

**129-131 McCaul Street, 292-294 Dundas Street West and
170 St. Patrick Street - Zoning Amendment Application –
Request for Direction Report**

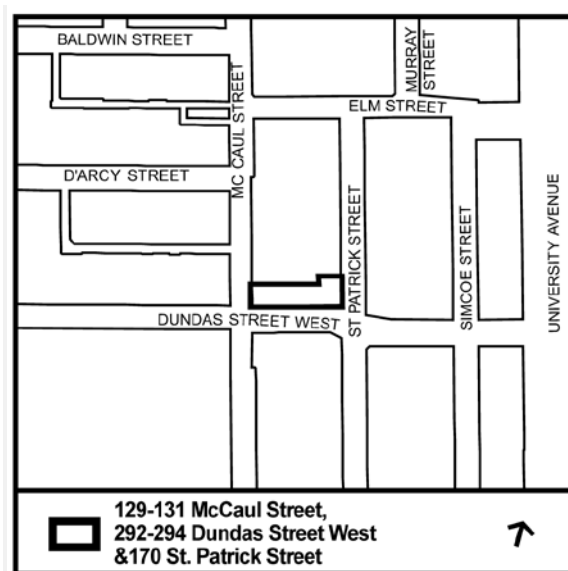
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| Date: | April 16, 2018 |
| To: | Toronto and East York Community Council |
| From: | Acting Director, Community Planning, Toronto and East York District |
| Wards: | Ward 20 – Trinity-Spadina |
| Reference Number: | 17 225847 STE 20 OZ |

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 and comprehensive Zoning By-law 569-2013 to permit the development of a 38-storey mixed-use building with 382 dwelling units, place of worship related community and office uses, a child care facility and retail space at grade. The proposal includes a public park on the northeast corner of Dundas Street West and McCaul Street. A total of 90 parking spaces and 383 bicycle parking spaces are also proposed.

On December 29, 2017, the applicant appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal ("LPAT") citing the Council's failure to make a decision within the time required by the *Planning Act*. A pre-hearing conference has been scheduled for July 12, 2018.

This report reviews and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the Ontario Municipal Board.



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The proposed development is not supportable in its context, for reasons including that it does not have regard to relevant matters of provincial interest set out in the *Planning Act*, is not consistent with the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe, does not conform with the Official Plan, does not meet the intent of certain Council-adopted guidelines and policy direction for the area, constitutes overdevelopment and is not good planning or in the public interest.

City Planning staff will continue to work with the applicant to address the issues identified in this report to achieve an acceptable form of development on the site. To this end the applicant has also expressed a willingness to explore revisions to the proposal in response to feedback from the City and the local community.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and City staff, as appropriate, to attend the Local Planning Appeal Tribunal, and to oppose the Zoning By-law Amendment application for 193-195 McCaul Street in its present form for reasons set out in the report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in this report, including appropriate heritage conservation, heights, massing, setbacks and amenity space for this site and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*.
3. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request that the Ontario Municipal Board withhold the issuance of any Order on the Zoning By-law Amendment for the subject lands until such time as:
 - a) the final form of the Zoning By-law amendments are to the satisfaction of the Acting Director, Community Planning, Toronto East York District and the City Solicitor;
 - b) the owner addresses the outstanding items outlined in the memorandum from Engineering and Construction Services dated October 20, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

- c) community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director Community Planning, Toronto and East York District and the City Solicitor.
 - d) the owner provides a cash payment into the Municipal Parking Fund in lieu of any parking space shortfall from the Zoning By-law requirement to the satisfaction of the General Manager, Transportation 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 pre-application consultation meeting was held with the applicant on July 24, 2017, to provide preliminary feedback and discuss complete application submission requirements. Significant concerns were raised with regard to the height and density of the proposal at the pre-consultation meeting. The drawings presented at the meeting are similar to those formally submitted as part of the Zoning By-law Amendment application on August 31, 2017.

ISSUE BACKGROUND

Proposal

The application proposes the development of a 38-storey mixed use building with 382 residential units on the fourth through thirty eighth floors, 200 square metres of retail use at-grade, 930 square metres of place of worship related community and office uses at-grade and second floor level, and a 605 square metre child care facility at second and third floor level (with a grade level entrance lobby). The overall height of the building would be 127 metres, inclusive of mechanical penthouse, and the proposed floor space index is 15.5 times the lot area. The proposal would require the demolition of buildings at 129 and 131 McCaul Street and the buildings at 292 - 298 Dundas Street West.

The proposal includes a two-storey podium with a tower located on the eastern portion of the site incorporating an offset floor plate design, with stacked 'shifting' blocks.

The proposed ground floor would be set on the eastern lot line with St. Patrick Street and set back 16 metres from the west (McCaul Street) lot line. To the south, the ground floor would be set back a minimum of 3.6 metres from the lot line with Dundas Street West at the eastern extreme, creating a 6.6 metre wide sidewalk widening to 9.5 metres at the western end where the ground floor tapers into the proposed parkette. To the north, the proposal includes a shared walkway with St. Patrick's Church, which would also have direct access into the proposed building. The ground floor would generally have a 1.2 metre set back from the north lot line, with part of the building set on this lot line.

The proposal's tower element comprises level 3 through 38, with offset floor plates between 577 and 724 square metres. This creates various setbacks of:

- between 0 and 4.6 metres to the east;
- between 27 and 30.7 metres to the west;
- between 0.8 to 3.5 metres to the north; and
- 2 metres to the south.

The proposed residential component of the building includes 382 residential units. The breakdown of the units is: 218 1-bedroom units (57.1%), 97 2-bedroom units (25.4%) and 67 3-bedroom units (17.5%).

A total of 835 square metres of amenity space is proposed, including 315 square metres of outdoor amenity space (0.82 square metres per unit) and 520 square metres of indoor amenity space (1.36 square metres per unit). The amenity space would be located on the third and fourth floors.

The proposed vehicular access is off St. Patrick Street on the eastern side of the site. The driveway would provide access for service vehicles and for passenger vehicles accessing the underground parking by way of two car elevators. A single Type G loading space is proposed at grade on the north side of the site. A total of 90 parking spaces would be provided in three below-grade parking levels, with 383 bicycle parking spaces (39-short term and 344-long term) also provided.

An on-site public park sitting on top of the below grade garage is proposed on the west side of the site anchoring the northeast corner of Dundas Street West and McCaul Street, and would measure approximately 322 square metres.

The proposed daycare would comprise a ground floor lobby accessed from Dundas Street West with an elevator leading to the second and third floor level child care facility at the eastern end of the proposed building. Outdoor playspace would be provided in the form of roof terrace areas at the second and third floor levels.

Attachments 1-6 provide the application's site plan, elevations and statistics.

Site and Surrounding Area

The site is almost rectangular in footprint, with a projection to the north along the St. Patrick Street frontage. The site is located on the north side of Dundas Street West and has three frontages, which measure approximately 75 metres onto Dundas Street West, 25 metres onto St. Patrick Street and 19 metres onto McCaul Street. The property has an area of approximately 1,638 square metres (0.16 hectares).

The site is currently occupied by four buildings between 1 and 3-storeys in height on the western portion of the site and surface parking, playspace and trees on the eastern portion of the site.

The buildings on the western side of the site are comprised of: a 2-storey mixed use building fronting Dundas Street West incorporating a hair salon at grade and one residential unit above; a 1-storey restaurant building that fronts Dundas Street West; a 3-storey commercial building on the corner of Dundas Street West and McCaul Street that incorporates a restaurant at grade and office uses above; and a 3-storey brick building at 131 McCaul Street that extends across the rear of the other buildings on site before turning south to address Dundas Street West, which is currently in use as Catholic Settlement House and Nursery, and St. Patrick's Church Parish Office.

The eastern portion of the site comprises surface parking shared with and accessed from St. Patrick's Church to the north, a private outdoor play area associated with the existing day nursery and a number of large trees.

North: Immediately to the north of the site is St. Patrick's Catholic Church, a listed heritage property that encompasses almost the entire width of the block, with the main entrance on McCaul Street, a shared vehicular access and surface parking area to the east. A narrow driveway/walkway separates the church building from the site. To the north of the church on the western side of the block is the 4-storey Redemptorists Monastery, which is designated under Part IV of the *Ontario Heritage Act*. Beyond this is a pair of 2 ½ -storey semi-detached brick houses.

On the eastern side of the block to the north of the site is the listed Our Lady of Carmel Church fronting onto St. Patrick Street and associated surface parking area. Beyond this is the Toronto Chinese Catholic Centre, a 4-storey institutional building. The northern end of the block is completed by the Michener Institute, a 15-storey institutional building that steps down to 6-storeys in height along McCaul Street, with a parkette on the southeast corner of Elm Street and McCaul Street.

Farther to the north the block terminates at Elm Street, beyond which is a 14-storey residential building, which then steps down to the 2-storey former Silverstein Bakery, a number of parking garage buildings and health care buildings varying in height between 2 and 8-storeys. The former Silverstein Bakery site, 193-195 McCaul Street, is subject to an application (ref: 17 211689 STE 20 OZ) for a zoning amendment to permit a 19-storey mixed use building.

West: To the west of the site, the buildings fronting Dundas Street West are largely 2 and 3-storey Victorian residential townhouses in a variety of commercial and residential uses. The majority of these buildings between McCaul Street and Beverly Street are designated under Part IV of the *Ontario Heritage Act* or listed on the City's Heritage Register. North of this the properties on D'Arcy Street are predominantly 2 and 3-storey residential and mixed-use buildings with a 5-storey long-term residential care centre centrally located on D'Arcy Street. To the north and northwest of these properties the area is designated *Neighbourhoods* in the Official Plan and is characterized by 2 and 3-storey house-form residential buildings.

South: Opposite the site to the south is the 2 ½-storey height Rosalie Sharp Pavilion, which forms part of the Ontario College of Art and Design (OCAD) and is currently undergoing extensive internal and external renovations and remodelling, including the installation of decorative fascia screens to the elevations facing Dundas Street West and McCaul Street. Adjoining the eastern side of this building is a row of two storey commercial buildings.

At the southwest corner of Dundas Street West and St. Patrick Street is 'Village by the Grange', a mixed use building with a 4-storey base building with a number of residential towers to the south rising to a maximum of 16-storeys.

Immediately southwest of the site on the opposite side of Dundas Street West is the Art Gallery of Ontario (AGO), which is designated under Part IV of the *Ontario Heritage Act* and presents a prominent architectural screen detailing fronting Dundas Street West. South of the AGO building is both the recently refurbished Grange Park and the OCAD Creative City Campus. The OCAD site is designated under Part IV of the *Ontario Heritage Act* and includes a number of historic buildings and the contemporary raised table top Sharpe Centre for Design.

To the southeast of the site there is a 3-storey Toronto Police Service building (52 Division) that encompasses the width of the block. To the south of the Toronto Police Service building the lands at 234 Simcoe Street and 121 St. Patrick Street are currently subject to an application (ref: 15 218429 STE 20 OZ) to amend the zoning by-law to permit a mixed use development comprising three buildings, a 39-storey tower and 35-storey tower on the eastern side of the site and a 17-storey building on the western side of the site.

East: Immediately opposite the site on the eastern side of St. Patrick Street is 250 Dundas Street West, a 2-storey building which then rises to 8-storey height on the eastern half of the block and provides commercial ground floor units and office space above. The block to the east is bound by St. Patrick Street, Dundas Street West, Elm Street and Simcoe Street and is comprised of largely 8 to 15-storey residential buildings.

Farther to the east, there are a number of tall buildings that front onto University Avenue. These buildings are significantly taller than the buildings to the west, with the building on the northwest corner of University Avenue and Dundas Street West currently being extended to a height of 55 storeys.

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest, which City Council shall have regard to in carrying out its responsibilities. The matters include: the orderly development of safe and healthy communities; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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;
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character, including built heritage resources and cultural heritage landscapes; and
- Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

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 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;

- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas; and
- Conserving Cultural Heritage in order to foster a sense of place and to benefit communities, particularly in strategic growth areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS 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

The site is located in the *Downtown* as identified in the Official Plan's Urban Structure (Map 2). The site is designated *Mixed Use Areas* in the Official Plan, and is part of Site and Area Specific Policy 202, which relates to commercial parking garages.

Chapter Two – Shaping the City

Policies for the *Downtown* are contained in Section 2.2.1, and identify that the *Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the urbanization strategy and the goals for *Downtown* is attracted to the area. Sites located within the *Downtown* offer opportunities for substantial employment and residential growth. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives.

Among other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling. This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity.

Section 2.3.1 Healthy Neighbourhoods of the Official Plan includes Policy 2.3.1.2 identifying that intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. The Plan also states that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other matters, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, and maintain adequate light and privacy for residents in those *Neighbourhoods*. The site is located in close proximity to *Neighbourhoods* designated land across McCaul Street to the west.

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Chapter Three – Building a Successful City

The Public Realm policies of the Official Plan are contained in Section 3.1.1. These policies recognize that City streets are significant public open spaces that connect people and places and support the development of sustainable, economically vibrant and complete communities. These policies address how City streets will incorporate a Complete Streets approach. Sidewalk and boulevard design to achieve safe, attractive and interesting and comfortable spaces for pedestrians by providing well designed and co-ordinated tree planting and landscaping, among other things, and by locating and designing utilities within streets, within buildings or underground in a manner that will minimize negative impacts on the natural, pedestrian and visual environment, and enable the planning and growth of trees to maturity.

The Built Form policies of the Official Plan are contained in Section 3.1.2. These policies relate to the form of the new development, and recognize that for the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies stipulate that new development will:

- Be located and organized to fit with its existing and/or planned context;
- Development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- Limit resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;
- Locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and
- Be massed and its exterior face be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

Section 3.2.3, Parks and Open Spaces, of the Official Plan seeks to maintain, enhance and expand the system of parks and open spaces across the city. Policy 3.2.3.1 specifically seeks to introduce high quality new parks and amenities, particularly in growth areas, and promotes the use of private open space. Policy 3.2.3.8 addresses land that is to be conveyed to the City, detailing that this should be free from encumbrances unless approved by Council, be sufficiently visible and accessible from adjacent public streets to promote the safe use, be of a suitable shape, topography and size that reflects its intended use.

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Heritage Conservation

On May 12, 2015, the Ontario Municipal Board approved Official Plan Amendment 199 to the City's Official Plan Heritage policies. These policies provide direction on the conservation of heritage properties included on the City's Heritage Register, and provide policy direction on development adjacent to heritage properties. The heritage policies contained in Section 3.1.5 of the Official Plan provide the policy framework for heritage conservation. In particular, Policy 3.1.5.2 states that potential heritage properties will be identified and evaluated, Policy 5.1.5.3 states that properties of heritage value or interest will be protected, Policy 3.1.5.4 states that heritage resources on the City's Heritage Register will be conserved and further, Policy 3.1.5.6 encourages the adaptive re-use of heritage properties. Additionally, Policy 3.1.5.26 states that, when new construction on, or adjacent to, a property on the Heritage Register does occur, it will be designed to conserve the cultural heritage values, attributes and character of that property and will mitigate visual and physical impact on it. Further, Policy 3.1.5.27 discourages the retention of facades alone and encourages conservation of whole or substantial portions of buildings.

Chapter Four – Land Use Designations

The site is designated *Mixed Use Areas* in the Official Plan. This land use designation permits a broad range of commercial, residential and institutional uses, and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in *Mixed Use Areas* include, but are not limited to:

- Creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Providing for new jobs and homes for Toronto's growing population on underutilized lands;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- Locating and massing new buildings to frame the edges of streets and parks;
- Providing an attractive, comfortable and safe pedestrian environment;
- Providing good site access and circulation, and an adequate supply of parking for residents and visitors;
- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;

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- Providing indoor and outdoor recreation space for building residents in every significant multi-residential development; and
- Locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes.

Chapter Five - Implementation

Chapter Five provides guidance to understand and interpret the Official Plan. In particular, Section 5.6, Policy 1 indicates that the Official Plan should be read as a whole in order to understand its comprehensive and integrative intent as a policy framework. Additionally, Section 1.5, How to Read this Plan, in Chapter One indicates that the Official Plan is a comprehensive and cohesive whole. The proposed application was evaluated against the policies described above as well as the policies of the Official Plan as a whole.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for tall buildings to ensure they fit within their context and minimize their local impacts.

The proposal 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 in 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 Downtown tall building proposals.

Policy 1 in the Official Plan's Section 5.3.2, Implementation Plans and Strategies for City-Building, states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design Guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The eastern side of the site fronts onto St. Patrick Street, which is identified on Map 1 of the Guidelines as a Secondary High Street. The Guidelines note that specific height limits have not been established for Secondary High Streets, rather height ranges will generally be one-third lower than the High Streets they run parallel too. In this case, St. Patrick Street runs parallel to University Avenue, which is identified as a High Street, with a height range of 77 metres to 137 metres (25 to 45-storeys), on Map 2 of the Guidelines. Beyond the eastern edge of the site, where Dundas Street West extends east of St. Patrick Street towards University Avenue, the Guideline's Map 2 envisions building heights of 62 metres to 75 metres (20 to 35 storeys).

The Guidelines identify three mitigating factors that take precedence over heights assigned to High Streets and Secondary High Streets. The presence of any of these factors overrides the ability to locate a tall building on a particular site if it is deemed to negatively impact:

- Heritage properties located on or adjacent to the development site;
- Sunlight on parks and open space; and
- Views of prominent and heritage properties, structures and landscapes.

In interpreting these heights, Section 1.5 of the Guidelines sets out that it should not be assumed that every site located along a High Street or Secondary High Street will be able to accommodate the upper height limit within the stated ranges, particularly as height and performance standards are intended to work together in determining whether a tall building development application will successfully meet the overall intention of the Guidelines and perform to the highest architectural and built form design standards.

Map 4 of the Guidelines also identifies the Dundas Street West frontage of the site as a Priority Retail Street, which requires 60 percent of the building frontage along Dundas Street West to contain active retail uses.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Set back Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height. While OPA 352 and the By-laws are under appeal, these amendments represent Council's position with respect to proposals seeking to introduce a tall building into the urban context.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. The Growing-Up Draft Urban Design Guidelines will be considered in the review of this proposal.

Section 1.3 of the Guidelines detail that child care is to be located on the first floor of a building and if this is not feasible, the second floor may be considered. New facilities should accommodate 62 children with 1 room of 10 infants, 2 rooms of 10 toddlers and 2 rooms of 15 preschoolers.

Section 3.1 of the Guidelines details that units larger than one bedroom should be thoughtfully designed to accommodate children. To ensure a suitable unit size to accommodate families the Guidelines details ranges for unit sizes of 87 – 90 square metres for two bedroom units and 100 – 106 square metres for three bedroom units.

The Council Decision and draft guidelines are available on the City's website at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3>

TOcore

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

Building on Downtown's existing planning framework and drawing on best practices within the City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth.

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It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed City Planning staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, 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.

The recommended Downtown Plan and supporting materials can be found at www.toronto.ca/tocore. The Plan will be considered at the May 1, 2018 meeting of Planning and Growth Management Committee.

Map 11 of TOcore proposes to designate the site as *Mixed Use Area 3 - Main Street*. Proposed Policy 6.28 of TOcore details that development will generally be in the form of low-rise and mid-rise buildings within *Mixed Use Areas 3*. The site is also located within the *Health Sciences District*, where proposed Policy 6.16.2 details that any increase in density, above existing as-of-right permissions within the Zoning By-law, will only contain non-residential gross floor area that supports the growth of the *Health Sciences District*.

Section 10 of TOcore seeks to enhance community services and facilities to support a diverse range of programs and services to support communities, contribute to quality of life and act as neighbour focal points where people gather, socialize and access services. Community Services and Facilities are essential to fostering *complete communities*. Proposed Policy 10.7 details that development will include a child care centre where it can be accommodated on the site.

Zoning

The site is zoned Mixed Commercial Residential (MCR) by Zoning By-Law 438-86, as amended (see Attachment 7). The MCR zone permits a range of residential uses including apartment buildings and select shared housing uses, such as hostel, monastery, nunnery or religious retreat and nursing home.

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The MCR zone also permits non-residential and community uses, including community centre, day nursery, place of worship and retail stores. The By-law permits a 14-metre building height and a combined density of 2.5 times the lot area for residential and non-residential uses on this site, 2.0 times the lot area for non-residential uses and 2.0 times the lot area for residential uses.

The site is also subject to City-wide comprehensive Zoning By-law 569-2013. The By-law was passed by City Council on May 5, 2013, and is subject to numerous appeals and is not yet in force. By-law 569-2013 zones the property as Commercial Residential (CR). The CR zone includes the same performance standards as the MCR zone in By-law 438-86, including the overall height and density limits.

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for Site Plan Control has been submitted and is complete.

Community Consultation

A community consultation meeting was held on March 19, 2018, and was attended by approximately 75 members of the public. Concerns raised at the meeting included:

- The height of the building;
- The lack of setbacks to the street and heritage buildings;
- Shadowing to the *Neighbourhoods* and heritage buildings
- Traffic impacts to the surrounding road network;
- Refuse collection;
- Access to parking garage and too little parking space provision;
- Loss of trees;
- Inadequate re-provision and quality of child care;
- Need for more community space;
- Proposed density;
- Park is not large enough;
- The proposal should include art as part of the 'art corridor' of OCAD University and the AGO;
- Noise, disturbance and impact on traffic of construction;
- Increased pressure on local schools;
- The proposal should include affordable housing; and
- Lack of pre-application consultation with the public.

These comments have been considered by City Planning staff in the review of this application.

Notice of Complete Application

A Notice of Complete Application was issued on September 29, 2017.

Local Planning Appeal Tribunal

The proposal was appealed to the LPAT by the applicant for failure by City Council to issue a decision within the time prescribed by the *Planning Act* (120 days) on December 29, 2017. Given that the application was submitted on August 31, 2017, this was the earliest possible date to appeal. A pre-hearing conference has been scheduled for July 12, 2018.

Application Review

City Planning staff have met with the applicant to discuss the application, provided a formal letter on March 6, 2018, detailing the issues raised in this report and have provided circulated agency comments. A revised submission in response to the application review comments to date is expected. The applicant has expressed willingness to work with the City to achieve an acceptable built form for the site that is sensitive to its context.

Reasons for the Application

The applicant submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 14 metres by approximately 113 metres, resulting in a proposed building height of 127 metres (inclusive of the mechanical penthouse). The proposal also exceeds the maximum density of 2.5 times the lot area, with a proposed density of 15.5 times the lot area. In addition, the proposed building does not comply with other performance standards that apply to the lands.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* requires municipalities to have regard for matters of Provincial interest, including, as noted in Section 2(d), the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest and in 2(r), the promotion of a built form that is well-designed and encourages a sense of place. In its current form, the proposed development does not have regard for relevant matters of Provincial interest in Section 2 (d) and (r) of the *Planning Act* as the proposal has an excessive height that would not respect the surrounding context, it does not represent a good design and its form, scale and massing do not conserve the heritage attributes of the adjacent heritage building immediately to the north of the site (137 and 141 McCaul Street).

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In addition, the proposal demolishes a number of buildings, which are currently being evaluated by Heritage Preservation Services for their heritage value.

The PPS 2014, and in particular Policy 1.1.3.3, encourages intensification and efficient development. However, it recognizes that local context is important and Policy 4.7 of the PPS identifies the Official Plan as being the most important vehicle for implementing the PPS. The City of Toronto Official Plan has responded by establishing areas for intensification and includes policies to encourage intensification, provided that this can occur in the context of other applicable policies.

The City's Official Plan contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including heritage buildings, and protects the character of the area consistent with the direction of the PPS. In this context, although the proposal does represent intensification, it is not consistent with other objectives of the Official Plan and to that extent not consistent with the PPS, in that it does not fit harmoniously into its existing and planned context and it represents overdevelopment of the site.

Policy 2.6.1 of the PPS states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. For the purposes of cultural heritage *significant* is defined as "[...] resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people". Properties included on the City's Heritage Register are considered to have been determined to have cultural heritage value or interest and are considered *significant*. The proposed 38-storey mixed-use tower building would not sufficiently mitigate negative visual impacts on the heritage attributes of St. Patrick's Church building at 137 and 141 McCaul Street, while the massing and lack of setbacks and step backs of the proposed building does not acknowledge the scale, form and massing of the heritage building. As such the application is not consistent with Policy 2.6.1.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") contains policies related to setting minimum intensification targets throughout delineated built-up areas (Policy 2.2.2.4). The proposed development however, does not conform with Policy 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area and does not appropriately transition to adjacent properties. Further, the proposed development does not conform with Policy 5.2.4.5.b) requiring the type and scale of development to be contextually appropriate. Finally, Policy 4.2.7(1) states that cultural heritage resources, including built heritage resources, will be conserved in order to foster a sense of place and benefit communities. The proposed development however does not foster a sense of place as it does not appropriately conserve and relate to the

adjacent heritage building to the north, and as noted earlier, on-site buildings which the proposal seeks to demolish, are being evaluated for their heritage value.

The Downtown Urban Growth Centre is identified in the Growth Plan. The site is within the Downtown Toronto Urban Growth Centre, which is on track to achieve or exceed the Urban Growth Centres (UGC) density target of 400 jobs and people per hectare by 2031. The target is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The increased density that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Given the above-noted reasons, the proposal does not have regard for Section 2 of the *Planning Act*, is not consistent with elements of the PPS and does not adequately conform to the Growth Plan (2017). As noted, the Official Plan is the most important vehicle for implementing Provincial policy and, as will be described below, the proposal does not meet the intent of the Official Plan as it does not adequately site and mass the proposed development, does not provide appropriate setbacks and step backs, and does not provide adequate heritage conservation.

Land Use

Within the *Downtown*, the site is designated *Mixed Use Areas* within the Official Plan. The proposal is therefore generally in an appropriate location for development. The proposed commercial and residential uses are permitted within designated *Mixed Use Areas*, however, the proposed development results in a scale and mass that is not appropriate for the prevailing context.

TOcore

The proposal would increase density at the site above the existing as-of-right zoning permissions and does not currently include any uses that would support the growth of the *health sciences district*. As such, the proposal would not meet the intent of proposed Policy 8.12 of the Proposed Downtown Plan.

The opportunity to include uses that support the growth of the *health sciences district*, such as treatment, education, research and related commercial functions should be considered by the applicant as part of a resubmission.

Heritage Conservation

The site includes properties at 129 McCaul Street and 131 McCaul Street, which are not currently designated or listed on the City of Toronto's Heritage Register. Staff are evaluating these properties for potential designation under Part IV of the *Ontario Heritage Act*, and if it is found that they meet the Provincial criteria a report will be

presented to the Toronto Preservation Board and City Council. Following the completion of the research and evaluation process, it is likely that 129 McCaul Street will be recommended for inclusion on the City's Heritage Register. However, should both properties be found to have heritage value, then any proposed redevelopment and investment would need to appropriately conserve the on-site heritage attributes.

The site abuts St. Patrick's Church at 137 McCaul and 141R McCaul Street, which was listed on the City's Heritage Register at the City Council meeting of January 31, February 1 and 2, 2006.

The cultural heritage value of St. Patrick's Roman Catholic Church lies in its historical, architectural and contextual significance. Noted for its Romanesque Revival design, the church is historically important as one of the earliest Roman Catholic parishes in Toronto, which was founded in 1860. Contextually, the church is part of a collection of religious buildings, with the adjoining Redemptorists Residence (1886) at 141 McCaul Street, which is Designated under Part IV of the *Ontario Heritage Act* and, directly northeast, the former St. Patrick's Church (1870 and now known as Our Lady of Mount Carmel) at 196 St. Patrick Street. The report to City Council recommending St. Patrick's Church's inclusion on the Heritage Register identifies a number of heritage attributes at the property, notably the external detailing, materials and window openings.

The proposed development would have a base building located between 0.8 metres and 5.5 metres from the south elevation of St. Patrick's Church, while the 38-storey tower would have a 1.6 metre setback for its full height to the church's south elevation.

The introduction of a tall building on the site with insufficient setbacks and step backs on the north elevation would diminish the scale and heritage character of the adjacent heritage property. The current proposal would present an incompatible relationship with the low-scale of the St. Patrick Church building.

A Heritage Impact Assessment (HIA) prepared by ERA Architects and dated August 28, 2017, was submitted in support of the application. The HIA does not provide evidence that the properties at 129 and/or 131 McCaul Street contain heritage value and should be included on the City of Toronto's heritage inventory. City Planning staff have reviewed the HIA and architectural plans and conclude the proposed development in its current form would not conserve the cultural heritage value and attributes of the adjacent heritage property to the north, nor those of the on-site buildings should these be determined as containing heritage value. The proposal does not have regard to Section 2 of the *Planning Act*, is not consistent with PPS Policy 2.6.1 and fails to address the City's Official Plan heritage policies.

Height, Massing and Setbacks

The proposed building would measure 127 metres in height, inclusive of the mechanical penthouse, with minimal setbacks and step backs of the proposed tower element to the north, east and south lot lines, and would have offset floor plates with various overhangs and recesses to create 'shifting blocks'.

Height and Massing

The eastern side of the site fronts onto St. Patrick Street, which is identified as a Secondary High Street on Map 1 of the Tall Building Design Guidelines. Specific height limits have not been established for Secondary High Streets, but the Guidelines details that height ranges will generally be one-third lower than the High Streets they run parallel too. In this case St. Patrick Street runs parallel to University Avenue (two city blocks east from the site), which is identified as a High Street. The height range detailed in Map 2 of the Guidelines for the High Street is 77 metres to 137 metres (25 to 45 storeys). Applying this methodology in isolation of context or any other planning consideration provides guideline heights of 51 metres to 91 metres for the eastern portion of site. The proposed building, at 127 metres would be contrary to the Tall Building Design Guidelines, which support and aid the implementation of the Official Plan policies, including Built Form Policy 3.1.2.

The proposed tower element would be set back over 27 metres from the west lot line, with a 2-storey base building and a corner park on the western edge of the site. While the height of the proposed tower would be excessive, the width of the lot and inclusion of a park offer an opportunity to transition from the greater heights to the east down to the low-rise area to the west. This could be achieved with a lower scale tower building in a similar manner to the Michener Institute property to the north of the site. The Michener Institute is located on a through lot between St. Patrick Street to the east and McCaul Street to the west and comprises a 15-storey building on the east side of the site, which steps down to a 6-storey building and parkette on the west side of the lot where it faces low-rise properties.

Immediately to the north of the site are a number of 3 and 4-storey heritage buildings, including St. Patrick's Church and 200 St. Patrick Street, which are both listed, and the Redemptorists Monastery building, which is designated under Part IV of the *Ontario Heritage Act*. Beyond these buildings is the 15-storey Michener Institute building, which steps down to 6-storeys where it fronts McCaul Street, while further to the north the buildings are generally between 2 to 8-storeys with a single building at 14-storeys. The proposed building would be more than double the height of the majority of these existing buildings to the north of the site.

The minimal set back of the tower element from the north of the site, its excessive height and lack of transitional form would not respond to the scale, form and

massing of the heritage properties to the north and particularly to St. Patrick's Church, which is contrary to Official Plan Policy 3.1.5.6.

With the exception of the 2 ½-storey Rosalie Sharp Pavilion building immediately to the south and the 3-storey Toronto Police Service building (Division 52) to the southeast of the site, the existing and emerging context to the east and south of the site is largely mid-rise and lower height tall buildings that step down as their distance from University Avenue increases.

Immediately to the east of the site are a number of 2 to 16-storey buildings, beyond which are taller buildings fronting University Avenue. The Tall Buildings Design Guidelines identifies University Avenue as a High Street, where tall buildings form the existing and planned context. Furthermore, while the building at 488 University Avenue at the northeast corner of the Dundas Street West and University Avenue intersection, is being increased in height to 55 storeys, it is positioned at the corner of Dundas Street West above a subway station (St. Patrick) where the Tall Building Design Guidelines provides potential allowances for additional height above those detailed in the guidelines.

Looking at the wider context, the site is located within an area subject to transitional building heights, largely delineated by north-south streets. There is a progressive stepping down of building heights at each street from the taller buildings on University Avenue down to the low-scale buildings to the east of McCaul Street.

University Avenue is largely comprised of tall buildings, with heights generally between 10 and 55-storeys. As set out above, it is identified as a High Street where tall buildings form the existing and planned context. To the west, the buildings along Simcoe Street and Murray Street are generally between 5 and 25-storeys, with a recent staff recommendation for the approval of 39 and 36-storey towers at 220 and 234 Simcoe Street. These two streets are identified as Secondary High Streets in the Tall Building Design Guidelines, where heights are expected to generally be one third lower than the High Street they run parallel to (University Avenue). The building heights then step down again on St. Patrick Street, with buildings generally between 2 and 16-storeys. Notably the proposed development at the 220 and 234 Simcoe Street includes a step down in height on the site to 17-storeys where it would front St. Patrick Street. This street is also identified as a Secondary High Street.

Moving to the east side of McCaul Street, the buildings are generally 2 to 10-storeys in height and notably McCaul Street is not identified as a High Street or Secondary High Street in the Tall Building Design Guidelines. The buildings on the east side of McCaul Street and beyond are low-rise residential form buildings.

Given the surrounding land uses, the heritage status of the properties to the north and west, transitional height context of the area and the existing and planned context of the surrounding area, the proposed building height would be incongruous within the

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area and would not represent an appropriate transition from the lower height of the buildings to the north, west and south or to the greater heights of the buildings on University Avenue to the east.

Setbacks

The proposed tower is located such that the base building is set on the south and east lot lines with a minimal setback from the north lot line. Above the base building the offset floorplates of the proposed development creates varied setbacks of between 0.8 to 3.5 metres to the north lot line and between 2.1 to 4.6 metres to the east lot line, with the eastern elevation set between 11.2 and 13.7 metres of the centre line of St. Patrick Street. To the south the proposed tower would have a step back of at least 2 metres from the base building with floors interspersed to provide a visual break between 'shifting blocks'.

Council-approved OPA 352 (By-law 1105-2016) is based on the City's Tall Building Guidelines and speaks to the importance of providing sufficient setbacks and separation distances between tower portions of tall buildings to provide for privacy, sunlight and sky views. Council-adopted Zoning By-laws 1106-2016 and 1107-2016 require any building proposed within the Downtown to provide a minimum setback of 3 metres to a lot line abutting a street that is a public highway and 12.5 metres to the centre line of that street, and 12.5 metres to a lot line having no abutting street or public lane. While currently under appeal, these By-laws reflect Council direction related to achieving appropriate separation distances.

OPA 352 acknowledges that some sites are simply too small to accommodate tall building development as it is not possible to provide the required separation distances. Development of tall buildings on such sites results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants and the overall liveability of Toronto.

The inadequate setbacks of the proposed tower to the north and east, and the insufficient step back of the tower to the south, like the height discussed above, are indicative of a building which is too large for its site, with insufficient regard being given to its relationship to the listed heritage buildings to the north, or the potential development of tall buildings on the neighbouring sites.

Considering the height, massing, setbacks and step backs, the proposed development does not respond appropriately to or provide an appropriate transition in height or massing to the low-rise, largely *Neighbourhoods* context of the area to the west and northwest, the historic low-rise form of the predominantly heritage buildings to the north, the existing and planned context of the low to mid-rise form of the institutional uses to the southwest or to the mid-rise and lower level tall buildings of the blocks to the south and east. Beyond this the proposed tower would not represent a transitional form to the tall buildings along University Avenue. The height of the

proposed tower element would be incongruous within the locality and would not be in keeping with the existing and planned context of the surrounding area.

The height, massing and setbacks of the proposed tower are contrary to the City's Official Plan transition and Built Form policies, the Tall Building Design Guidelines, Council-approved OPA 352 and By-laws 1105-2016, 1106-2016 and 1107-2016, and the Council-endorsed directions of the Proposed Downtown Plan, which implement the PPS and Growth Plan for contextually appropriate development.

Sun, Shadow and Wind

The submitted shadow study shows that the proposed development would result in additional shadowing to the designated *Neighbourhoods* to the northwest of the site in the morning during the spring and fall equinoxes. This is not supported by staff, nor does it conform with Official Plan *Mixed Use Areas* Policy 4.5, particularly Policy 2 d), which requires development within designated *Mixed Use Areas* to locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Additionally, there would also be new incremental shadow during the morning on the parkette at the southeast corner of McCaul Street and Elm Street to the north of the site, which is an Official Plan designated *Open Space*. This is not supported by staff, nor does it conform with Official Plan Built Form Policy 3.1.2, particularly Policy 3f), which requires new development to be massed in a manner that minimizes any additional shadowing on neighbouring parks. A revised proposal for the site that responds to the height, massing and setback issues discussed earlier in this report should be able to deliver intensification in a built form that does not impact local parks.

A detailed pedestrian wind level assessment submitted with the application shows that the proposal would not result in unacceptable impacts on pedestrians at grade level.

Residential Unit Mix

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommended in new multi-unit residential developments.

The proposed overall unit breakdown consists of 57% one-bedroom units, 25.4% two-bedroom units and 17.5% three-bedroom units, which meets the intent of the relevant housing policies and guidelines. However, all of the 2 and 3-bed units (42.9% of total units) would have floor areas below the recommended range of unit sizes in the Growing-Up Urban Design Guidelines. The residential mix of units should be maintained as part of any resubmission, while the floor areas of the units should be increased to meet the recommended range of unit sizes to provide a diversity of bedroom sizes.

Amenity Space

Amenity space is required for this development at a rate of 2.0 square metres per unit for a total of 764 square metres of each, indoor and outdoor space. The proposed development would provide 520 square metres of indoor amenity space (a ratio of 1.36 square metres per unit) and 315 square metres of outdoor amenity space (a ratio of 0.82 square metres per unit).

At a proposed ratio of 1.36 square metres and 0.82 square metres per unit respectively, the proposed indoor and outdoor amenity space provision is not satisfactory. Changes to the proposal to address the built form comments in this report should result in a reduction of proposed units and improvements to the amenity space ratio per unit. The current ratios are not supported by staff.

Parking and Loading

The proposed development includes 90 resident vehicular parking spaces, zero visitor parking spaces and zero commercial parking spaces. The in-force Zoning By-law requires a total of 274 parking spaces, comprising 248 resident spaces, 22 residential visitor spaces, 2 retail spaces and 2 child care spaces. Transportation Services staff have reviewed the submitted Traffic Impact Study and note that satisfactory justification for the reduction in the resident parking and residential visitor parking requirements has been submitted.

Transportation Services staff are satisfied that the proposal's lack of on-site non-residential parking can be accommodated at off-site parking locations, including public parking facilities, located within the vicinity of the site. Given that the development would rely on off-site parking facilities, including public parking lots to satisfy the development's parking requirements a cash-in-lieu contribution into the Municipal Parking Fund is required.

On-site loading will be provided within the form of one Type G loading space, which staff find acceptable. However, further revisions to the proposed truck turning movements are required to ensure that there are no conflicts with the vehicle waiting area that could lead to queuing for the vehicular parking.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The policies seek to increase the opportunities for better walking and cycling conditions for residents.

The development proposes 383 resident bicycle parking spaces, comprising 344 long-term spaces and 39 short-term spaces, which meets requirements of the zoning by-law, and is therefore acceptable.

Servicing

Engineering and Construction Services staff require revisions to the Functional Servicing and Stormwater Management Implementation Report, Servicing and Grading Plans, and the Landscape Plan as set out in the memorandum dated October 20, 2017. This information must be provided and reviewed by Engineering and Construction Services staff before the approval of a site specific Zoning By-law to allow for the redevelopment of the site.

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 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.

At the alternative rate of 0.4 hectares per 300 units specified in chapter 415, article III of the Toronto Municipal Code, the proposal's parkland dedication requirement is 5,093 square metres or 341% of the site area. However, for sites less than 1 hectare in size, a cap of 10% is applied for the residential use while the non-residential use is subject to a 2% parkland dedication. The total parkland dedication is 152 square metres.

The application proposes a 322 square metre park at the corner of McCaul Street and Dundas Street West, in a location currently occupied by a building, which Heritage Preservation Services is evaluating for its heritage merit. Setting that process aside for the moment, the proposed park as shown is encumbered by the proposed development's underground parking facilities. The proposed strata parkland conveyance would not conform with Chapter 415, Article III, Section 26 B. of the Toronto Municipal Code as the land would be encumbered. The acceptance of encumbered parkland would require Council approval.

If Council were to approve the proposed encumbered parkland dedication, the Parks, Forestry and Recreation division would require specific conditions to be secured in an agreement and any shortfall in the value of the strata land conveyance, from that of the required fee-simple parkland dedication requirement, would be required as a cash-in-lieu payment.

If Council is not supportive of the applicant's proposal for an encumbered parkland dedication, then the parkland dedication requirement should be addressed through off-site dedication in accordance with Official Plan Policy 3.2.3.7. The applicant would be encouraged to work with other development applicants within 500 metres of their site to consolidate multiple off-site parkland dedication requirements with the conveyance of one site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation and would be subject to conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

Acceptance of a park in this location, encumbered or not, would be subject to resolution of the heritage value of the existing buildings at the site.

Streetscape

The Tall Building Design Guidelines detail that a 6 metre sidewalk width should be provided. The plans should be revised to ensure a 6 metre wide sidewalk is provided to the Dundas Street West and St. Patrick sidewalks.

In addition to this and as detailed in the Transportation Services comments dated October 20, 2017, a minimum pedestrian clearway of 3 metres along Dundas Street West is required. Although the sidewalk width of Dundas Street West is proposed to measure 3 metres in width and the proposal includes the provision of a covered sidewalk extension, this would not be clear of utility poles, other street furniture and/or structural supports. The plans should be updated to provide a 3 metre pedestrian clearway onto Dundas Street West and with a conveyed easement in perpetuity provided to the City.

A pedestrian clearway measuring 2.1 metres wide to McCaul Street and St. Patrick Street should be identified on the plans.

Trees

There are 15 trees either on or immediately adjacent to the site. The Arborist Report by The Tree Specialists Inc. dated April 11, 2017, recommends the removal of 12 of the on-site trees and 1 privately owned off-site tree. Although the proposal includes tree planting, the Urban Forestry staff have noted that 39 new trees would be required to be replanted to replace the losses and that street trees should be provided where possible. The loss of the trees with inadequate replacement planting is

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contrary to Built Form Policy 3.1.2 of the Official Plan, which requires the preservation of mature trees wherever possible and the incorporation of these into proposed landscape designs. The proposal should be revised to preserve as many trees as possible and provide additional tree planting.

Community Services and Facilities

There has been a significant increase in population for the Kensington-Chinatown Neighbourhood since 2001, with a population growth rate of 8.5% between 2001 and 2011. The submitted Community Services and Facilities Report, prepared by Bousfields Inc and dated August 2017, indicates that as of July 2017, there were a total of 12 applications and approvals in the area, which may lead to over 3500 additional residential units. This rate of growth must be balanced with the provision of a full range of community services, parks and amenities to serve the population.

Although some community services and amenities are being added to the area, the cost of land and lack of appropriate spaces presents challenges to providing community infrastructure to serve this intensity of growth. Approval of development with excessive density puts added pressure on this existing infrastructure deficit, including child care facilities.

Child Care Facility

The proposal replaces the recently upgraded Catholic Settlement House Day Nursery facility, which is licensed for 79 children and is currently operating on the basis of 64 spaces for infant, toddler, preschool and school age groups. The proposed new facility would provide 62 spaces, which is the minimum requirements identified in the Growing Up Draft Urban Design Guidelines. These Guidelines also detail that a child care facility is to be located on the first floor of a building and where this is not feasible, the second floor may be considered. Contrary to the guidance, the proposed day nursery would be located across the second and third floors, with a limited shared lobby entrance at ground floor level.

The area is currently deficient in child care spaces and the proposed development would generate demand for 17 additional spaces. Given this and that the proposed child care facility would not replace the existing level of child care provision at the site, the proposed development would further contribute to a deficit in child care provision in the area. Furthermore, its proposed location at second and third floor levels, with outdoor playspace provided in the form of inset terraces represents a poorer quality layout. The proposed daycare location, size and outdoor playspace need to be revised to better address requirements of the Growing Up Urban Design Guidelines.

Tenure

The proposed tenure is condominium.

Toronto Green Standard

On October 27, 2009, City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions, and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. To this end, the development proposes the required number (344 and 39) long-term and short-term bicycle parking spaces respectfully. Should the zoning by-law amendment application be approved in some form, the subsequent Site Plan Control application will be further reviewed for compliance with the TGS.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing; public art; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan.

Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the development review process had not resulted in an agreement on the proposal to date.

City Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determines to allow the appeals in whole or in part, to withhold any Order that may approve the development until such time as the City and the owner have presented by-laws to the Board in a form acceptable to the Acting Director, Community Planning, Toronto and East York District and the City Solicitor. This includes providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor.

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CONCLUSION

City Planning staff do not support the proposal in its current form, as it does not conform with the applicable planning framework for the area, is not consistent with the existing character of the area, does not achieve a compatible relationship with the built form context and does not provide an acceptable replacement for the child care facility. A reduction in building height, increased separation distances and step backs from adjacent properties, additional amenity space and a revised child care facility are required. It is recommended that the City Solicitor, together with City Planning and other appropriate staff, be directed to attend the OMB hearing in opposition to the appeal. Staff will continue to work with the applicant to achieve an acceptable form of development for the site that is sensitive to its context.

CONTACT

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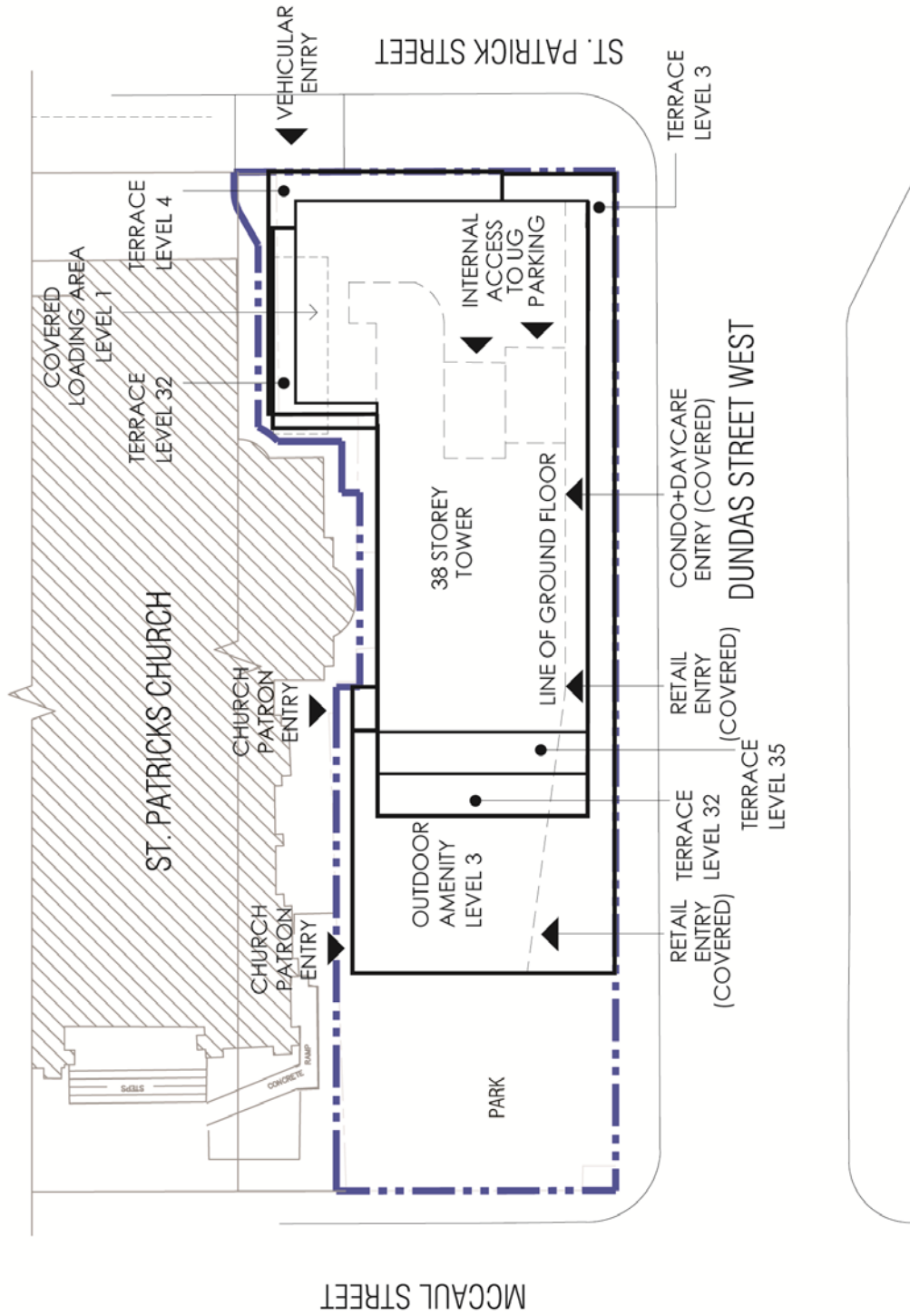
Lynda H. Macdonald,
Acting Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachment 2: North Elevation
Attachment 3: East Elevation
Attachment 4: South Elevation
Attachment 5: West Elevation
Attachment 6: Application Data Sheet
Attachment 7: Zoning

Attachment 1: Site Plan



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& 170 St. Patrick Street

File # 17 225847 STE 20 0Z

Site Plan

Applicant's Submitted Drawing

Not to Scale
04/10/2018

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Attachment 2: North Elevation



North Elevation

Applicant's Submitted Drawing

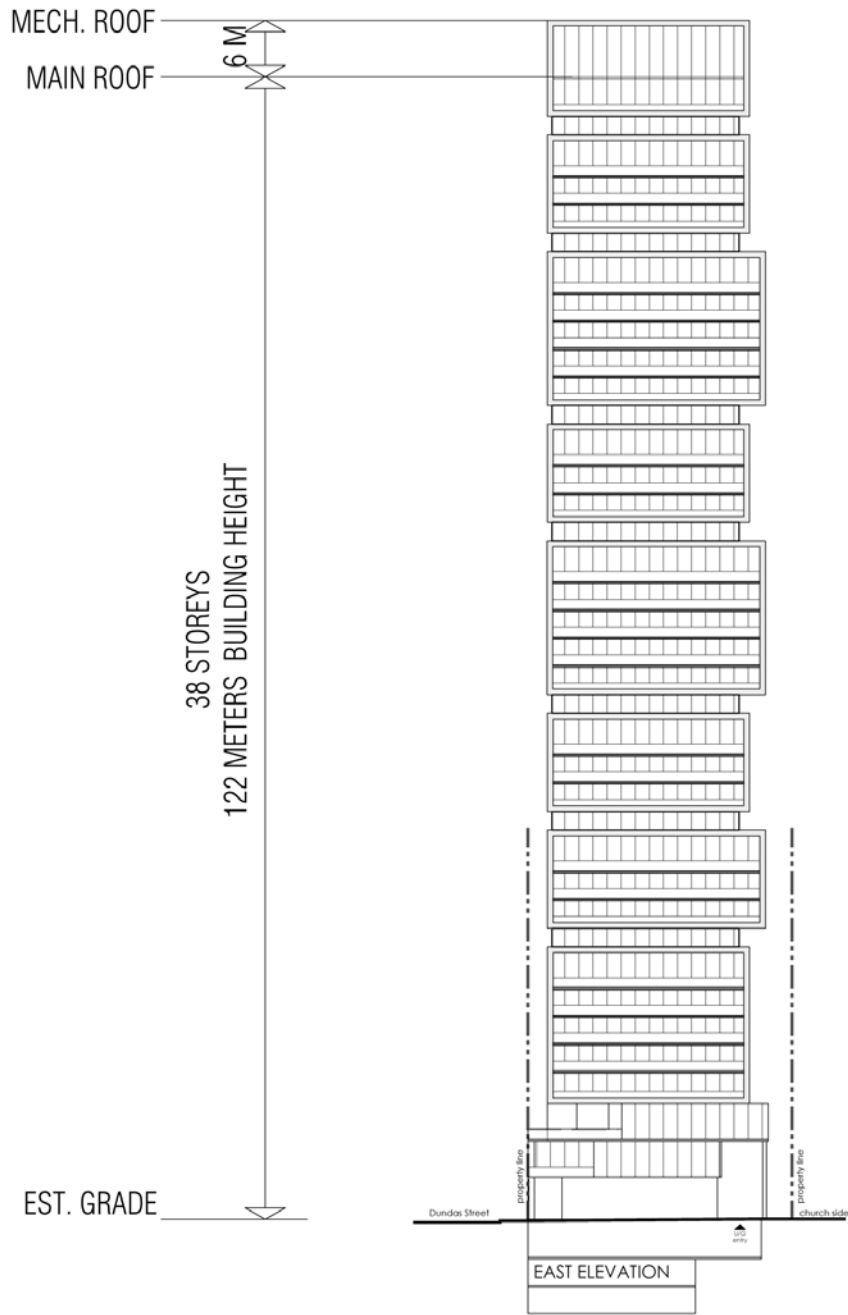
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Attachment 3: East Elevation



East Elevation

Applicant's Submitted Drawing

Not to Scale
04/102018

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& 170 St. Patrick Street**

File # 17 225847 STE 20 0Z

Staff report for action – Request for Direction – 129-131 McCaul St, 292-294 Dundas St W and 170 St. Patrick St

Attachment 4: South Elevation



South Elevation

Applicant's Submitted Drawing

Not to Scale
04/102018

**129-131 McCaul Street, 292-294 Dundas Street West
& 170 St. Patrick Street**

File # 17 225847 STE 20 0Z

Staff report for action – Request for Direction – 129-131 McCaul St, 292-294 Dundas St W and 170 St. Patrick St

Attachment 5: West Elevation



West Elevation

**129-131 McCaul Street, 292-294 Dundas Street West
& 170 St. Patrick Street**

Applicant's Submitted Drawing

Not to Scale
04/102018

File # 17 225847 STE 20 OZ

Staff report for action – Request for Direction – 129-131 McCaul St, 292-294 Dundas St W and 170 St. Patrick St

Attachment 6: Application Data Sheet

| | | | |
|-----------------------|---|---------------------|---------------------|
| Application Type | Rezoning | Application Number: | 17 225847 STE 20 OZ |
| Details | Rezoning, Standard | Application Date: | August 31, 2017 |
| Municipal Address: | 292 DUNDAS ST W | | |
| Location Description: | PLAN D153 PT BLK A **GRID S2009 | | |
| Project Description: | Zoning By-law Amendment application to facilitate the redevelopment of the site with a 38-storey (127.3 metres including 6.0 metre mechanical penthouse) mixed-use building with a two storey street-related base building: 382 dwelling units, total combined gross floor area of approximately 25,413 square metres, including 200 square metres of at-grade retail uses, 930 square metres of church-related community and office uses, and a 605 square metre daycare facility. | | |

| | | | |
|---------------------------------|----------------|-----------------------------------|--|
| Applicant: | Agent: | Architect: | Owner: |
| TRIBUTE (MCCAUL STREET) LIMITED | BOUSFIELDS INC | GRAZIANI + CORAZZA ARCHITECT INC. | CONGREGATION OF THE MOST HOLY REDEEMER |

PLANNING CONTROLS

| | | | |
|----------------------------|---------------------------------|--------------------------|----------|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | SASP 517 |
| Zoning: | CR 2.5 (c2.0; r2.0) SS2 (x2484) | Historical Status: | |
| Height Limit (m): | 14 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|-------|---------|-----------------|--------------|
| Site Area (sq. m): | 1638 | Height: | Storeys: | 38 |
| Frontage (m): | 28 | | Metres: | 122 |
| Depth (m): | 111.1 | | | |
| Total Ground Floor Area (sq. m): | 511 | | | Total |
| Total Residential GFA (sq. m): | 23678 | | Parking Spaces: | 90 |
| Total Non-Residential GFA (sq. m): | 1735 | | Loading Docks | 1 |
| Total GFA (sq. m): | 25413 | | | |
| Lot Coverage Ratio (%): | 31.2 | | | |
| Floor Space Index: | 15.5 | | | |

DWELLING UNITS

| | |
|--------------|-------|
| Tenure Type: | Condo |
| Rooms: | 0 |
| Bachelor: | 0 |
| 1 Bedroom: | 218 |
| 2 Bedroom: | 97 |
| 3 + Bedroom: | 67 |
| Total Units: | 382 |

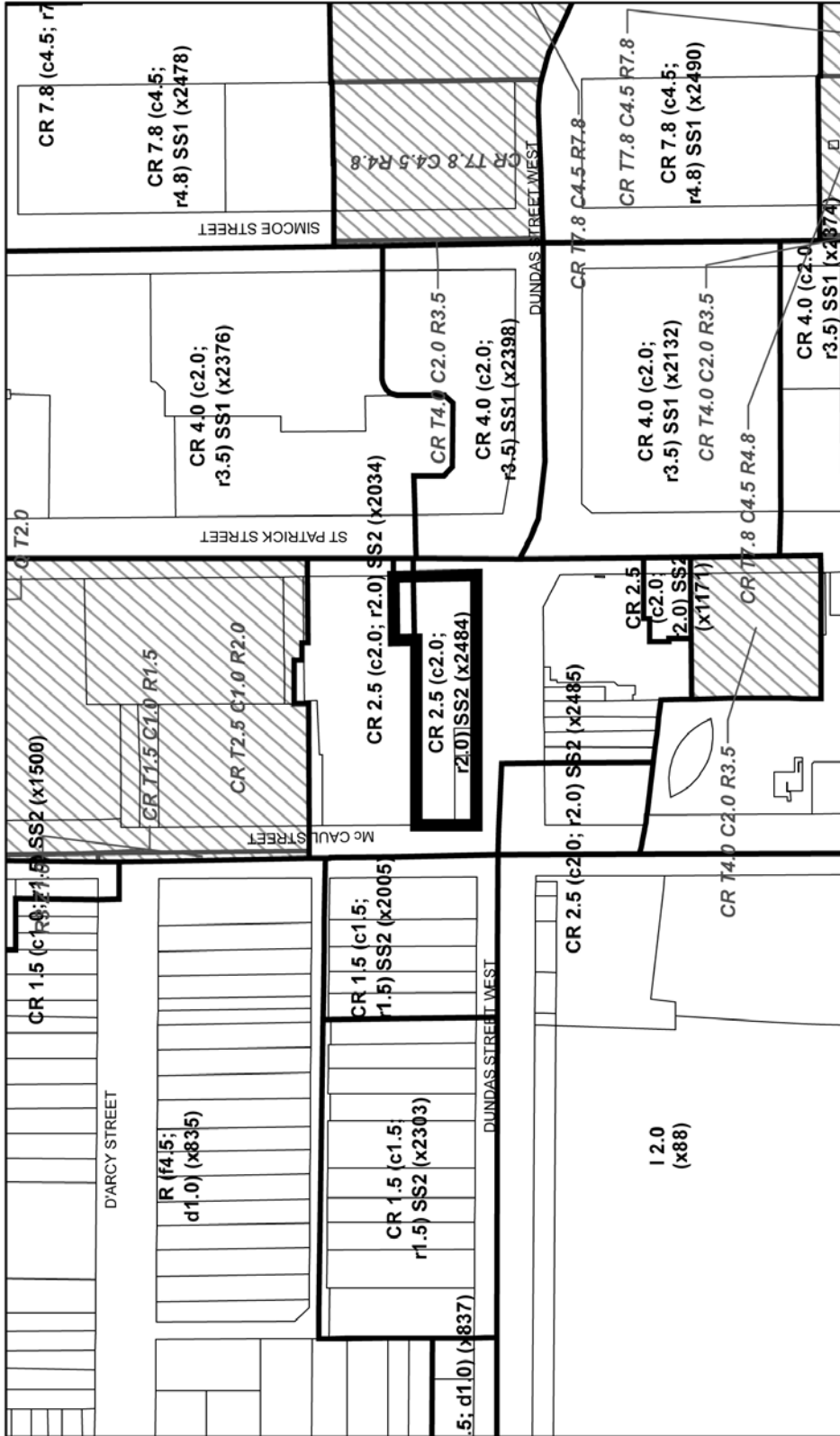
FLOOR AREA BREAKDOWN (upon project completion)

| | Above Grade | Below Grade |
|----------------------------------|-------------|-------------|
| Residential GFA (sq. m): | 23678 | 0 |
| Retail GFA (sq. m): | 200 | 0 |
| Office GFA (sq. m): | 0 | 0 |
| Industrial GFA (sq. m): | 0 | 0 |
| Institutional/Other GFA (sq. m): | 1535 | 0 |

| | | |
|-----------------|----------------------|---------------------------------|
| CONTACT: | PLANNER NAME: | Nathaniel Baker, Planner |
| | TELEPHONE: | 416-338-2073 |

Staff report for action – Request for Direction – 129-131 McCaul St, 292-294 Dundas St W and 170 St. Patrick St

Attachment 7: Zoning



TORONTO 129-131 McCaul Street, 292-294 Dundas Street West & 170 St. Patrick Street
 Zoning By-Law No. 569-2013 File # 17 225847 STE 20 0Z

Location of Application
 Residential
 Commercial Residential
 Institutional
 Residential District
 Mixed-Use District

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

Not to Scale
 Extracted: 01/04/2018

Staff report for action – Request for Direction – 129-131 McCaul St, 292-294 Dundas St W and 170 St. Patrick St