

## **8 Elm Street and 348-356 Yonge Street – Zoning Amendment Application – Request for Direction Report**

Date: April 17, 2019.

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York

Ward 11 - University-Rosedale

**Planning Application Number:** 16 189782 STE 27 OZ

### **SUMMARY**

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The purpose of this report is to request direction from City Council to endorse a settlement on a proposed zoning amendment application that is presently before the Local Planning Appeal Tribunal (LPAT). A pre-hearing before the LPAT is scheduled for June 3, 2019.

The original application proposed an 80 storey mixed use building on a smaller site, being 8 Elm. That application was refused by City Council at the November 8, 2016 meeting and subsequently appealed to the LPAT. A revised 84 storey proposal was subsequently submitted to the LPAT by the applicant.

Since that time, the applicant has worked with City staff to address various planning issues and have submitted a revised application following LPAT led mediation. The revised proposal is for a 67-storey mixed-use office residential development with at-grade retail uses at 8 Elm Street and 348-356 Yonge Street.

The revised proposal as described in the body of this report is *consistent* with the Provincial Policy Statement (2014) and *conforms* with the Growth Plan for the Greater Golden Horseshoe (2017).

It is recommended that City Council endorse the revised proposal in accordance with the recommendations included within this Request for Directions Report.

### **RECOMMENDATIONS**

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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 before the Local Planning Appeal Tribunal (LPAT) in support of a settlement of the 8 Elm Street appeals as amended by the inclusion of 348-356 Yonge Street.

2. City Council authorize the City Solicitor and other City staff to take such actions, as are required, to give effect to City Council's decision.
3. City Council authorize the City Solicitor to request LPAT to Withhold its Order until the draft zoning by-laws have been prepared to the satisfaction of the Chief Planner and Executive Director, City Planning Division
4. City Council authorize the City Solicitor to request LPAT to Withhold its Order until the owner has to entered into an Agreement with the City pursuant to Section 37 of the Planning Act as follows:
  - a) The Section 37 Agreement has been executed and registered on title to the satisfaction of the City Solicitor.
  - b) \$ 2,000,000 to the Affordable Housing Capital Revolving Fund for the provision of off-site affordable housing within Ward 11. The cash contribution is to be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan Area, reported quarterly by Statistics Canada in Building Construction Price Indexes Publication 327-0058, or its successor, calculated from the date of the Council decision authorizing the Zoning By-law Amendment.
  - c) Design, construct, finish and furnish a minimum of 471 square metres of community arts and culture space on the third floor to be leased to the City at no cost for a period of 99 years with an approximate value of \$5,000,000 and the provision that, if the actual value of that space is less than \$5,000,000, any remaining funds be allocated towards the Affordable Housing Capital Revolving Fund as per a) and b) above. In the alternative, any changes to the location will be to the satisfaction to the Chief Planner and Executive Director, City Planning.
  - d) The owner be required to provide confirmation from the Hospital for Sick Children (Sick Kids), or its representative, that there is no intrusion into the helicopter flight path by any crane activities or building projections in accordance with By-law 1432-2017.
  - e) The owner be required to provide an updated Hydrological Review to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with Toronto Water.
  - f) The owner be required to complete a TTC Technical Review, with respect to the subway, and obtain the TTC's written acknowledgement that the developer has satisfied all of the conditions arising out of the review.
  - g) A restriction on the easterly 7.5 m of the property at 14 Elm Street has been secured, to the satisfaction of the City Solicitor, so as to achieve the 12.5 m tower setback.
  - h) The owner will secure full rights of access for the residents of the 356 Yonge Street portion of the development site to the amenity space at the 8 Elm Street/348 Yonge Street portion of the development site.

i) The owner be required to submit a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 8 Elm Street and 348-350 Yonge Street, prepared by GBCA Architects, all to the satisfaction of the Senior Manager, Heritage Preservation Services.

j) The owner be required to enter into a Heritage Easement Agreement with the City for the properties at 8 Elm Street and 348-350 Yonge Street in accordance with plans and drawings prepared by IBI Group Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., subject to and in accordance with the approved Conservation Plan Recommendation 4.b.6, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor prior to the zoning by-law amendment coming into full force and effect.

k) The owner be required to provide final specifications, including drawings, for the dismantling and reconstruction of the property at 352 - 354 Yonge Street, satisfactory to the Senior Manager, Heritage Preservation Services, prior to a demolition permit being issued for the development site.

l) The owner to provide a Letter of Credit in a form and amount satisfactory to the Senior Manager, Heritage Preservation Services to secure the approved dismantling and reconstruction of 352-354 Yonge Street, prior to a demolition permit being issued for the subject property.

m) Prior to the release of the Letter of Credit for 352-354 Yonge Street, the owner shall provide a certificate of completion prepared by a qualified heritage consultant confirming that the work has been completed in accordance with the approved drawings and specifications to the satisfaction of the Senior Manager, Heritage Preservation Services.

n) Prior to the issuance of a permit for excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.

o) The owner be required to implement wind mitigation measures as part of a subsequent Site Plan application to the satisfaction of the Chief Planner and Executive Director, City Planning.

## **FINANCIAL IMPACT**

The recommendations in this report have no financial impact.

## **DECISION HISTORY**

Pre-application meetings were held concerning the development of 8 Elm Street prior to a formal submission being made. Key issues identified at that time were that the subject site was too small for tower development, impacts to the on-site heritage building and heritage adjacency issues.

A Zoning Amendment application was made July 14, 2016 for an 80-storey tower containing 469 dwelling units at the 8 Elm Street site. A Community Consultation meeting was held on September 20, 2016. City Council refused this application at its November 8/9, 2016 meeting.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE19.13>

On December 13, 2016, 8 Elm Park Properties Inc. filed an appeal to the Ontario Municipal Board, now LPAT. A Pre-Hearing Conference was held on September 18, 2017 at which time the OMB consolidated the appeals with the adjacent proposed development at 33 Gerrard Street and 22 Elm Street.

Following the appeal of its application, the applicant proceeded to purchase additional properties at 348-356 Yonge in order to enlarge its site from the original application. The applicant subsequently forwarded to the City on May 31, 2018 a set of plans showing a development proposal for an 84-storey building with 727 dwelling units to be located at 8 Elm Street and 348-356 Yonge Street. The project would extend onto adjacent lands not part of the original development application.

The applicant then proceeded to have the new lands added as part of the original application, to be all considered by the LPAT at the same time. City Staff attempted to oppose this action by the applicant through a procedural motion argued in front of the LPAT.

In a decision dated July 10, 2018 the Local Planning Appeal Tribunal (LPAT) agreed with the City's position and determined that these revisions to add the new lands constituted a new application.

Following the July 10, 2018 decision, the applicant formally requested a Section 35 review of this decision. Section 35 is a provision in the Local Planning Appeal Tribunal Act which permits one to seek a review of a prior LPAT decision. The Section 35 review ultimately resulted in the LPAT rescinding the original decision and in a verbal decision dated October 2, 2018 determined that the expanded development proposal constituted a revision to an existing application, and not a new application.

The parties then agreed to attend the LPAT led mediation on October 25/26, 2018 and November 30, 2018 in an attempt to resolve various planning issues. The mediation was focused on the expanded development proposal at 8 Elm Street and 348-356 Yonge Street. Revised plans reflecting the outcome of the mediation were submitted to City Planning on March 8, 2019. These revised plans are the subject of this report.

The March 8, 2019 submission has been submitted on a Without Prejudice basis. For this reason the application has received a limited circulation to internal City Departments for review but has not been circulated to outside agencies or to the public. However, as of the date of signing of the report the offer reverts to a With Prejudice Offer and will be made available to the public and outside agencies at that point in time.

## **PROPOSAL**

The application seeks to amend the City of Toronto Zoning By-law to permit the development of a new 67-storey mixed use building (215 metres including the mechanical penthouse) on the properties at 8 Elm Street and 348-356 Yonge Street. The proposed building will consist of 1,224 m<sup>2</sup> of retail uses at grade and the 2nd floor, 946 m<sup>2</sup> of office, 471 m<sup>2</sup> of community service space on the 3rd floor, and 51,664 m<sup>2</sup> of residential space on the 3rd to 67th floors. The proposed gross floor area would be 54,305 m<sup>2</sup> which equates to a Floor Space Index of 30.17 times the area of the lot under Zoning By-law 569-2013. The proposed development has been designed as two separate buildings, 8 Elm and 348 Yonge Street as one building and 356 Yonge as a separate 8-storey building with access through 8 Elm and 348 Yonge for servicing requirements.

The subject site is located on the northwest corner of Yonge and Elm Streets. The site is currently occupied by a 3-storey heritage building at 8 Elm Street, designated under Part IV of the Ontario Heritage Act. The site contains three additional low-rise commercial buildings along Yonge Street, two of which have been identified as potential heritage resources. Through the negotiation process, the façades of the buildings at 8 Elm Street and 348-354 Yonge Street will be conserved and integrated into the building's podium.

The development would be massed in a tower-base form. Along Elm Street, the 4th to 9th floors step back 5 metres and the 10th to 67th floors step back 3 metres from the south property line and existing 3-storey heritage base buildings. Facing Yonge Street, the proposed tower steps back 7.5 metres from the east property line and 3-storey base building, and from the 60th-67th floor, the tower has been sculpted to step back an additional 2 metres at the south-east corner and 10m at the north-east corner to eliminate any net new shadows on Barbara Ann Scott Park. To the north, the tower steps back 10 metres from the base building (which has varying heights of 3, 7, and 8-storeys). To the west, the 3-storey heritage base building has a 2.8 metre setback at the south-west corner from the property line, and the tower steps back an additional 7.2 metres at the 4th floor. From this setback of 10 metres at the 4th floor, the tower stepback gradually decreases from the 5th to 15th floors, leading to a 5 metre setback from the property line from the 16th to 67th floor.

A total of 667 residential units have been proposed. The ground floor would include the office and residential lobbies, retail space, as well as the loading/vehicular access area. Amenity space would be located on the 3rd, 4th, and 8th floors. Bicycle parking with elevator access would be located below grade on floors P1 to P4. A total of 100 vehicular parking spaces would be provided within a 3-storey underground garage.

Other details of the proposal are shown in Table 1 below and in Attachment 1 and 5-7:

Table 1 – Summary of Application

Category	Settlement Offer
Tower setbacks	
West (property line to 4th floor)	10 m
West (property line to 4th-15th floors)	Varies from 5 m to 10 m
West (property line to 16th-67th floors)	5 m
East (mid-point Yonge St right-of-way)	17.5 m
North (property line)	10 m
South (mid-point Elm St right-of-way between 4th-8th floors)	15 m
South (mid-point Elm St right-of-way between 9th-67th floors)	13 m
Tower setbacks to approved towers	
East (approved tower at 363-387 Yonge)	38.8 m
North (approved tower at 33 Gerrard St)	22.5 m
Base (podium) setback at grade to property line	
West	2.8 m to 3.3 m
East	0.0 m
North	0.0 m
South	0.0 m
Pedestrian realm (building face to curb)	
Yonge Street	3.3 m (existing and proposed)
Elm Street	5.5 m (existing and proposed)
Tower floor plate GFA (approximate)	
10th – 15th floors	820 m <sup>2</sup> to 861 m <sup>2</sup>
16th – 55th floors	869.5 m <sup>2</sup>
56th – 59th floors	776.9 m <sup>2</sup>
60th – 67th floors	724 m <sup>2</sup>
Vehicular parking	100
Bicycle parking	
Visitor	80
Resident	634
Loading spaces	
Type G	1
Type C	1
Amenity space	
Indoor	1,334 m <sup>2</sup>
Outdoor	677 m <sup>2</sup>
Unit Mix	
Studio	35 (5%)
One bedroom	366 (55%)
Two bedroom	199 (30%)
Three + bedroom	67 (10%)
Total	667

## **Site and Surrounding Area**

The site is a rectangular lot with 50.4 metres of frontage on Elm Street and a lot depth of 37.7 metres. The lot area is 1799.8 m<sup>2</sup>.

The surrounding uses are as follows:

- North: The Chelsea Hotel has existing 26 and 27-storey towers. This site has been approved for three towers being 31, 48, and 84-stories along with a public park, POPS and re-connection of Walton Street.
- South: On the south side of Elm Street, 2 and 3-storey commercial buildings with possibly some residential uses on the upper floors.
- West: 3 to 4-storey commercial buildings entailing The Arts and Letter Club and Elmwood Spa, both of which are designated under Part IV of the Ontario Heritage Act.
- East: On the east side of Yonge Street, 1 to 4-storey commercial buildings. The property at 363-387 Yonge Street, which includes most of the Yonge Street frontage on the east side of Yonge Street, has been approved for an 85-storey mixed use tower.

## **Reasons for Application**

The proposal requires an amendment to the Zoning By-law for an increase in density and height along with changes required to setbacks, parking, and amenity space provisions.

## **APPLICATION BACKGROUND**

### **Application Submission Requirements**

The following reports/studies were submitted with the original, 8 Elm Street, application:

- Architectural Plans
- Planning Report
- Urban Design Report
- Community Services and Facilities Study
- Functional Servicing and Stormwater Management Implementation Report
- Transportation and Parking Assessment
- Preliminary Pedestrian Wind Study
- Shadow Study
- Noise and Vibration Impact Study
- Heritage Impact Assessment

- Geotechnical Report
- Draft Zoning By-law Amendments (438-86 and 569-2013)
- Toronto Green Standard Checklist
- Arborist Report and Tree Inventory and Preservation Plan
- Building Mass Model

These reports/studies can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre/>

A Notification of Complete Application was issued with the complete application date being July 13, 2016.

The following reports/studies were submitted in support of the expanded development proposal being 8 Elm Street and 348-356 Yonge Street. Of note, some of these documents are specific to a May 31, 2018 development proposal while others are to a March 8, 2019 Settlement Offer.

- Architectural Plans
- Planning Addendum Letter
- Functional Servicing and Stormwater Management Report
- Geohydrology Assessment
- Geotechnical Report
- Transportation and Parking Assessment Addendum
- Final Pedestrian Level Wind Study
- Shadow Study
- Heritage Impact Assessment
- Toronto Green Standard Checklist

### **Community Consultation**

A community consultation meeting, specific to the original 8 Elm Street application, was held September 20, 2016 and was attended by approximately 95 residents. Comments related to the zoning amendment component of the project were:

- Potential impacts to the adjacent Arts and Letters Club, and more specifically, the impacts of construction on the building foundation and activities within the building.
- Failure to provide adequate tower separation distances.
- Proposed loading and provision for garbage removal (including frequency) does not make sense and is not realistic. Concern over potential noise and smell impacts.
- Concern over zero parking spaces being proposed.
- Impact on existing infrastructure including water supply and parkland.



- Opposition to proposed development with respect to the Elm Street context, impacts to the existing heritage building which would be demolished (façade would later be rebuilt), lot too small to achieve setbacks.
- Concern over potential shadowing impacts particularly on parkland.
- Questions or clarification concerning: whether Section 37 applies; why 80-storeys were proposed; what is happening to Dundas subway station; and what is happening with the adjacent Chelsea Hotel redevelopment project.

A community consultation meeting for the expanded 8 Elm Street and 348-356 Yonge Street proposal has not yet been held, but is scheduled for the beginning of May, 2019.

## **POLICY CONSIDERATIONS**

### **Provincial Land Use Policies: Provincial Policy Statement and Provincial Plans**

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

### **The Provincial Policy Statement (2014)**

The Provincial Policy Statement (2014) (the "PPS") 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the [Planning Act](#) and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

### **The Growth Plan for the Greater Golden Horseshoe (2017)**

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan 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.

In accordance with Section 3 of the Planning Act, all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan, Official Plan Amendments 231, 352 and 406 as follows:

### **Chapter 2 – Shaping the City**

#### **Policy 2.2.1 Downtown: The Heart of Toronto**

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the Mixed Use Areas of Downtown.

### **Chapter 3 – Building a Successful City**

#### **Policy 3.1.1 The Public Realm**

Policy 3.1.1 provides direction to the importance of the public realm including streets, sidewalks, boulevards, open space areas, parks, and public buildings.

Policy 3.1.1.6 states that sidewalks and boulevards will be designed to provide safe, attractive, interesting and comfortable spaces for pedestrians by: a) providing well designed and co-ordinated tree planting and landscaping, pedestrian-scale lighting, and quality street furnishings and decorative paving as part of street improvements; and b) 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 planting and growth of trees to maturity.

Policy 3.1.1.9 refers to views from the public realm to prominent buildings being an important part of the form and image of the City.

### **Policy 3.1.2 Built Form**

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Policy 3.1.2.6 refers to every significant new multi-unit residential development will provide indoor and outdoor amenity space for residents.

### **Policy 3.1.3 Built Form – Tall Buildings**

Policy 3.1.3 states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

### **Policy 3.1.5 Heritage Conservation**

Policy 3.1.5 provides policy direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. 8 Elm Street is a designated property on the Heritage Register which is subject to a Heritage Easement Agreement.

Policy 3.1.5.5 requires proposed alterations or development on or adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. The adjacent property to the west at 14 Elm Street is a designated heritage resource and is a National Historic Site of Canada.

Policy 3.1.5.26 requires new construction on, or adjacent to a property on the Heritage Register be designed to conserve the cultural heritage values, attributes and character of the property and to mitigate the visual and physical impact on it.

Policy 3.1.5.27 states where it is supported by the cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings is desirable and encouraged. The retention of façades alone is discouraged.

Policy 3.1.5.44 speaks to the protection of views to heritage properties. City Hall and Old City Hall are designated properties that have been identified on Map 7B and Schedule 4 for view protection.

### **Policy 3.2.1 Housing**

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

### **Policy 3.2.3 Parks and Open Spaces**

Policy 3.2.3 refers to the system of parks and opens spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

## **Chapter 4 – Land Use Designations**

### **Policy 4.5 Mixed Use Areas**

The subject lands are designated Mixed Use Areas on Map 18 of the Official Plan. Mixed Use Areas are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed use buildings. (Refer to Attachment 3)

Policy 4.5.2 c) states development within Mixed Use Areas will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Policy 4.5.2 i) refers to development that will provide an adequate supply of parking for residents and visitors and in 4.5.2 j) locate and screen service areas, ramps, and garbage storage to minimize the impact.

Policy 4.5.2 k) refers to development that will provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

### **Policy 4.8 Institutional Areas**

Policy 4.8.4 states that buildings will be sited and massed to protect the continued use of flight paths to hospital heliports. The applicable helicopter flight path is the Sick Children's Hospital helicopter flight path.

## **Chapter 5 – Implementation**

### **Policy 5.1.1 Height and/or Density Incentives**

This policy refers to Section 37 of the Planning Act and establishes the provisions under which Section 37 may be used.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

### **Site and Area Specific Policy 174 – Yonge Street Between Queen Street and North of Gerrard Street**

The east side of the site, being 348-356 Yonge Street, is subject to Site and Area Specific Policy 174, Yonge Street Between Queen Street and North of Gerrard Street (SASP 174). The general planning objective of SASP 174 is to provide an overall framework for continued revitalization in the area. The policy provides general planning objectives and built form principles for the area. Key objectives and principles are:

- changes will be consistent with and enhance the character of the area, including the low-scale built form, pedestrian comfort and the varied storefront appearance of building façades;
- retention, conservation, rehabilitation, re-use and restoration of heritage buildings will be encouraged;
- streetscape improvements that promote Yonge Street as a pedestrian-oriented retail and entertainment area will be supported;
- certain retail and entertainment uses may be exempted from providing parking;
- locate buildings along property lines fronting Yonge Street in such a way that they define and form a continuous edge along the street;
- have a scale consistent with the height limits within the area and respect the existing transition in height and scale between buildings;
- site and organize lower levels of building to enhance the public nature of streets, open spaces and pedestrian routes;
- provide public uses which are directly accessible from grade;

- encourage servicing and vehicular parking to be accessed from rear lanes;
- encourage servicing and vehicular parking so as to minimize pedestrian/vehicular conflicts;
- ensure site and massing achieve adequate light, view and privacy standards;
- achieving a harmonious relationship to the built form context through such matters as: height, massing, scale, setbacks, stepbacks, roof line, profile and architectural character and expression;
- new buildings are articulated and massed in widths compatible with narrow lot patterns dominant on Yonge Street between Gerrard and Queen Streets; and
- minimize wind and shadow impacts on Yonge Street, flanking streets and open spaces.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

### **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

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 in the 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 Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE18.7>

### **Official Plan Amendment 406 – Downtown Plan**

City Council adopted the Downtown Plan Official Plan Amendment (OPA 406), as amended, at its meeting of May 22-24, 2018.

The Council decision is available here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.4>

Further, City Council authorized the City Planning Division to seek provincial approval of the OPA under Section 26 of the Planning Act, and enacted By-law 1111-2018 on July 27, 2018. The By-law is available here:

<https://www.toronto.ca/legdocs/bills/2018/bill1109.pdf>

OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. Future amendments to existing Secondary Plans and Site

and Area Specific Policies located within the Downtown area are recommended to be implemented once OPA 406 comes into force and effect.

On August 2, 2018, the City Clerk issued the Notice of Adoption for OPA 406. Ministry of Municipal Affairs and Housing (MMAH) confirmed that the City's application is complete and now has 210 days from the date of receipt (August 9, 2018) to issue a decision, this review period has subsequently been extended. Council has directed staff to use the policies contained within the Downtown Plan to inform evaluation of current and future development applications in the Downtown Plan area while the OPA is under consideration by the Minister.

The OPA 406, in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities is the result of a four-year study called TOcore: Planning Downtown. The TOcore study area is generally 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.

OPA 406 provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain livability, achieve complete communities and ensure there is space for the economy to grow.

As part of the City of Toronto's Five Year Official Plan Review under Section 26 of the Planning Act, OPA 406 is a component of the work program to bring the Official Plan into conformity with the Growth Plan for the Greater Golden Horseshoe (2017). City Council declared that OPA 406 is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan (2017) and has regard to matters of provincial interest under Section 2 of the Planning Act.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

Map 41-3 of the new Downtown Plan designates 8 Elm Street as Mixed Use Areas 1 – Growth and 348-356 Yonge Street as Mixed Use Areas 2 - Intermediate. Development in Mixed Use Areas 1 will include tall buildings with height, scale and massing dependent on the site characteristics and will include a high proportion of non-residential uses within mixed use developments. Development in Mixed Use Areas 2 will include building typologies that respond to their site context including low-rise, mid-rise and some tall buildings. The scale and massing of buildings will respect and reinforce the existing and planned context.

### **Draft Official Plan Amendment XX - to Further Protect Heritage Views of City Hall, Old City Hall and St. James Cathedral**

Official Plan Policy 3.1.5.44 establishes view protection policies to specified properties on the Heritage Register, City Hall being one of those properties. The existing protected view includes the east and west towers, the council chamber and podium of City Hall and the silhouette of those features as viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square.



On July 23, 2018 City Council adopted a report with draft Official Plan amendments which, among other things, clarifies the extent of the City Hall view corridor, where the views are to be taken from and the area that is to be protected. Specific revisions would be made to Maps 7a and 7b and Schedule 4 and a site and area specific policy be included insofar as how to apply the policies to the views for City Hall. Council directed that the proposed policies be used to inform the evaluation of current and future development applications in the surrounding area.

A public consultation meeting was held December 13, 2018 with an anticipated final report expected during the first quarter of 2019. As per Council direction, the Settlement Offer has been reviewed within the context of the existing and proposed view corridors.

The status report can be found here:

<https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

### **Heritage**

The development site is presently occupied by a 3-storey commercial building, which was designated by Council under Part IV of the Ontario Heritage Act on November 20, 2007 by By-law 1234-2007. Adjacent to the subject site, on the west side, is The Arts and Letters Club which was designated under Part IV of the Ontario Heritage Act by Council on November 26, 1975 by By-law 513-75.

The site is also subject to a Heritage Easement Agreement under Section 37 of the Ontario Heritage Act as in Instrument Number CT720206 as amended by CA67112. This easement was entered into between the former City of Toronto and the property owner to ensure the long-term conservation of the heritage property.

### **Zoning**

The 8 Elm Street portion of the development site is zoned CR T6.0 c2.0 R6.0 under By-law 438-86 and under By-law 569-2013 is zoned CR 6.0 (c2.0; r6.0) SS1 (x2195). Both By-laws permit a variety of commercial and residential uses with a maximum density of 6.0 and a maximum building height of 46 metres. By-law 438-86 also includes a number of Permissive and Restrictive Exceptions and references prevailing By-laws 440-85 and 333-02. Key provisions include required street related retail and service uses, 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 which restricts non-residential GFA to 1300 m<sup>2</sup>, limits permitted commercial uses and restricts maximum building height to 14 metres. These provisions were generally carried though into By-law 569-2013. (Refer to Attachment 4)

The 348-356 Yonge Street portion of the development site is zoned CR T4.0 c4.0 R1.5 under By-law 438-86 and under By-law 569-2013 the site is zoned CR 4.0 (c4.0; r1.5) SS1 (x2553). Both By-laws permit a variety of commercial and residential uses with a maximum density of 4.0 and a maximum building height of 20 metres. Key provisions

for 348-356 Yonge Street include required street related retail and service uses and angular plane setback provisions. (Refer to Attachment 4)

### **Airport Zoning Regulation - Sick Children's Hospital Helicopter Flight Path**

City Council at its meeting of December 5, 2017 adopted an airport zoning regulation for the hospital helicopter flight paths, By-law 1432-2017, which is in full force and effect. In order to comply with the helicopter flight path and the related Official Plan Policy 4.8.4, any development, including all temporary and permanent structures such as parapets, antenna, light fixtures and crane activities has to be below or outside the protected flight path. The development site is adjacent to the Sick Children's Hospital flight path.

The By-law can be found here:

<https://www.toronto.ca/legdocs/bylaws/2017/law1432.pdf>

### **Yonge and Gerrard Focus Area Review**

Toronto and East York Community Council at its meeting of September 6, 2017 adopted this report which reviewed the planning framework and the existing and planned built form context for the area approximately bounded by Bay, Elm, Yonge and Gerrard Streets. The report had a particular focus on assessing potential tower developments, heritage issues, and overall planned context given the scale and pace of change envisioned by a number of development applications. To date, none of the recommendations within the report have been implemented.

The report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE26.59>

### **Yonge Street Planning and Design Framework (2011)**

In 2011, Greenberg Consultants and KPMB Architects completed a design study of Yonge Street between Gerrard and Dundas Streets. The study made a number of public realm, built form, program, and land use recommendations. Toronto and East York Community Council received a City report which commented on the study's recommendations. To date, there has been no further action with respect to the study's land use and built form recommendations. The report can be found here

<http://www.toronto.ca/legdocs/mmis/2012/te/bqrd/backgroundfile-49619.pdf>.

### **Yonge TOmorrow – Schedule 'C' Municipal Class Environmental Assessment**

This on-going study will develop and review design options intended to improve streetscaping and increase pedestrian space, along with other possibilities to improve the way people move through and enjoy Yonge Street between Queen and College/Carlton Streets. The entirety of the subject site is located within the Phase 1 Focus Area.

This study is being carried out according to the Municipal Class Environmental Assessment process. This is an approved approach to satisfying requirements of the Environmental Assessment Act specifically tailored to municipal infrastructure. The

process includes identifying the problem or opportunity to be addressed, developing and evaluating a range of alternative solutions, providing opportunities for public input and identifying a preferred solution.

The link to the study can be found here: <https://www.toronto.ca/community-people/get-involved/public-consultations/infrastructure-projects/yonge-downtown/>

### **Design Guidelines**

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines, and the Growing Up Draft Urban Design Guidelines.

### **City-Wide Tall Building Design Guidelines**

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

The Guidelines include sections on context, fit and transition in scale, sunlight and sky view, views from the public realm, heritage properties and heritage conservation districts, floor plate size and tower placement, separation distance, and site servicing and access, and sustainable design.

The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

### **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the City-Wide Tall Building Design Guidelines in May 2013). This Guideline details where tall buildings should be located, how high they should be, and the built form typology they should reflect within the Downtown. This document also includes supplementary guidelines concerning fit and transition, sunlight and sky view, views from the public realm, and heritage issues.

Map 1 of the Downtown Tall Building Guidelines identifies Elm Street as a Secondary High Street with heights generally to be one third lower than the High Streets they run parallel to. In this case Gerrard would be the parallel street; therefore anticipated heights for 8 Elm Street would be 13 to 23-storeys (41-71 metres).

348-356 Yonge Street is identified as a Special Character Street and as a Priority Retail Street. The Guidelines refer to this portion of Yonge Street having tower heights determined on a site by site basis and for tower setbacks of 20 metres where heritage buildings are on-site and 10 metres where there are no on-site heritage buildings.

The Downtown Tall Buildings: Vision and Supplementary Design Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>

### **Growing Up Draft Urban Design Guidelines**

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: Planning for Children in New Vertical Communities will be considered in the review of this Settlement Offer. The Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Site Plan Control**

The subject site and proposed development are subject to Site Plan Control. An application has not yet been submitted.

### **COMMENTS**

The Settlement Offer has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The Settlement Offer has also been reviewed and evaluated against Section 5.1 of the Growth Plan as described in the Policy Considerations section of the Report. Staff have determined that the Settlement Offer is consistent with the PPS and conforms with the Growth Plan.

### **Provincial Policy Statement**

The key PPS policies applicable to this development include:

- Policy 1.1.1 b) refers to healthy communities accommodating an appropriate range and mix of residential (including affordable housing), employment and other uses to meet long-term needs;
- Policy 1.1.3.3 states planning authorities shall identify appropriate locations for intensification and redevelopment and that intensification and redevelopment shall be directed in accordance with policies of Section 2 and 3 of the PPS;

- 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;
- Policy 1.4.3 references an appropriate range and mix of housing types and densities and in a) establishing minimum targets for affordable to low and moderate income households and in e) establishing development standards for residential intensification;
- Policy 1.7.1 d) refers to well designed built form and cultural planning and conserving features that help define character including built heritage resources and cultural heritage landscapes;
- Policy 2.6.1 states that significant built heritage resources shall be conserved; and,
- Policy 2.6.3 prohibits site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. The analysis of the proposed land use and built form in the context of the aforementioned Official Plan policies, as assessed later in this report, indicates that the Settlement Offer is consistent with the PPS.

The Settlement Offer represents intensification in an identified Growth Area, being the Downtown as identified in the City of Toronto's Official Plan and being in a Mixed Use Areas 1 and 2 as designated in the Downtown Plan. The proposed development is adjacent to the subway and hence close to transit, and contributes to a healthy community with an appropriate mix of residential and employment uses. The massing, in an area with other tall buildings, adheres to appropriate development standards including issues of transition and shadows as well as conserving key heritage resources. Additionally, the development provides for an appropriate range and mix of housing units. For these reasons the Settlement Offer is consistent with the PPS.

### **Growth Plan**

The key Growth Plan policies applicable to this development are:

- Policy 1.2.1 refers to the achievement of complete communities, the efficient use of land, a range and mix of housing options to serve all sizes, incomes and ages of households, and conservation of cultural heritage resources;
- Policy 2.2.1.4 refers to the achievement of complete communities that a) features a diverse mix of land uses and c) that provide a diverse range and mix of housing options to accommodate the needs of all household sizes and incomes;

- Policy 2.2.1.4 e) ensures the development of high quality compact built form, an attractive and vibrant public realm through site design and urban design standards;
- Policy 2.2.2.4 b) refers to an appropriate type and scale of development and transition of built form to adjacent areas while 2.2.2.4 f) refers to implementation through Official Plan policies and designations and other supporting documents;
- Policy 2.2.6.3 refers to multi-unit residential developments to accommodate a diverse range of household sizes and incomes; and,
- Policy 4.2.7.1 states cultural heritage resources will be conserved.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have a particular relevance for assessing Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is identified as an intensification area. Intensification on the subject site is appropriate. The development is in the form of a complete community with a diverse mix of land uses and a range and mix of housing options including an on-site community space. Additionally, the built form is of an appropriate type and scale which is similar in magnitude and form with the adjacent or nearby developments at Aura (386 Yonge), Chelsea hotel (33 Gerrard) and Cresford (363-387 Yonge). The proposed built form also conserves heritage resources and addresses shadowing on park issues. For these reasons, the Settlement Offer conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

The review of the proposed built form in relation to applicable Official Plan policies and relevant guidelines and their link in assessing PPS consistency and Growth Plan conformity is further examined below.

### **Conformity with Growth Targets and Density Targets**

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the Ontario Municipal Board in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The site is within the urban growth centre of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various urban growth centres in the City at a rate of 400 pp/jobs per hectare to help achieve this overall population. The City is presently on track to meet

these overall 2041 Growth Plan's forecasts based on Census data, current development proposals, and future trends that are currently being considered by the City.

The density of the Downtown Toronto Urban Growth Centre area in 2016 was 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people and employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates significant growth and intensification within the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
Change between 2011-2016	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto Urban Growth Centre area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active (i.e. have at least one Planning approval), for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet built (see Profile Toronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto Urban Growth Centre over the near term from 2016 as occurred over the years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2017). In addition, there would remain an additional ten years for additional approved development to occur.

While the proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown Urban Growth Centre, it nonetheless provides a positive contribution towards meeting and/or exceeding this specific target. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

### Land Use

The site is designated Mixed Use Areas in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that Mixed Use Areas are made up of a broad range of

commercial, residential and institutional uses, in single use or mixed use buildings. The proposed office, community space, retail and residential uses would conform to the permitted land uses.

OPA 231, not in full force and effect, includes an office replacement policy that requires an increase in the non-residential GFA for office purposes. The existing buildings include 710 m<sup>2</sup> of office GFA, whereas the proposed building includes 946 m<sup>2</sup> of office GFA (and an additional 471 m<sup>2</sup> of community space) and as such, conforms to the office replacement policy.

OPA 406, not in full force and effect, designates 8 Elm Street as Mixed Use Areas 1 – Growth and 348-356 Yonge Street as Mixed Use Areas 2 - Intermediate. Both land use designations would permit office, retail and residential uses. For the 8 Elm Street property, the Mixed Use Areas 1 – Growth designation, Policy 6.24 refers to the requirement to include a high proportion of non-residential uses within mixed use developments. Approximately 5% of the entire development's GFA is non-residential. Given the requirement for non-residential GFA requirement is limited to the 8 Elm Street portion of the site, which is the smallest portion of the development site, and that the Settlement Offer conforms to the office replacement policy, it is felt that the intent of the policy to encourage non-residential development on site is being satisfied.

SASP 174 identifies Yonge Street as a pedestrian-oriented retail and entertainment area. OPA 406 Map 41.5, which is not in full force and effect, designates the Yonge Street frontage as a Priority Retail Street. Additionally, the Downtown Tall Building Design Guidelines designate Yonge Street as a Priority Retail Street. The Settlement Offer includes two potential heritage properties at 348-350 and 352-354 Yonge Street. The corner property at 348-350 Yonge Street will be designated under Part IV of the Ontario Heritage Act. The property at 352 -354 Yonge Street, while containing heritage value, is structurally compromised so will be dismantled and rebuilt. It will not be designated under Part IV of the Ontario Heritage Act, but its conservation will be secured through a conservation plan. Given the project scope to conserve the Yonge Street properties, including retaining and restoring their façades and using the ground floor for retail uses, the intent of the policy and Guidelines is being met .

### **Built Form**

The proposed built form has been reviewed against the Official Plan, SASP 174, and the approved, but not in full force and effect, OPA 352 and OPA 406 as well as relevant design guidelines as described in the Policy Considerations Section of the Report.

The proposed tower has been assessed in terms of the context and tower separation/setbacks, tower stepbacks and floor plates, height issues related to shadowing, and the helicopter flight path. The podium is separately assessed in terms of form and heritage issues.

With respect to built form, of particular relevance is SASP 174 which applies to the Yonge Street properties (but not 8 Elm Street). Key objectives and principles of SASP 174 are that changes will enhance the character of the area including the low-scale built form and the varied storefront appearance. Building façades will define and form a



continuous edge along the street. Buildings will have a scale consistent with the height limits within the area and will respect the existing transition in height and scale between buildings. The proposed tower, which steps back 10 m from a low scale podium, and which is predominantly located on the 8 Elm Street portion of the property, is in the same form as that which was approved on the opposite side of Yonge Street at 363-387 Yonge. In order to ensure that development on this site appropriately address SASP 174, it is recommended that any future Site Plan application be forwarded to Design Review Panel to ensure those low scale, store front policies of SASP 174 are appropriately addressed.

The Yonge-Gerrard Focus Area Review looked at built form and potential tower site locations. Crucially, this review considered potential development of the Elm Street properties separately from the Yonge Street properties. The study did not consider a corner site with frontages along both Elm and Yonge Street which this current application proposes. As such, the conclusions from the review, as it applies to this site, are not applicable.

### **Tower - Context and Tower Separation/Setbacks**

The planned and built form context is one of the key considerations when assessing appropriate built form. The general intent is that sufficient separation distances be achieved to ensure light, view, and privacy impacts are appropriately addressed for both residents and pedestrians.

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. Policy 3.1.2.3 d) refers to limiting impacts by providing for adequate light and privacy while 3.1.2.4 refers to adequate access to skyview. Tall Building Policy 3.1.3.2 c) states that tall buildings will demonstrate how they will relate to the existing and/or planned context.

OPA 352, not in full force and effect, Policy B i) refers to tall buildings to provide setbacks from the lot lines so that individual tall buildings and the cumulative effect of multiple tall buildings within a block fit in with the existing and/or planned context. Policy B ii d), e) and f) further reference access to natural light, a reasonable level of privacy for occupants, and pedestrian level and occupant views between towers.

OPA 406, not in full force and effect, Policy 3.3 states new buildings will fit within their existing and planned context. Policy 9.27.3 refers to built form adjacencies between tall buildings through the application of separation distances and tower orientation. Tall Building Design Guideline 1.1 defines the existing and planned context as a 250 metre and 500 metre radius from the tall building. Guideline 1.3 refers to tall buildings fitting within the existing or planned context. Guideline 3.2.3 further identifies tower separation distances of 25 metres between towers.

The existing and planned context varies in scale. Within the 250 metre to 500 metre radius identified by the guidelines, there are numerous towers as well as low-scale buildings. Closer to the site, to the north-west, there is the approved 33 Gerrard Street West development with 3 towers, including an 84-storey tower immediately adjacent to

the subject site. To the east, across Yonge Street, the 363-391 Yonge Street properties have been approved for an 85-storey tower. Immediately to the west, north along Yonge Street, and south there are low-scale buildings, some with heritage potential, with as-of-right zoning for heights of 46 metres along Elm Street and 20 metres along Yonge Street.

The applicant is proposing a 67-storey tower with tower separation distances ranging from 5 to 10 metres (west to property line), 13 to 15 metres (south to mid-point of Elm Street right-of-way), 38.8 metres (east to the approved tower at 363-391 Yonge Street) and 22.5 metres (northwest to the approved tower at 33 Gerrard Street West).

For the northwest setback, the proposed tower directly faces an 84-storey tower approved by LPAT as part of the redevelopment of the Chelsea hotel site. The 84-storey Chelsea tower is setback 12.5 m from the rear lot line of 8 Elm, resulting in a 22.5 m tower separation. Neither tower would have projecting balconies.

For the west setback, the project relies on taking part of its tower separation requirement from the adjacent property at 14 Elm Street (The Arts and Letters Club) to secure an appropriate separation. The applicant has negotiated an agreement with the owner of 14 Elm Street, whereby the owner of 14 Elm Street will agree that no building or structure will be constructed on its own property, above its as of right height permission of 46 metres, within 7.5 m of the shared property line. The combination of this 7.5 m setback and the required 5.0 m setback on 8 Elm Street will satisfy the applicant's requirement to provide its half of the 25 metre separation distance for its proposed tower. The agreement between the two property owners will be secured to the satisfaction of the City Solicitor. For this reason, the tower on the subject property has been designed with a varied western setback. In order to secure this setback, it is recommended that staff be directed to request LPAT to withhold its final Order approving the Zoning By-law Amendment until such time as this agreement has been registered on title, with the City being a Party to this agreement, to the satisfaction of the City Solicitor.

Given the existing and planned context includes multiple towers, including towers with greater height than that proposed, the proposed tower does fit within the surrounding context. Appropriate tower setbacks have been achieved, and/or will be secured, to ensure adequate light, view and privacy; thereby conforming to the Official Plan policies and relevant guidelines.

### **Tower - Stepbacks and Floor Plates**

The achievement of appropriate tower stepbacks in conjunction with appropriate tower floor plates is necessary to ensure adequate light and views, minimize wind impacts on the pedestrian realm, and to preserve the massing of the existing low scale buildings (wind and heritage impacts are separately assessed in the Pedestrian Realm and Heritage sections of this report).

Official Plan Built Form Policy 3.1.2.3 d) and 3.1.2.4 state that new development will limit its impact by providing for adequate light and adequate access to sky view. Mixed Use Areas Policy 4.5.2 e) refers to maintaining sunlight for pedestrians on adjacent streets.

OPA 352, not in full force and effect, Policy B ii e) references appropriate pedestrian-level views of the sky between towers as experienced from adjacent streets. OPA 406, not in full force and effect, Policy 9.14 and 9.15 refers to tower floor plates designed to reduce impacts on neighbouring properties and stepping back building mass to allow daylight and sunlight to penetrate to the street.

Tall Building Design Guideline 3.2.1 and 3.2.2 addresses floor plate size and placement and recommends a maximum 750 m<sup>2</sup> tower floor plate with 3 metre setbacks. The Guidelines afford some flexibility when assessing the maximum floor plate for very tall buildings (greater than 50 to 60-storeys) in order to accommodate the need for additional servicing and structural requirements. Downtown Tall Building Design Guideline 1.7.1 a) requires, along Yonge Street, a 10 metre tower setback if there is no heritage building and 20 metres if there is a heritage building.

The application proposed a tower floor plate ranging from 724 m<sup>2</sup> to 870 m<sup>2</sup> and tower setbacks of 5 metres (floors 4 to 9) on Elm Street, 7.5 metres on Yonge Street and 10 metres on the north side of the building.

Portions of the proposed tower do exceed the maximum recommended tower floor plate size of 750 m<sup>2</sup>. Where the tower plate is larger than 750 m<sup>2</sup>, adequate tower separation distances are maintained. In this case, the floor plate is acceptable and is recognized as a possibility by the Downtown Tall Building Design Guidelines for towers exceeding 50-storeys. While the proposed tower does not fully meet the 10 metre setback from the guidelines along Yonge, it does ensure appropriate light and views and minimizes impacts on the public realm which is achieved through the combined 7.5 metre setback with the low 3 storey podium.

### **Tower - Height and Shadowing**

There are multiple Official Plan policies that refer to shadowing. For this application, the key shadows are those impacting College Park (Barbara Ann Scott park), Allan Gardens and the nearby McGill-Granby neighbourhood.

Official Plan Built Form Policy 3.1.2.3 e) refers to limiting shadowing on neighbouring streets, properties and open spaces and in f) minimizing additional shadowing on neighbouring parks to preserve their utility. For the Mixed Uses Areas designation, Policy 4.5.2 e) refers to maintaining sunlight on adjacent streets, parks and open spaces.

OPA 406, not in full force and effect, in Policy 9.18 and 9.19 states development will minimize shadows to preserve the utility of parks and open space and will not cast net new shadows on parks and open spaces as measured from March 21 to September 21 from 10:18-4:18 pm.

These policies are expanded on by Tall Building Guideline 1.3 (a) which refers to maintaining access to sunlight and sky view for surrounding streets, parks, open space and neighbouring properties and by Guideline 1.4 which refers to protecting access to

sunlight and sky view within the surrounding context of streets, parks, open space and other shadow sensitive areas.

Downtown Tall Building Design Guideline 3.2 further states that tall buildings should not cast new shadows on non-signature Parks (College Park being a non-signature Park) from 12:00 noon to 2:00 pm on September 21st.

The applicant has submitted studies illustrating the extent of shadowing that would result from the proposed development. The submitted shadow studies show the proposed tower would shadow:

- Ryerson Quad (designated Institutional Areas) from 4:18 to 5:18 pm March and September 21
- Yonge Street public realm from 1:18 pm to 5:18 pm March, September and June 21

Through careful sculpting of the proposed tower, the applicants have ensured that the proposed development would not shadow College Park and by reducing the tower height would not shadow Allan Gardens and the Neighbourhood designated lands within McGill-Granby (with the possible exception of one hour of shadowing in one corner of the neighbourhood). Given the shadowing on shadow protected lands has been eliminated, from a shadow perspective the proposed height is acceptable and meets the policies and guidelines.

### **Tower - Height and Helicopter Flight Paths**

As with Official Plan Policy 4.8.4 and the Airport Zoning Regulation (By-law 1432-2017), the approved but not in force and effect OPA 406 Policy 9.32 also requires new buildings to be sited and massed to protect the helicopter flight paths. Any development, including all temporary and permanent structures, would have to be below or outside the protected flight path.

The proposed building is located adjacent to the Sick Children's Hospital helicopter flight path and hence outside of the helicopter flight path. The application did not include any information concerning cranes and projections and as such it is not possible to determine if there is an issue with crane swing or any other building projections. The Settlement Offer has been made on a Without Prejudice basis and as such the plans have not been circulated to Sick Children's Hospital. In order to ensure there is no impact to the flight path, it is staff's recommendation that the LPAT be requested to Withhold any Order pending an appropriate assessment of the proposed developments impact on the flight path and that this requirement be secured through a Section 37 Agreement.

### **Podium Height and Setbacks**

The podium, or base building, is what is typically experienced by pedestrians in the street. The proposed development is in a podium tower form with the tower element stepped back from the podium edge. Official Plan Tall Building Policy 3.1.3.1 a) refers to base buildings which provide support at an appropriate scale for adjacent street, parks

and open spaces and integrate with adjacent buildings. Additionally, Built Form Policy 3.1.2.3 a), b) and c) speak to framing adjacent streets, scale and appropriate transitions.

SASP 174 provides a framework for the revitalization of Yonge Street so that new development is consistent with the low-scale, pedestrian-oriented nature of Yonge Street. SASP 174 seeks to retain and restore existing heritage structures, improve the streetscape and public realm, maintain a human scale and contiguous streetwall, and ensure a well-articulated and varied retail street frontage.

OPA 352, not in full force and effect, in Policy B) v) refers to base buildings that will reinforce a pedestrian scale and respect the existing and/or planned streetwall height context of the block. OPA 406, not in full force and effect, in Policy 9.8.1 states that base buildings will be designed to respect the scale and proportion of adjacent streets, parks and open spaces; Policy 9.8.2 states base buildings will fit harmoniously within the existing and planned context of neighbouring streetwall heights and Policy 9.10 that base buildings will provide a transition in scale down to adjacent lower-scaled planned context.

Tall Building Design Guideline 3.1.1 provides further clarity by referring to the base building (podium) height being consistent with the existing streetwall context and refers to podium (base) building heights being a maximum of 80% of the width of the adjacent right-of-way.

The proposed 3-storey (10.7 m) podium wraps around the eastern (Yonge Street frontage), southern (Elm Street frontage), and western edge of the building and then increases in height along the northern portion of the building to 7 and 8-storeys (25.5 metres and 29 metres respectively). The podium maintains zero setbacks from the property line along both Yonge and Elm Streets and therefore forms a contiguous streetwall. The width of the adjacent Yonge and Elm Street rights-of-way are 20 metres. This implies a maximum podium height of 16 metres on Yonge and Elm Streets based on the 80% of right-of-way provision from the Tall Building Design Guidelines. With a 10.7 metre podium, the proposal meets the desired scale and height as outlined in the Guidelines.

An appropriate podium height is also informed by the height of adjacent developments. Adjacent buildings along Yonge Street range in height from 2 to 3-storeys and along Elm Street from 2 to 4-storeys. It is noted that the approved development on the opposite side of Yonge Street, 363-391 Yonge Street, has a podium that ranges in height from 2 to 4-storeys which utilizes many of the existing storefronts along Yonge Street, helping to reinforce the fine-grained retail character of the street. This Settlement Offer similarly integrates several existing retail buildings into the podium so as to maintain the low-scale and pedestrian-oriented built-form, and to preserve and enhance the varied storefront appearance along both Yonge and Elm Streets. The proposed podium heights are within the range of acceptable heights as informed by either the planned context and/or the 80% right-of-way provision.

The form, setback and massing of the proposed podium is further informed and assessed in the Heritage section of this report.

## **Heritage Resources**

The PPS Policy 2.6.1 states that significant built heritage resources shall be conserved.

Toronto's Official Plan ensures the conservation of properties on the City's Heritage Register through the following policies;

Policy 3.1.5.2: Properties and Heritage Conservation Districts of potential cultural heritage value of interest will be identified and evaluated to determine their cultural heritage value or interest. Policy 3.1.5.4 states that properties on the Heritage Register will be conserved and maintained consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada. Policy 3.1.5.5 states that development on a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 3.1.5.26 states that construction will conserve the cultural heritage values, attributes and character and to mitigate visual and physical impact and Policy 3.1.5.27 states that conservation of whole or substantial portions of buildings as being desirable and encouraged and the retention of façades as being discouraged.

Tall Building Guidelines 1.6 states that development respect and complement the scale, character, form, and setting of on-site heritage buildings that is consistent with accepted principles of good heritage conservation. Guideline 1.6 c) and d) states that new base buildings respect the urban grain, scale, setbacks, proportions, visual relationships and materials of the historic context and that tall buildings will not visually impede the settings of properties on the Register. Downtown Tall Buildings Guideline 3.4 also references respecting the scale, character, form, and setting of on-site heritage buildings.

## **8 Elm Street**

8 Elm Street is an on-site 3-storey commercial building which was designated by Toronto City Council under Part IV of the Ontario Heritage Act on November 20, 2007 by By-law 1234-2007. The building is designated as being of cultural heritage value or interest and was known as the "James Fleming Building" with a former address of 8-12 Elm Street. The applicant has submitted a Heritage Impact Assessment.

The heritage attributes as contained within the designation By-law include, but are not limited to:

- the 3-storey south façades with brick cladding above the first storey, and
- the first-floor storefronts, with inset doors, transoms and commercial window openings that retain much of the original 19th century wood detailing.

The proposal would conserve the three 19th century commercial shop fronts at the first floor level along the Elm Street frontage, listed as heritage attributes. Only a minor alteration is proposed in order that one bay be utilized as an entry into the building. The tower component of the development also provides adequate setbacks from the Elm Street frontage and from the west side lot line to ensure retention of the heritage block face scale, form and character and as such conserves the scale and form of the on-site heritage property.

The Settlement Offer and its impact on the existing 8 Elm Street designated heritage property is therefore consistent with the PPS, conforms to the Growth Plan and Official Plan and adheres to the relevant Guidelines.

### **348-350 and 352-354 Yonge Street**

The two on-site Yonge Street properties have been identified as potential heritage resources by heritage staff. Following enlargement of the project site and subsequent mediation, it was agreed that the Yonge Street properties would be conserved and incorporated into the project's base or podium.

The property at the corner, 348-350 Yonge Street is proposed for designation under Part IV of the Ontario Heritage Act. However, as the structural condition of the property at 352-354 Yonge Street is deficient, it will be dismantled and reconstructed and will not be designated under the Ontario Heritage Act.

The Settlement Offer reflects negotiations with the applicant in which portions of the building facades will be retained and rebuilt at the properties. A 7.5 metre step back will then be incorporated at the roof of the properties extending to the tower in order to maintain a contextual understanding of the low scale commercial character along Yonge Street.

### **Heritage Adjacency**

Policy 2.6.3 of the PPS states that Planning authorities shall not permit development and site alterations on adjacent lands to protected heritage property except where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Official Plan Policy 3.1.5.5 requires development adjacent to a property on the Heritage Register to ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained. Policy 3.1.5.26 requires construction adjacent to a property on the register to conserve the cultural heritage values, attributes and character and to mitigate visual and physical impact.

The Tall Building Design Guideline 1.6 states that tall buildings are to respect and complement the scale, character, form and setting of adjacent heritage properties and more specifically to provide additional tall building setbacks setbacks and other appropriate placement or design measures to respect the heritage setting. Guideline 3.2.2 c) states that towers should be placed away from neighbouring properties to reduce visual and physical impacts and encourages setbacks greater than 3 metres

adjacent to heritage properties. This is further informed by Downtown Tall Buildings Guideline 3.4 which reference respecting the scale, character, form, and setting of adjacent heritage buildings.

To the west of 8 Elm Street, the adjacent property is 14 Elm Street (The Arts and Letters Club Hall) which was designated under Part IV of the Ontario Heritage Act on November 26, 1975 by By-law 513-75. Further to the west, 18 Elm Street (YWCA, now the Elmwood Spa) was also designated under Part IV on April 17, 1979 by By-law 334-79. It is noted that 14 Elm Street is a National Historic Site of Canada.

The proposed development will ensure that the integrity of the on-site and adjacent heritage properties cultural heritage value and attributes are conserved. The negotiated stepbacks will mitigate visual impacts to the scale and form of the on-site heritage properties and block face character. Further, the massing and bulk of the tower above the base building will be sensitively massed relative with the scale and definitive roof forms of the on-site and adjacent heritage buildings along Elm and Yonge Streets. As a result, the design of the proposed tower is consistent with the City's Heritage Policies 3.1.5.5 and 3.1.5.26 as the location, massing, and design of the development will mitigate for the visual impact of the proposal relative to perception of the heritage properties from the public realm and compatibility or "fit" of the new development along the Elm Street and Yonge Street frontages.

The proposed development is therefore consistent with the PPS and conforms to the Official Plan and relevant Guidelines that refer to heritage conservation and adjacency issues.

### **Heritage View Corridor Impacts**

City Hall is designated under Part IV of the Ontario Heritage Act. Views to City Hall are protected through the Official Plan as part of Official Plan Amendment No. 199 (OPA 199). As previously mentioned, these protected views are subject to a draft Official Plan amendment which would provide further clarity of the protected view.

At the time of the original application submittal in 2016, the proposed development conformed to the view corridor protection policies of OPA 199 which specifically protected the view to City Hall. The current proposal also conforms to the in-force view protection policies of OPA 199.

The current proposal would result in a penetration into the view corridor behind City Hall (as distinct from the view to City Hall). The penetration would appear for a short span along the south side of Queen Street West. The penetration of the project massing into the sky can be seen behind intervening structures and will be significantly lower in height than flanking projects presently approved at the Chelsea site (33 Gerrard) and 363-387 Yonge Street. Cumulatively, there would be sky breaks between the proposed towers (33 Gerrard, 8 Elm and 363-387 Yonge) so there would not be a continuous building wall backdrop to the rear of the eastern most portion of the podium as viewed along the selected points on Queen Street West. As such, the proposed development, in conformity with the in-force view protection policies, is acceptable.



## **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. OPA 406, not in full force and effect, Policy 9.33 to 9.38 refers to the provision of indoor and outdoor amenity space as well as references to the design and form of that amenity space. These requirements are implemented through Zoning By-law 438-86, which requires a minimum of 2.0 m<sup>2</sup> of indoor and 2.0 m<sup>2</sup> of outdoor amenity space for each unit, and Zoning By-law 569-2013 which requires a minimum of 4.0 m<sup>2</sup> of amenity space for each unit (of which at least 2 m<sup>2</sup> shall be indoor).

The Settlement Offer includes both indoor and outdoor amenity space. The applicant is proposing 1,334 m<sup>2</sup> (2 m<sup>2</sup>/unit) of indoor and 677 m<sup>2</sup> (1 m<sup>2</sup>/unit) of outdoor space for a total of 2,011 m<sup>2</sup> of amenity space (3.1 m<sup>2</sup>/unit). The amenity space is located on the 3rd, 4th, and 8th floors and has been designed so that the outdoor space is contiguous to indoor space.

Given the nature of the tower-podium built form and the retention of heritage features in the proposed development, it would be difficult to provide the required outdoor amenity space. Although the proposed provision of outdoor amenity space falls short of the minimum requirement, the proximity of the site to an approved but not yet built public park with a contiguous POPS (associated with the redevelopment of the Chelsea Hotel), staff find the provision to be acceptable and in line with recent approvals within the area.

The northeast portion of the development site includes 12 units which do not have direct access to the amenity space on the 3rd to 8th floors. In order to ensure access to the amenity space is available, it is recommended that a Section 37 Agreement include a provision that ensures access to the amenity space is secured.

## **Housing - Unit Mix and Unit Sizes**

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe clearly acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of provincial interest. The provision of affordable, secure and diverse housing stock is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities.

OPA 406 Policy 11.1, although not in full force and effect, states that to achieve a balanced mix of unit types and sizes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms with an area of 87 m<sup>2</sup> per unit;
- a minimum 10% of the units as 3-bedrooms with a minimum 100 m<sup>2</sup> per unit; and,
- an additional 15% of the units will be 2 and/or 3 bedroom units.

The Growing Up Guidelines provide similar direction on the recommended unit mix and unit size for multi-unit developments.

The applicant is proposing 35 (5%) bachelor units, 366 (55%) 1-bedroom, 199 (30%) 2-bedroom and 67 (10%) 3-bedroom units. As proposed, the current unit mix would support the objectives of the Growing Up Guidelines, OPA 406 and applicable Official Plan and Growth Plan policies in order to accommodate, within new developments, a broad range of households including families with children.

The development plans do not provide unit sizes for the proposed dwelling units. As such, it is not possible to confirm to what extent the unit sizes for the proposed dwelling units would conform with the Growing Up Guidelines and OPA 406.

Further, as part of the Section 37 negotiations, the applicant has agreed to a payment in the amount of \$ 2 million towards the City of Toronto's Affordable Housing Capital Revolving Fund for off-site affordable housing within Ward 11. This contribution will go towards the provision of an appropriate range of affordable housing which staff support.

### **Parking and Loading**

Official Plan Policy 4.5.2 i) refers to developments in Mixed Use areas will provide an adequate supply of parking for residents and visitors.

The applicant is proposing 100 parking spaces (in stackers) and 2 loading spaces. There are also 714 bicycle parking spaces proposed. A Transportation and Parking Assessment was submitted with the initial 8 Elm Street application along with a Transportation and Parking Assessment Addendum related to the expanded site. Transportation Services staff have reviewed the documentation and commented that the Settlement Offer is acceptable.

Solid Waste Management Services has also reviewed the proposed loading area and commented that there remain issues with the proposed staging area, garbage storage rooms, vertical clearance heights and the proposed turntable. The applicant has indicated they will do private pickup and as such do not have to conform to the City requirements. The details of the loading can be addressed as part of a subsequent Site Plan application.

### **Yonge Street Subway**

The development site is adjacent to the Yonge Street subway line. The applicant has proposed a minimum 4.465 m below grade setback from the TTC subway tunnel. Given the plans have been submitted on a Without Prejudice basis, it has not been possible to

circulate to the TTC. In order to ensure any TTC comments and concerns are addressed, it is recommended that the LPAT be requested to Withhold any Order pending the completion of a TTC Technical Review and obtain the TTC's written acknowledgement that the developer has satisfied all of the conditions arising out of the review and that this requirement be secured through a Section 37 Agreement.

### **Pedestrian Realm and Wind Impacts**

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. OPA 406, not in full force and effect, Policy 9.5 refers to a minimum setback of 6 metres curb to building face; and in Policy 9.6 the potential to reduce this standard if there is on-site heritage resource. Tall Building Design Guideline 4.2 also recommends a minimum 6 metre wide sidewalk zone. It is also noted that the Yonge TOmorrow – Schedule 'C' Municipal Class Environmental Assessment has not been completed and any recommendations arising out of that study remain unknown.

The applicant is proposing a 5.5 metre pedestrian realm (building face to curb) on Elm Street and 3.3 metres on Yonge Street. Although these setbacks do not meet the minimum standards, they do reflect the existing heritage built form setbacks and as such are appropriate given the façades will be retained in their present locations.

With respect to wind impacts on the pedestrian realm, Official Plan Policy 4.5.2 e) and Tall Building Guideline 4.3 refer to comfortable wind conditions and the protection of the pedestrian realm from wind impacts. The applicant has provided a pedestrian level wind study which concludes that wind impacts are expected to be comfortable at all grade-level pedestrian sensitive locations for their anticipated use. However, for the outdoor amenity areas on the east side of the 3rd and 4th floors and the northwest corner of the 8th floor, mitigation in the form of perimeter wind screens (or a combination of raised planters, trellises, and wind screens) will likely be required which can be secured through the Section 37 Agreement and the Site Plan application process.

### **Site Servicing**

The applicant submitted a Functional Servicing and Stormwater Management Report and Hydrological Assessment for the expanded site. Engineering and Construction Services has reviewed the reports and advise that there are no issues. Toronto Water has requested that as a condition of the Zoning amendment application, that an updated Hydrological Review be submitted using the most current Terms of Reference which shall include all the required and up-to-date information, including Pump Test and water quality data. It is therefore recommended that, City staff be authorized to request the LPAT to withhold its Order pending the submission of an updated Hydrological Review.

### **Open Space/Parkland**

Public parks and open spaces perform a variety of critical functions that improve and maintain community and environmental health. They offer recreational opportunities which support active lifestyles, host spaces for social events and organization, and accommodate natural infrastructure which provide vital ecosystem services and help mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. Map 8B of the City of 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.

In accordance with [Chapter 415, Article III of the Toronto Municipal Code](#), the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

In keeping with the Downtown secondary plan, OPA 406, the proposed settlement is no longer shadowing College Park between March 21 and September 21 and as such is satisfactory.

### **Community Services Assessment**

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

OPA 406, not in full force and effect, Policy 10.3 and 10.9 requires the provision of community space on-site and non-profit child care where it can be accommodated on-site. This could be secured though and as part of a Section 37 Agreement.

The applicant submitted a Community Services and Facilities Study for the original 8 Elm Street application but did not submit an addendum for the expanded site. Staff reviewed the plans for the expanded site and commented on the need to secure on-site community space within the development. The applicant is proposing design, construction, finishing and furnishing of 471 m<sup>2</sup> of on-site community arts and culture space with public street exposure which would be leased to the City at no cost for a period of 99 years. This contribution would have an approximate value of \$5 million with any remaining funds after completion to be directed towards the Affordable Housing Capital Revolving Fund. This space would be secured through a Section 37 contribution and through a Section 37 Agreement.

### **Section 37**

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

The community benefits of an approximate value of \$7,000,000 recommended to be secured in the Section 37 Agreement are as follows:

1. \$ 2,000,000 to the Affordable Housing Capital Revolving Fund for the provision of off-site affordable housing within Ward 11.
2. Designing, constructing, finishing and furnishing of 471 m<sup>2</sup> of community arts and culture space, with an approximate value of \$5,000,000, on the third floor to be leased to the City at no cost for a period of 99 years and the provision that, if the actual value of the space is less than \$5,000,000, any remaining funds be directed towards the Affordable Housing Capital Revolving Fund. In the alternative, any changes to the location will be to the satisfaction to the Chief Planner and Executive Director, City Planning.

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

1. Owner be required to provide confirmation from the Hospital for Sick Children (Sick Kids), or its representative, that there is no intrusion into the helicopter flight path by any crane activities or building projections.
2. Owner be required to provide an updated Hydrological Review to satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services in consultation with Toronto Water.
3. Owner be required to complete a TTC Technical Review and obtain the TTC's written acknowledgement that the developer has satisfied all of the conditions arising out of the review.

4. A restriction on the easterly 7.5 m of the property at 14 Elm Street has been secured, to the satisfaction of the City Solicitor, so as to achieve the 12.5 m tower setback.
5. The residents of the 356 Yonge Street portion of the development site shall be granted full rights of access to the amenity space at the 8 Elm Street/348 Yonge Street portion of the development site.
6. The owner be required to submit a detailed Conservation Plan prepared by a qualified heritage consultant that is substantially in accordance with the conservation strategy set out in the Heritage Impact Assessment for 8 Elm Street and 348-350 Yonge Street, prepared by GBCA Architects, all to the satisfaction of the Senior Manager, Heritage Preservation Services.
7. The owner be required to enter into a Heritage Easement Agreement with the City for the properties at 8 Elm Street and 348-350 Yonge Street in accordance with plans and drawings prepared by IBI Group Architects, submitted with the Heritage Impact Assessment prepared by ERA Architects Inc., subject to and in accordance with the approved Conservation Plan required in Recommendation 4.b.6, all to the satisfaction of the Senior Manager, Heritage Preservation Services including execution of such agreement to the satisfaction of the City Solicitor prior to the zoning by-law amendment coming into full force and effect.
8. Owner be required to provide final specifications, including drawings, for the dismantling and reconstruction of the property at 352 - 354 Yonge Street, satisfactory to the Senior Manager, Heritage Preservation Services, prior to demolition permit being issued for the development site.
9. Owner to provide a Letter of Credit in a form and amount satisfactory to the Senior Manager, Heritage Preservation Services to secure the approved dismantling and reconstruction of 352-354 Yonge Street, prior to a demolition permit being issued for the subject property.
10. Prior to the release of the Letter of Credit for 352-354 Yonge Street, the owner shall provide a certificate of completion prepared by a qualified heritage consultant confirming that the work has been completed in accordance with the approved drawings and specifications to the satisfaction of the Senior Manager, Heritage Preservation Services.
11. Prior to the issuance of a permit for excavation and shoring work, the owner will submit a Construction Management Plan, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, the General Manager of Transportation Services, and the Chief Building Official, in consultation with the Ward Councillor, and thereafter will implement the plan during the course of construction. The Construction Management Plan will include the size and location of construction staging areas, dates of significant concrete pouring, lighting details, construction vehicle parking and queuing locations, refuse storage, site security, site supervisor contact information, a communication strategy with the surrounding community, and any other matters requested by the Chief Planner and Executive Director, City Planning, the General Manager of Transportation Services, in consultation with the Ward Councillor.

12. The owner be required to implement wind mitigation measures as part of a subsequent Site Plan application to the satisfaction of the Chief Planner and Executive Director, City Planning.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2014), the Growth Plan (2017) and the Toronto Official Plan. Staff are of the opinion that the proposal is consistent with the PPS (2014) and conforms with the Growth Plan (2017).

Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to the development of a complete community with a built form that fits within its context while providing for an appropriate street relationship that includes conserving heritage resources. Staff worked with the applicant through the LPAT led mediation to resolve issues of the development site being too small and appropriate massing. Staff recommend that Council support the Settlement Offer.

### **CONTACT**

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E-mail: [Derek.Waltho@toronto.ca](mailto:Derek.Waltho@toronto.ca)

### **SIGNATURE**

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Lynda H Macdonald, MCIP, RPP, OALA  
Director, Community Planning  
Toronto and East York District

### **ATTACHMENTS**

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City of Toronto Data/Drawings  
Attachment 1: Application Data Sheet  
Attachment 2: Location Map  
Attachment 3: Official Plan Land Use Map  
Attachment 4: Existing Zoning By-law Map

Applicant Submitted Drawings  
Attachment 5: Site Plan  
Attachment 6: North and East Elevation  
Attachment 7: South and West Elevation





**Attachment 1: Application Data Sheet**  
**APPLICATION DATA SHEET**

Municipal Address: 8 ELM ST Date Received: July 13, 2016

Application Number: 16 189782 STE 27 OZ

Application Type: OPA / Rezoning, Rezoning

Project Description: Rezoning Application for proposed 67-storey mixed-use building containing 667 residential units and retail/office space on the first, second and third floors.

Applicant	Agent	Architect	Owner
SHERMAN BROWN		IBI GROUP	2005244 ONTARIO LIMITED

**EXISTING PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 6.0 (c2.0; r6.0) SS1 (x2318)	Heritage Designation:	Y
Height Limit (m):	259.5	Site Plan Control Area:	Y

**PROJECT INFORMATION**

Site Area (sq m): 1,800 Frontage (m): 50 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	3,382		n/a	n/a
Residential GFA (sq m):			50,254	50,254
Non-Residential GFA (sq m):	7,936		2,641	2,641
Total GFA (sq m):	7,936		54,305	54,305
Height - Storeys:	3		67	67
Height - Metres:			203	203

Lot Coverage Ratio (%): n/a Floor Space Index: 30.17

<b>Floor Area Breakdown</b>	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	54,305	
Retail GFA:	1,224	
Office GFA:	946	
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			657	657
Other:				
<b>Total Units:</b>			657	657

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		35	366	199	67
<b>Total Units:</b>		35	366	199	67

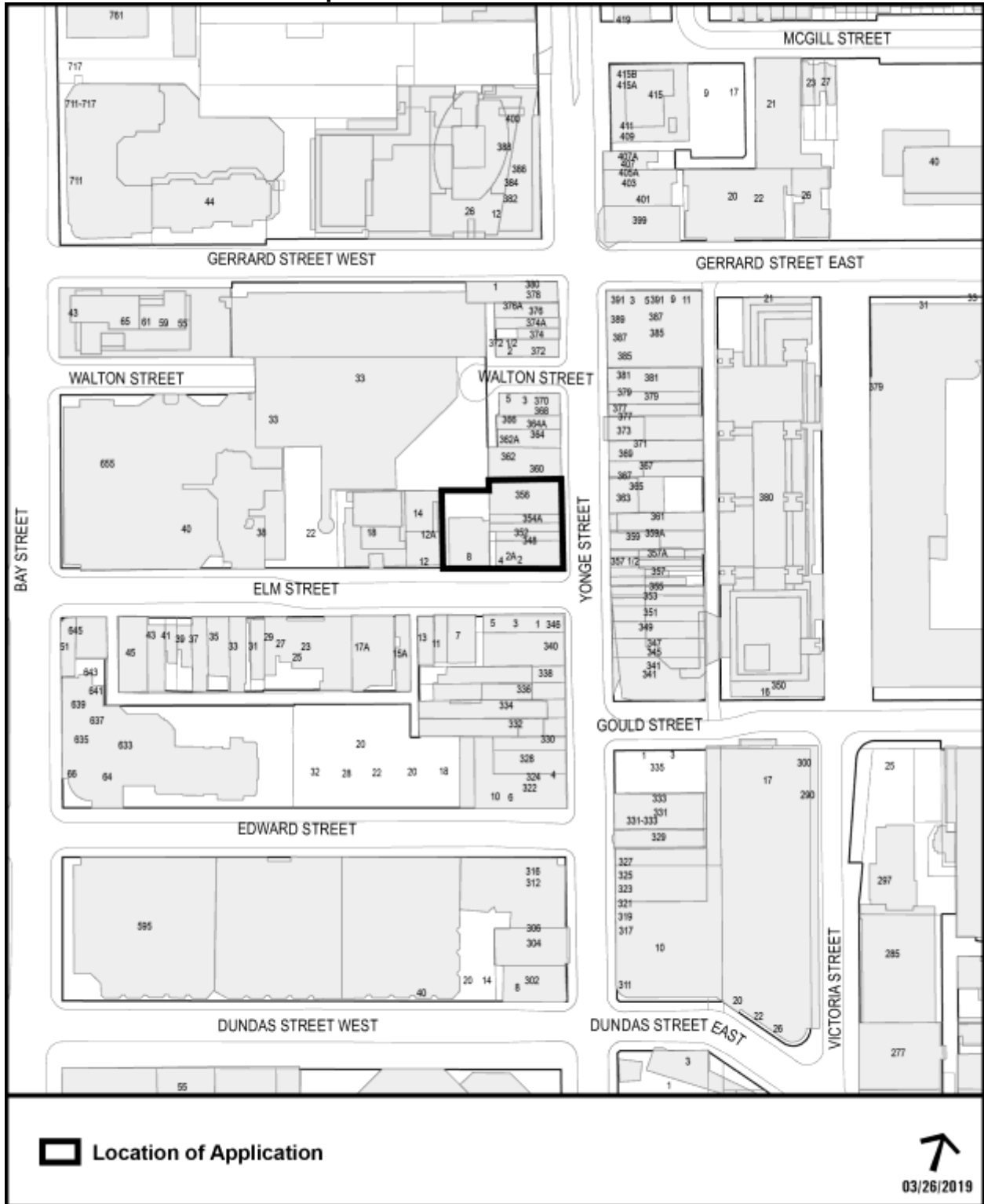
**Parking and Loading**

Parking Spaces:	100	Bicycle Parking Spaces:	714	Loading Docks:	2
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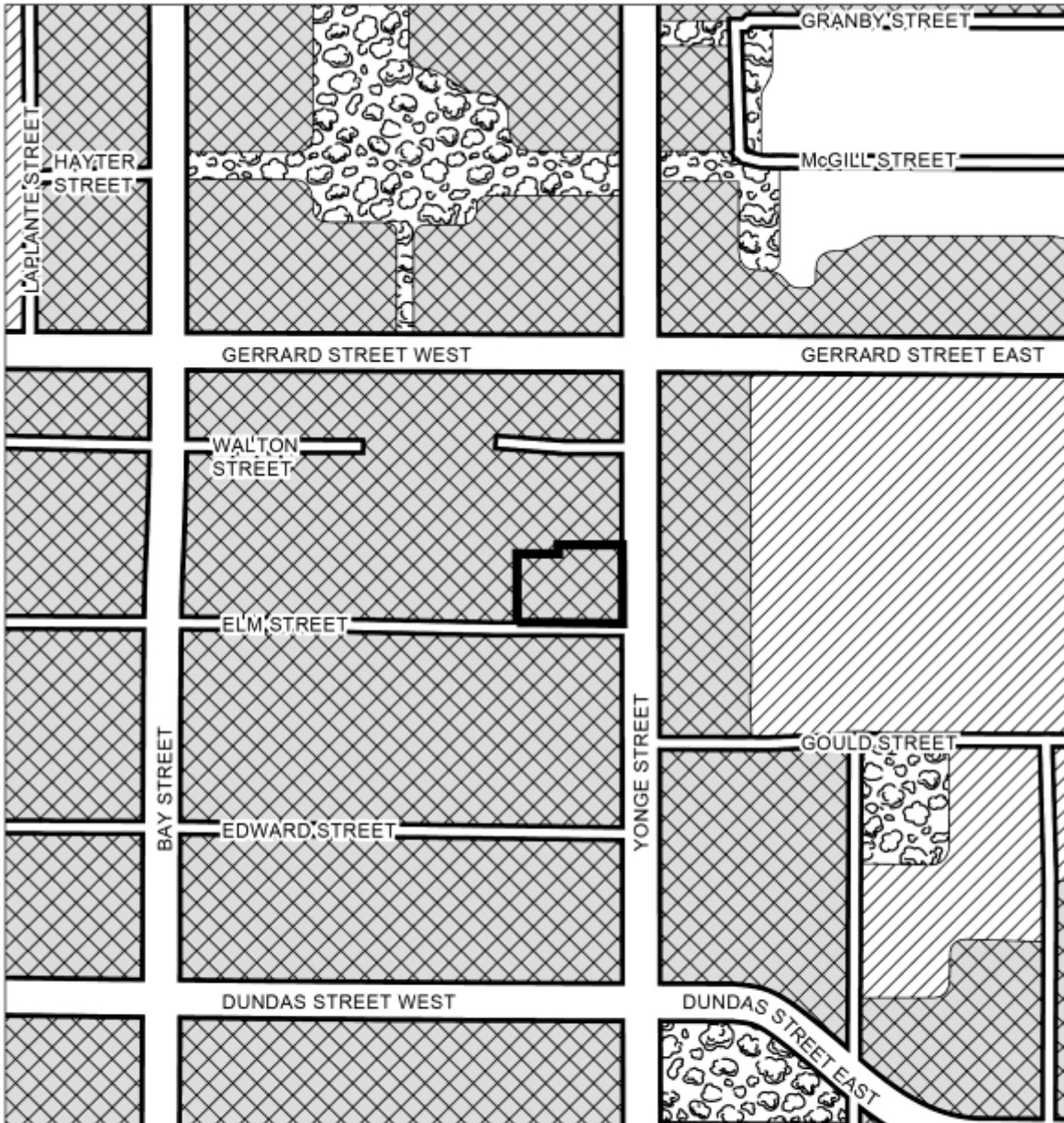
**CONTACT:**

Derek Waltho, Senior Planner  
416-392-0412  
Derek.Waltho@toronto.ca

# Attachment 2: Location Map









### Attachment 3: Official Plan Land Use Map



**TORONTO**  
**Official Plan Land Use Map #18**

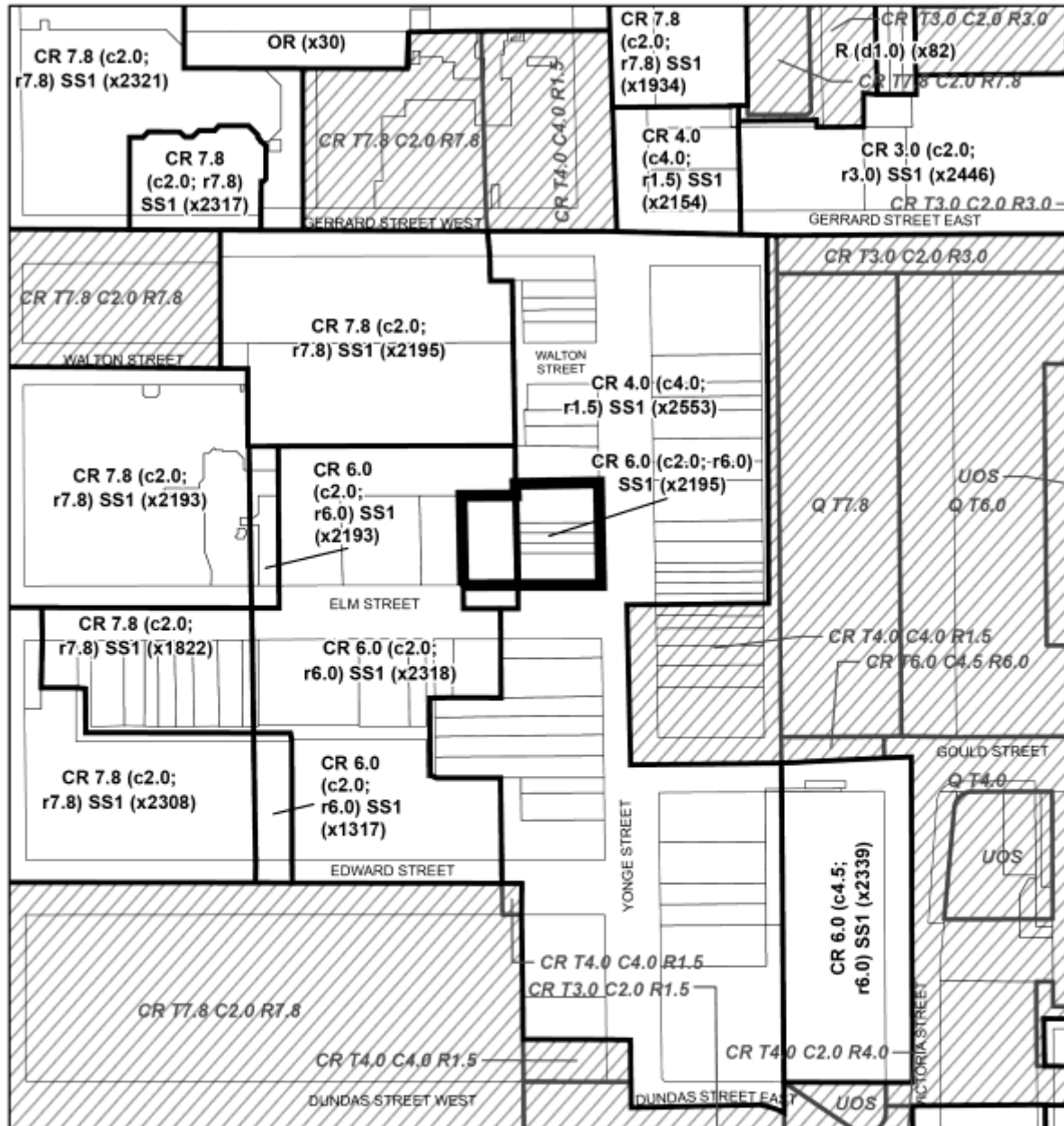
**8 Elm Street & 348-356 Yonge Street**

File # 16 189782 STE 27 0Z

- |   |  |
|---|--|
|  Location of Application |  Parks & Open Space Areas |
|  Neighbourhoods          |  Parks                    |
|  Mixed Use Areas         |  |
|  Institutional Areas     |  |

↑  
 Not to Scale  
 03/20/2019

# Attachment 4: Existing Zoning By-law Map



**Zoning By-law 569-2013**

**8 Elm Street & 348-356 Yonge Street**

File # 16 189782 STE 27 OZ

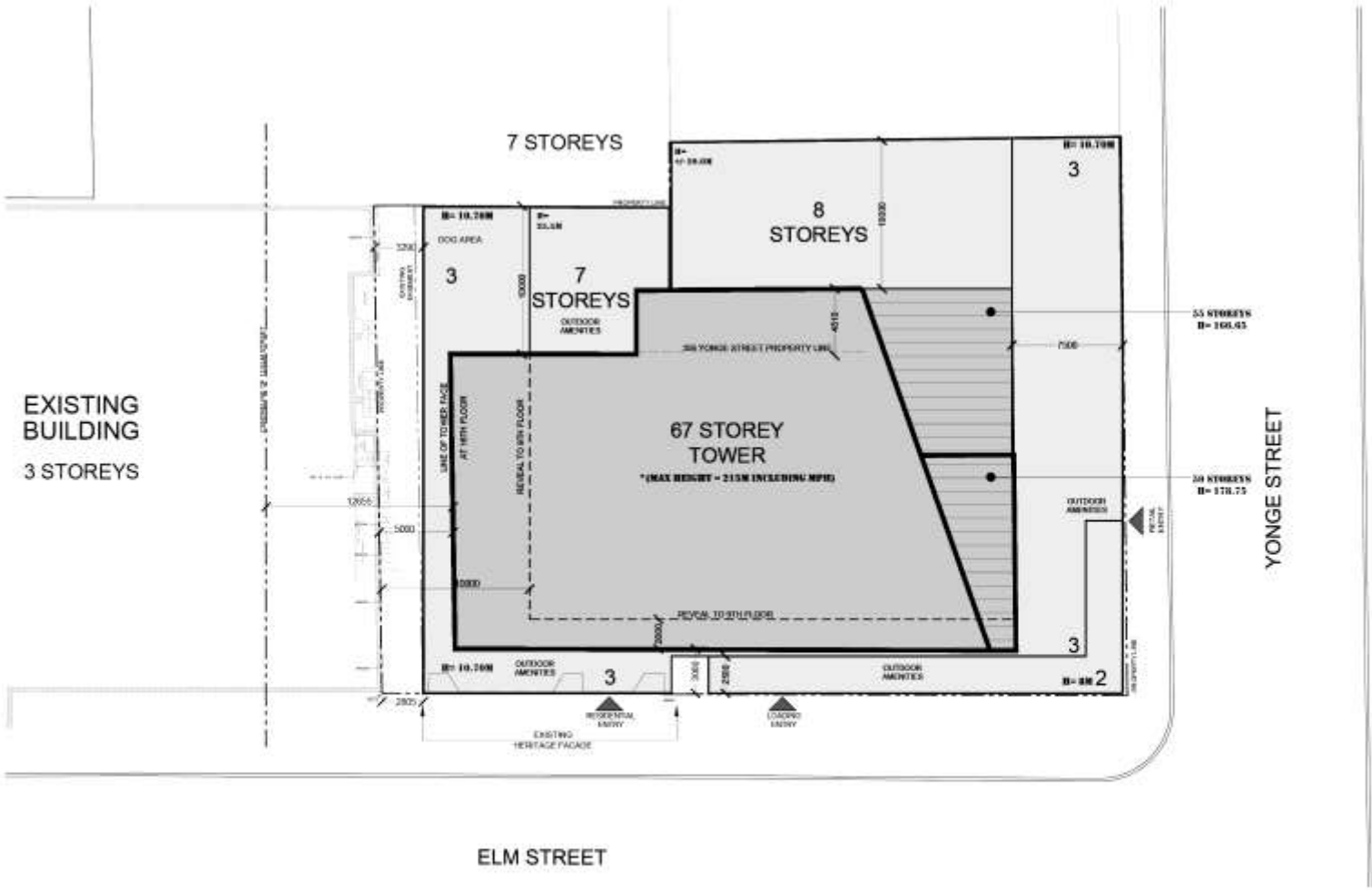
Location of Application

R Residential    CR Commercial Residential  
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  
UOS Parks District

Not to Scale  
Extracted: 03/20/2019



Site Plan

Applicant's Submitted Drawing

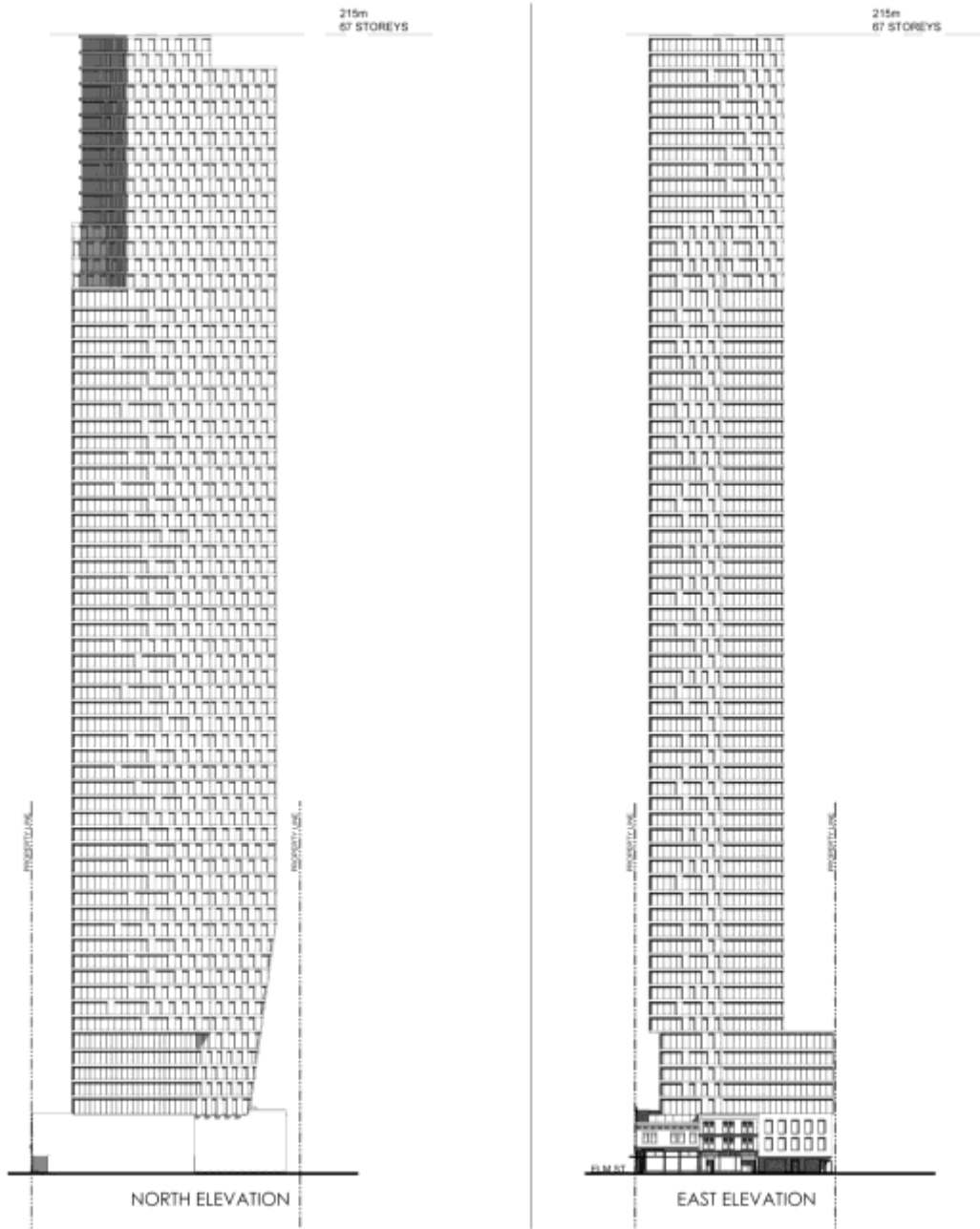
Not to Scale  
03/28/2019



8 Elm Street & 348-356 Yonge Street

File # 16 189782 STE 27 0Z

# Attachment 6: North and East Elevation



## North & East Elevations

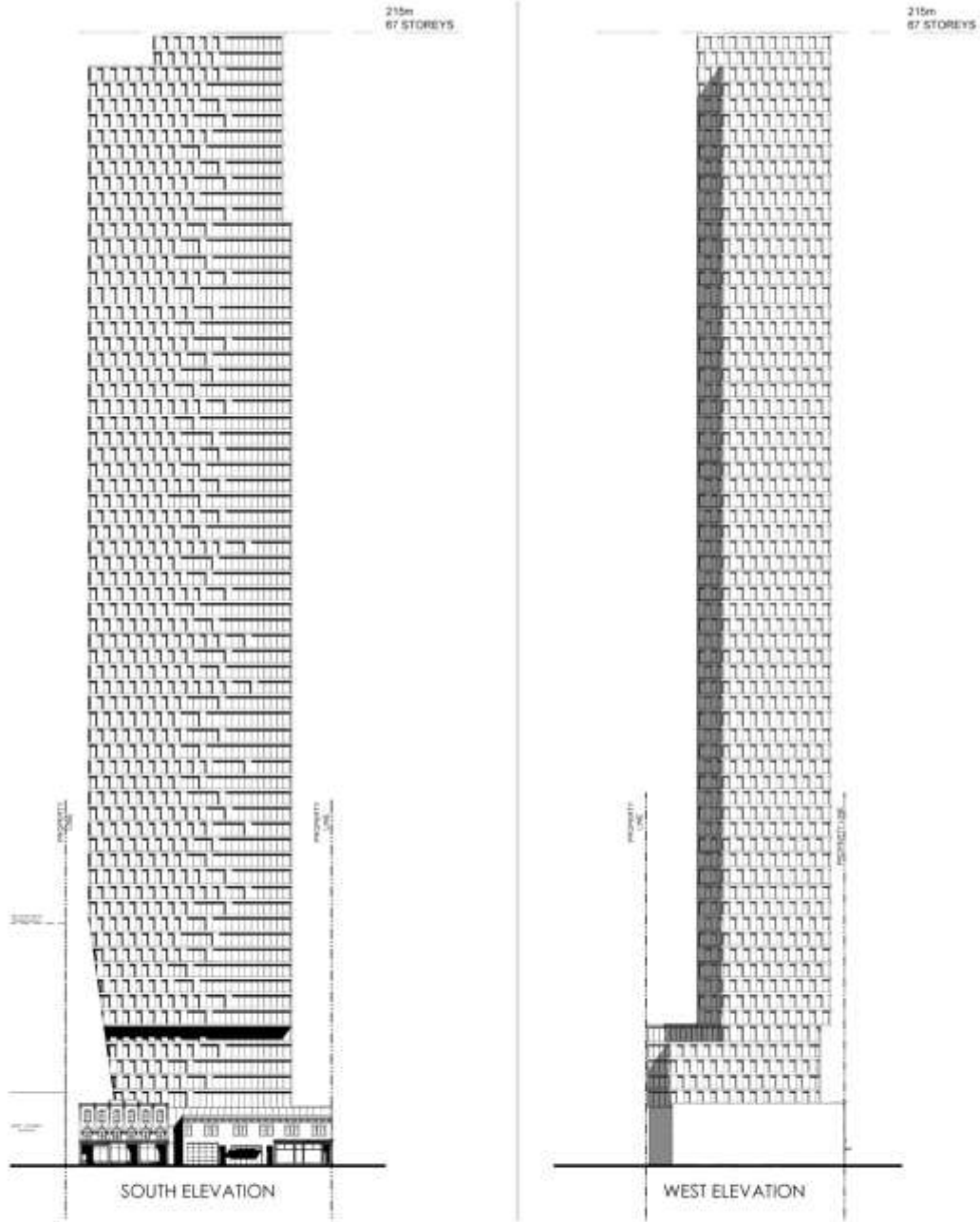
Applicant's Submitted Drawing

Not to Scale  
03/20/2019

8 Elm Street

File # 16 189782 STE 27 0Z

# Attachment 7: South and West Elevation



## South & West Elevations

8 Elm Street

Applicant's Submitted Drawing

Not to Scale  
03/20/2019

File # 16 189782 STE 27 0Z