

33 Gerrard Street West and 22 Elm Street - Zoning Amendment Application - Request for Direction Report

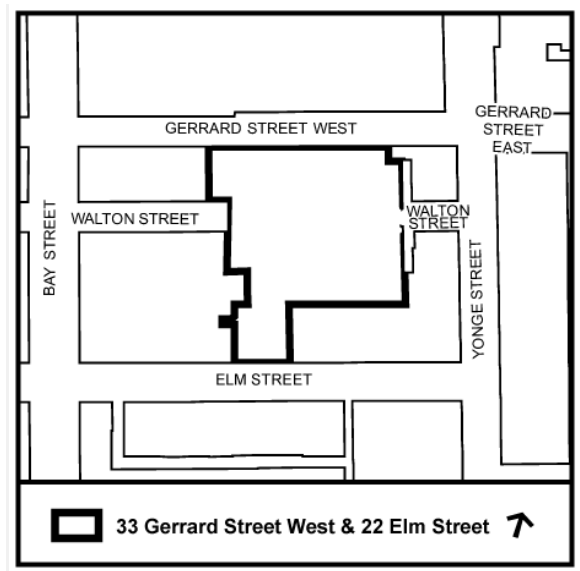
Date:	September 20, 2017
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	15-230523 STE 27 OZ

SUMMARY

This application proposes the construction of three towers (49, 88 & 88 storeys) and one 2-storey structure featuring a mix of residential, hotel, commercial, office and retail uses at 33 Gerrard Street West and 22 Elm Street. The four new buildings would be oriented along an east-west mews that will reconnect the east and west ends of Walton Street, and a north-south pedestrian/open space area connecting Gerrard to Elm Street. A total of 2,138 residential units, 350 hotel rooms and 28,831 m² of office/retail space are proposed. The total gross floor area would be 155,953 m².

The owner of the site has appealed its Zoning By-law Amendment application to the Ontario Municipal Board (OMB) citing Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been held, a second pre-hearing is scheduled for May 7, 2018. A full hearing has been scheduled starting October 1, 2018.

The proposal is not supportable in its current form. The height and massing of the proposed development is not appropriate as among other reasons discussed in this report, the proposed development does not conform with Official Plan policies and does not



satisfactorily respond to applicable design guidelines. In particular, the application in its current form should be opposed because of:

- Built form issues including excessive large tower floorplates, inadequate tower setbacks and excessive tower heights;
- Parkland issues including proposed parkland dedication is not sufficient size, the negative impacts of the proposed Elm Street ramp and shadowing of nearby parks;
- Pedestrian and public realm issues including inadequate Gerrard Street sidewalk width and undefined nature of the PATH connection;
- Housing issues including inadequate outdoor amenity space and three-bedroom apartment provision;
- Parking issues concerning, depth of underground parking garage, resident parking supply and no on-site taxi stand for the hotel; and
- Overall impact and relationship to the surrounding context.

The purpose of this report is to seek City Council's direction for the City Solicitor and appropriate City Staff to attend the Ontario Municipal Board hearing in opposition to the applicant's development proposal and appeal. The report advises that discussions with the applicant are ongoing with a view to achieving revisions which address the issues outlined in this report.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff to attend the Ontario Municipal Board hearing to oppose the appeal of the Zoning By-law Amendment application for 33 Gerrard Street West and 22 Elm Street and to retain such outside experts as the City Solicitor may determine are required to support the position outlined in this report.
2. City Council authorize City staff to continue discussions with the applicant in order to come to an agreement on an appropriate built form and to secure appropriate Section 37 community benefits to the satisfaction of the Chief Planner and Executive Director, City Planning.
3. City Council direct the City Solicitor to request the OMB, in the event the OMB allows the appeal and permits additional height or density, or some variation, to:
 - a) Secure the following community benefits with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*:

A payment to the City in the amount up to \$9.5 million (less consideration for proposed day care) based on the current applications height and density (indexed to reflect increases in the Construction Price Statistics between the date of the OMB Order and the delivery of such payment), for capital improvements in the vicinity of the site for one or more of the following:

- i. on-site child care facility (proposed as part of the development);
- ii. capital funds to secure community space;
- iii. capital funds for a public library; and
- iv. affordable housing.

provided that in the event the cash contribution referred to in this section has not been used for the intended purposes within three years of the By-law coming into full force and effect, the cash contribution may be redirected for other purposes, at the discretion of the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, provided that the purpose(s) is identified in the Toronto Official Plan and will benefit the community in the vicinity of the site.

- b) As a legal convenience, secure the following in the Section 37 Agreement to support the development:
 - i. The Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with a Functional Servicing Report as accepted by the City's Executive Director of Engineering and Construction Services should it be determined that improvements to such infrastructure are required to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services;
 - ii. Owner be required to comply with TTC Transit Operations Interferences Warning clause, a geotechnical investigation and TTC Technical Review conditions; and
 - iii. Sick Children's Hospital, or its representative, to provide confirmation that there is no intrusion into the helicopter flight path.
- c) Withhold its Order allowing the appeal in whole or in part allowing the Zoning By-law Amendment until:
 - i. The Owner has entered into an Agreement under Section 37 of the *Planning Act* to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning to secure appropriate public benefits and the Section 37 Agreement has been registered on title to the site to the satisfaction of the City Solicitor;

- ii. The OMB has been provided with a proposed Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Zoning By-law Amendment is in a form satisfactory to the City; and
 - iii. The OMB has been advised by the City Solicitor that the Functional Servicing Report has been completed to the satisfaction of Executive Director of Engineering and Construction Services.
4. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

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

DECISION HISTORY

A Preliminary Report on the application was considered by the Toronto East York Community Council on January 19, 2016. Key issues identified in the Preliminary Report included:

- need for a planning framework including an assessment of the appropriate number of towers that the site can accommodate;
- confirmation there is sufficient hard and soft servicing capacity to service the development;
- an on-site parkland dedication;
- conformity with policies and guidelines particularly with respect to built form, transition, setbacks, stepbacks and shadowing;
- confirmation that the buildings do not intrude into helicopter flight paths or view corridors;
- treatment of the ground floor of the buildings and their relationship to the pedestrian realm and pedestrian linkages;
- reduced on-site parking provision and shared loading facilities;
- traffic impacts including the form of any Walton Street mews;
- adequacy of the proposed amenity space;
- appropriate number of affordable housing and three bedroom units; and
- appropriate ways to address a Public Art Plan.

Community Council directed City Planning staff to schedule a community consultation meeting with an expanded notice area and that notice for the public meeting be given according to the regulations of the *Planning Act*. The Preliminary Report is available at: <http://www.toronto.ca/legdocs/mmis/2016/te/bgrd/backgroundfile-87089.pdf>

A Yonge and Gerrard Focus Area Review report was adopted by the Toronto East York Community Council on September 6, 2017. The report reviewed the planning framework and the existing and planned built form context for the area generally bounded by Gerrard, Bay, Elm and Yonge and included the subject site. The report makes an initial

assessment that the Chelsea hotel site is large enough in size that it is feasible for multiple tower development while achieving other City building objectives. The block is also large enough that a system of open spaces could be developed which would connect with College Park to the north in accordance with a Public Realm Plan. The report is available at <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.59>

The applicant appealed the application to the Ontario Municipal Board on May 2, 2017, Case Number PL170493.

ISSUE BACKGROUND

Proposal

The applicant is proposing to redevelop the site by introducing (or re-establishing) Walton Street as a west-east privately owned vehicular corridor (mews) and bisecting the site in a north-south direction with a new POPS and Public Park. This would result in four separate development blocks. It is acknowledged that the applicant's OMB Notice of Pre-Hearing Conference includes a reference to a revised development concept. This revised concept has not been formally submitted, has not been thoroughly reviewed and is not directly commented on in this report.

Northwest block - would be developed with a tower-base form entailing a 4-storey podium with a 49-storey tower (164.9 m including mechanical penthouse).

Land use	18,164 m ² (350 rooms) hotel space; 2,245 m ² office space; 170 residential units with amenity space
Tower setback to	
- north property line	5 m
- west property line	5.47 m
- east tower	25 m
- south tower at 38-40 Elm	27 m aprox
Tower footplate (approximate)	690 m ²
Podium setback to	
- north property line	2.38 m
- west property line	0 m
- east podium	14 m
- south building	15 m
Tower setbacks above podium	Varies from 3.06 to 6.72 m

Northeast block - would feature a 4-storey podium and an 88-storey tower (284.95 m including mechanical penthouse). At the 53rd level the tower would stepback resulting in a smaller floor plate size for the upper floors.

Land use	3,040 m ² retail space; 981 residential units with amenity space
Tower setback to <ul style="list-style-type: none"> - north property line - west tower - east property line - south tower 	5 m 25 m 6.89 m 25 m
Tower footplate (approximate) <ul style="list-style-type: none"> - floor 5-53 - floor 54-88 	798 m ² 506 m ²
Podium setback to <ul style="list-style-type: none"> - north property line - east property line - west podium - south podium 	3 m 0 m 14 m 15 m
Tower stepbacks above podium	Varies from 3.1 to 6.89 m

Southeast block - would feature a 4-storey podium and an 88-storey tower (284.95 m including mechanical penthouse). At the 50th level the tower would stepback resulting in a smaller floor plate size for the upper floors.

Land use	3,765 m ² retail space; 639 m ² day care space; 987 residential units with amenity space
Tower setback to <ul style="list-style-type: none"> - north tower - east property line - west tower at 38-40 Elm - south property line 	25 m 7.02 m 50 m (aprox) 10 m
Tower footplate (approximate) <ul style="list-style-type: none"> - floor 5-50 - floor 51-88 	950 m ² 775 m ²
Podium setback to <ul style="list-style-type: none"> - north podium - west building - east property line - south property line 	15 m 34 m 0 m 0 m
Tower stepbacks above podium	Varies from 5 m to 10.54 m

Southwest block - would be a 2-storey (14.75 m) structure.

Land use	725 m ² retail space
Building setback to	
- north podium	15 m
- west property line	0 m
- east podium	34 m
- south property line	0 m

The overall development would include 2,138 residential units, 350 hotel units and 28,831 m² of office/retail space. Total gross floor area would be 155,953m² which is equivalent to a Floor Space Index (FSI) of 16.62 under Zoning By-law 569-2013 (the FSI would be approximately 19 if the proposed Walton Street mews was netted out of the calculation).

Vehicular and bicycle parking, in addition to various servicing functions, is proposed in a 5-level underground parking structure which would encompass the entirety of the site including under the proposed Walton Street mews. Access and egress would be from 3 separate ramps; one fronting Elm Street, one Gerrard Street and one from the proposed Walton Street extension. The application references the potential for a PATH extension to the Aura development on the north side of Gerrard Street at the P2 level.

Other details of the proposal are shown in Table 1 below and in Attachment 4.

Table 1 – Summary of Application

Category	Proposed
Pedestrian Realm/sidewalk width (approx)	
- Gerrard Street	4 m
- Walton Street mews	17.5 m
- North-south pedestrian link	14 to 30 m
- Elm Street	4.5 to 6 m
Vehicular parking	
- Commercial	222
- Resident	373
- Visitor	unspecified
Bicycle parking	
- Resident	2,184
- Visitor	262
Loading spaces	
- Shared Type G/B	1
- Type B	2
- Type C	2
Residential amenity space	
- Indoor	4,349 m ²
- Outdoor	2,416 m ²

Site and Surrounding Area

The site approximates a square shape and consists of 2 separate property addresses; 33 Gerrard Street West and 22 Elm Street. The site has 23 m frontage on Elm Street, 99 m on Gerrard Street West, 15 m on Walton Street (west side of property) and 56 m frontage on the combined Walton Street and adjacent laneway (east side of property). The total lot area is 9835 m². The site is fully developed with a 26 and a 27-storey slab tower with associated driveways and outdoor amenity areas and operates as the existing Chelsea Hotel Toronto. There are 1,590 suites in the existing hotel in addition to hotel amenity and conference room space. Adjacent to the Gerrard street frontage there is an existing ramp to the underground parking which is located within the municipal right-of-way.

The surrounding uses are as follows:

North: to the northeast, a 78-storey development (Aura) with a 4 to 9-storey podium featuring a mix of residential and commercial uses; to the northwest, a 19-storey slab style residential building.

South: 3 to 4-storey heritage commercial buildings. 8 Elm Street is subject to a development application which was refused by City Council on November 8, 2016 and subsequently appealed to the OMB (a pre-hearing and hearing date has not been scheduled).

West: 44-storey residential buildings on the Gerrard Street frontage (under construction), the end portion of Walton Street and an approximate 34-storey residential building adjacent to the Elm Street frontage.

East: 2 to 3-storey commercial buildings fronting on Yonge Street, some of which are heritage, the end portion of Walton Street and adjacent laneway system.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (2014) provides policy direction Province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. Policy 4.7 states that the Official Plan is the most important vehicle for implementing the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

Chapter 2 of the Official Plan sets out the Urban Structure of the City, develops the strategy for directing growth within this structure and establishes policies for the management of change, through the integration of land use and transportation planning. The proposed development is located in the Downtown area as defined by Map 2. Although growth is expected to occur in the Downtown, not all of Downtown is considered a growth area.

The property is designated *Mixed Use Areas* on Map 18, Land Use Plan of the Official Plan. *Mixed Use Areas* provide for a broad range of commercial, residential and institutional uses in single or mixed use buildings, as well as parks and open spaces and utility uses. Not all *Mixed Use Areas* are expected to experience the same scale or intensity of development. Surrounding context, built form considerations and the capacity of municipal infrastructure will inform the extent of development. This designation contains policies and development criteria which are used to guide development and ensure an appropriate transition between areas of different intensity and scale.

Chapter 3 of the Official Plan establishes the policy direction for guiding growth by integrating social, economic and environmental perspectives on the built, human and natural environment. Policy 3.3, Building New Neighbourhoods indicates the need for a comprehensive planning framework when developing new neighbourhoods and that new neighbourhoods must function as a community and not just housing. In this application, the new neighbourhood is a vertical neighbourhood. The Built Form policies also identify the importance of urban design as a fundamental element of City building. These policies are intended to minimize the impacts of new development and guide the form of new buildings to fit within their context. The applicant is proposing to construct a Tall Building which is addressed by Policy 3.1.3.

Other key policies applicable to this development are: Policy 4.8.4 which states that new buildings in the vicinity of hospital heliports will be sited and massed to protect the continued use of flight paths to hospital heliports. Policy 2.4.12 which states that hotels will make provisions for taxi stands on private property and Policy 3.1.1.15 which states new streets should be public streets, but when private should be designed to integrate into the public realm. Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehension and integrative intent as a policy framework.

Heritage

While there are no heritage resources on the proposed development site at 33 Gerrard Street West and 22 Elm Street, the site is adjacent to a number of properties on the City's Heritage Register at 8, 10, 12, 14 and 18 Elm Street and 378 Yonge Street, all designated under Part IV of the Ontario Heritage Act along with 364, 372, 374, 374A and 376 Yonge Street, all listed properties.

Official Plan Policy 3.1.5.2 states that development adjacent to properties on the City's Heritage Register will respect the scale, character and form of the heritage buildings and landscapes. Policy 3.1.5.5 of the Official Plan requires that development adjacent to a property on the Heritage Register will ensure that the integrity and attributes of those properties will be retained. Policy 3.1.5.26 refers to conserving the cultural heritage values, attributes and character and to mitigate visual and physical impacts. Official Plan Policies also provide direction on the conservation of whole or substantial portions of buildings.

Tall Building Design Guideline 1.6 states that tall buildings are to respect and complement the scale, character, form and setting of on-site and adjacent heritage properties and more specifically; to design new base (podium) buildings to respect the urban grain, scale, setbacks and proportions through such means as additional setbacks and stepbacks. This is further informed by Guideline 3.1.1e and in the Downtown Tall Buildings Guideline, by Guideline 3.4 which reference the established streetwall height and respecting the scale, character, form and setting of adjacent heritage buildings.

Zoning

The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site has a split zoning under By-law 438-86, the northern portion is zoned CR T7.8 C2.0 R7.8 and the southern portion is zoned CR T6.0 c2.0 R6.0. Under Zoning By-law 569-2013 the site also has a split zoning. The northern portion is zoned CR 7.8 (c2.0; r7.8) SS1 (x2195) and the southern portion is zoned CR 6.0 (c2.0; r6.0) (x2318).

Both By-laws permit a variety of commercial and residential uses with a maximum density of 7.8 times the site area for the northern portion of the site and 6.0 for the southern portion of the site. The maximum building height would be 61 metres for the northern portion of the site and 46 metres for the southern portion under both By-laws.

By-law 438-86 also includes a number of Permissive and Restrictive Exceptions and references site specific By-law 440-85 and 333-02. Key provisions include required street related retail and service uses, angular plane setback provisions, restrictions on entertainment and place of amusement uses, prohibition on commercial parking and protection of helicopter flight paths. By-law 440-85 is a site specific by-law permitting the existing hotel development in addition to designating both a north-south and east-west pedestrian linkage through the site. These provisions were generally carried through into By-law 569-2013.

Site Plan Control

The proposed development is subject to Site Plan Control. An application has not been submitted.

City-Wide Tall Building Design Guidelines

Policy 5.3.2 of the Official Plan states that guidelines will be adopted to advance the vision, objectives, and policies of the Plan. City Council adopted the Tall Building Design Guidelines on May 7, 2013 for use in evaluating tall building proposals. <http://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>.

The Tall Building Design Guidelines are intended to be used in assessing the siting, massing and design of tall buildings and the associated public realm. 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. More specifically, the guidelines provide recommendations for: building placement and orientation, entrances, massing of base buildings, tower floor plates, tower separation

distances, park shadowing, pedestrian realm considerations and sustainable design and transition.

Downtown Tall Buildings: Vision and Supplementary Design Guidelines

This project is located within an area that is subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the Tall Building Design Guidelines May 2013). This document can be viewed at: <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>. This guideline identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate tall building proposals. Gerrard Street is identified as a High Street; Elm Street and the western portion of Walton Street are identified as Secondary High Streets. Maximum heights along Gerrard Street would be in the 62m to 107m (20 storey to 35 storey) range and would be one third lower for Elm and Walton Streets, provided performance standards are met.

TOcore

TOcore: Planning Downtown' is an initiative to prepare a 25-year plan for Toronto's Downtown along with a series of five infrastructure-related strategies, which will address: parks and public realm, community services and facilities, mobility, energy, and water. This plan, working in tandem with its accompanying strategies, will provide a blueprint to manage the growth and intensification being experienced and anticipated to continue in the Downtown.

The Downtown study area is bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east. A new Downtown Plan will be developed for the Downtown geography, establishing a renewed vision and local development policies to guide growth and development. The Downtown Plan will provide an integrated planning framework and structure addressing elements of land use, built form, housing, office, institutional, retail, parks and open spaces, community facilities, streets, transit, energy and water. Emphasis is being placed on keeping Downtown an inclusive and affordable place for vulnerable populations.

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'.

On September 7, 2017, Planning and Growth Management Committee adopted a staff report titled "TOcore: Proposed Downtown Plan". Attached to the report were the Proposed Downtown Plan Policies. Planning and Growth Management Committee added a recommendation at its meeting, requesting City Planning staff consider the Proposed Downtown policies during the evaluation of current and future development applications

in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metres in height.

The TOcore website is www.toronto.ca/tocore.

Reasons for Application

An application to amend the Zoning By-laws is required to permit the proposed height and density as well as to amend other applicable provisions.

Application Submission

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale including a Community Services and Facilities Study
- Functional Servicing and Conceptual Stormwater Management report
- Urban Transportation Considerations study
- Pedestrian Level Wind Study
- Shadow Studies (included with the architectural plans)
- Noise and Vibration Feasibility Study
- Heritage Impact Assessment
- Preliminary Geotechnical Study
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Tree Inventory and Preservation Plan Report
- Development Impact Study
- Project Massing Model

A Notification of Complete Application was issued with the date of complete application being October 2, 2015.

Community Consultation

A community consultation meeting was held March 1, 2016 and was attended by approximately 160 residents. Specific comments related to the zoning amendment component of the project were:

Parks:

- Park should front an active public street
- Park on Gerrard should be wider to be more inviting. Concern whether the park would be too narrow. Proposed space seems very enclosed
- Need more parkland to make up for other parkland lost within the neighbourhood. General concern with lack of park space/loss of park space
- Need views into park, need to avoid it becoming dead space and attracting bad behaviour
- POPS – need to ensure public access will be in perpetuity. Concern some people may not be able to use POPS
- Concern that Walton Street splits the park/POPS into two spaces
- Concerns about park shadowing, park becoming a wind tunnel
- Concern about safety in park including falling glass and how to keep it safe and vibrant
- Suggestion to make proposed POPS a public park
- Need trees, grass in park

Housing:

- Lack of rental housing and lack of affordable housing
- Lack of unit diversity, units too small, lack of family housing, too few three bedroom units. Proposal is more for single people and couples

Transportation:

- Subway overcrowded, subway access must be fully accessible. Issues with access to subway stations
- Volumes of traffic on Elm Street, traffic impacts on residents in area, cumulative traffic from other developments
- Need to provide for Wheel Trans, courier deliveries, bicycle parking for other users in the area
- Concerns with continuity of Walton Street and potential conflict of uses. Suggestion to make Walton pedestrian only. Loading activity may conflict with shared street, hotel drop-off, green space functions.
- Integrate with PATH (Aura extension)
- Need pedestrian crossing/control on Elm and Walton

Heritage:

- Impact of construction/demolition on adjacent heritage buildings and uses within those buildings
- Adjacency concerns with appropriate stepbacks and setbacks including impact on rear of 14 Elm

- Archaeological concerns for portion of site that may be undisturbed (southeast corner)
- Enquiry if the history of the site would be commemorated

Urban Design:

- General preference for 3 versus 4 tower scheme
- Public art opportunities
- Need more variety to create cohesive and distinctive community and slight variations to tower design
- Retail at grade
- Buildings too tall with shadowing impacts
- Need more trees
- Need to provide for dogs
- Need to conform with Tall Building Guidelines particularly 25 m tower separation distances, transition guidelines, floor plates and setbacks
- Concern with potential wind impacts and sun reflection from towers
- Need to provide service use area for hotel
- Concern with existing Elm Street ramp adjacent to existing condo ramp

Planning:

- Too much density
- Overcrowding – too many people, too much development in area (combined impact with Kingsett proposal)
- Existing sidewalk congestion
- Not much diversity in the proposal, need for grocery store
- Need access for maintenance purposes to existing rear of Elm Street properties

Economic Development:

- Is proposal synchronized with the Revitalisation of Yonge Street
- Concern retail on Walton may detract from businesses on Yonge, need to preserving character of Yonge Street
- Concern with loss of the hotel and job losses and that replacement hotel only 1/6 the size
- There will be some job losses/some gains and new retail opportunities
- Impacts to hospitals and universities and their long stay clients
- Concern with impact on convention business

Community Services:

- Create integrated comprehensive approach to providing community services (area based versus individual buildings/applications)
- Need for Community recreation centre (fitness studio, community kitchen, program rooms, gymnasium) 50-80,000 sq ft
- Need for Community Hub (10-20,000 sq ft) comprised of couple of large multi- purpose rooms, social services and recreation. Need for both an on and off site community centre
- Suggestion to provide community garden on rooftop of podium
- Safety issues associated with vulnerable populations (example homeless)
- More infrastructure including child care, schools, libraries.
- Lack of day care in the area

Engineering:

- Concern if sufficient infrastructure capacity exists
- Impact on servicing of adjacent buildings

COMMENTS

Staff have reviewed the proposed development and are of the opinion the proposed development is not appropriate as the proposed built form is not supportable in its current form for reasons outlined below.

Provincial Policy Statement and Growth Plan

Provincial Policy Statement (PPS)

Policy 1.1.3.3 of the PPS refers to appropriate locations for intensification and redevelopment while Policy 1.1.3.4 refers to appropriate development standards to facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety. In the Official Plan, the site is designated *Mixed Use Areas* which is an appropriate location for intensification, subject to appropriate development standards. The proposed development site, as a location for intensification, is consistent with those PPS policies that refer to appropriate locations for intensification and redevelopment. However, as further described below, appropriate development standards are described in both the Official Plan and applicable development guidelines. Policy 4.7 of the PPS refers to the Official Plan as the most important vehicle for implementing the PPS and as such the development standards in the Official Plan have particular relevance. The application does not conform with those standards and as such the proposal is not consistent with the PPS

There are additional policies in the PPS which refer directly or indirectly to health and hospitals. More specifically, a Public Service Facility is a defined term which includes the provision of services for health programs. Policy 1.1.1 c) refers to avoiding development which may cause public health and safety concerns. Policy 1.1.1 g) refers

to ensuring that Public Service Facilities are or would be available to meet current and projected needs and Policy 1.1.3.6 refers to development that allows for the efficient use of Public Service Facilities to meet current and projected needs which is also reflected in Policy 1.7.1 b) which refers to optimizing the long-term availability and use of Public Service Facilities. The proposal does not intrude into the helicopter flight path and is therefore consistent with those policies in the PPS referring to health and hospitals, subject to confirmation from The Sick Children's Hospital.

Growth Plan

Guiding Principle 1.2.1 of the Growth Plan supports the achievement of *complete communities* with an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Policy 2.2.1 states that the vast majority of growth will be directed to *settlement areas* and within *settlement areas* growth will be focused in *delineated built-up areas*. Policy 2.2.3 further states that *Urban Growth Centres*, the *Downtown* is one such centre, will be planned to accommodate significant population and employment growth. As further discussed below, the application proposes a mix of uses including a Public Park and as such the proposal has been designed towards achieving a complete community.

Policy 2.2.2.4 b) of the Growth Plan refers to identifying the appropriate type and scale of development and transition of built form to adjacent areas. As further described below, the Official Plan has policies that refer to development standards that address issues of scale and transition. The proposed development does not conform to those policies and as such the proposal does not conform with the Growth Plan.

There are policies in the Growth Plan that relate to *Public Service Facilities* which includes hospitals. Policy 3.2.8.1 refers to the co-ordination of Public Service Facilities with land use planning to implement this Plan. As further described below, the proposed tower component of the development would not intrude into the Sick Children's helicopter flight path and therefore the proposal conforms with those policies related to the hospitals, subject to confirmation from the Sick Children's Hospital.

Official Plan – Land Use

Official Plan Policy 3.3 Building New Neighbourhoods indicates the need for a comprehensive planning framework when developing new neighbourhoods and that new neighbourhoods must function as a community and not just housing. The Growth Plan, Focus Area Review report and TOcore: Proposed Downtown Plan all refer to the development of complete communities.

This application represents a new vertical neighbourhood. The proposed development is located in the *Mixed Use Areas* designation of the Official Plan. The uses proposed for the project are residential, retail, office, hotel, daycare and parkland (private and public). This constitutes a mixed-use development, which as a land use would be permitted in the *Mixed Use Areas*. While intensification is provided for in *Mixed Use Areas*, it must be achieved through a built form that provides appropriate fit, transition and the protection of designated *Neighbourhoods*, heritage buildings and parks/open space areas.

The applicant's proposed mix of uses constitutes a positive response to policies referring to complete communities and new neighbourhoods. Although a range of uses is proposed, there are opportunities to improve on that range of uses as outlined below in the Housing and Section 37 sections of this report.

Built Form

Context, Building Placement and Massing

Official Plan Built Form Policies 3.1.2.1 and 3.1.2.3 require that new development be located and organized to fit within its existing and/or planned context and be massed to fit harmoniously into its context. This is expanded on by Policy 3.1.2.3 d) and 3.1.2.4 which state that new development will limit its impact by providing for adequate light and privacy and ensuring adequate access to sky view. For the *Mixed Use* areas designation, Policy 4.5.2 c), d) and e) state that the location and massing of new developments provide a transition, limit shadows and frame street edges in good proportion.

These policies are further informed by Tall Building Design Guidelines. Guideline 1.1 refers to context, 1.2 to Master Planning larger sites, 1.3 which addresses Fit and Transition in scale, 2.1 referring to Building Placement, 3.2.1 which addresses floor plate size and 3.2.3 which addresses separation distances. For tower development the guidelines recommend a minimum 25 m setback between towers (12.5 m to lot line or mid-point of the right-of-way) to ensure sufficient sky view, privacy and light to residents and a maximum floor plate of 750 m² in order to, among other things, minimize shadow impacts and loss of sky view from the public realm.

The proposed development site would be bisected by a new north-south pedestrian/parkland linkage and a new west-east vehicular/pedestrian mews resulting in 4 separate blocks. Towers would be located on three of the blocks and a low rise structure on the fourth block. The proposed towers have floor plates of 690m², 798 m² (506 m² upper levels) and 950 m² (upper levels 775 m²). Tower setbacks range from 5 m (12.5 m to mid-point of Gerrard), 5.47 m (22.5 m to adjacent tower to west), 6.9 m (10 m to mid-point of east laneway) and 10m (south lot line). The applicant has proposed 25 m tower setbacks between the towers.

The general form of a public park fronting Elm Street and connecting through a POPS to College Park in the north is an appropriate way of linking public parks and providing porosity through the block. This linkage mimics a little known existing public pedestrian linkage which presently goes through the existing building. Likewise, providing an east west connection to bisect the site into four separate development blocks mimics the existing pedestrian linkage identified in the original by-laws. Tower development on three of the blocks and a low rise structure in the fourth block is appropriate, however, the massing, setbacks and heights of the proposed towers is not appropriate.

The proposed tower floorplates must be reduced in size to not exceed the 750 m² guideline. By reducing the tower floorplates of the eastern towers the applicant would be able to achieve the 12.5 m setbacks (to the lot line or mid-point of adjacent right-of-way) and thereby conform with both guidelines. Excessive large floorplates for the eastern two towers combined with reduced tower setbacks is not appropriate and does not conform to the above noted Official Plan policies including Official Plan Amendment 352 or to Zoning By-law 1106-2016 and 1107-2016 and related the guidelines.

Tower Height – Context and Transition

Tower height has been analysed and reviewed through an assessment of context and transition, shadowing, view corridor and helicopter flight paths.

Built Form Policy 3.1.2.1 of the Official Plan specifies that new development will fit within its existing and/or planned context and in Policy 3.1.2.3 c) will limit its impact by creating appropriate transitions in scale to neighbouring buildings. Policy 3.1.3.2 c) of the Official Plan requires that tall buildings relate to their existing and/or planned context. This is expanded on by *Mixed Use Areas* policy 4.5.2c) which references a transition between areas of different development intensity and stepping down of heights.

Further guidance is provided by Tall Building Design Guideline 1.3 which specifies that tall buildings provide an appropriate transition in scale to lower scale buildings, parks and open space. For the tower portion of a development, more specific guidance is provided in the Downtown Tall Building Guidelines which identifies Gerrard Street as a High Street; and Elm Street and the western portion of Walton Street as Secondary High Streets. Maximum heights along Gerrard would be in the 62m to 107m (20 to 35-storey) range and would be one-third lower for Elm and Walton streets.

The context along most of Elm Street and along Yonge Street are 2 to 4-storey building heights. Within the western portion of the block, heights range from approximately 16 to 34-stories, and at the north-west corner, a 44-storey building is presently under construction. Within a larger geographic area there is the 78-storey Aura tower on the north side of Gerrard, the tallest planned or built tower in the area.

The existing context demonstrates a stepping down of heights from the 78-story Aura which forms an existing height peak. The planned context is further informed by SASP 174 which identifies the Yonge Street properties as low profile. Official Plan policies and guidelines refer to a transition in height which implies that any development on this site should be at a height between the 78-story Aura and the 2-4-storey context along Elm and Yonge.

The proposed towers are 88, 88 and 49-stories. Other planned or built towers in the area are no more than approximately half the height of the proposed 88-storey towers. Although there are a number of towers in the immediate area, the proposed 88-story towers are significantly higher than those towers, and 10-stories higher than the existing Aura development. The proposed tower height does not comply with those policies and guidelines referring to context and transition with respect to height.

Tower Height - Shadowing

There are a number of Official Plan policies which specifically address shadowing. Built Form Policy 3.1.2.3 e) and f) refers to providing for adequate light and limiting shadows on streets, properties and open spaces and minimizing additional shadowing on neighbouring parks to preserve their utility. Parks and Open Space Policy 3.2.3.3 also references minimizing additional shadows on parks and open spaces to preserve their utility. For the *Mixed Uses Areas* designation, Policy 4.5.2 d) and e) refers to limiting shadows on adjacent *Neighbourhoods* and maintaining sunlight on adjacent streets, parks and open spaces. OPA 82, the Garden District Site and Area Specific Policy (under appeal), Policy 3.5 further states that there shall be no net new shadows permitted on Allan Gardens measured from March 21 and September 21 from 10:00 am to 6:00 pm.

The Tall Building Design Guidelines provide further guidance. Guideline 1.3 a) refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties. Guideline 1.4 a) and b) seeks to protect access to sunlight and sky views including maintaining at least 5 hours of sunlight on the opposite side of the street and to provide protection to open spaces/parks and heritage properties. Guideline 3.2.1 also refers to a maximum tower floor plate of 750 m² to ensure that any shadows that are generated would be fast moving and would minimize impacts.

The supplementary Downtown Tall Buildings Guidelines further states in Guideline 1.3 that sunlight on parks and open spaces is one of the mitigating factors that takes precedence over assigned heights. This is expanded on by Guideline 3.2 which states that tall buildings should not cast new shadows on parks between 12 noon and 2:00 pm on September 21st and on Signature Parks (Allan Gardens being a Signature Park) from 10:00 to 4:00 pm on September 21st. The same guideline clarifies that this should not be interpreted as taking away the City's ability to protect beyond the minimum hours.

The in-force College Park By-law 840-78 was approved by City Council for those lands in the adjacent block to the north which is bounded by Bay, College, Yonge and Gerrard. This block includes College Park which is designated *Parks* in the Official Plan. A key provision in this By-law is subsection 16 which refers to minimum required sunlight on the open areas at 12:18 pm September 21 and not less than 40% sunlight from 11:18 am to 3:18 pm September 21.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development for March, June, September and December 21. The submitted shadow studies show the proposed towers shadowing:

- Elizabeth Street park (designated *Parks*) at 9:18 am (June 21);
- College Park (designated *Parks*) between 10:18 am - 1:18 pm (March/September 21) and 11:18 am - 12:18 pm (June 21) (refer to Attachment 5);
- McGill Parkette (designated *Parks*) between 1:18 pm - 2:18 pm (March 21/September 21);

- McGill-Granby neighbourhood (designated *Neighbourhoods*) between 2:18 pm - 4:18 pm (March 21/September 21) and 3:18 pm (December 21).

Although not shown on the applicant's shadow studies, City staff have also modelled the anticipated shadows and confirmed that the proposed towers would also shadow:

- Allan Gardens (designated *Parks*) approximately at 5:00 pm (September 21)

The proposed shadowing is significant as it impacts a number of properties, some of which are specifically protected by Official Plan policies. This is especially true with *Parks* which Official Plan policies and related guidelines specifically state the need to minimize and limit shadows. A smaller tower floor plate and more importantly a lower tower height would reduce shadowing impacts and in some cases, depending on the extent of the lower height, would eliminate some shadowing. The proposed tower heights and the resultant shadows generated by those towers are not in conformity with Official Plan policies and related guidelines.

Tower Height – Old City Hall View Corridor

Official Plan Policy 3.1.5.45 establishes view protection policies from the public realm to Old City Hall and includes the prevention of any further intrusions visible above and behind the building silhouette. The existing protected view is from Bay Street at Temperance Street looking north. The City has initiated an Official Plan Amendment process with the intent of modifying this view corridor to enhance the silhouette view protection policies to and beyond Old City Hall. The applicant has provided view corridor analysis. Staff has reviewed the applicant's documentation and undertaken a modelling exercise to assess to what extent, if any, that the towers would intrude into the view corridor. Their conclusion is that the proposed west tower and east towers would intrude into the view corridor from the Bay/Temperance vantage point and as such the proposed tower heights do not conform to in force Official Plan policy.

Tower Height – Helicopter Flight Path

On May 3, 2016, the Minister of Municipal Affairs and Housing issued a Zoning Order – Protection of Public Health and Safety – Toronto Hospital Heliports. The purpose of this Order is to protect health and safety by ensuring the safe operation of air ambulance services provided in relation to St. Michael's Hospital and The Hospital for Sick Children. The Zoning Order reflects the helicopter flight paths and identifies an obstacle limitation surface which structures or naturally growing objects shall not penetrate. Official Plan Policy 4.8.4 states that new buildings will be sited and massed to protect the continued use of flight paths to hospital heliports, in this case, the relevant flight path is Sick Children's Helicopter flight path. In order to comply with the helicopter flight path and the related Official Plan policy, any development including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities would have to be below or outside the protected flight path.

The Minister's Zoning Order shows that the site is adjacent, on the north side, to the Sick Children's helicopter flight path which is generally aligned within the Elm Street right-of-way. It is also noted that the Sick Children's flight path from the Minister's Zoning Order is slightly different from the Sick Children flight path protected by By-law 150-93. The key difference between the Zoning Order and the By-law is that in the By-law the northern limit of the flight path goes through the southern portion of the site. A detailed analysis has not been undertaken to confirm if the proposed towers would be within the flight path protected by By-law 150-93.

The flight path from the Minister's Zoning Order is a more up-to-date reflection of the actual flight path than that protected in the By-law which dates from 1993. The proposed towers are approximately located mid-block and so are not within or immediately adjacent to the flight path. Any construction on the north side of Elm Street would need to ensure construction cranes do not intrude into the helicopter flight path. Sick Children's Hospital, through its consultants, has confirmed that the proposed towers would be clear of the Obstacle Limitation Surface. However, as crane information was not provided as part of the review, it is recommended that as a legal convenience in a Section 37 Agreement that confirmation be required from Sick Children's Hospital, or their representative, that there is no intrusion into the flight path.

Heritage Adjacency

Heritage Preservation Services staff have reviewed the Heritage Impact Assessment (HIA) along with the architectural drawings submitted for the proposed development against the City's Official Plan Heritage Policies.

As previously discussed, the site is adjacent to a number of properties on the City's Heritage Register at 8, 10, 12, 14 and 18 Elm Street and 378 Yonge Street, all designated under Part IV of the Ontario Heritage Act along with 364, 372, 374, 374A and 376 Yonge Street, all listed properties. The adjacent heritage buildings along Elm Street are 2-5 storeys while those along Yonge Street are 2-3 storeys. Official Plan Policy 3.1.5.26 states that construction on or adjacent to a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of the property.

Heritage Preservation Services has provided comments to the applicant that identified a number of issues to be resolved including, the impacts of the proposed towers on the Old City Hall View Corridor discussed above. Additionally, the design of the tower podiums requires careful consideration and design development in consultation with HPS and Urban Design staff concerning articulation, amount of glazing and material selection in regards to the adjacent heritage properties. The HIA discusses the historic "The Ward" and "Gerrard Village". HPS has recommended that the applicant work with their heritage consultant to develop heritage interpretation options to be exhibited throughout the proposed park for this development site.

Pedestrian Linkages and Public Realm

For development in the *Downtown*, Official Plan Policy 2.2.1.11 refers to street improvements to enhance the pedestrian environment. This is expanded on by Public Realm Policy 3.1.1.5 and 3.1.1.6 which refer, among other things, to safe and efficient movement of pedestrians, provision of space for trees and landscaping and sidewalks being designed to provide safe, attractive, interesting and comfortable spaces for pedestrians. Policy 3.1.1.15 also states that new streets should be public street; but when private should be designed to integrate into the public realm. Tall Building Design Guideline 4.2 also recommends a minimum 6 metres wide sidewalk zone.

The application proposes to bisect the site with a new north-south pedestrian link which would connect Elm Street to College Park and a new west-east link re-connecting the two ends of Walton Street. The north-south linkage would be in the form of a public Park connected to a POPS and the west-east link would be in the form of a publicly accessible and privately owned mews. Adjacent to the site, an approximately 4m wide sidewalk zone is proposed along Gerrard Street and a 4.5 to 6 m wide sidewalk zone along Elm Street.

The 4 m sidewalk zone along Gerrard is not in conformity with and does not meet the intent of the guidelines which refer to a 6 m wide pedestrian realm. This is particularly important in this part of downtown where there are already existing congestion issues on the public sidewalk. An increase in pedestrian movements, caused by the proposed development would add to that congestion.

Although the sidewalk zone along Elm is narrow, it is directly adjacent to the proposed public park and as such is acceptable. However, along Elm Street the public realm would be impacted by a proposed ramp leading onto Elm, which would be adjacent to an existing driveway from the adjacent property. Eliminating the proposed ramp would positively improve the perceived or actual perception of pedestrian safety as well as ensuring a more viable pedestrian realm. Refer to below for additional commentary about the Elm Street ramp from the Yong Street BIA and Parks, Forestry and Recreation.

Official Plan Downtown Policy 2.2.1.12 and 14 refer to the City encouraging PATH connections without compromising the role of the street. In this regard the applicant has proposed a PATH knockout panel on the north side of their site facing the adjacent Aura development, which in turn is connected to the College Park PATH network. The knockout panel on the subject site is within an underground parking area which is not necessarily the most appropriate location for a PATH connection. To date, a discussion on the nature of the connection has not progressed. A PATH connection should be encouraged in a form that is conducive to a safe and vibrant City. It is recommended that the nature of the PATH connection should be further explored and assessed.

Amenity Space

Official Plan Built Form Policy 3.1.2.6 states that every significant new multi unit residential development will provide indoor and outdoor amenity space for residents of the new development. Official Plan Policy 4.5.2 k) states that in *Mixed-Use Areas*

development will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. These requirements are implemented through Zoning By-law 438-86 and Zoning By-law 569-2013 which respectively require a minimum of 2.0 m² of indoor and 2.0 m² of outdoor amenity space for each unit; and a minimum of 4.0 m² of amenity space for each unit (of which at least 2m² shall be indoor). Typically the City requires 2.0 m² of indoor and 2.0 m² of outdoor amenity space per unit.

The development proposal includes both indoor and outdoor amenity space. A total of 4349 m² (2 m² per dwelling unit) of indoor and 2416 m² (1.1 m² per dwelling unit) of outdoor space is proposed for a total of 6765 m² (3.2 m² per dwelling unit). The total amount of space being proposed is similar to what is generally achieved in similar projects. Further review is appropriate to ensure the nature of the amenity space being provided supports this project as a vertical neighbourhood.

Family Sized Units and Affordable Housing

In the *Downtown* section of the Official Plan, Policy 2.2.1.1 c) refers to the provision of a full range of housing opportunities. In implementing this policy, staff seek to secure 10% of all units as three bedroom or greater to broaden the range of housing provided *Downtown*. The applicant is proposing 117 three-bedroom units (5.5% of the total units). This provision is less than the City standard and as such is not appropriate.

The City also encourages the provision of affordable housing. Official Plan Policy 5.1.1.6 provides for the provision of affordable housing as a potential Section 37 benefit. The applicant has not indicated if any of the proposed units would be affordable or not. In the absence of any certainty about proposed unit prices, staff recommend a portion of any Section 37 benefits be allocated towards affordable housing.

Transportation, Traffic and Parking/Loading

An Urban Transportation Conditions Report was submitted with the application and has been reviewed by staff. The applicant has proposed to re-connect Walton Street with a publicly-accessible, privately-owned mews to reconnect the east and west ends of Walton Street. The private portion of Walton Street would be constructed to public road standards and provide the City with public easements to provide access over the private street portion of Walton Street. Vehicular access and egress to the site would be from Gerrard Street, the proposed Walton Street extension and Elm Street. The proposed development would provide vehicular parking and loading in a five-level underground parking garage. The proposal includes 595 parking spaces consisting of 373 resident spaces and 222 shared spaces for residential visitors, retail and hotel users. A total of 2,446 bicycle parking spaces and 5 loading spaces are proposed, comprising 2 Type B, 2 Type C and 1 shared Type G/B space.

Transportation Services staff have reviewed the proposal and commented that they concur with the applicant's assertion that the anticipated traffic impacts will be acceptable and that the nature of the proposed Walton Street extension is acceptable, subject to details of the required easement and indemnity to be reviewed at the Site Plan stage.

They also commented that a 2.38 m wide road widening is required along Gerrard Street and a 1.17 m widening is required for those lanes abutting the east side of the site. Although the applicant proposed a 2.38 m wide road widening along Gerrard, they have indicated it would only be to a depth of 1.2 metres which does not meet Transportation Services requirements.

Transportation Services reviewed the documentation provided by the applicant's consultant and do not agree with the resident parking supply conclusions, more specifically, the proxy sites submitted are not applicable. However, the provision of shared spaces for residential visitors, retail and hotel users and the proposed loading provision is acceptable.

In addition to Transportation Services comments, the TTC and the Yonge Street BIA have commented on transportation elements of the application. The TTC commented that the development is located within the development review zone of the Yonge Subway line and that a Transit Operations Interferences Warning clause, a geotechnical investigation and TTC Technical Review are required. These could be incorporated into a Section 37 Agreement as a legal convenience.

The Yonge Street BIA is concerned with the location of the underground parking ramps and recommend that vehicular access (including the Elm Street ramp) be re-located to the west side of Walton Street at Bay Street to limit potential conflicts between drivers, cyclists and pedestrians. This would help ensure that the Walton Street extension to Yonge Street functions more as a 'pedestrian priority' street, whereas the western portion would be vehicular in nature. Notwithstanding Transportation Services acceptance for the location of the proposed ramps, City Planning and Parks Forestry and Recreation recommend that the Elm Street ramp should be eliminated to improve the proposed Park ambience, pedestrian safety as well as providing an improved Park configuration. Refer below for further discussion about the proposed Park.

Official Plan Policy 2.4.12 states that hotels will make provisions for taxi stands on private property. The applicant has proposed a hotel in the northwest corner of the site. It is not clear if a dedicated taxi stand will be provided or not, a taxi stand is required.

Site Servicing and Solid Waste

The applicant submitted a Functional Servicing & Stormwater Management Report by Cole Engineering. Engineering and Construction Services reviewed the report and advise that plans need revisions to ensure access ramps, driveways, staging pads, turning radii, and Fire Access Routes meet City standards. They also advise that the Functional Servicing Report needs revisions to address servicing issues.

It is therefore recommended that, if the OMB were to approve this or a modified form of this project, that City staff be authorized to request the OMB to withhold its Order pending the submission of an acceptable Functional Servicing Report to the satisfaction of Executive Director of Engineering and Construction Services.

Given the Functional Servicing and Stormwater Management Report has not been finalised in a satisfactory form, it is also recommended that the owner be required to pay for and construct any improvements to the municipal infrastructure if it should be determined that the improvements to such infrastructure is required to support the development. This condition could be incorporated as a legal convenience into a Section 37 Agreement.

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 0.43 to 0.79 hectares of local parkland per 1,000 people. The site is in the second 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 proposes a zoning by-law amendment to permit for the replacement of the Chelsea Hotel with 3-towers ranging from 49 to 88-storeys which consists of a mix of residential, hotel, commercial and retail uses. The 1 mid-rise structure will be a mixed use retail and office commercial building. The total non-residential gross floor area will be 28,832m².

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 25,293 m² or 318% 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 800m².

At the present time, the applicant is showing an on-site dedication of approximately 735m² fronting onto Elm Street. The applicant is required to expand the parkland on-site to fulfill the full 800m² requirement on the south portion of the block based on the current proposed density. The ramp located adjacent to the proposed park on Elm Street is not ideal, as users would be required to cross the proposed vehicular access point in order to access the public park. In this regard, Parks, Forestry and Recreation is recommending the vehicular access point off Elm Street be removed. Parks staff would like a full public parkland frontage along Elm Street. Further discussion is required pertaining to the specific configuration of the on-site parkland dedication.

Urban Forestry

A Tree Inventory and Preservation Plan Report was submitted by the applicant. The report indicates there is one tree, tree no. 9, owned by the City which is protected under the provisions of the City's Street Tree By-law. There are an additional five City owned street trees that were not inventoried in the Tree Inventory and Preservation Plan. The development proposes the removal of the five existing trees situated within the Walton Street City road allowance and the retention of tree no. 9 which is situated within the Elm Street City road allowance.

Urban Forestry has commented that issues concerning the protection and retention of street trees can be addressed as part of any subsequent Site Plan application and that they need a detailed landscape plan to indicate the planting of large growing shade tree species within the Gerrard Street West and Walton Street City road allowances. They also require the submission of a composite utility plan and landscape details including cross sections as part of a subsequent Site Plan application.

Section 37

Given the increase in height and density represented by the current proposal, the Official Plan provides for the provision of Section 37 contributions. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development.

A Community Services and Facilities Study was submitted by the applicant as part of a Planning Rationale study. The study identifies a number of community services and facilities that serve the area but lacks an analysis of development activity and population projections and lacks a detailed analysis of those services in order to identify existing servicing gaps (if any). City staff reviewed the study and commented that CS&F priorities would be securing an on-site child care facility (with a minimum 633.6 m² interior space and 345.6 m² adjoining outdoor space) and securing between 1395 to 1859 m² of flexible multi-purpose community space. Additionally, the Public Library has indicated a need for capital funds for the City Hall and St. James Town branches.

Discussions with the applicant concerning Section 37 benefits have not occurred as there is no agreement on appropriate development for the site. However, as this application has been appealed to the OMB, it is prudent to address Section 37 contributions in the event the OMB approves the proposed development.

This report therefore recommends that if the Ontario Municipal Board approves this or a modified form of this application, that in accordance with Policy 2.3.1.6 and 5.1.1 of the Official Plan up to \$9.5 million (less consideration for proposed day care) should be required to be provided by the Owner under Section 37 of the *Planning Act* for the following community benefits within the vicinity of the site with the final allocation determined by the Chief Planner and Executive Director, City Planning in consultation with the Ward Councillor's office:

- on-site child care facility (proposed as part of the development)
- capital funds to securing community space
- capital funds for public library
- affordable housing

The amount and recommended community benefits are comparable to those secured for similar developments in the area. The \$9.5 million (less consideration for proposed day care) should be indexed upwardly in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported quarterly by Statistics Canada in Construction Price Statistics Publication No. 62-007-XPB, or its successor, calculated from the date of execution of the Section 37 Agreement to the date of payment of such funds by the Owner to the City.

The following matters are also recommended to be secured as a legal convenience in the Section 37 Agreement to support development should the OMB approve this or a modified form of development:

1. Owner be required to pay for and construct any improvements to the municipal infrastructure in connection with an accepted Functional Servicing Report should it be determined that the improvements to such infrastructure is required to support the development to the satisfaction of the Executive Director of Engineering and Construction Services.
2. Owner be required to comply with TTC Transit Operations Interferences Warning clause, a geotechnical investigation and TTC Technical Review conditions.
3. Sick Children's Hospital, or its representative, to provide confirmation that there is no intrusion into the helicopter flight path.

Conclusion

The proposed development in its current form is not appropriate as the proposed development does not conform relevant Official Plan policies, implementing guidelines and City standards. More specifically, this application should be refused because of:

- Built form issues concerning excessive large tower floorplates, inadequate tower setbacks and excessive heights;
- On-site Parkland dedication is not sufficient size, is negatively impacted by Elm Street ramp and shadowing of parks;
- Pedestrian and public realm issues concerning the inadequate Gerrard Street sidewalk zone and the nature of the PATH connection;
- Housing issues concerning inadequate outdoor amenity space and three-bedroom provision; and
- Transportation/parking issues concerning inadequate depth of underground parking garage, reduced resident parking supply and no taxi stand;

Therefore, for the reasons outlined in this report, it is recommended that staff be directed to attend the Ontario Municipal Board hearing of the appeal to oppose the applicant's development proposal and their application for a Zoning By-law Amendment for the property at 33 Gerrard Street West and 22 Elm Street. It is also recommended that staff be authorized to continue discussions with the applicant in order to come to an agreement on appropriate built form and to obtain an appropriate Section 37 agreement.

CONTACT

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SIGNATURE

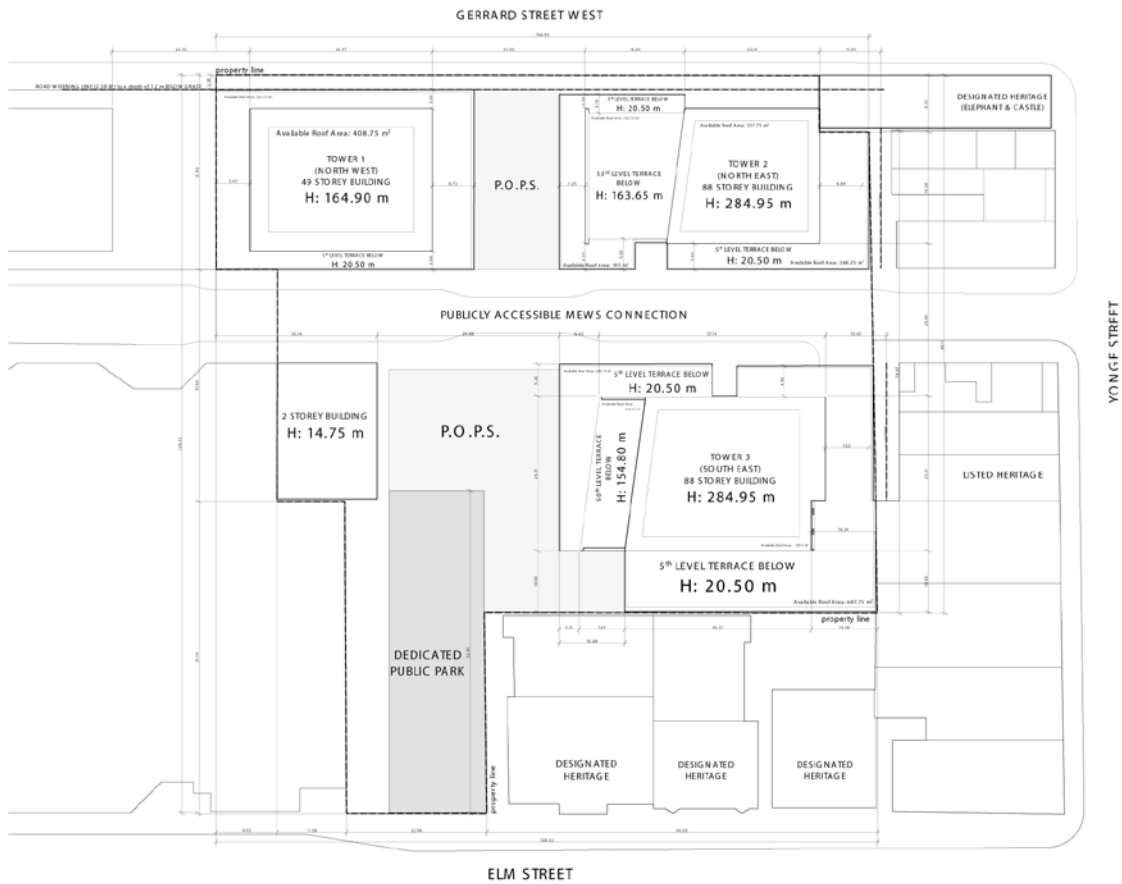
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Zoning
Attachment 4: Application Data Sheet
Attachment 5: Shadow of College Park

Attachment 1: Site Plan



Site Plan

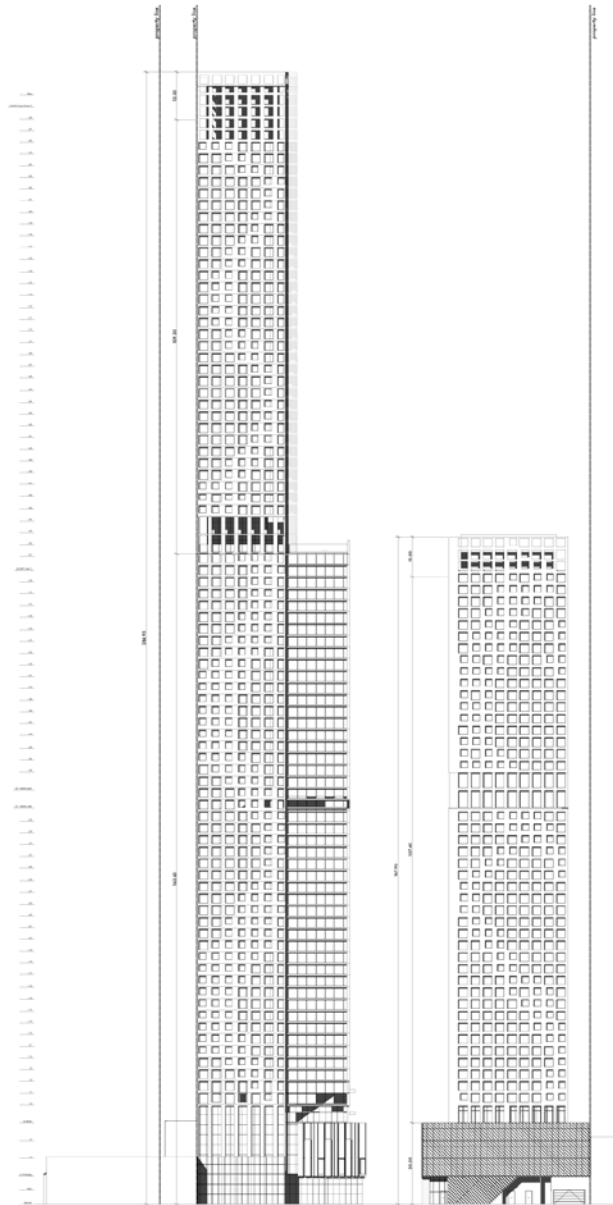
Applicant's Submitted Drawing

Not to Scale 
07/14/2017

33 Gerrard Street

File # 15 230523 STE 27 OZ

Attachment 2: Elevations



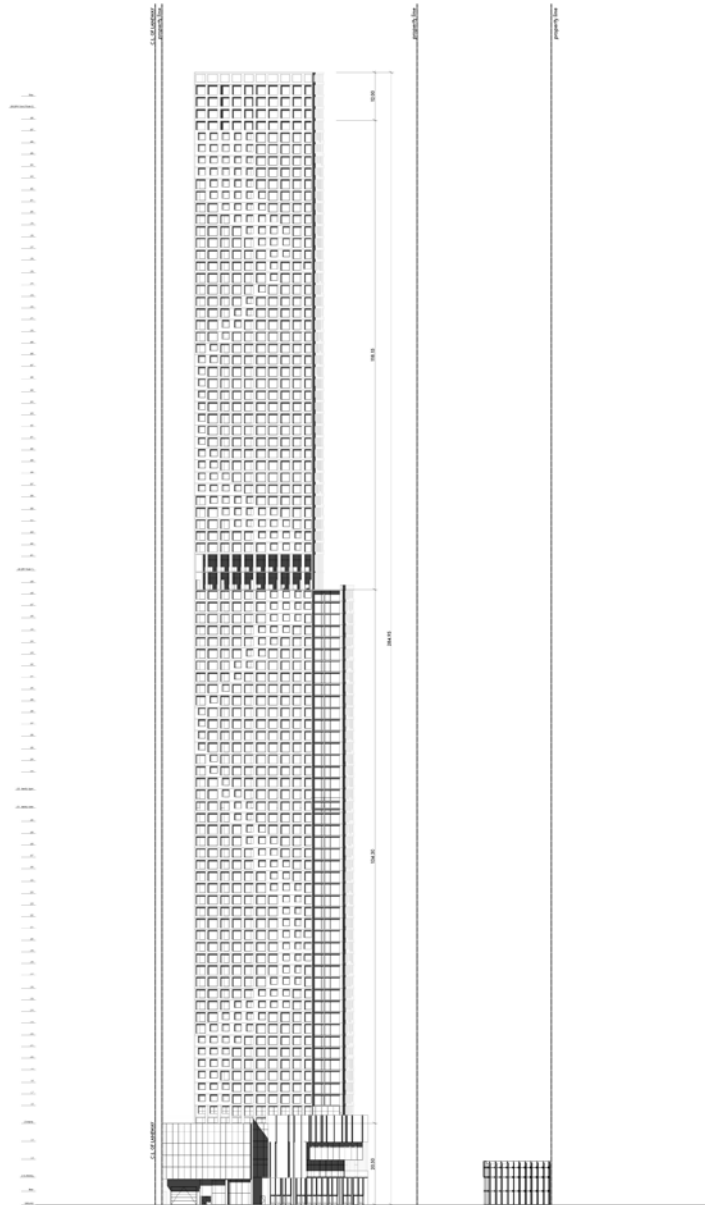
North Elevation - Gerrard Street West

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale 
07/14/2017

File # 15 230523 STE 27 OZ



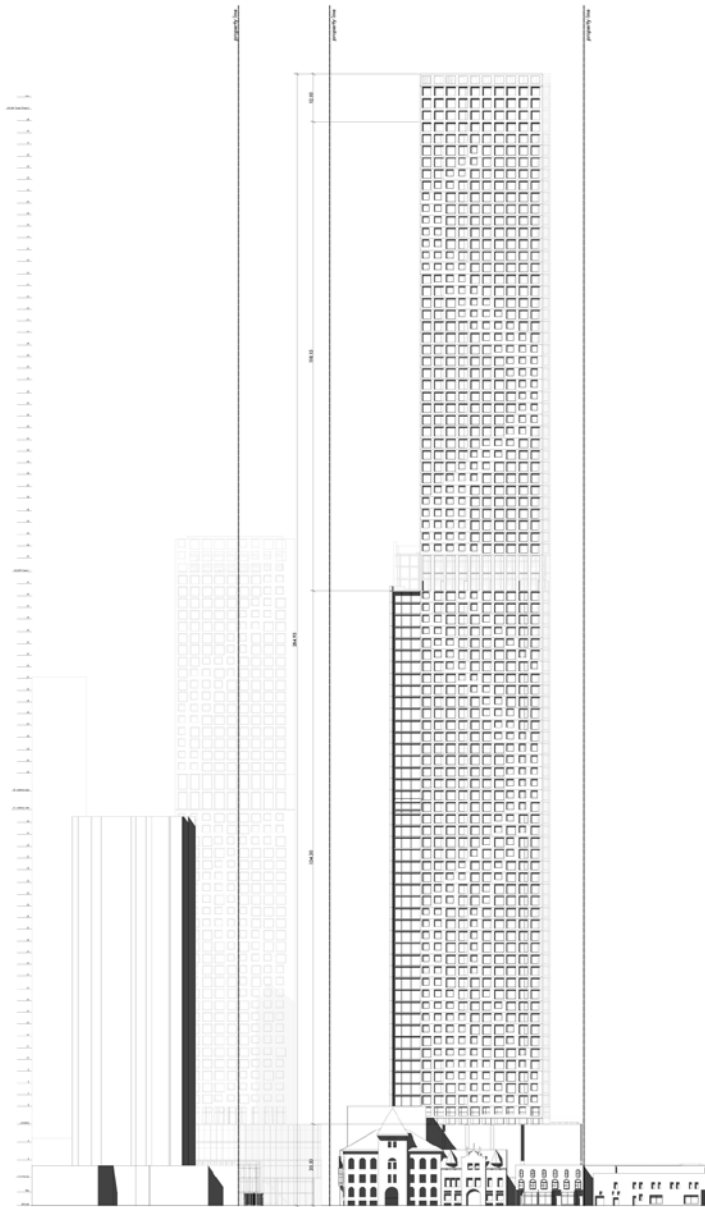
North Elevation - Walton Street

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale
07/14/2017 

File # 15 230523 STE 27 OZ



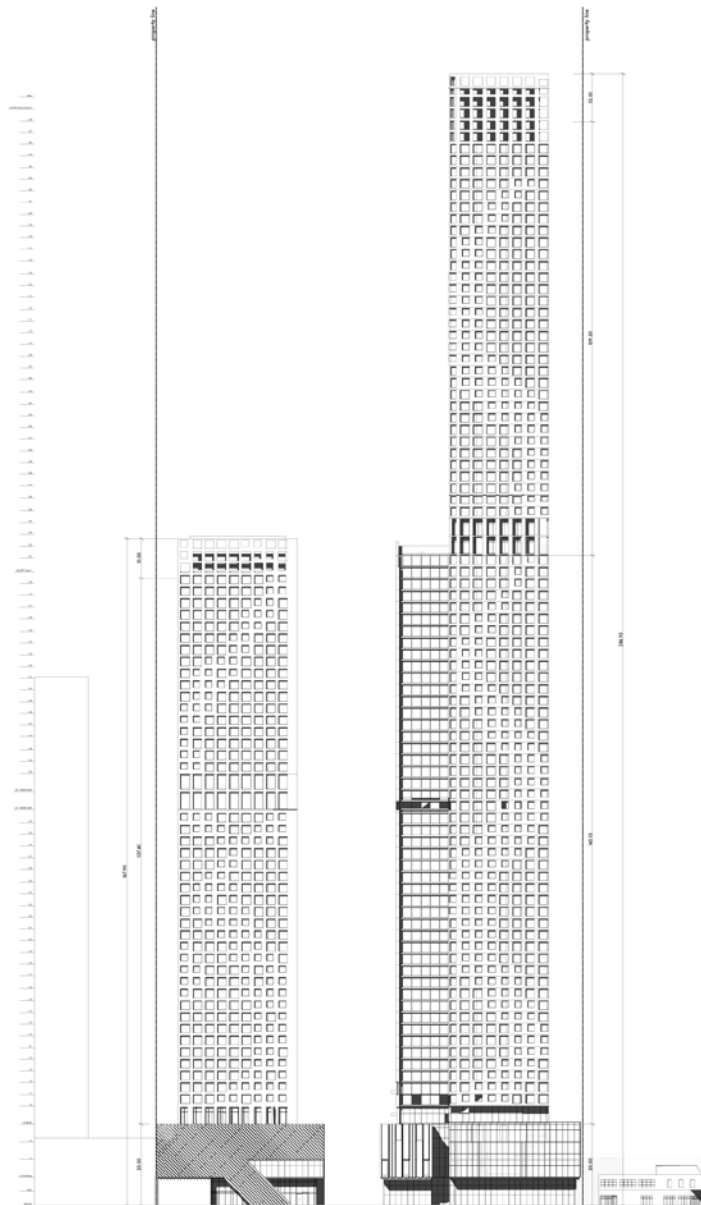
South Elevation - Elm Street

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale 
07/14/2017

File # 15 230523 STE 27 0Z



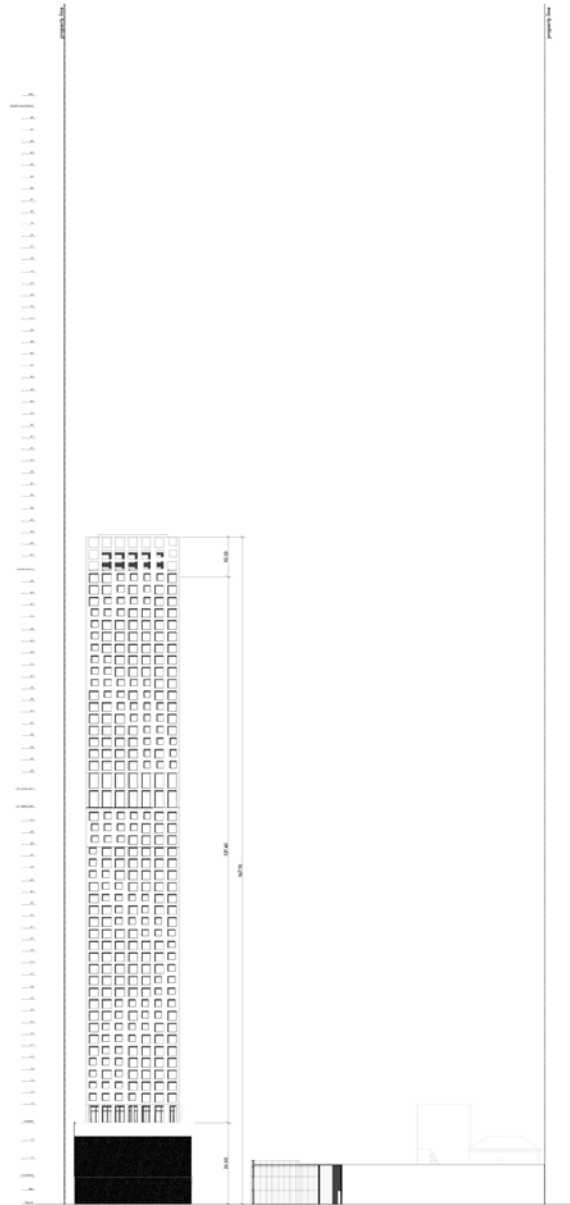
South Elevation - Walton Street

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale 
07/14/2017


File # 15 230523 STE 27 0Z



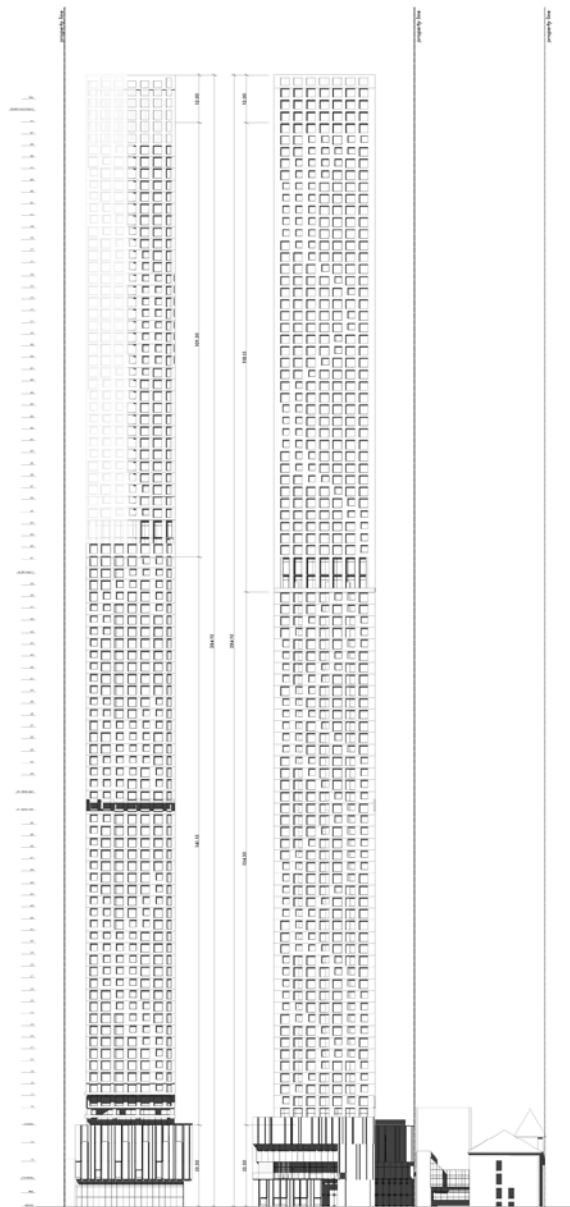
West Elevation - Tower 1

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale
07/14/2017 

File # 15 230523 STE 27 OZ



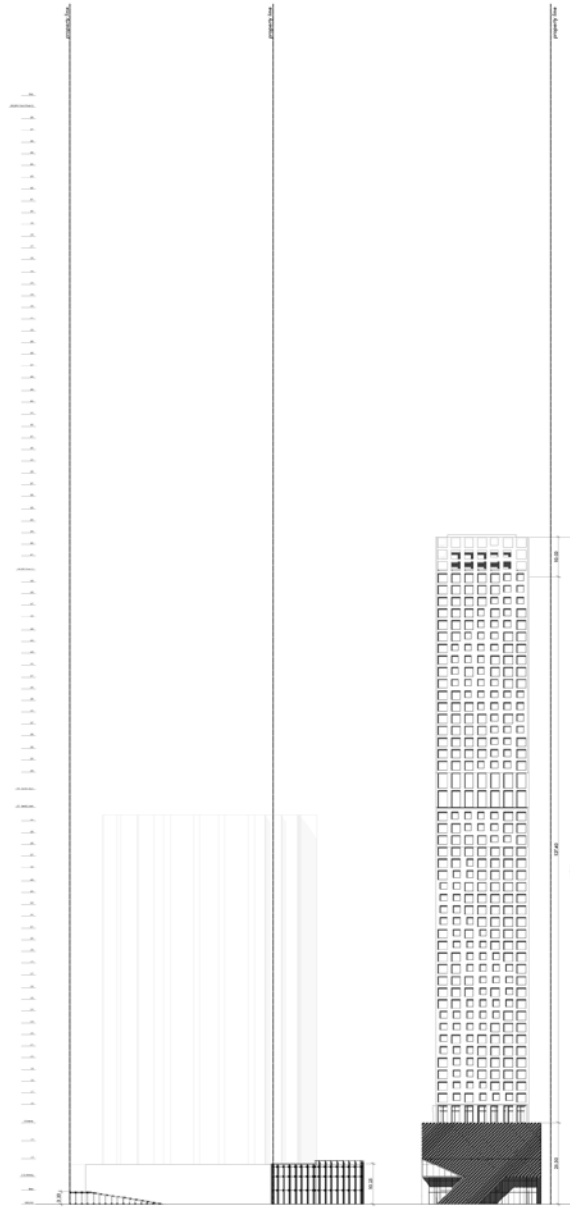
West Elevation - Tower 2 and 3

33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale 
07/14/2017

File # 15 230523 STE 27 0Z



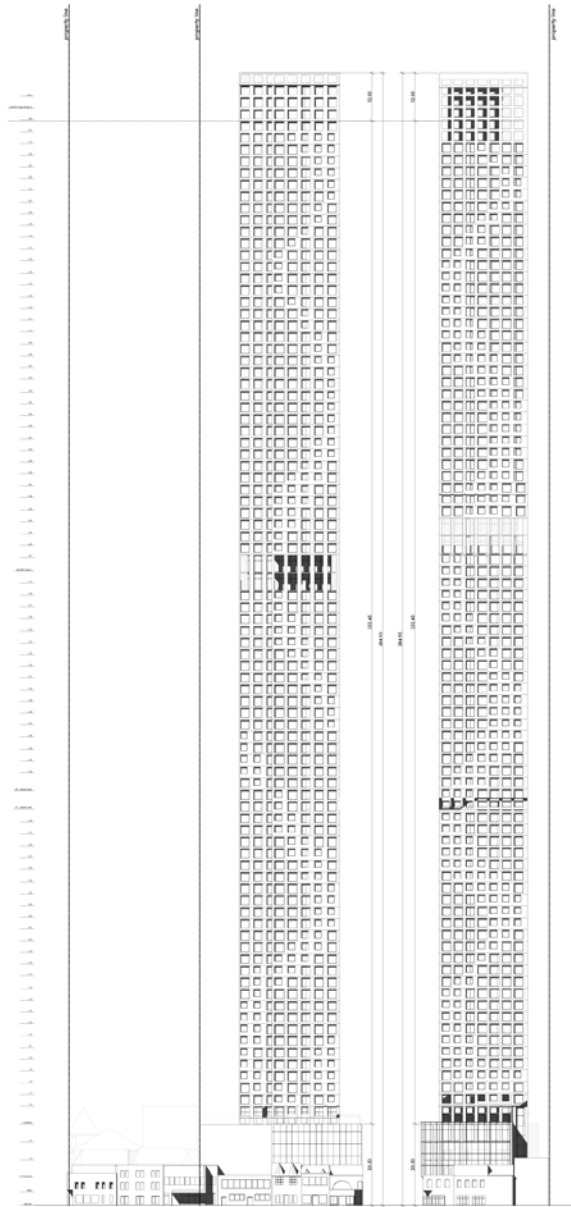
East Elevation - Tower 1

33 Gerrard Street

Applicant's Submitted Drawing

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07/14/2017

File # 15 230523 STE 27 OZ



East Elevation - Yonge Street

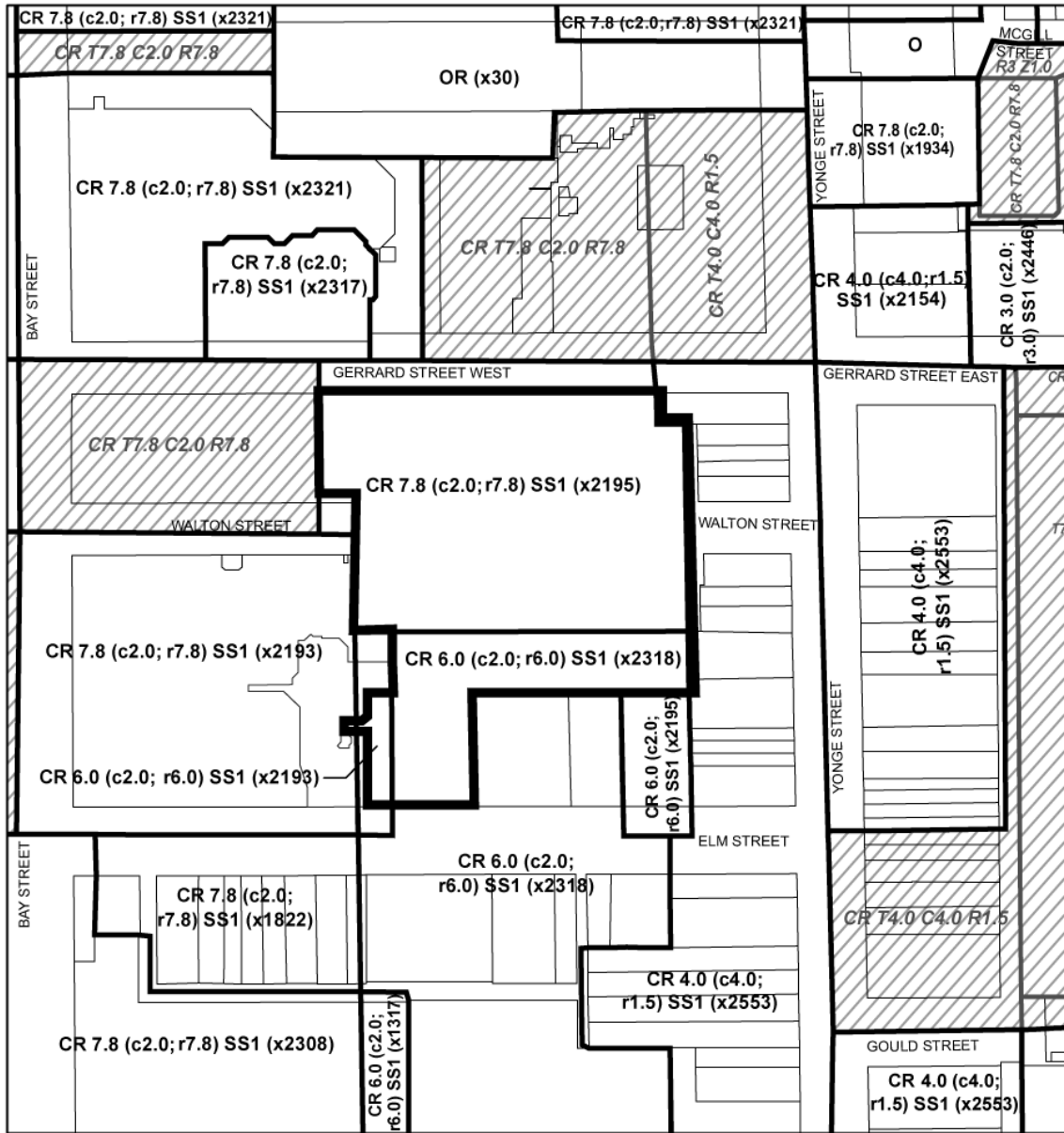
33 Gerrard Street

Applicant's Submitted Drawing

Not to Scale 
07/14/2017

File # 15 230523 STE 27 OZ

Attachment 3: Zoning



Zoning By-Law No. 569-2013

33 Gerrard Street West & 22 Elm Street

File # 15 230523 STE 27 02

Location of Application

R Residential
CR Commercial Residential **O** Open Space
OR Open Space Recreation

See Former City of Toronto By-Law No. 438-86

R3 Residential District
CR Mixed-Use District
Q Mixed-Use District



Not to Scale
 Extracted: 10/13/2015

Attachment 4: Application Data Sheet

Application Type Rezoning Application Number: 15 230523 STE 27 OZ
 Details Rezoning, Standard Application Date: September 30, 2015
 Municipal Address: 33 GERRARD ST W
 Location Description: CON 1 FB PT PARK LOT 9 PLANS D4 236E & WALTON ST CL RP
 63R-3114 PART 3 4 **GRID S2711
 Project Description: The application proposes to construct 3-towers (88, 88, & 49 storeys) and
 one 2-storey building. The total gross floor area would be 155,953 m2.

Applicant:	Agent:	Architect:	Owner:
Goodmans LLP Mark Noskiewicz			Great Eagle Hotels (Canada) Limited

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR 7.8 (c2.0; r7.8) SS1 (x2195)	Historical Status:
Height Limit (m):	61	Site Plan Control Area:

PROJECT INFORMATION

Site Area (sq. m):	9385	Height:	Storeys:	88
Frontage (m):	98.82		Metres:	285
Depth (m):	120			
Total Ground Floor Area (sq. m):	4624			Total
Total Residential GFA (sq. m):	127122		Parking Spaces:	595
Total Non-Residential GFA (sq. m):	28832		Loading Docks	5
Total GFA (sq. m):	155953			
Lot Coverage Ratio (%):	49			
Floor Space Index:	16.62			

DWELLING UNITS

Tenure Type:	Condo		Above	Below
			Grade	Grade
Rooms:	0	Residential GFA (sq. m):	127122	0
Bachelor:	290	Retail GFA (sq. m):	7529	0
1 Bedroom:	1314	Office GFA (sq. m):	3139	0
2 Bedroom:	417	Industrial GFA (sq. m):	0	0
3 + Bedroom:	117	Institutional/Other GFA (sq. m):	18164	0
Total Units:	2138			

FLOOR AREA BREAKDOWN (upon project completion)

CONTACT: PLANNER NAME: Derek Waltho, Planner
TELEPHONE: 416-392-0412

Attachment 5: Shadow of College Park



10:18



11:18



12:18



13:18

Shadow Study

Applicant's Submitted Drawing

Not to Scale 
07/14/2017

33 Gerrard Street

File # 15 230523 STE 27 OZ