

## **210 Bloor Street West – Zoning Amendment Application – Refusal Report**

Date: May 3, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward: 11 - University-Rosedale

**Planning Application Number:** 18 254623 STE 20 OZ

### **SUMMARY**

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This application proposes to amend the Zoning By-law for the property at 210 Bloor Street West to permit a 29-storey mixed use building (115 metres including the mechanical penthouse) containing 42 dwelling units and 116 square metres of commercial space. A total of 80 parking spaces are proposed within a three-level underground garage accessed by two car lifts.

This report reviews and recommends refusal of the application to amend the Zoning By-law as it is overdevelopment of the small narrow property and it results in a significant density of 20.25 times the area of lot. Given the small site size, the proposed building cannot provide appropriate setbacks above the Canyon Form Base building height of 20-storeys (62 metres) as required in the Downtown Tall Buildings - Vision and Supplementary Design Guidelines.

The proposed development is not consistent with the Provincial Policy Statement (2014), as it sets out inappropriate development standards including inadequate setbacks and tower setbacks. As a result, the proposed development negatively impacts the access to sunlight for existing residents by locating the proposed building too close to existing and planned buildings on neighbouring properties.

The proposal fails to conform with the Growth Plan for the Greater Golden Horseshoe (2017). It does not provide the appropriate scale of development and transition of built form to adjacent areas.

The proposal does not adequately address policies contained in the City's Official Plan, including Official Plan Amendment 352 and Official Plan Amendment 406 which provide direction on tall building setbacks and separation distances, as well as the appropriate transition in scale of buildings within the Downtown.

## **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council refuse the application for the Zoning By-law Amendment at 210 Bloor Street West for the reasons set out in the report from the Director, Community Planning, Toronto and East York District, dated May 3, 2019.
2. City Council authorize the City Solicitor, together with appropriate staff, to appear before the Local Planning Appeal Tribunal (the "LPAT") in support of City Council's decision to refuse the application, in the event the application is appealed to the LPAT.
3. City Council authorize the City Solicitor and other appropriate staff to take any necessary steps to implement City Council's decision.
4. City Council request the City Solicitor to request the Local Planning Appeal Tribunal (the "LPAT") to withhold its order in the event that the project is approved in some form, until the following have been secured:
  - a. the final form of the Zoning By-law Amendments are to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor;
  - b. the owner has revised the Site Servicing and Stage 2 Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
  - c. community benefits and other matters in support of the development are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Director, Community Planning, Toronto and East York District and the City Solicitor.

## **FINANCIAL IMPACT**

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The recommendations in this report have no financial impact.

## **PROPOSAL**

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### **Consultation with the Applicant**

A pre-application meeting was held on February 13, 2018.

### **Submission and Date Deemed Complete**

The application was submitted on November 9, 2018 and deemed complete on January 23, 2019.

## **Application Details**

The application proposes to amend the Zoning By-law to permit a 29-storey (115 metres including the mechanical penthouse), mixed use building, with a density of 20.25 times the area of the lot. The proposal includes 42 dwelling units and 116 square metres of commercial space.

At the ground level, the building is setback 3.1 metres from the Bloor Street property line. The tower setbacks from Bloor Street West at the upper levels are as follows: 1.7 metres at the 2nd floor, 3.65 metres for the 3rd to 16th floors, 6.75 metres for the 17th to 22nd floors, and 9.45 metres for the 23rd to the 29th floors.

Along the north, rear property line, no setback is provided at the ground floor. The proposed setbacks at the upper levels are as follows: 2 metres at the 2nd floor, 5.64 metres for the 3rd to 16th floors, 9.59 metres for the 17th to 22nd floors, and 7.69 metres for the 23rd to 29th floors.

No building setbacks are proposed along the east and west property lines.

A total of 80 parking spaces is located in a three-level underground garage which will be accessed by two car lifts located at the rear of the subject site. Access to the car lifts is proposed from the private laneway located at the rear of the subject site. A car valet lobby is proposed at the rear of the subject site to support the proposed parking arrangement.

See Attachment 1 for the Application Data Sheet.

## **Application Submission Requirements**

The following reports/studies were submitted in support of the application:

- Survey, Context and Architectural Plans
- Civil and Utilities Plans
- Landscape Plan and Lighting Plans
- Draft Zoning By-law Amendments
- Sun/Shadow Study
- Planning and Urban Design Rationale Report
- Community Services and Facilities Study
- Public Consultation Plan
- Toronto Green Standards Checklist
- Urban Transportation Considerations Report
- Pedestrian Level Wind Study
- Stage 1 Archeological Assessment
- Energy Efficiency Modeling
- Geotechnical Study/Hydrogeotechnical Review
- Noise Impact Study
- Construction Management Plan
- Site Servicing and Stage 2 Stormwater Management Report
- Vibration Study

- Arborist Report/Tree Preservation Declaration
- Computer generated building mass model
- Accessibility Design Standards Checklist

Copies of the submitted documents are available on the City's Application Information Centre at: <https://www.toronto.ca/city-government/planning-development/application-information-centre>

### **Application Circulation**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

### **Reasons for Application**

The application to amend the Zoning By-law is required to permit the following: height, density, angular plane penetration, amenity space, vehicular parking, bicycle parking, loading, among others.

## **SITE AND SURROUNDING AREA**

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The rectangular shaped property has a frontage of approximately 12 metres and a maximum depth of 61 metres. It is occupied by a two-storey commercial retail building.

Surrounding land uses include:

**North:** of the property is a private laneway accessed from Prince Arthur Avenue which serves the loading and servicing of two hotels and a number of office and retail businesses. North of the laneway is a Toronto Parking Authority surface parking lot with the Bloor/Danforth subway below.

**East:** of the subject site is an 8 storey commercial building containing office and retail uses at 208 Bloor Street West. Further east is a 19-storey building (Museum House, 206 Bloor Street West) and a 32-storey building (Exhibit, 200 Bloor Street West).

**South:** of Bloor Street West are several landmark institutional buildings including the Royal Conservatory of Music and the Royal Ontario Museum. Philosopher's Walk, a linear park stretching from Bloor Street West to Hoskin Avenue begins directly opposite the subject site.

**West:** of the subject site is an 8 storey U-shaped building (the InterContinental Hotel). Further west is a 32 storey mixed use building (1 Bedford Road) on the north-east corner of Bloor Street West and Bedford Road.

## **POLICY CONSIDERATIONS**

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### **Planning Act**

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

### **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.

### **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."

### **Provincial 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 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.

The Growth Plan (2017) contains policies pertaining to population and employment densities that should be planned for in major transit station areas (MTSAs) along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities. At the time of the MCR, municipalities can make a request to the Province for alternative targets to those set out in the Growth Plan.

Based on preliminary analysis of the area within 500 metres of Museum Station, the estimated 2016 density was 350 people and jobs per hectare, surpassing the Growth Plan targets of 200 people and jobs per hectare for this station.

Based on preliminary analysis of the area within 500 metres of St. George Station, the estimated 2016 density was 210 people and jobs per hectare, surpassing the Growth Plan targets of 200 people and jobs per hectare for this station.

Staff have reviewed the proposed development for consistency with the PPS (2014) and for conformity with the Growth Plan (2017). The outcome of staff analysis and review are summarized in the Comments section of the Report.

## **Toronto Official Plan**

This application has been reviewed against the policies of the City of Toronto Official Plan including TOcore: Planning Downtown (OPA 406), OPA 352, OPA 320, and Site and Area Specific Policy 334 as follows:

### **Chapter 2 - Shaping the City**

The subject site is located within the Downtown and Central Waterfront area identified on Map 2 - Urban Structure of the Toronto Official Plan. Growth is encouraged in this area through residential intensification in *Mixed Use Areas* (2.2.1.4) shaped by applicable design guidelines which "ensure development respects the context...in terms of the development's fit with existing streets, setbacks, heights, and relationship to landmark buildings" (2.2.1.6). In addition, Official Plan policies in this section speak to reducing auto dependency and the transportation demands and impacts of new development (2.4.4).

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

The Public Realm policies in the Official Plan (3.1.1) speak to the design and function of Toronto's streets, parks, sidewalks, and other open spaces that residents and visitors use to get around the city and connect with each other. Streets, sidewalks, and other open spaces should be designed to be safe, accessible, enjoyable, connected, and related appropriately to adjacent and nearby buildings.

The Built Form policies (3.1.2) state that new development will be located and organized to fit with 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.

The Built Form Tall Building Policies (3.1.3) state that tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, built form principles will be applied to the location and design of tall buildings. Proposals will demonstrate how the building and site design will contribute to and reinforce the overall City structure and relate to the existing and/or planned context.

#### **Chapter 4 - Land Use Designations**

The subject site is designated *Mixed Use Area* on Map 18 - Land Use Plan. *Mixed Use Areas* are described as areas made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities. Policies in the Official Plan speaking to development in *Mixed Use Areas* state that development will reduce automobile dependency, locate and mass new buildings to provide a transition between areas of different development intensity and scale, frame the edges of streets with good proportion, and maintain comfortable wind conditions for pedestrians on adjacent streets (4.5.2).

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

#### **TOcore: Planning Downtown**

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.

Pursuant to Section 26 of the *Planning Act*, the Downtown Plan has been forwarded to the Minister of Municipal Affairs for approval. Council has directed Staff to use the policies contained with 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.

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 three-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. This OPA brings forward 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 liveability, 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. The OPA is consistent with the Provincial Policy Statement (2014), conforms with the Growth Plan and has regard to matters of provincial interest under Section 2 of the *Planning Act*.

The subject site is within Mixed Use Area 2 – Intermediate on Map 41-3-B and within the University of Toronto Park District on Map 41-8 in the Downtown Plan. Bloor Street West, onto which the subject site fronts, is identified in the Downtown Plan on Map 41-5 as a Priority Retail Street, on Map 41-7 as a Great Street, on Map 41-12 as a Priority Cycling Route, and on Map 41-14 as a Cultural Corridor.

### **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. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. OPA 352 and Zoning By-laws 1106-2016 and 1107-2016 are currently under appeal.

The purpose of OPA 352 is to establish the policy context, through the introduction of Site and Area Specific Policy 517, for tall building setbacks and separation distances between tower portions of tall buildings Downtown.

### **Site and Area Specific Policy 334**

Site and Area Specific Policy (SASP) 334 applies to Bloor Street West generally between Avenue Road and Bathurst Street. It recognizes that this area is composed of a variety of land uses including residential, commercial, retail, institutional, cultural, parks and open spaces which contribute to the vibrancy and stability of the neighbourhood. The subject site falls within the "Institutional Precinct" of the SASP. Development criteria for new development within this precinct states that development will generally provide for a transition in height, density and scale from higher building forms in the east to a low-rise, main street character in the west and provide visual cohesion through the use of massing and architectural elements including ground floor heights, podium heights, cornice lines and materials.

### **Site and Area Specific Policy 398**

SASP 334 applies to lands to the north of the Ontario Legislative Assembly Building and prohibits structures from intruding into the silhouette of the Centre Block and the ridgelines of the East and West Block Connector portions of the building.

## Zoning

Zoning By-law No. 438-86, as amended, zones the subject site CR T3.0 C2.0 R 2.5, with a maximum height of 24.0 metres. Zoning By-law 569-2013, as amended, zones the site CR 3.0 (c2.0; r2.5) SS2 (x2482) with a maximum height of 24.0 metres. The total density permitted on the site is a floor index (FSI) of 3.0.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

## Design Guidelines

### 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 link to the guidelines is here:

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

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

This site is located on a High Street as illustrated on Map 1 of the Supplementary Design Guidelines. The height range for this portion of Bloor Street West is 62 – 107 metres (20 storeys – 35 storeys), as identified on Map 2 of the Guidelines. The High Streets Typologies Map (Map 3) also identifies the site as a Canyon Form building typology. Map 4 identifies the Bloor Street West frontage as a Priority Retail Street, meaning 60 percent of the total building frontage should contain active retail uses.

Canyon Form is characterized by high street walls with buildings that have been built to cover the full width of their sites. This condition is a historic one that was once strongly encouraged by the former (pre-amalgamation) City of Toronto and will continue in those locations where it is currently found. Canyon Form is prevalent on High Streets in the Financial District, and on limited portions of Bloor, College/ Carlton, and Dundas Streets. Along Canyon Form street segments, the base height of any new tall building should be built to the height of the existing street wall line as identified in this Guideline through Table Five: Canyon Form Base Building Heights – Street Segments. Above this street wall canyon height, the tower should be set back in accordance with city-wide Tall Building Design Guideline requirement 3.1.1 Base Building Scale and Height and 3.2.2 Tower Placement and Section 3.2.3 Separation Distances of the city-wide Tall Building Design Guidelines, as detailed below.

The guidelines stipulate that if it is not feasible to apply these performance standards to a tower proposal, the site may not be appropriate for a tall building. The three sections below provide Tall Building Design Guidelines direction on base building scale height, tower placement and separation distances:

Section 3.1.1 states that the design of the base building is to fit harmoniously within the existing context of neighbouring building heights at the street and to respect the scale and proportion of adjacent streets, parks, and public or private open space.

Section 3.2.2 states tower should be placed away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm. Coordinate tower placement with other towers on the same block and adjacent blocks to maximize access to sunlight and sky view for surrounding streets, parks, open space, and properties (see 1.4 Sunlight and Sky View and 3.2.3 Separation Distances).

Section 3.2.3 requires tall building towers to setback 12.5 metres or greater from the side and rear property lines or centre line of an abutting lane. Sites that cannot provide the minimum tower setbacks and stepbacks, as required above and in 3.2.2 Tower Placement, may not be appropriate for tall buildings (see Implementation of Tower Separation Distances: Small Sites).

Section 3.2.3 recommends applying minimum tower setbacks to determine the floor plate size and feasibility of the site dimensions to accommodate the construction of tall buildings on sites that are too small to accommodate the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants, and the overall liveability of the City. When towers are constructed too close to property lines, development of one site may restrict adjacent sites from developing in a similar manner. If it is not feasible to construct a tower on a site after applying these setbacks and stepbacks, the site may be too small for a tall building.

The link to the guidelines is here: <https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

### **Draft Growing Up Guidelines: Planning for Children in New Vertical Communities**

On July 4, 2017 City Council directed City Planning staff to use these draft Guidelines in the evaluation of new and under review multi-unit residential development proposals. The Guidelines direct how new development can better function for larger households at three scales: the unit, the building and the neighbourhood. The link to the draft guidelines is here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

### **Site Plan Control**

A Site Plan Control application (File No. 18 254620 STE 20 SA) has been submitted and is under review.

## **COMMUNITY CONSULTATION**

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On February 27, 2019 a Community Consultation Meeting was held at the Intercontinental Hotel. A number of issues were raised including:

- The building's height and built form;
- Shadow impacts on terraces and outdoor elevated amenity space of nearby apartment buildings;
- The overdevelopment of the small site;
- The proposed building density;
- The lack of setbacks and stepbacks;
- The proposed material of the façade;
- Restricted access for proposed 80 parking spaces through a two-way easement from Bloor Street to a narrow lane running east-west that supports one way traffic;
- Laneway obstructed views as a safety issue;
- Concerns regarding the operations of the loading space; and
- The oversupply of parking spaces

As a result of above mentioned issues, the consensus of the meeting was that the applicant needs to reduce the height and parking provisions for the proposed building. The proposed building needs to have appropriate stepbacks, setbacks and a redesign of the façade treatment. The applicant should continue his discussions with the abutting Intercontinental Hotel to try to provide an alternative vehicular ingress and egress for the future project.

## **COMMENTS**

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

The proposal has been reviewed and evaluated against the PPS (2014) and the Growth Plan (2017). The proposal has also reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Policy Consideration Section of this report.

Staff have determined that the proposal in its current form is inconsistent with the PPS and does not conform with the Growth Plan.

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

The PPS (2014) provides for a coordinated and integrated approach to planning matters within municipalities. Speaking to sustaining the health, livability, and safety of communities, Policy 1.1.1 states that land use should accommodate an appropriate range and mix of uses to meet long-term needs, avoid development which may cause environmental or public health and safety concerns, and that promote development that conserves biodiversity and considers the impacts of a changing climate. The proposed development does not adequately address these land use objectives as it proposes to negatively impact the privacy and enjoyment of existing residents by locating the

proposed building too close to neighbouring existing and planned buildings, over-providing parking in close proximity to rapid transit and existing public surface parking, and failing to provide an adequate mix of unit sizes to accommodate a range of residential needs.

The PPS recognizes that local context and character is important. Policy 1.7.1(d), speaking to the need for long-term economic prosperity, recognizes that this is supported by creating "a sense of place, by promoting well-designed built form". Although the PPS does not specify the requirements for defining "well-designed built form", it does identify in Policy 4.7 that "the Official Plan is the most important vehicle for implementation" and directs municipalities to provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

The proposed development's design does not adequately consider its impact on existing residents or appropriately respond to the established or planned context or character of the local area which is in large part defined by well-designed tall buildings that are separated from each other to allow sunlight to penetrate to the public realm and to afford sky-views from the pedestrian scale. The local character is also shaped and informed by the City-Wide Tall Building Design Guidelines and the Downtown Tall Buildings Supplementary Guidelines which this application fails to address.

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

The Growth Plan (2017) reinforces the Provincial Policy Statement's goal of sustaining long-term economic prosperity via land use planning. One of the Growth Plan's primary objectives is to achieve "complete communities", described in part by Policy 2.2.1.4 as places that:

- ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;
- mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and
- integrate green infrastructure and low impact development.

Section 2.2.2.4, speaking to managing growth within Delineated Built-up Areas such as Toronto, states that intensification will be managed in part by identifying the appropriate type and scale of development and transition of built form to adjacent areas through official plan policies and designations and other supporting documents such as design guidelines.

Recognizing that housing is an important component of creating complete communities and managing growth, the Growth Plan also states in Section 2.2.6.3 that municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

The challenge of mitigating and adapting to climate change is addressed by the Growth Plan as well, stating in Section 4.2.10 that municipalities will develop policies in their official plans that include:

- supporting the achievement of complete communities;
- reducing dependence on the automobile and supporting existing and planned transit and active transportation; and
- incorporating appropriate green infrastructure and low impact development

The proposed development does not meet the criteria described in the PPS for the creation of communities that have a sense of place or are sustainable in the long term from the perspective of livability and health. Although the application proposes to intensify the site, it does so in a manner that compromises the quality of life for both existing and future residents by proposing an inappropriate built form and compromising the livable urban character of the subject site and the surrounding community. Moreover, both the PPS and the Growth Plan identify that the Official Plan is the most important implementation tool for their respective policy goals. As the proposed development does not conform with the policies of the Toronto Official Plan, including those speaking to the Downtown, Public Realm, Built Form, Built Form - Tall Buildings, and *Mixed Use Areas*, the proposed development is not consistent with the PPS and does not conform to the Growth Plan.

## **Land Use**

The site is designated *Mixed Use Area* which provides for a range of uses including residential and retail uses. The underlying Zoning By-laws also provide for a range of uses including residential and retail uses. As such, staff have no concerns with the proposed uses of the development.

## **Height, Massing and Density**

This application has been reviewed against the Official Plan and design guidelines described in the Policy Consideration Section of this report, as well as the policies of the Toronto Official Plan as a whole.

The existing site is too small for the proposed building tower height. The tower is too tall because it cannot meet the performance criteria of the Tall Building Guidelines. The small size of the site with the proposed tower results in inadequate stepping back and tower separation. The result is that it is out of character with the surrounding context due to this overdevelopment of the site, and the proposed depth of the building. The proposal does not fit harmoniously into its existing and/or planned context as called for in the Official Plan Section 3.1.2 (Built Form) policy 3. The proposal creates negative light and sky view impacts for the adjacent buildings in terms of its lack of sideyard setbacks and its overall massing covering virtually the entire small site.

In the Official Plan Section 3.1.3 (Built Form-Tall Buildings) the direction is that tall buildings are desirable in the right places but they don't belong everywhere. When poorly located and designed tall buildings can block sunlight, views of the sky, and

create uncomfortable wind conditions, and overwhelm the adjacent streets and neighbourhoods.

In Official Plan Section 4.5 (Mixed Use Areas) it clearly states that not all mixed use areas will experience the same scale of intensity of development. City Planning staff advised the applicant early on in the process that the subject site cannot accommodate a tall building greater than 62 metres in height due to the width of the property.

City Planning staff encouraged the applicant to explore acquiring additional property in order to achieve the requirements of the tall building guidelines. The applicant did not increase the site area and therefore is required to reduce their proposal to be in keeping with Mixed Use policies, the Tall Building Guidelines and to address the negative impacts of the proposal.

The proposed height and massing of the tower does not follow the direction as set out in the Downtown Tall Buildings - Vision and Supplementary Guidelines. The site is located in a Canyon Form section of Bloor Street West as identified on the High Streets Typologies Map. The existing site width allows for a building with a Canyon Form Base Building height of 62 metres or (20 storeys). A taller building above that height requires a 12.5 metres setback on both sideyards above that base height. The site's total width is only 12 metres, therefore, it cannot comply. An adjacent existing building at 204 Bloor Street West (Museum House) was approved in 2006. It has a 12.7 metre lot width, with a building height of 66 metres (19 storeys), plus mechanical penthouse with no side yard setbacks. That building predates the Tall Building Guidelines 2013 provision with the Canyon Form Base Height sideyard setbacks requirements. However, the sideyard setback requirement would only apply to approximately one floor at the top of building.

Another existing tall building east of the site on the same block is 200 Bloor Street West (Exhibit), approved in 2010 prior to the introduction of the Downtown Tall Buildings - Vision and Supplementary Guidelines, required sideyard setbacks above the required Canyon Form Base Building Height. That 32-storey (100 metre) building design relied on a series of four vertical building "blocks" that are staggered, but maintain setbacks of 5.5 to 6 metres from (Museum House) property line to the west above its top residential floor.

Planning staff do not support the depth of the proposed building. The surrounding context is of tall buildings located along Bloor Street West with large tower setbacks to the north to provide transition in scale towards the lower density Mixed Use Area on Prince Arthur Avenue. The proposed building extends nearly the entire depth of the site, and is not in keeping with the planned or existing context.

The proposed building has a density of 20.25 times the area of the lot. The density of the three closest building towers on this block range between 9.6 to 14 times the area of the lot. These towers include One Bedford, Museum House and Exhibit. These towers were all approved between 2005 and 2010. The lower density reflects the existing tall buildings are either on larger sites which can accommodate better the building height, massing with some sideyard setbacks or they are on a similar sized lot but lower in height and respond to the context.

## **Sun, Shadow, Wind**

Section 4.5, Policy 2(d) of the Official Plan states that development within Mixed Use Areas will contribute to the quality of life by locating and massing new buildings to adequately limit shadow impacts on properties in adjacent lower-scale Neighbourhoods, particularly during the spring and fall equinoxes.

The Downtown Tall Building Guidelines state that effort will be made to design and orient tall buildings to minimize their impact on all publicly accessible parks, open spaces, natural area and other shadow sensitive areas. New buildings should be located and designed not to cast any new net shadow on parks between 12:00 PM and 2:00 PM on September 21st.

Planning staff have assessed the proposed development in terms of the incremental impact resulting from the proposed 29-storey (115-metre including mechanical penthouse) building and are satisfied that it adequately limits shadow on the Neighbourhoods, shadow sensitive areas, parks, publicly accessible open spaces and natural areas. However, it does cast shadows in the 4 to 6 pm range period of time on June 21 and March/September 21 on portions of the Museum House building front and rear private amenity space terraces as well as that buildings west facing windows.

The Shadow Study, dated October 5, 2018, prepared by Core Architects Inc. indicates that on March/September 21st there is no incremental shadow on Taddle Creek Park at 12:18 PM. The shadow of the proposed building does not reach the area designated *Neighbourhoods on the south side of Lowther Avenue east of Bedford Road during the same period*. On June 21st, there are no incremental shadows cast on Taddle Creek Park or the designated *Neighbourhood* at any point during the day.

With regard to the wind conditions generated by the proposal, a Pedestrian Level Wind Study prepared by Gradient Wind Engineering and dated September 20, 2018 was submitted in support of the application. The study demonstrates that wind conditions on all surrounding sidewalks, walkways, and parking lots, including the pedestrian plazas on the south side of Bloor Street West such as the one in front of the Royal Ontario Museum, will be suitable for sitting or standing year round. No unsafe wind conditions were found to be generated as a result of the proposal.

## **Traffic Impact, Access, Parking**

The City's Transportation Services has reviewed the Urban Transportation Considerations Report, submitted with the application, and requires further information in terms the loading truck movement, the proposed one-way vehicular operation through the east-west lane, and documentation of the easement/right-of-way for access to the proposed redevelopment of the site.

The Mixed Use Areas policy 2 h) states that development should take advantage of nearby transit services where they are located quite close by, however, the applicant has chosen to over-supply the proposed 42 units with 80 parking spaces, which will only add to the traffic congestion in the surrounding area. Mixed Use policy 2 i) states that development should provide good site access and circulation and an adequate supply of parking for residents and visitors. In this case the access laneway from Bloor Street



West travelling northward is a shared right of way under pressure of two existing tall buildings and two other existing retail/office buildings. The additional pressure of an oversupply of parking is of concern to the adjacent property owners condominium boards who have raised this matter with City Planning since this application was submitted.

### **Streetscape and Public Realm**

The submission includes a 3.1 metre setback from the subject site front property line that fronts on Bloor Street West. The deciduous tree proposed for planting on the Bloor Street frontage and the planting plan details are not acceptable to Urban Forestry. However, if a revised proposal was submitted City Planning staff will review and secure the landscape details through the submitted site plan approval process.

### **Unit Mix**

Both TOCore (OPA 406) and the Draft Growing Up Guidelines: Planning for Children in New Vertical Communities speak to the need for a diverse unit mix. The Growing Up Guidelines indicate that a minimum of 25% of units in a new building should be large units and further directs that 10% of the proposed units should be three-bedroom units and 15% of the units should be two-bedroom units. All the units in the proposed building are large 2-bedroom units. The project does not provide for smaller and more affordable units nor 3-bedroom units for larger families.

### **Servicing**

The applicant has submitted a Site Servicing and Stage 2 Stormwater Management Report which is under review by the City's Engineering and Construction Services. The applicants consultant has indicated that there is a 300mm diameter watermain located along the southside of Bloor Street West that is interconnected with a 300 mm and 150 mm diameter watermains at Avenue Road/Queen's Park and Bloor Street West intersection. However, the 150mm diameter watermain at that location is abandoned/not in use. Further revised plans and studies have been requested in the comments released to the applicant dated February 19, 2019.

### **Archaeological Assessment**

A Stage 1 Archaeological Assessment was submitted by the applicant and concluded that due to previous development, the subject property does not retain any archaeological potential and therefore no further archaeological assessment is required.

### **Tree Preservation**

The applicant's Arborist Report declares that there are no trees on the subject site which meet the City's criteria for protection and intends to plant two deciduous trees at the rear on the subject site. Urban Forestry staff have reviewed the applicant's Landscape Plan find that the plan is not acceptable at this time.

## **Open Space/Parkland**

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 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland 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 ground building permit and is valid for six months. Payment will be required prior to the issuance of said permit.

The subject site is also located within the Downtown Secondary Plan area boundary. While the Downtown Secondary Plan (OPA 406) is under review by the Ministry of Municipal Affairs and Housing, City Council enacted By-Law 1111-2018 to adopt the Downtown Plan OPA 406 on July 27, 2018. Further to OPA 406, the Downtown Parks and Public Realm Plan can be consulted to guide local area park and streetscape improvements.

## **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS.

## **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.

A CS&F Study was prepared by the applicant to respond to the Scope of Work for Community Services and Facilities Submissions in the Downtown Area. It noted that while many service sectors have sufficient existing capacity to accommodate the incremental growth represented by the proposed development, there remain overall accommodation pressures generated by the pace and extent of growth in the Downtown area. No community services or facilities are proposed as part of this application.

### **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant an increase in height and/or density (over and above that permitted by the Zoning By-law) in return for community benefits to be provided by the applicant.

Planning staff has not had any discussions with the applicant or Ward Councillor regarding a Section 37 contribution due to staff's concerns with the proposed development as addressed in this report.

### **Conclusion**

City Planning staff recommends refusal of the proposal in its current form based on both the Provincial policies and the City Planning policies for tall buildings as well as the community's strong concerns with scale and impact of the proposed development.

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 not consistent with the PPS (2014) and conflicts with the Growth Plan (2017). Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to both Built Form (3.1.2) and Mixed Use Areas (4.5) policies 2. c), d), i) and j). The following staff and community concerns have not been resolved. They include height and massing impacts of the proposed building and limited vehicular access to the site. The proposal does not represent good planning and is not in the public interest. Staff recommend that Council refuse the application.

### **CONTACT**

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Barry.Brooks@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 Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6: North Elevation

Attachment 7: East Elevation

Attachment 8: South Elevation

Attachment 9: West Elevation

## Attachment 1: Application Data Sheet

Municipal Address: 210 Bloor St W Date Received: November 9, 2018

Application Number: 18 254623 STE 20 OZ

Project Description: A 29 storey mixed use building with 42 residential units and ground floor retail.

Applicant	Architect	Owner
Tribute Communities	Core Architects	Tribute (Bloor Street) Limited

### Existing Planning Controls

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	SASP 334, 398, 517
Zoning:	CR 3.0 (c2.0; r2.5) SS2 (x2482)	Heritage Designation:	N
Height Limit (m):	24	Site Plan Control Area:	Y

### Project Information

Site Area (sq m): 783 Frontage (m): 13 Depth (m): 60

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	605		537	537
Residential GFA (sq m):			15,743	15,743
Non-Residential GFA (sq m):	1,209		116	116
Total GFA (sq m):	1,209		15,859	15,859
Height - Storeys:	2		29	29
Height - Metres:			107	107

Lot Coverage Ratio (%): 68.51 Floor Space Index: 20.25

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	15,743	
Retail GFA:	116	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			42	42
Other:				
Total Units:			42	42

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:				1	41
Total Units:				1	41

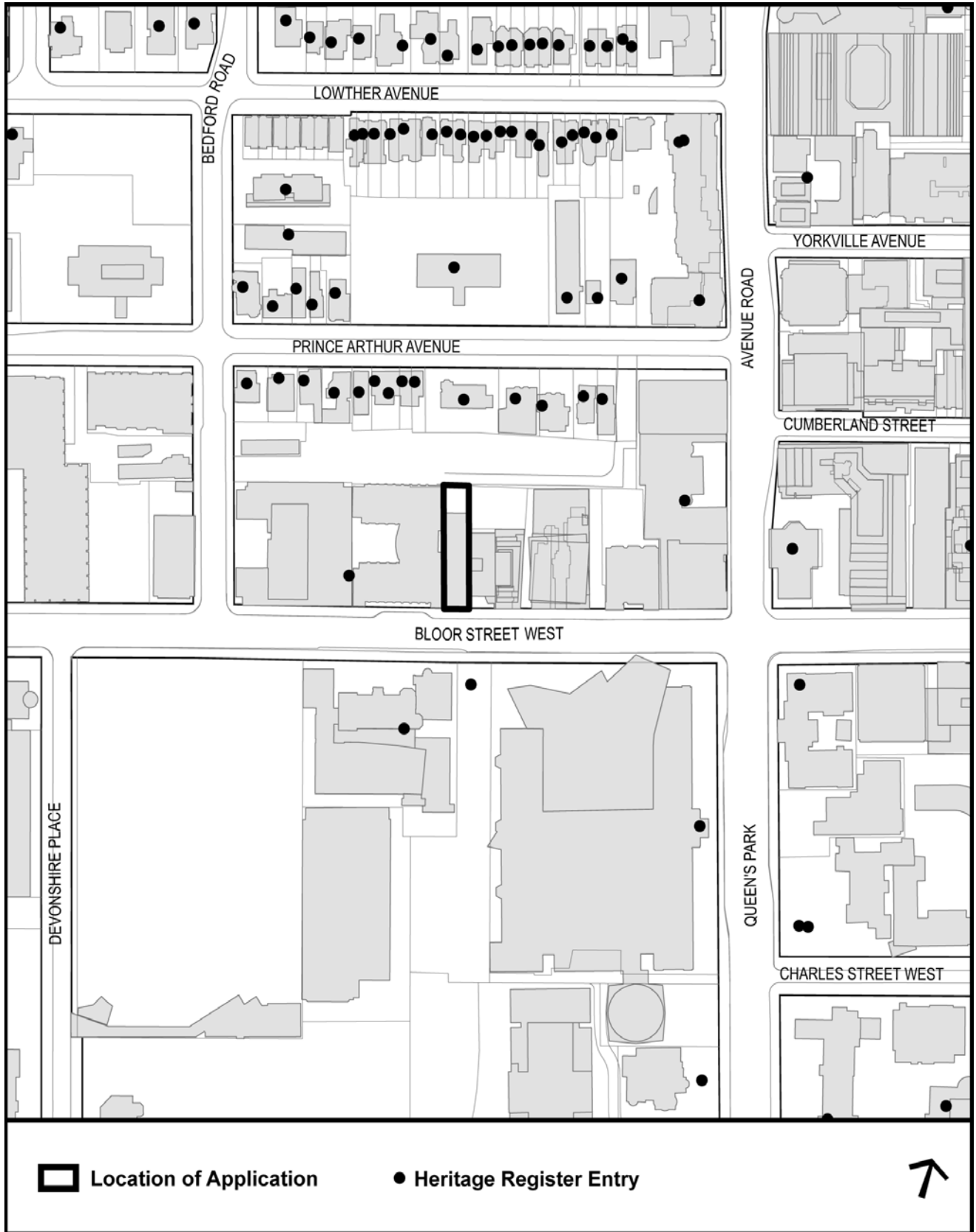
Parking and Loading

Parking Spaces:	80	Bicycle Parking Spaces:	44	Loading Docks:	1
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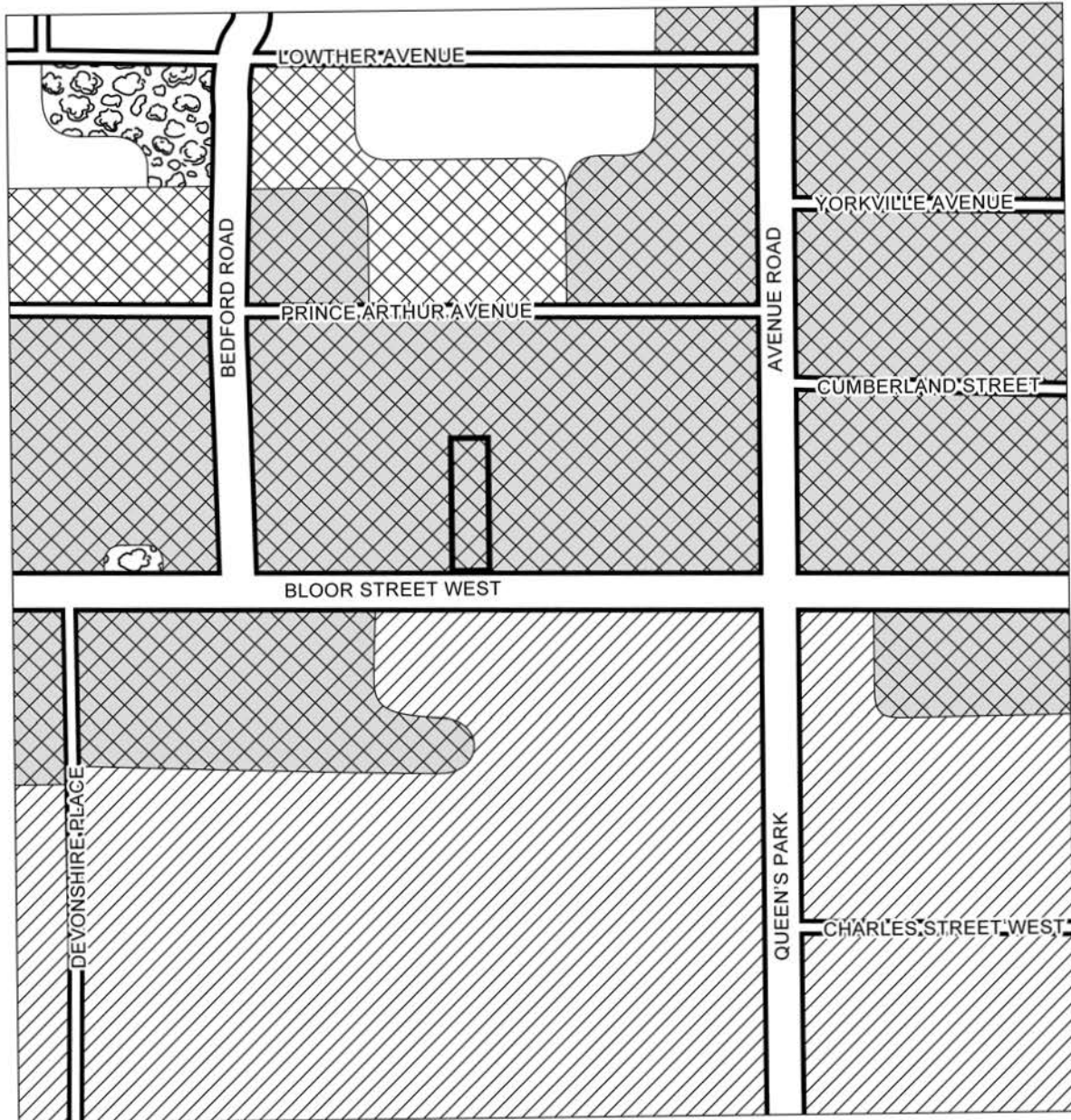
CONTACT:

Barry Brooks, Senior Planner  
 Tel. No. (416) 392-1316  
 E-mail: Barry.Brooks@toronto.ca

Attachment 2: Location Map



Attachment 3: Official Plan Land Use Map



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

210 Bloor Street West

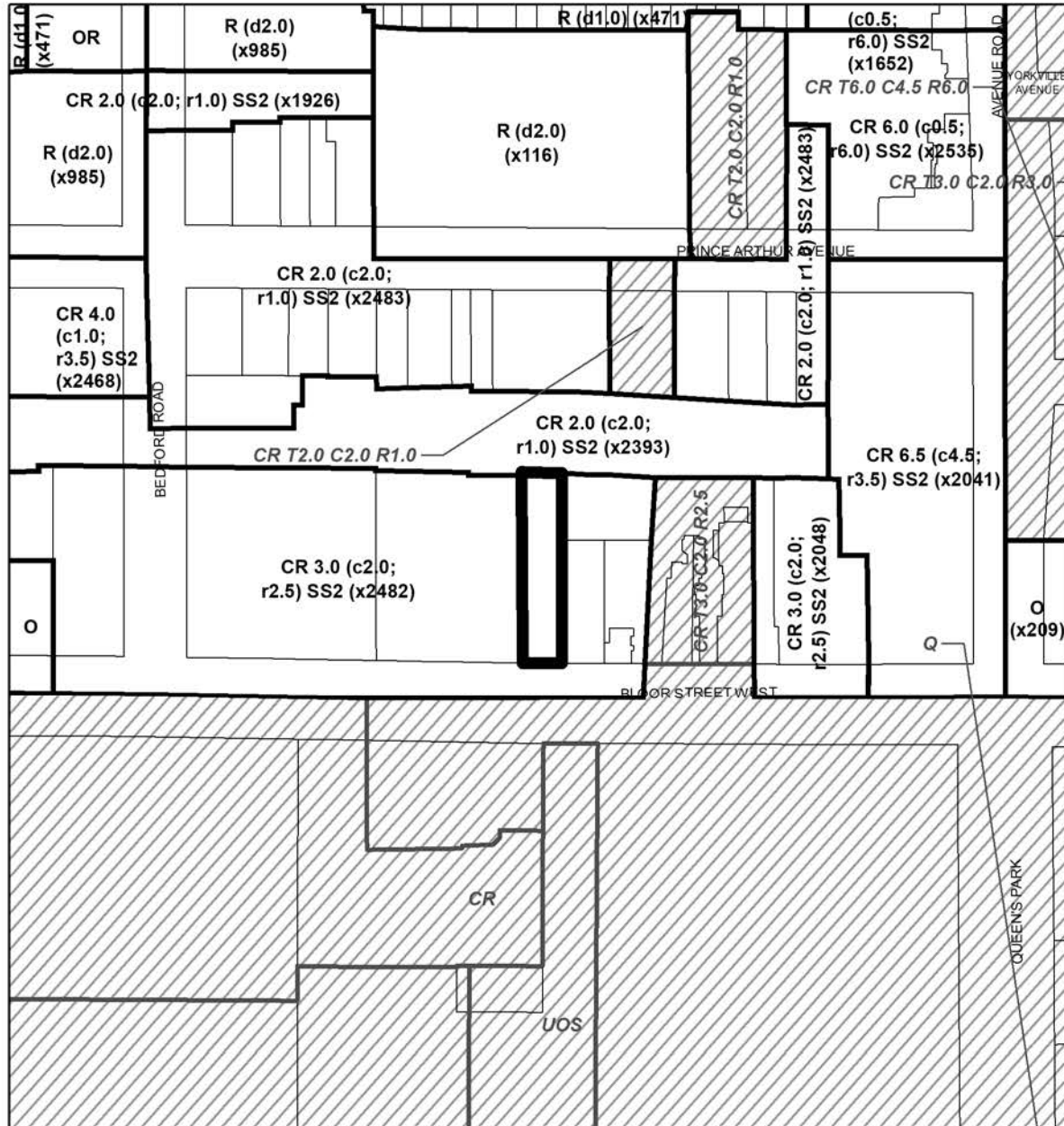
File # 18 254623 STE 20 0Z



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 Not to Scale  
 12/12/2018



Attachment 4: Existing Zoning By-law Map




Zoning By-law 569-2013

210 Bloor Street West

File # 18 254623 STE 20 0Z

 Location of Application

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

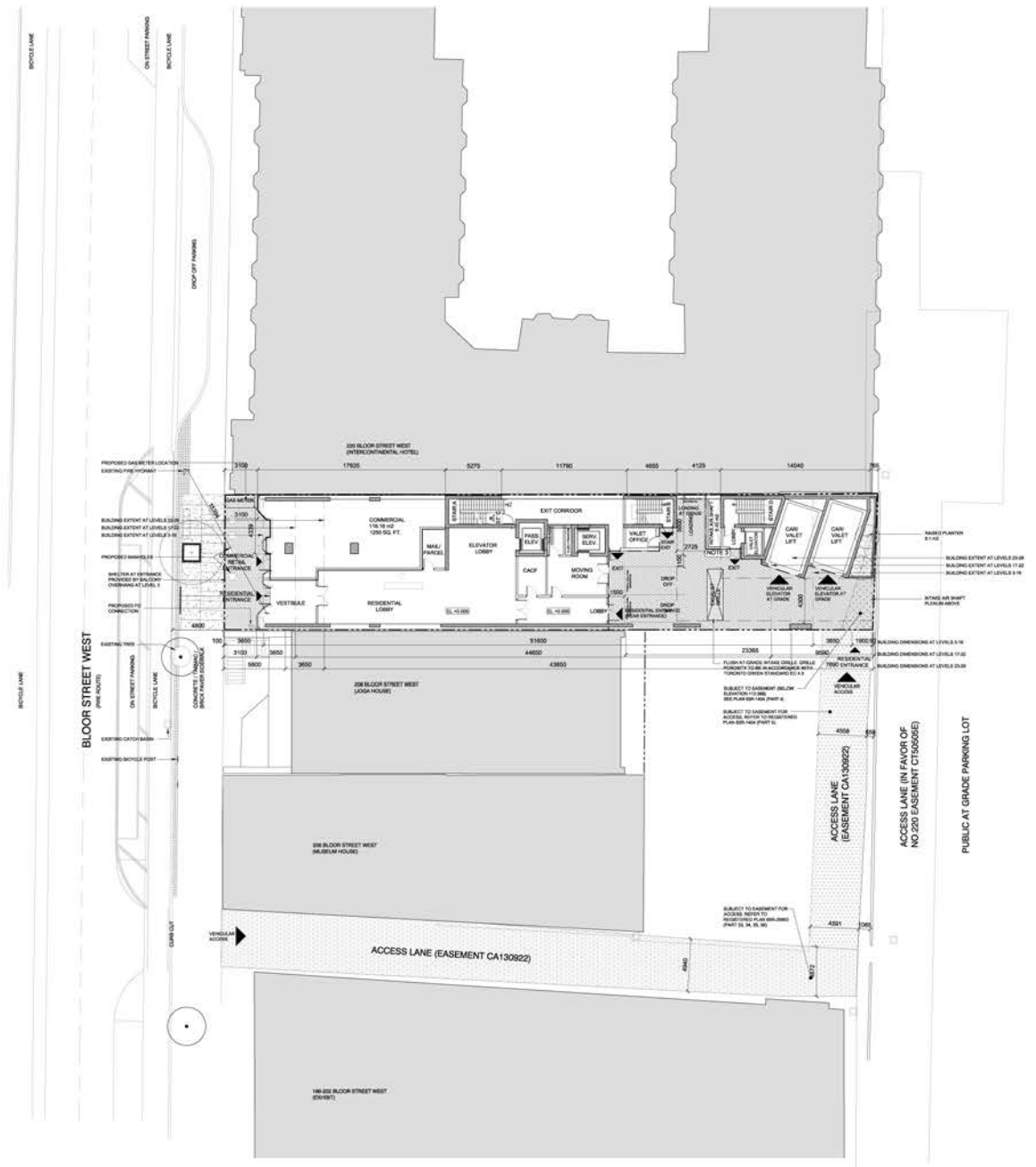
 See Former City of Toronto By-Law No. 438-86

CR Mixed-Use District  
Q Mixed-Use District  
UOS Parks District



Not to Scale  
Extracted: 12/12/2018

Attachment 5: Site Plan



Site Plan

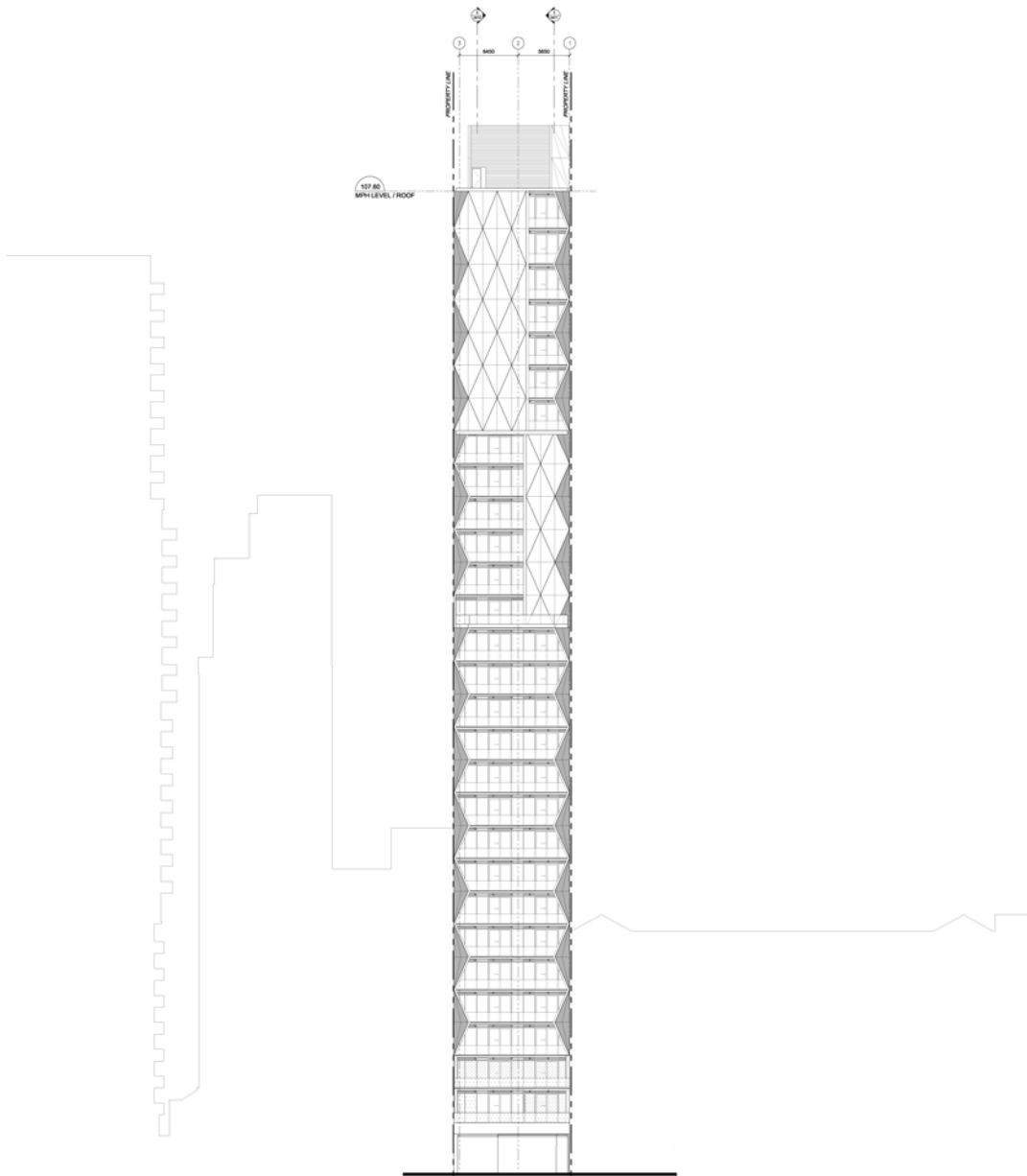
210 Bloor Street West

Applicant's Submitted Drawing

Not to Scale  
12/10/2018

File # 18 254623 STE 20 0Z

Attachment 6: North Elevation



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**North Elevation**

**210 Bloor Street West**

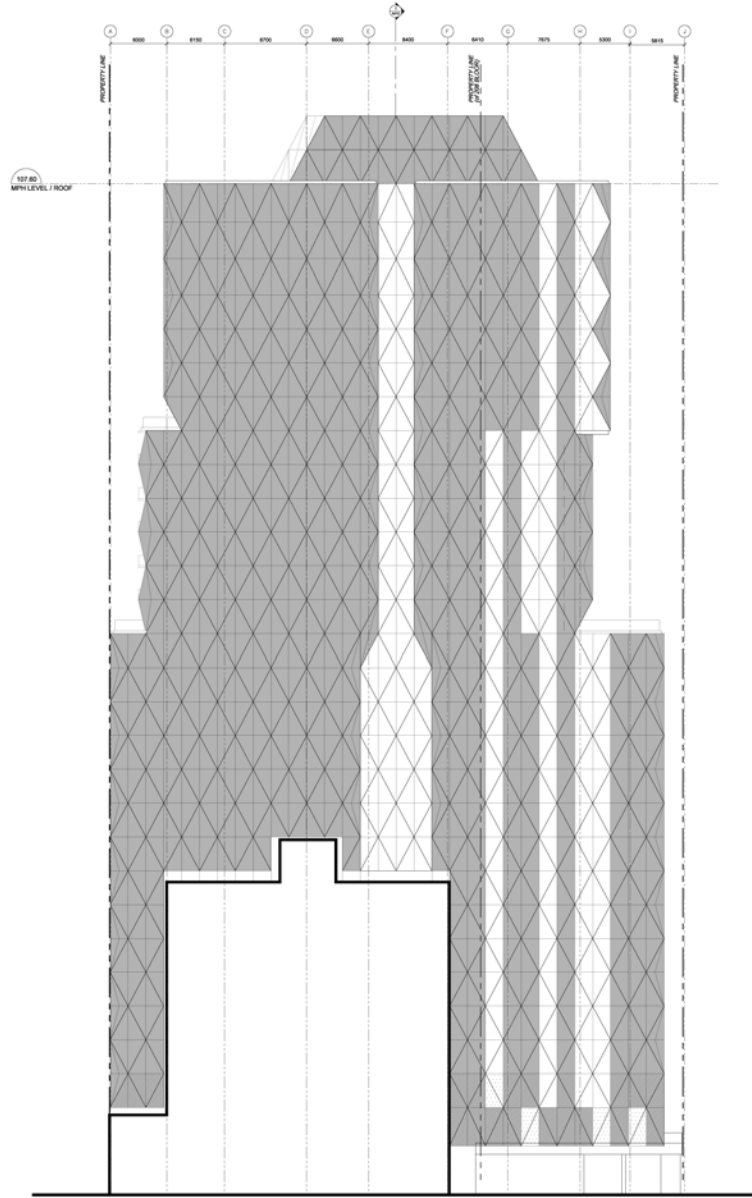
Applicant's Submitted Drawing

Not to Scale  
12/10/2018

File # 18 254623 STE 20 0Z

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Attachment 7: East Elevation



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**East Elevation**

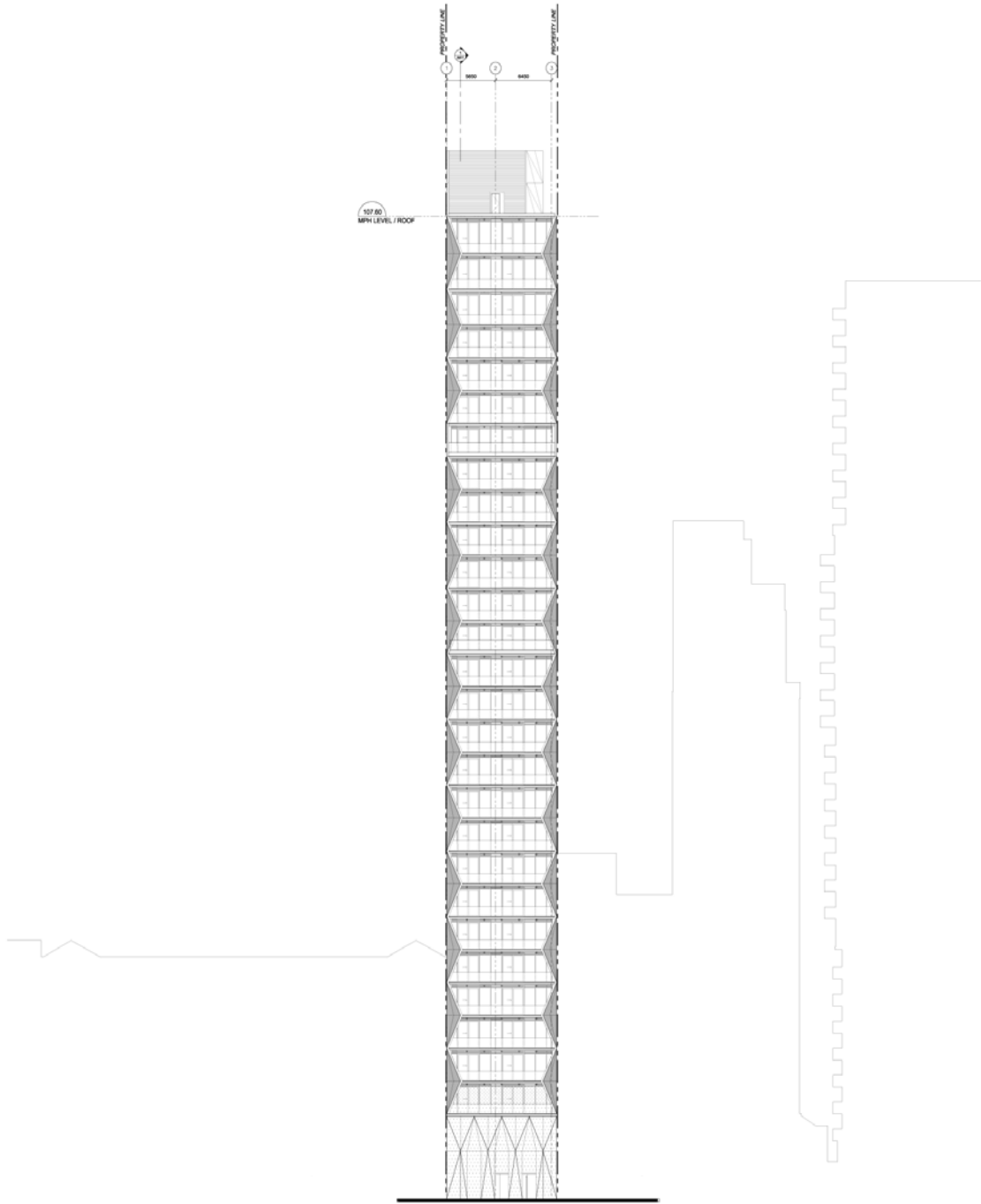
**210 Bloor Street West**

Applicant's Submitted Drawing

Not to Scale  
12/10/2018

File # 18 254623 STE 20 0Z

Attachment 8: South Elevation



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**South Elevation**

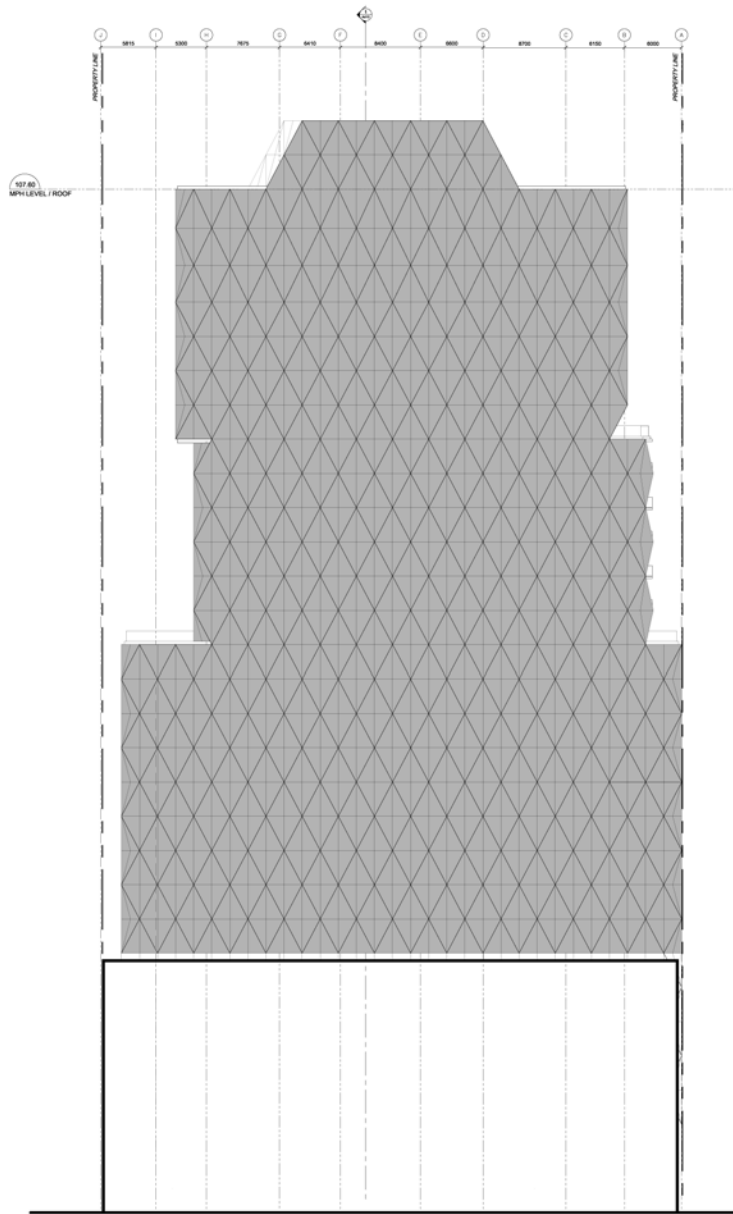
**210 Bloor Street West**

Applicant's Submitted Drawing

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12/10/2018

File # 18 254623 STE 20 0Z

Attachment 9: West Elevation



**West Elevation**

**210 Bloor Street West**

Applicant's Submitted Drawing

Not to Scale  
12/10/2018

File # 18 254623 STE 20 0Z