toronto's Downtown – Phase 1 – Summary Report and Phase 2 Directions'. The report outlined the deliverables of TOcore which will be a renewed planning framework through a Downtown Secondary Plan and a series of infrastructure strategies. The work for TOcore began on May 13, 2014 when Toronto and East York Community Council adopted a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'.

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary physical and social infrastructure to remain a great place to live, work, learn, play and invest. TOcore is in its second phase, which involves drafting policies, plans and strategies. Reports to Toronto and East York Community Council are targeted by the end 2016 on the results of the second phase and the next steps of implementation.

As a component of TOcore's second phase, a Final Report for the City-initiated Official Plan and Zoning By-law amendments to update setback requirements for tall buildings in the Downtown is currently before Toronto and East York Community Council. The Official Plan and Zoning By-law amendments seeks to reinforce minimum tall building setback and separation distance requirements to ensure that future growth positively contributes to the liveability, sustainability and health of Downtown. The TOcore website is www.toronto.ca/tocore.

TRCA Regulation Limit

The southeast portion of the site is subject to regulation by the Toronto and Region Conservation Authority (TRCA). The proposal is subject to TRCA review and will require a TRCA permit prior to any construction on the site.

Reasons for Application

The applicant has applied to amend the City's Official Plan and Zoning By-laws. An Official Plan amendment is required because the current Official Plan land use designation of *Regeneration Areas* requires a Secondary Plan to be in place prior to the development proceeding.

The Zoning By-law amendment application is required to permit the proposed mixed – use development and establish the appropriate development standards. Increases in height from 15 metres to 120 metres and density from 2.5 times the lot area to 9.6 times the lot area are among the more significant changes to the zoning by-laws being requested by the applicant.

Community Consultation

A community consultation meeting was held on March 30, 2015 at St. Paul's Basilica. Approximately 47 members of the public attended along with the local Councillor, City staff, the applicant and their consulting team. Issues and concerns raised at the meeting include:

- concerns that the proposed towers were too tall;
- need for more parking on site;
- excessive shadowing caused by 2 towers;
- viability of retail at this location;
- safety, privacy, noise, times of use and trespassing concerns related to the publicly accessible open space at the south end of the site;

- the 6.2 metre setback of the River Street tower from the townhouses to the south is an inadequate separation distance;
- car dealerships should not be permitted on the site;
- impacts of building height, shadowing and lack of skyview;
- massing of the base building does not respect the surrounding buildings;
- 3 metre tower stepback from the base building along River Street is inadequate; and
- the base building should be redesigned to include more articulation, breaks in the massing and a variety of architectural expressions.

Agency Circulation

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

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. The Provincial Policy Statement provides direction for the orderly growth and disposition of land within the Province of Ontario. Furthermore, the PPS states, in Section 4.7, that the Official Plan is the most important vehicle for implementing the Provincial Policy Statement. This application represents an intensification of an underutilized piece of land, provides a mix of uses and meets the intent of the Official Plan including the Queen-River Secondary Plan.

The City of Toronto is designated as a growth area in the Growth Plan for the Greater Golden Horseshoe. The vision provided by the growth plan aims to create vibrant, complete communities. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe.

Land Use

The applicant is proposing to permit residential, retail and office uses on the subject site. These uses are consistent with the Official Plan policies for *Regeneration Areas* land use designation and the *Mixed-Use Area 'C'* designation within the Queen-River Secondary Plan. The residential use is comprised of a mix of unit types including 22% two-bedroom units and 10% three bedroom units which further implements the direction of the Official Plan encouraging a range of housing types and choices.

Density, Height, Massing

The site is located within the Downtown and Central Waterfront and is designated Regeneration Areas in the City of Toronto Official Plan. Both of these Official Plan designations are identified as areas that will accommodate growth subject to consideration of all other policies of the Official Plan.

On the west side of River Street north of Shuter Street, the Regent Park Planning framework allows for base building heights of up to 30 metres. The buildings are required to be set back 3 metres from the property line of River Street with a setback at the height of 22 metres. The proposed base building for this site is setback 3.4 metres from the River Street property line stepping out to 2.4 metres from the property line at the 2nd floor. The setback of approximately 4.5 metres above the second floor and 3 metres above the 8th floor create an appropriate scale and streetwall that mitigate the height and perception of the height of the base building from River Street. Along Labatt Avenue the generous base building setback above the 2nd floor of 7 metres and a further 6 metres above the 8th floor also help to mitigate the impacts of the base building height on the pedestrian environment and public realm.

There are 2 tower permissions within Regent Park on the west side of River Street in proximity of the site. Both towers have zoning approval and are the subject of Site Plan applications that are currently under review. The 25-storey tower (File No. 15 264787 STE 28 SA) proposed for the west side of River Street, north of Shuter Street is setback 7 metres from the River Street curb and 3.8 metres from the property line. The 29-storey tower (File No. 14 234229 STE 28 SA) proposed for the property located at the southwest corner of Dundas Street East and River Street is set back 2.8 metres from the River Street curb and 5.7 metres from the property line. The subject proposal's base building setbacks of 6.5 metres from the River Street curb and 3.4 metres from the River Street property line is consistent with the base conditions being established for the proposed tall buildings located on the west side of River Street.

While the 38-storey tower portion of the proposed building is higher than the other approved towers located on properties along River Street, the height of the tower is significantly mitigated by its location on the site. The tower is located at the east end of the site and 58.7 metres from the River street property line which is a 56.3 metre setback from the River Street building face. In addition, the proposed tower is set back 8.5 metres from the Labatt Avenue property line and is set back 5.7 metres from the base building. The size of this large site allows for a tower placement with generous setbacks and setbacks which reduces the impact of the tower height on the streets and public realm. Overall, the intent is to reduce the prominence of the tall building and have the midrise character predominate.

The tower is setback 22.5 metres from the south property line adjacent to the low-rise residential neighbourhood. This exceeds the minimum 20 metre separation distance required by the Queen-River Secondary Plan and the Downtown Tall Buildings Vision and Supplementary Design Guidelines to ensure an adequate transition in scale within the Downtown area. In addition, the townhouses south of the subject site are designed with a windowless party wall condition on the north side of the townhouse units adjacent to the subject site. The tower is located 2.3-2.5 metres from the east property line adjacent to the ramp and parking area of a car dealership. Development on this site is limited by its location in the TRCA regulated floodplain.

The significantly revised proposal includes a reduction in the number of proposed towers on the site from 2 to 1, a minimum separation distance of 20 metres from the adjacent low-rise residential areas, a reduced floor plate above the 27th floor and sculpting of the base building to better address the street frontages and the surrounding buildings. The revisions to the original proposal are consistent with the intent of the policies of the Official Plan and Queen-River Secondary Plan.

City-Wide Tall Building Design Guidelines

The proposal meets the overall intent and purpose of the City-wide Tall Building Guidelines. The proposed base building relates to the existing streetwall by stepping back at approximately the height of the adjacent lower-scale houses along River Street and stepping down to the townhouses to the south. This helps create a transition between different built forms that respects the context of the adjacent buildings to the south. While the 34.5 metre height of the base building is above the guideline which suggests the maximum base building height be no greater than the adjacent street (20 metres), the context established by the 30 metre high zoning permissions for base buildings along River Street in Regent Park as well as the articulation and generous stepbacks provided by the proposal help to mitigate the height of the building and relate to the planned context along River Street. In addition, the 5.8 metre floor-to-ceiling height of the first floor exceeds the recommended 4.5 metre minimum ground floor height and provides active, grade-related non-residential uses which promote a safe and active public realm.

The Tall Building Design Guidelines limit the maximum tower floor plate size to 750 square metres of Gross Construction Area. The intent of this guideline is to reduce shadow size, improve access to skyview, permit better views between buildings and contribute to a more attractive skyline. Floors 12-27 of the tower portion of the development exceed the maximum floor plate of 750 square metres while floor 28-38 meet this requirement. In this case, the larger floorplate of 850 square metres is part of an acceptable resolution to the applicant's appeal of the Queen-River Secondary Plan given the large size of the site (5,404 square metres or approximately 1.34 acres) and that development on the site will be limited to one tower only. The design of the tower, including the architectural features and the reduction in the floor plate size to 750 square metres above 27 storeys, will create a visually interesting and articulated building that will contribute to an attractive skyline, suited to the view terminus for Shuter Street.

The Tall Building Guidelines state that a minimum separation distance between towers on the same site of 25 metres or greater should be provided. Where the existing context is characterized by tower separation distances that are greater than 25 metres, towers setbacks and separation distances in keeping with the more generous spacing established by the context should be provided. The closest existing and planned towers in the area are located in Regent Park, just west of the subject site, which help establish the local context. Towers in Regent Park are generously spaced well in excess of 25 metres. The original development proposal for this site included 2 towers that were separated by 25 metres. In accordance with the Tall Building Design Guidelines and the Queen-River Secondary Plan, it was determined that the character of the area required more generous tower spacing than the minimum 25 metres specified in the Guidelines. As such, the

proposed development was revised to reduce the number of towers on the site from 2 to 1. As a result, the proposed tower meets the intent of the Tall Building Design Guidelines and helps reinforce the intent of the Queen-River Secondary Plan to limit the number of tall buildings and emphasize the low and medium scale character of the area.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

While a vision for building heights along River Street is not articulated by the height maps in the Downtown Tall Building Guidelines, the Queen-River Secondary Plan identifies the site as being appropriate for a tall building. The tall building is located more than the 20 metres from the abutting property line of the adjacent lower-scale neighbourhood which is the minimum separation distance required by the guidelines to ensure an adequate transition in scale within the downtown area. The proposal meets the specific intent and purpose of the Downtown Vision and Supplementary Guidelines.

Sun, Shadow

The applicant has submitted a shadow study to demonstrate the shadow impacts of the revised proposal during the spring and fall equinoxes (March 21 and September 21), as well as the summer solstice (June 21). By 11:18 am in the Spring and Fall equinoxes, the shadow from the tower is almost completely off River Street with the exception of portion of the sidewalk on the east side of River Street north of Mark Street. Shadows cast by the proposed development on the low-rise residential houses along River Street to the north have been greatly improved with the removal of the River Street tower from the proposal. The proposed development no longer shadows the low-rise residential houses north of the site along River Street between 12:18 and 2:18 pm with the exception of the side wall and rear yard/parking area of the semi-detached dwellings occupied by office/retail/residential uses located at the south end of the block and the converted house-form office building located on Labatt Avenue.

On June 21, shadows cast by the tower are completely off River Street by 11:18 am and off the existing low-rise houses by 12:18 pm. There are no shadows cast by the base building portion of the development onto the low-rise houses on June 21. As a result of the revisions the shadows cast by the proposal have been adequately limited on the adjacent low-rise *Neighbourhood*.

Wind

A pedestrian level wind study was submitted with the application. It found that pedestrian level wind conditions around the development site will be suitable for standing and walking under normal to high wind conditions. The study however, recommends that wind conditions could be improved through increased building stepbacks, particularly at the second level and between the tower and base building, and with the inclusion of overhangs. Revisions to the proposal including the elimination of the second tower, the inclusion of stepbacks at the second floor of the base building on both the River Street and Labatt Avenue frontages, as well as increased articulation and stepping of the base building are expected to improve pedestrian-level wind conditions around the

subject site. Further analysis of pedestrian-level wind conditions will be required at the site plan stage to determine if further mitigation strategies are required.

Traffic Impact, Access, Parking

A total of 405 parking spaces are proposed to serve this project, consisting of 338 resident spaces, 4 car-share spaces and 63 shared spaces between residential visitors, retail and office uses, located within a 3-level underground parking garage.

By-law 569-2013 requires a minimum of 355 resident parking spaces to serve this project. Accounting for the car-share reduction, the resultant parking supply consists of 338 spaces, which is acceptable.

With respect to the shared parking spaces between the residential visitors, retail and office uses, By-law 438-86 requires a minimum of 63 spaces. The parking supply complies with this requirement and is acceptable.

Additional comments pertaining to the layout of the proposed parking supply, including but not limited to, ingress/egress and the physical separation of the resident and non-resident parking spaces, will be provided through the site plan review process. The applicant has requested a reduced parking rate for residential rental tenure in the event they pursue rental tenure as opposed to condominium ownership tenure. The reduced rate would require a total of approximately 232 parking spaces for residents. Residential visitor parking as well as the parking requirement for retail and office uses would remain unchanged. Transportation Services have reviewed the reduced rate for residential rental tenure and find it acceptable.

Servicing

The applicant submitted a Functional Servicing and Stormwater Management report in support of their proposal. Engineering and Construction Services have reviewed the report and are satisfied there is adequate water and sanitary servicing capacity to support the proposed development.

TRCA

The TRCA have reviewed the proposed development including the Flood Impact Study submitted by the applicant and have no objections to approval of the subject application but will provide further technical comments as part of the Site Plan approval application.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The application is proposing to construct one 38-storey mixed use tower on a 10-storey base building with 6,386 square metres of non-residential gross floor area and 584 residential units.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 7.933 square metres or 167% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use, while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 488 square metres or 9.01%.

The applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The site does not abut an existing city park which could be expanded through this dedication. However, this site is approximately 150 metres away from Sumach-Shuter Parkette, a 4,860 square metre park fronting onto Shuter Street. The parks amenities include a playground, wading pool, drinking fountain and pathways.

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

Streetscape and Public Realm

The proposal includes building setbacks that are consistent with the tall building developments on the west side of River Street. Three city- owned trees are located in above-ground concrete planter boxes on the east side of River Street, south of Labatt Avenue. The applicant is proposing to remove these trees and replace them with 6 street trees along River Street. Existing below-ground utilities allow for only three street trees to be planted along Labatt Avenue. The applicant will be required to continue to explore options to increase the number of street trees along Labatt Avenue through the site plan approval process, possibly through the inclusion of raised planting beds while maintaining a 2.1 metre pedestrian clearway.

The Queen-River Secondary Plan included the requirement of a publicly accessible open space on-site as part of development on this site. At the community consultation, residents raised significant concerns related to the proposed publicly accessible open space including safety, privacy, noise, times of use and the possibility of trespassing onto private property. As a result, the developer will instead contribute a portion of Section 37 funds toward the creation of a publicly accessible open space on city-owned land at the east end of Labatt Avenue. The east end of Labatt Avenue is currently a dead-end that residents have expressed concerns about related to crime and loitering. Through the Queen-River Secondary Plan process, local residents and landowners expressed the desire for the space to be repurposed to a publicly accessible open space. As a result of the community consultation and further design work on the proposal, City staff are prepared to accept this as an alternative to providing the publicly accessible open space on site.

Section 37

The Official Plan contains policies pertaining to the provision of community benefits for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

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

1. \$1,000,000 towards the development of the Dixon Hall Youth Centre to be located in Regent Park, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
2. \$625,000 towards local streetscape and/or parkland improvements to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
3. \$325,000 towards the development of the Cabbagetown Regent Park Museum to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;
4. \$50,000 towards the redevelopment of the site of Canada's First Parliament Buildings, municipally known as 25 Berkeley Street and 265 and 271 Front Street East, to the satisfaction of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor;

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. the Owner shall provide and maintain to the satisfaction of the Chief Planner and Executive Director, City Planning, a publicly accessible pedestrian clearway across private property on those portions of River Street and Labatt Avenue abutting the subject property that do not contain adequate sidewalk widths to accommodate pedestrian activity and street trees, with the specific location, configuration and design to be determined in the context of a site plan approval pursuant to Section 114 of the City of Toronto Act, 2006, as amended and, as applicable, Section 41 of the Planning Act, as amended, and secured in a Site Plan Agreement with the City.

CONCLUSION

The proposed development as revised is acceptable, subject to the conditions in the Recommendations section of this report. While the proposal does not meet all the development criteria of the Queen-River Secondary Plan, it meets the overall vision and objectives of the plan. The revised proposal represents investment in an underutilized site and has been revised to reduce the number of towers on the site from 2 to 1, improve the base building's relationship to the existing buildings in the area, reduce shadow and privacy impacts on the surrounding low-rise residential buildings and streets, secure office uses on-site and create improvements to the public realm. The revised proposal provides an overall massing and land use that is more in keeping with the staff recommended and Council adopted Secondary Plan.

CONTACT

Alex Teixeira, Senior Planner
Tel. No. 416-395-7110
E-mail: ateixei@toronto.ca

SIGNATURE

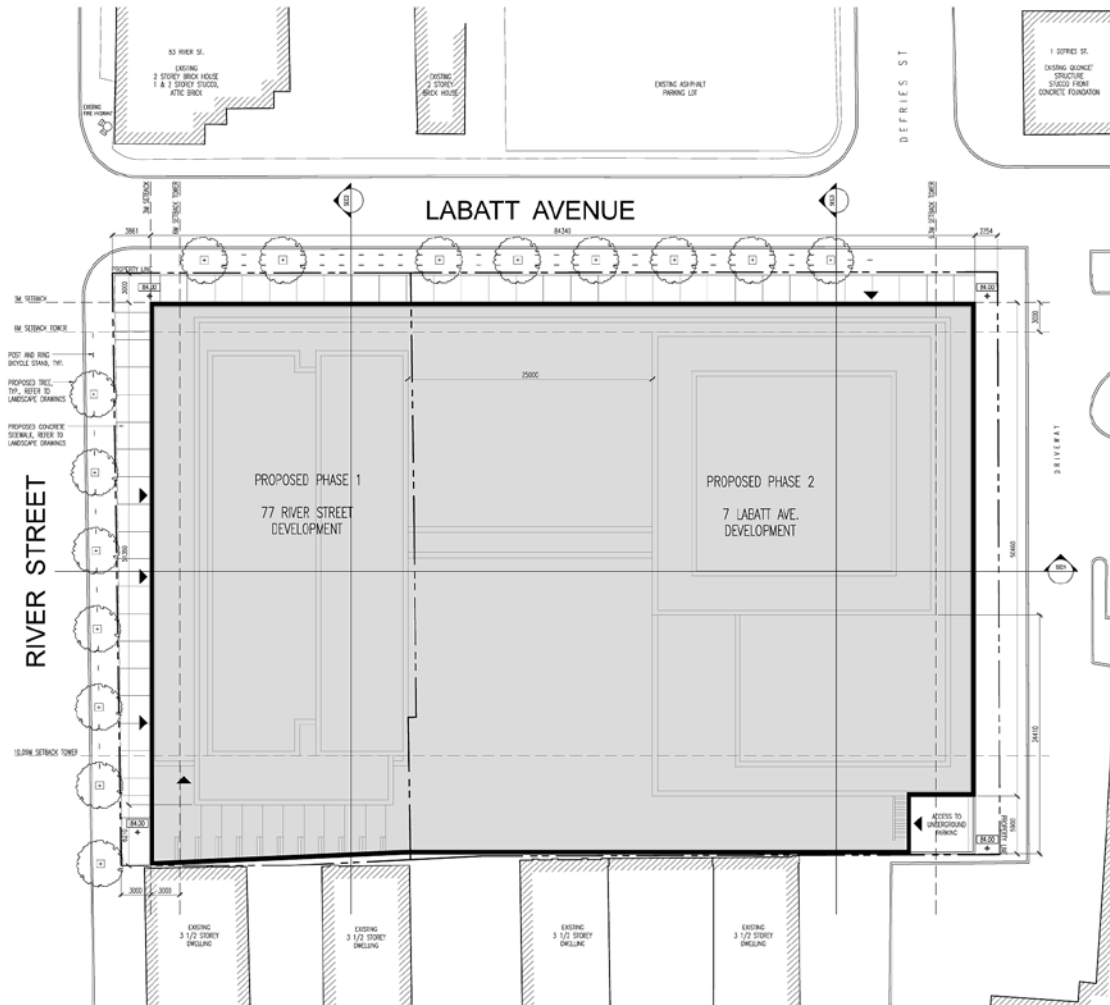
Gregg Lintern MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan – Original Proposal
Attachment 2: Site Plan – Revised Proposal
Attachment 3: Roof Plan – Revised Proposal
Attachment 4: Elevations
Attachment 5: Official Plan
Attachment 6: Queen-River Secondary Plan
Attachment 7: Zoning By-law
Attachment 8: Draft Official Plan Amendment
Attachment 9: Draft Zoning By-law Amendment 438-86
Attachment 10: Draft Zoning By-law Amendment 569-2013
Attachment 11: Application Data Sheet

Attachment 1: Site Plan – Original Proposal



Site Plan - Phase 2

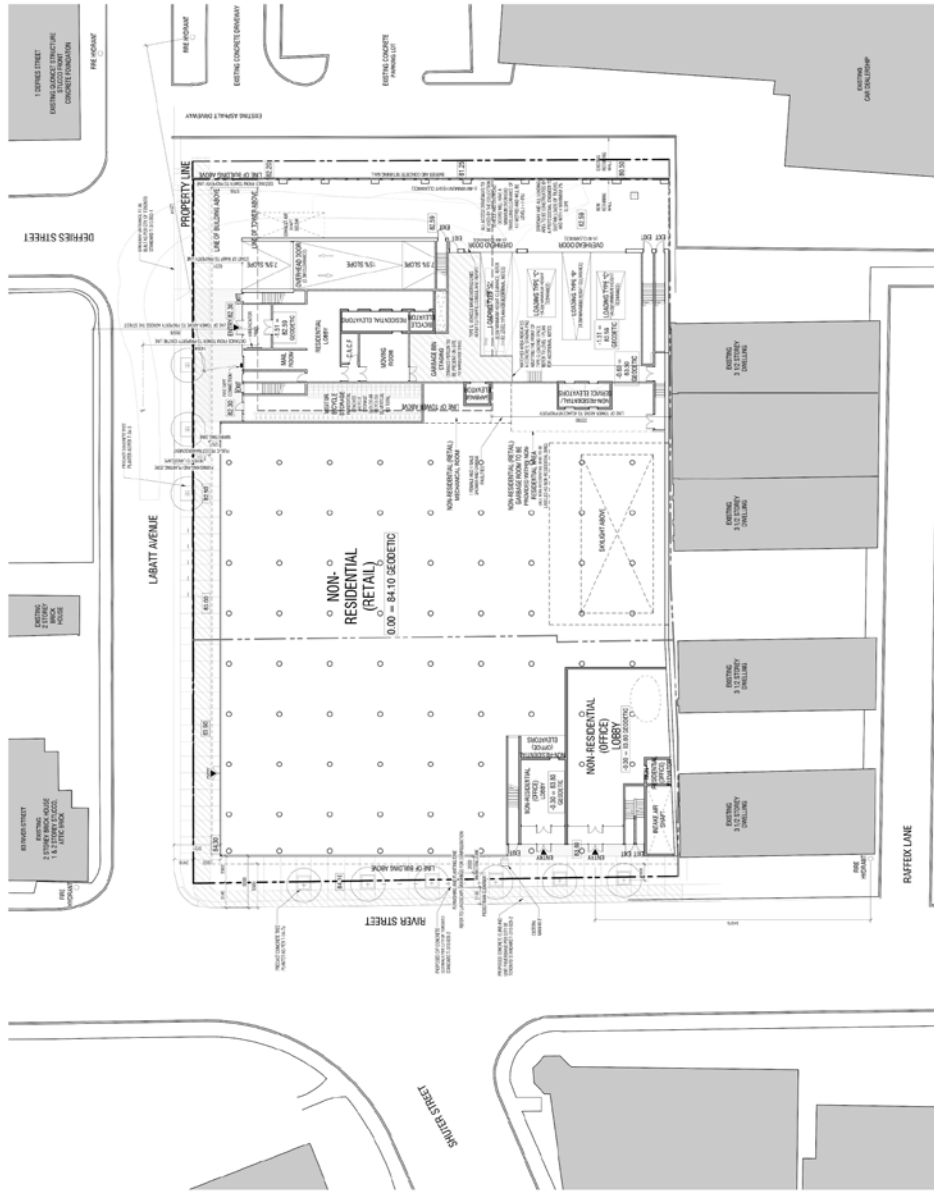
77 River Street and 7 Labatt Avenue

Applicant's Submitted Drawing

Not to Scale 

File # 14 175807 STE 28 OZ

Attachment 2: Site Plan – Revised Proposal



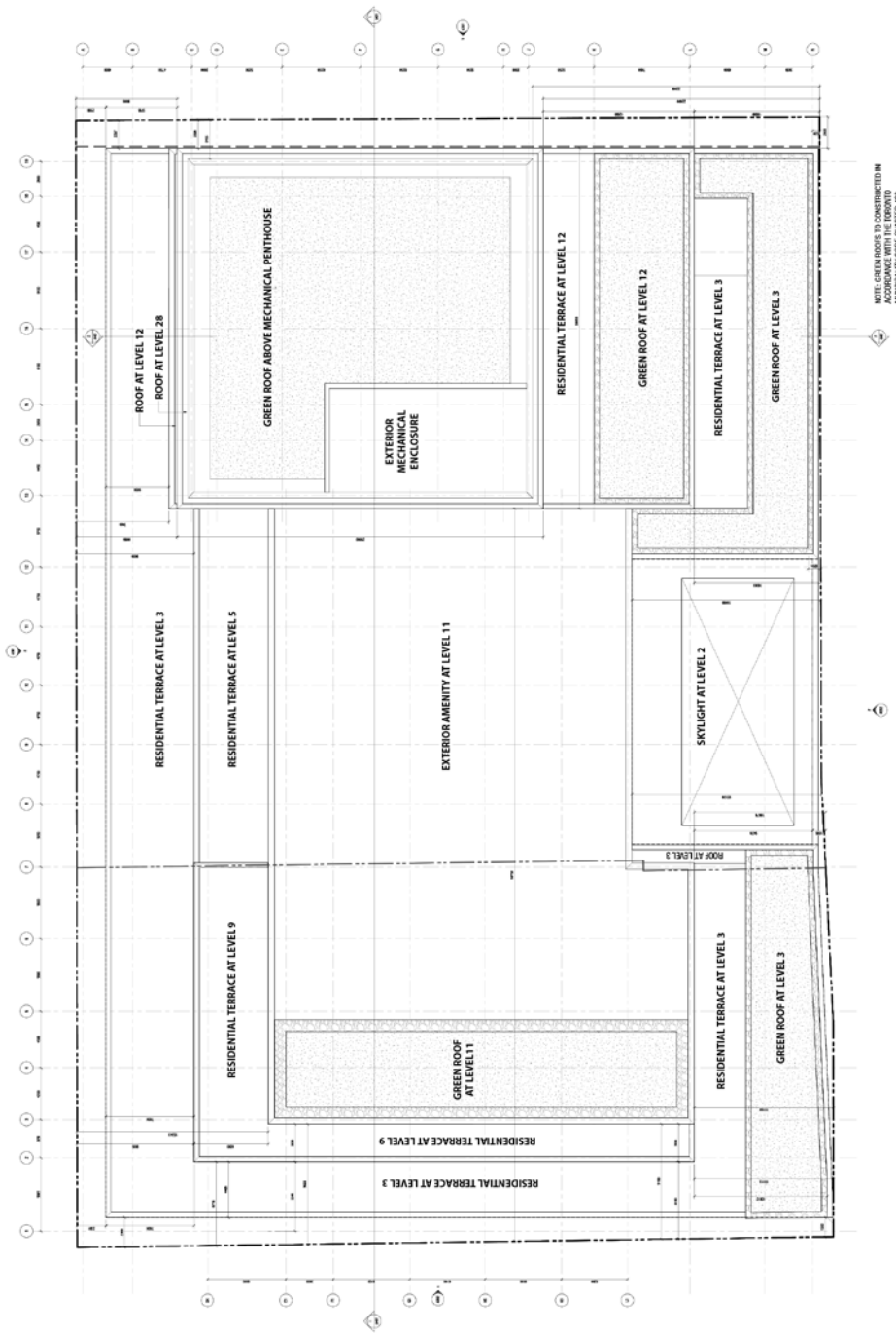
**77 River Street and
7 Labatt Avenue**

File # 14 175807 STE 28 0Z

Site Plan
Applicant's Submitted Drawing
Not to Scale
08/11/2016



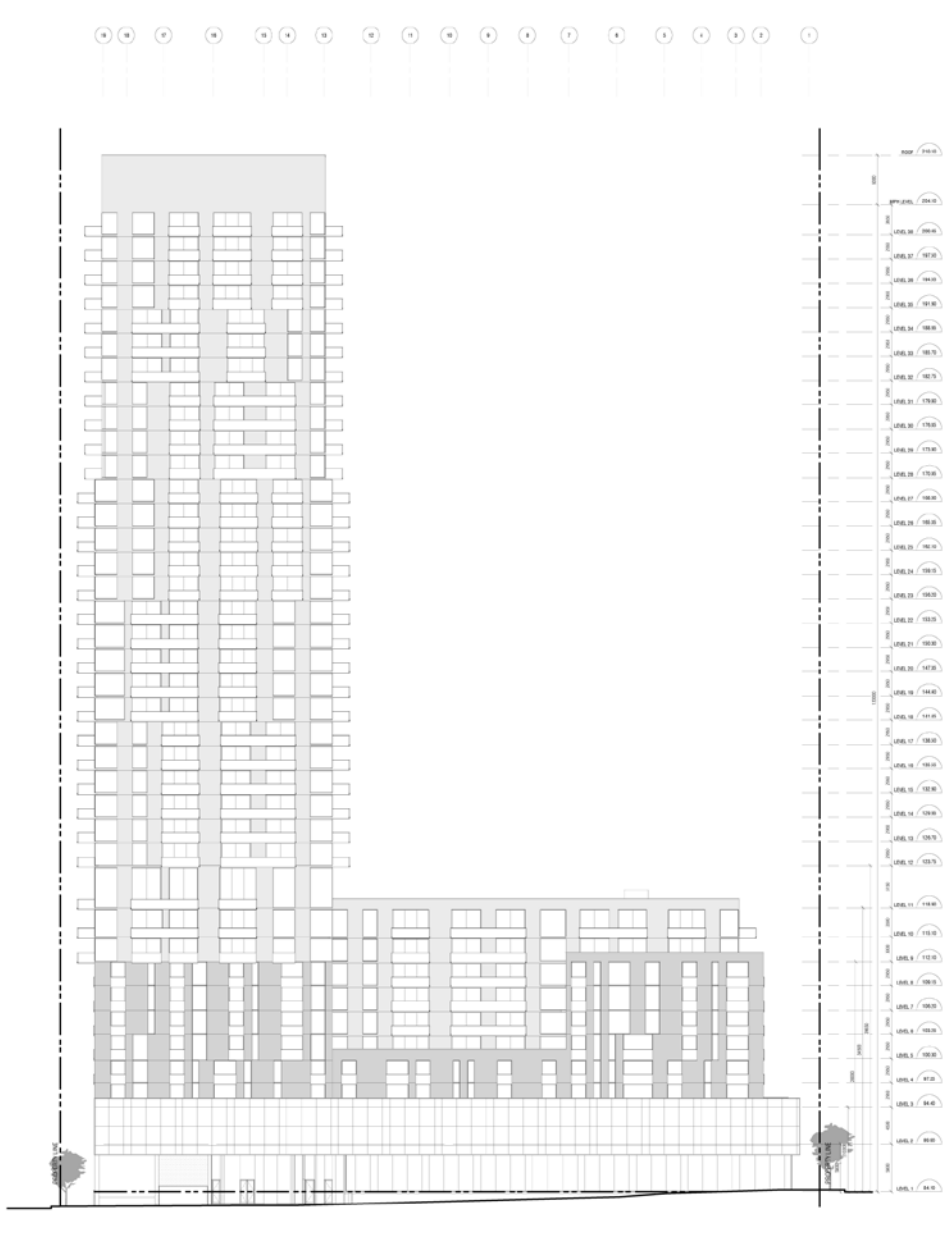
Attachment 3: Roof Plan – Revised Proposal



**77 River Street and
7 Labatt Avenue**
File # 14 175807 STE 28 0Z

Elevations
Applicant's Submitted Drawing
Not to Scale
08/11/2016

Attachment 4a: North Elevation



North Elevation

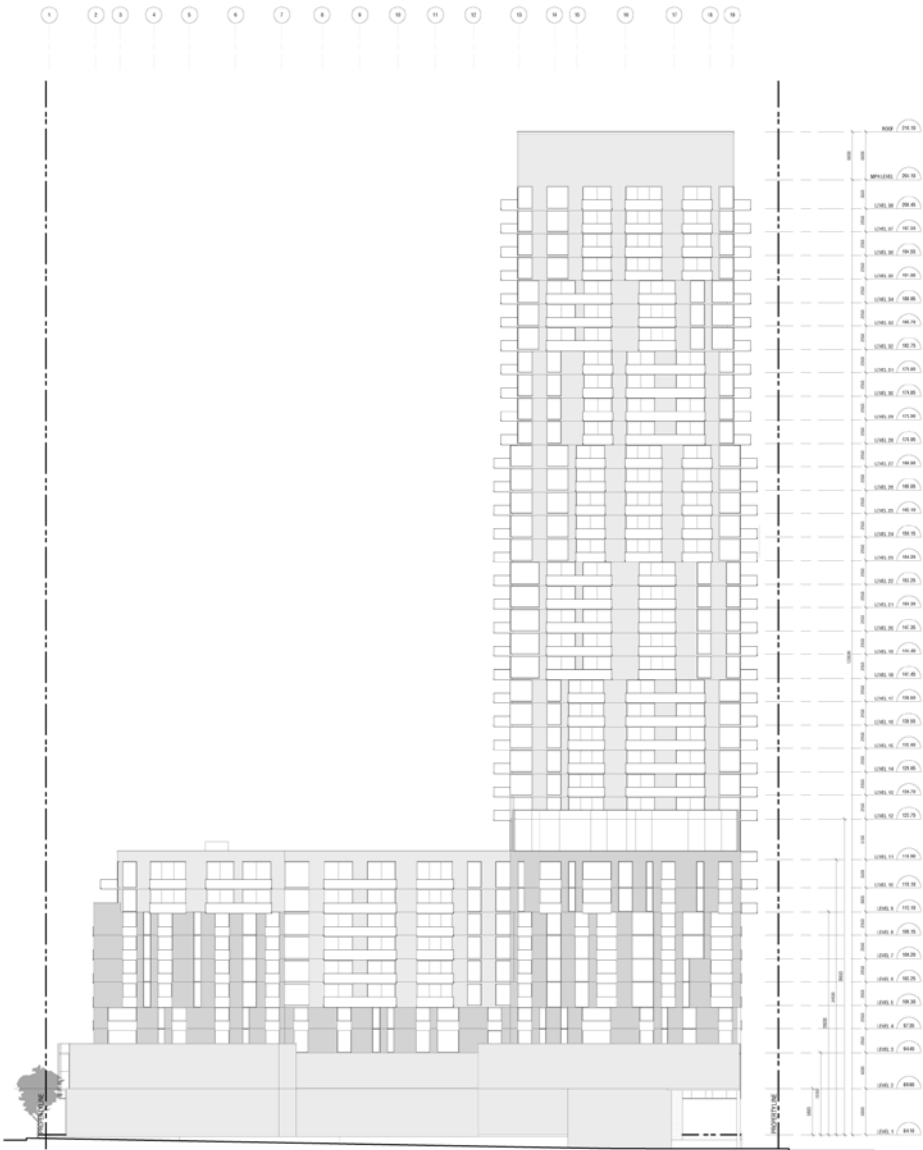
Applicant's Submitted Drawing

Not to Scale
08/11/2016

77 River Street and
7 Labatt Avenue

File # 14 175807 STE 28 OZ

Attachment 4b: South Elevation



South Elevation

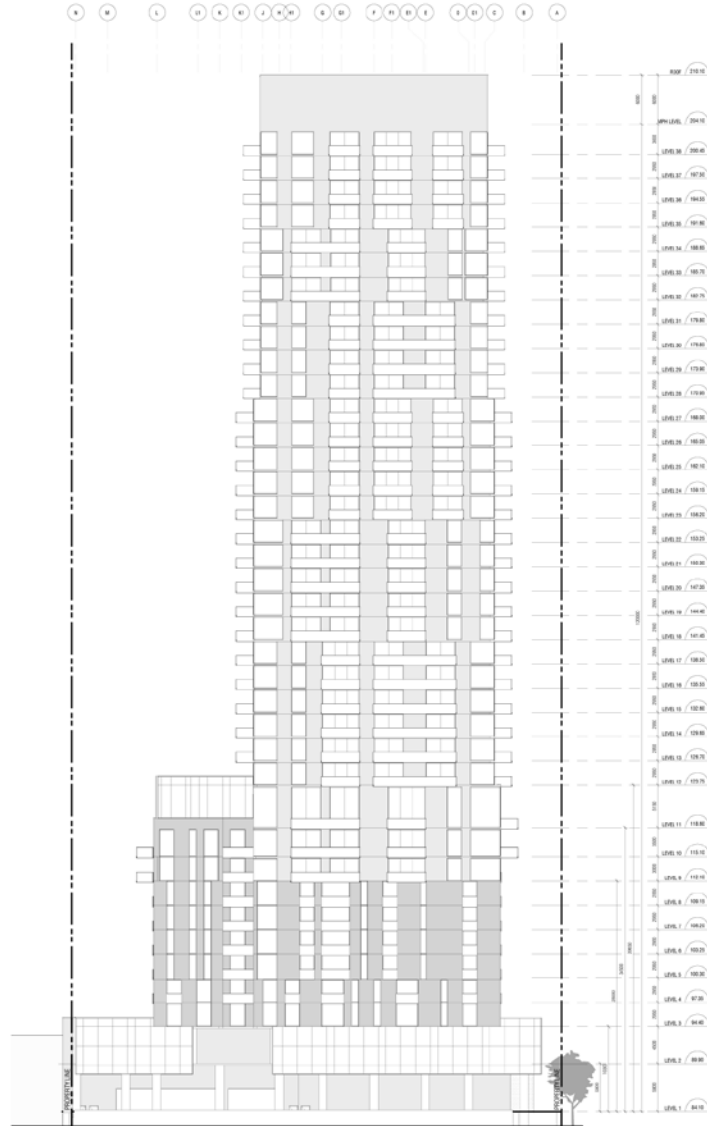
Applicant's Submitted Drawing

Not to Scale
08/11/2016

**77 River Street and
7 Labatt Avenue**

File # 14 175807 STE 28 OZ

Attachment 4c: East Elevation



East Elevation

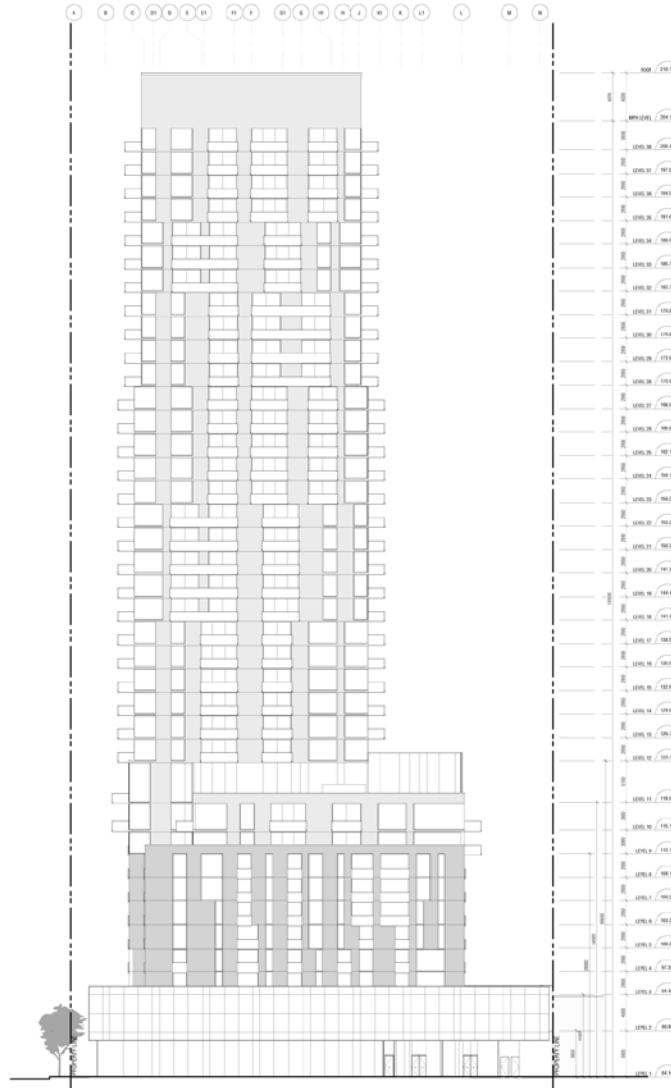
Applicant's Submitted Drawing

Not to Scale
08/11/2016

77 River Street and
7 Labatt Avenue

File # 14 175807 STE 28 OZ

Attachment 4d: West Elevation



West Elevation

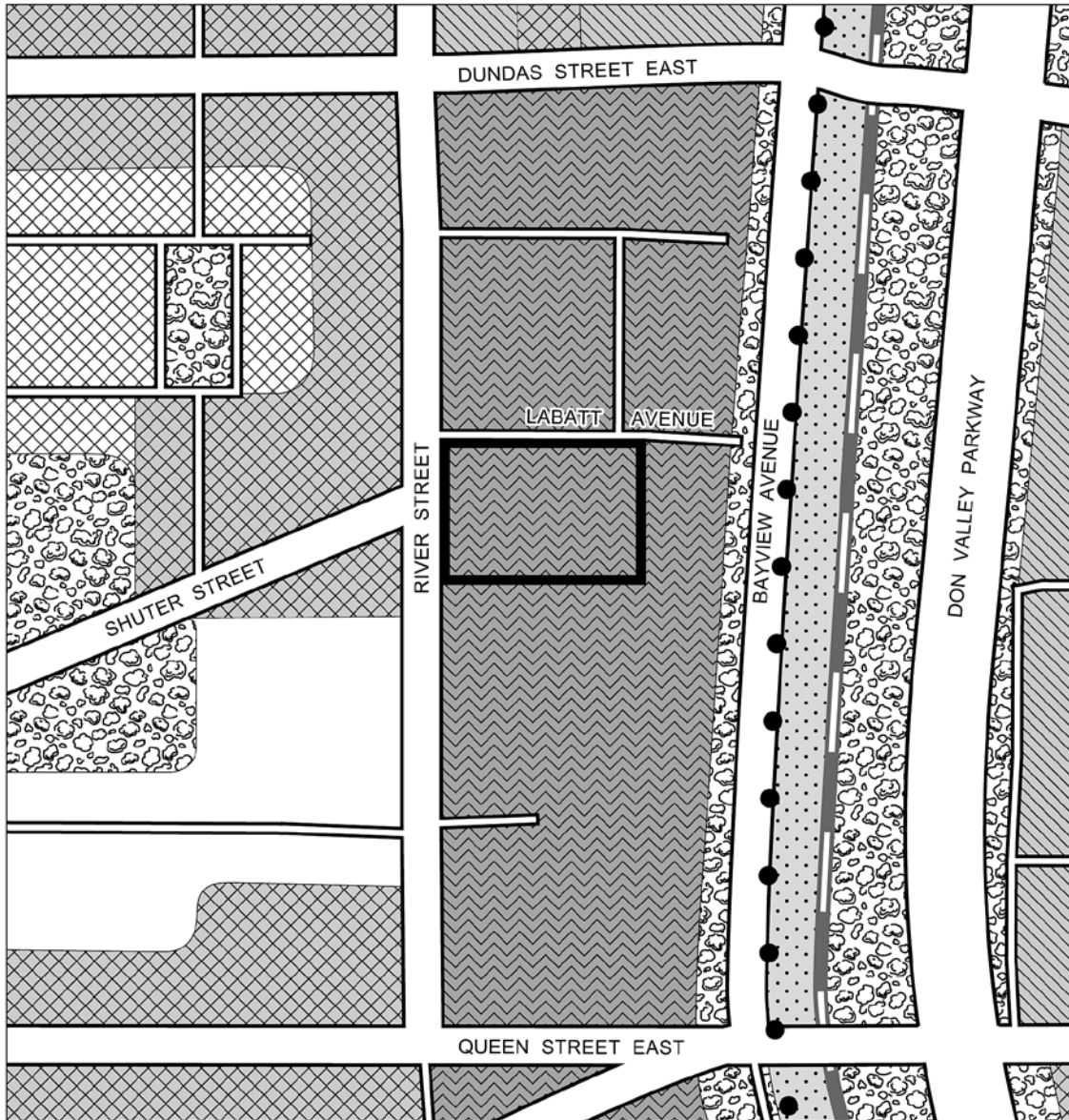
Applicant's Submitted Drawing

Not to Scale
08/11/2016

77 River Street and
7 Labatt Avenue

File # 14 175807 STE 28 OZ

Attachment 5: Official Plan



TORONTO City Planning
Extract from Official Plan

77 River Street and 7 Labatt Avenue

File # 14 175807 STE 28 0Z

Site Location	Parks & Open Space Areas	Institutional Areas	Utility Corridors
Neighbourhoods	Parks	Regeneration Areas	
Apartment Neighbourhoods		Employment Areas	
Mixed Use Areas			

↑
 Not to Scale
 07/14/2014

Attachment 6: Queen River Secondary Plan



Official Plan Amendment #287

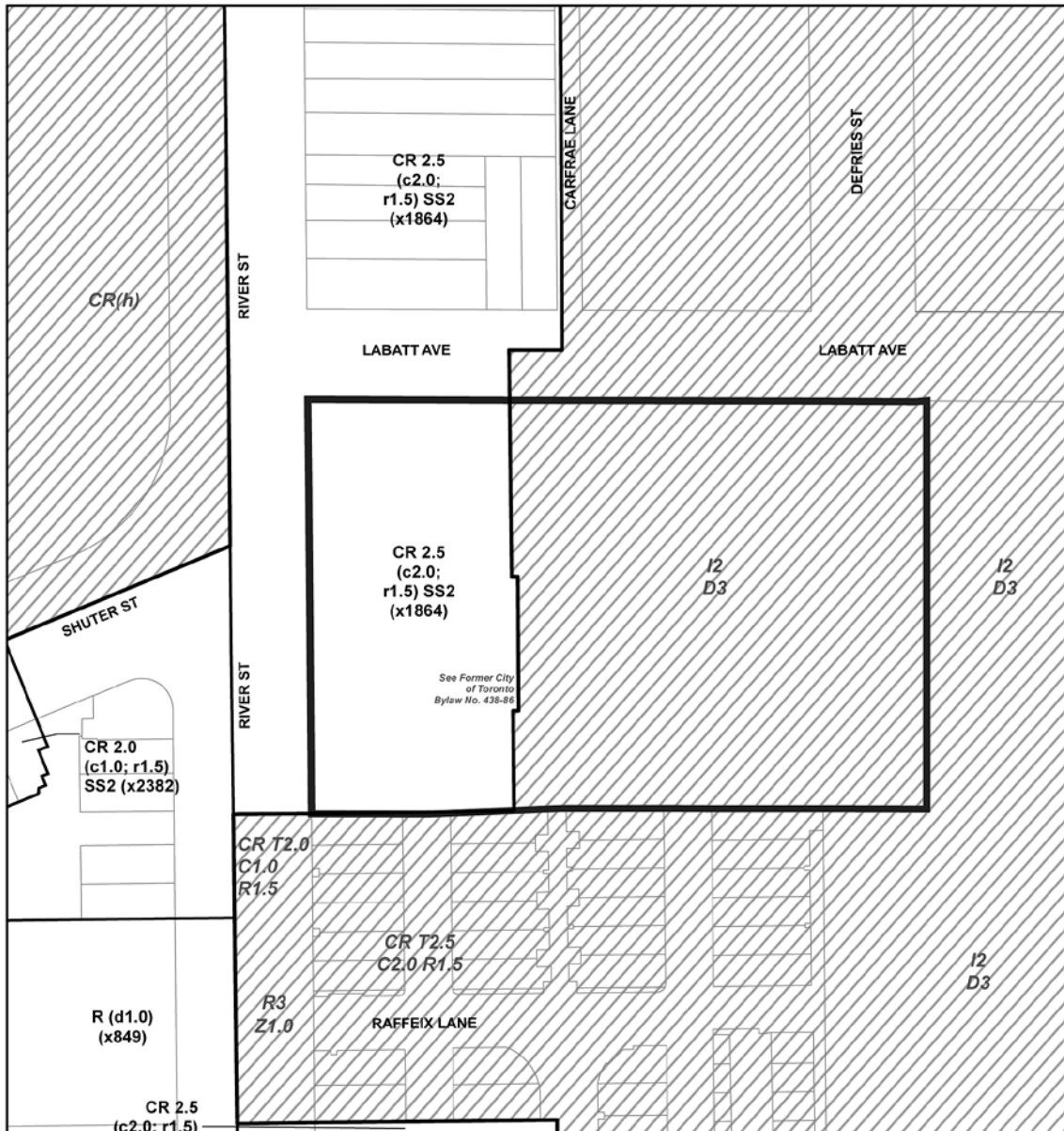
Queen River Secondary Plan

File # 11 183733 SPS 00 TM

- Site Location
- Neighbourhoods
- Mixed Use Areas
- Existing Use Areas

Not to Scale
 12/16/2014

Attachment 7: Zoning




77 River Street and 7 Labatt Avenue

Zoning By-law 569-2013

File # 14 175807 STE 28 0Z

- | | |
|---|---|
|  Location of Application |  See Former City of Toronto Bylaw No. 438-86 |
| R Residential | CR Mixed-Use District |
| CR Commercial Residential | I2 Industrial District |
| | R3 Residential District |


 Not to Scale
 Extracted: 07/14/2014

Attachment 8: Draft Official Plan Amendment

Authority: Toronto and East York Community Council Item ~ as adopted by City of Toronto Council on ~, 20~

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~-20~

**To adopt an amendment to the Official Plan
for the City of Toronto
respecting the lands known municipally in the year 2016 as
77 River Street and 7 Labatt Avenue**

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

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

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

1. The attached Amendment No. 519 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

JOHN TORY,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)

AMENDMENT NO. 519 TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN IN THE YEAR 2016 AS
77 RIVER STREET AND 7 LABATT AVENUE**

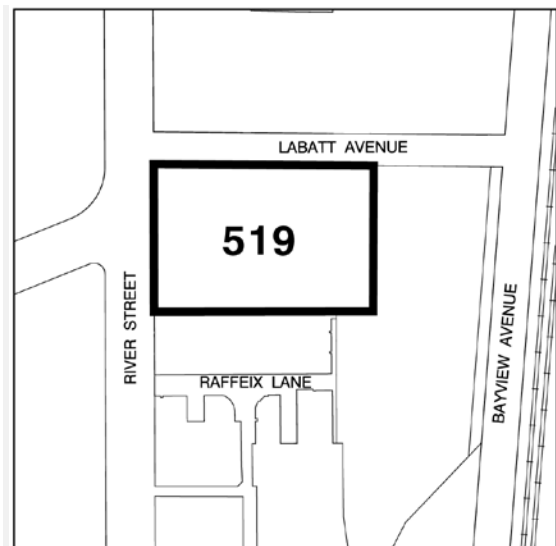
The Official Plan of the City of Toronto is amended as follows:

1. Chapter 7, Site and Area Specific Policies, is amended by adding Site and Area Specific Policy No. 519 for lands known municipally in 2016 as 77 River Street and 7 Labatt Avenue, as follows:

519. 77 River Street and 7 Labatt Avenue

Despite the policies of Official Plan Amendment No. 287 (Queen-River Secondary Plan), a development consisting of a base building up to a height of 11 storeys and 1 tower with a combined maximum residential and non-residential gross floor area of 52,500 square metres and a maximum tower height of 38 storeys and 120.5 metres is permitted. Further, a publicly accessible open space is not required as part of any such development.

2. Chapter 7, Map 29, Site and Area Specific Policies, is revised to add the lands known municipally in 2016 as 77 River Street and 7 Labatt Avenue shown on the map below as Site and Area Specific Policy No. 519.



Attachment 9: Draft Zoning By-law Amendment 438-86

*** To be provided on or before the October 13, 2016 Toronto & East York Community Council Meeting ***

Attachment 10: Draft Zoning By-law Amendment 569-2013

*** To be provided on or before the October 8, 2016 Toronto & East York Community Council Meeting ***

Attachment 11: Application Data Sheet

Application Type: Official Plan Amendment & Rezoning Application Number: 14 175807 STE 28 OZ
 Details: OPA & Rezoning, Standard Application Date: June 17, 2014
 Municipal Address: 77 RIVER STREET AND 7 LABATT AVENUE
 Location Description: PLAN 108 PT LOT 5 PLAN D117 LOT 1 TO 6 PTS PP 63R1567 PART 6 TO 7 PP 66R10359 PART 1 **GRID S2805
 Project Description: An Official Plan Amendment and Rezoning application for a 38 Storey tower including an 11 storey base building. The proposal would contain 584 residential units. The proposal also includes 2,773.5 square metres of retail space located on the 1st floor and 3,612.5 square metres of office uses located on the first and second floors. Three levels of underground parking containing 405 parking spaces are proposed.

Applicant:	Agent:	Architect:	Owner:
MAVI Developments Inc	MAVI Developments Inc	Diamond and Schmitt Architects	The Salvation Army, Mazyar Mortazavi

PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	CR T2.5 C2.0 R1.5	Historical Status:
Height Limit (m):	15	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	5,417.3	Height:	Storeys:	38
Frontage (m):	60.59		Metres:	118.5
Depth (m):	90.47			
Total Ground Floor Area (sq. m):	3,299			Total
Total Residential GFA (sq. m):	45,812		Parking Spaces:	405
Total Non-Residential GFA (sq. m):	6,386		Loading Docks	4
Total GFA (sq. m):	52,198			
Lot Coverage Ratio (%):	60.9			
Floor Space Index:	9.6			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Condo		Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	45,812	0
Bachelor:	28	Retail GFA (sq. m):	2,773.5	0
1 Bedroom:	368	Office GFA (sq. m):	3,612.5	0
2 Bedroom:	128	Industrial GFA (sq. m):	0	0
3 + Bedroom:	60	Institutional/Other GFA (sq. m):	0	0
Total Units:	584			

CONTACT: **PLANNER NAME:** Alex Teixeira, Senior Planner
TELEPHONE/EMAIL: 416-395-7110/ateixei@toronto.ca