STAFF REPORT  
ACTION REQUIRED

70 St Mary Street – Official Plan and Zoning Amendment Applications – Final Report

<table>
<thead>
<tr>
<th>Date:</th>
<th>July 18, 2014</th>
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</thead>
<tbody>
<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Director, Community Planning, Toronto and East York District</td>
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<tr>
<td>Wards:</td>
<td>Ward 27 – Toronto Centre-Rosedale</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>10 122799 STE 27 OZ</td>
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SUMMARY

This application proposes to amend the University of Toronto Secondary Plan and amend the Zoning By-law to permit a new 40-storey mixed use building with residential uses and institutional uses for Loretto College. The proposal includes a chapel, meeting rooms and accessory office space, and a total of 298 residential units, including 220 residential condominium units, 70 student residence rooms and 8 suites for the College's Sisters. A total of 204 parking spaces are proposed in a three level underground parking garage. A privately owned publicly accessible (POPS) open space area is also being proposed along the St. Mary Street frontage. The existing building on the site is to be demolished.

This report reviews and recommends that the Official Plan Amendment and Zoning By-law Amendment applications not be approved as submitted. It is recommended that the proposed tower portion be reduced to 30 storeys in height.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council refuse the applications for Official Plan Amendment and Zoning By-law Amendment to permit a 40-storey mixed-use building with
residential and institutional uses at 70 St. Mary Street for the following reasons:

i. The proposal fails to relate to or fit within its existing and planned context, rather it responds to the established building heights closer to Bloor Street and/or Bay Street for properties that have different policy frameworks and contexts, and to the Downtown Tall Buildings Vision and Performance Standard Design Guidelines to accommodate building heights of 30 to 50-storeys on Bay Street.

2. City Council amend the University of Toronto Secondary Plan for the lands at 70 St. Mary Street to establish a Site Specific Policy that would permit a 30-storey mixed-used building with residential and institutional uses and request the Director, Community Planning, Toronto and East York District to forward the necessary Bill to City Council for adoption.

3. City Council amend City of Toronto Zoning By-law 438-86 for the lands at 70 St. Mary Street to permit a 30-storey mixed-used residential and institutional building and request the Director, Community Planning, Toronto and East York District to forward the necessary Bill to City Council for adoption.

4. Before introducing the necessary Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment, City Council require the Owner to enter into one or more Agreements with the City, satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning pursuant to Section 37 of the Planning Act, as follows:

   a. The community benefits recommended to be provided by and at the Owner's expense and secured in the Section 37 Agreement are as follows:

      Prior to the issuance of the first above grade building permit the owner shall provide the following cash contributions:

      i. $150,000 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

      ii. $1,000,000 for local area park and streetscape improvements in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;

      iii. $350,000 for social and community space purposes in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;

      iv. The payment amounts in Recommendation 4 herein to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for
the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of final approval of the bills to the date of each such payment to the City; and

v. In the event the cash contributions referred to in Section (i), (ii) and (iii) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

i. A privately owned publicly accessible (POPS) ground floor courtyard on the site adjacent to St. Mary Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor in consultation with the local councillor; and

ii. A minimum of 10% of the dwelling units in the development must be 3 bedrooms units.

5. Before introducing the necessary Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment:

a. City Council require the Owner to obtain the necessary tree removal permits for all affected private and public trees proposed to be removed to accommodate the proposed development, to the satisfaction of the Supervisor, Urban Forestry, Toronto and East York District, the City Solicitor and the Chief Planner and Executive Director; and

b. Should it be determined by the Supervisor, Urban Forestry, Toronto and East York District, that certain private or public trees are required to be protected on or adjacent to the site, the Chief Planner and Executive Director, be requested to submit a report to City Council indicating the modifications required to the development proposal to protect the identified trees.

6. Before introducing the necessary Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment, City Council require the Owner to enter into a secured Agreement with the City, as may be required, to provide and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support the development.
7. City Council authorize the City Solicitor and necessary City staff to take such steps as may be necessary to implement the foregoing.

Financial Impact
The recommendations in this report have no financial impact.

DECISION HISTORY
At its meeting of August 17, 2010, Toronto and East York Community Council (TEYCC) considered a preliminary report on the applications. The development proposal at that time consisted of a 19-storey mixed-use (institutional and residential) building that included 90 student dormitories, a Chapel, 8 apartments for the College's Sisters and 87 apartment units. TEYCC requested that the applicant consult with the University of Toronto Secondary Plan stakeholders for the possible exclusive use of the site for institutional purposes. The preliminary report is available on the City’s website at:

A status report on the application was considered by TEYCC at its March 20, 2012 meeting. This status report was prepared as significant revisions had been made to the application. The revised application proposed a 40-storey mixed-use institutional and residential building, composed of a 38-storey tower situated at the east end of a 2-storey podium. The proposed development would include 115 student dormitory units, a Chapel, 8 one-bedroom apartment units for the College's Sisters; and 220 apartment units. TEYCC directed Staff to schedule a community consultation meeting. The status report is available on the City's website at:

ISSUE BACKGROUND

CURRENT PROPOSAL
The applicant proposes the redevelopment of the lands for a 40-storey mixed use institutional and residential condominium containing 220 residential units, 70 college dormitory units and 8 chapel units. The applicant proposes a total of 204 vehicle parking spaces including 171 residential parking spaces, 22 visitor parking spaces, and 11 institutional parking spaces in a 3-level underground parking garage. Parking would be accessible from a laneway via a ramp at the northeast corner of the building. The applicant is requesting that surplus parking spaces be permitted as for pay parking spaces. Also proposed are 357 bicycle parking spaces, including 313 resident and 44 visitor spaces. There is one proposed type ‘G’ loading space located on the ground floor accessible from a laneway off of St. Mary Street.

The height of the proposed tower is 125.40 metres excluding the mechanical equipment and 135.05 metres, including the mechanical equipment. The residential gross floor area is proposed to be 21,259 square metres, and in addition there are 2,222 square metres of non-residential/institutional gross floor area, yielding a density of 8.73 times the area of the lot. The average tower floor plate is approximately 590 square metres.
At the base of the tower is a two-storey podium containing a conference centre, college lobby, landscaped courtyard, chapel space, and office space. The main entrance for the institutional component of the proposed development will be located on the south side of the building and will open onto St. Mary Street, while the residential entrance is proposed on the east side of the building. The institutional uses will be located on levels 1 through 8, and residential uses will be located on levels 9 through 40. The proposed balconies are approximately 1.5 metres in depth.

The proposed indoor residential amenity space is to be located on the 40th level for a total of approximately 589 square metres (2 sq.m. per dwelling unit). The private outdoor amenity space is to be located on the 2nd level roof and on the 40th level for a total of 541.4 square metres (1.8 sq.m. per dwelling unit). In addition, a publically accessible ground floor courtyard with reflecting pool would be provided on the site.

The proposal consists of 298 units. The unit breakdown is as follows:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Number of Units</th>
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<tbody>
<tr>
<td>College studio dormitory</td>
<td>63</td>
</tr>
<tr>
<td>College 4 bedroom dormitory</td>
<td>15</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>134</td>
</tr>
<tr>
<td>2 bedroom</td>
<td>38</td>
</tr>
<tr>
<td>3 bedroom</td>
<td>48</td>
</tr>
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At grade level, the building base will be setback 0.0 metres from the south and north property lines, approximately 7.5 metres from the east property line, and will range from 0.0 metres to 0.56 metres from the west property line.

The proposed tower setback from balcony face to property line is as follows:

<table>
<thead>
<tr>
<th>Property Line</th>
<th>Setback (metres)</th>
</tr>
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<tbody>
<tr>
<td>North property line</td>
<td>9.86</td>
</tr>
<tr>
<td>South property line</td>
<td>3.73</td>
</tr>
<tr>
<td>East property line</td>
<td>9.6</td>
</tr>
<tr>
<td>West property line</td>
<td>37.5</td>
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**Site and Surrounding Area**

The site is situated on the north side of St. Mary Street west of Bay Street within the northeast quadrant of the University of Toronto Secondary Plan area. The site is 2,690 square metres in area, rectangular in shape and generally flat. It has a frontage of approximately 74 metres along St. Mary Street and a depth of about 37 metres. The site is occupied by Loretto College, a five and a half storey building which houses Sisters of the Institute of the Blessed Virgin Mary (18 suites) and a student residence (110 students) for University of Toronto and St. Michael’s College students.
Surrounding uses include:

North: At 77 Charles Street there is a 16-storey mixed-use, institutional (Kintore College student residence and Cultural Centre) and residential (72 condominium apartments) building and a 3-storey semi-detached residential dwelling that is listed on the City’s inventory of heritage properties.

East: There are two residential apartment buildings to the east, between Charles Street West and St. Mary Street. Immediately east is 57 Charles Street, a 21-storey rental apartment building. Further east on the northwest corner of Bay Street and St. Mary Street is a 32-storey condominium apartment building.

South: Opposite the site on the south side of St. Mary Street is St. Michael’s College’s Elmsley Hall, a 2 and 4-storey student residence building and a new residential development that is under construction. The new development will include two residential condominium apartment buildings (45 and 55 storeys) and 3-storey townhouses along St. Mary Street, Bay Street and at the south end of the development. Further south on the St. Michael’s College campus is Brennan Hall and St. Basil’s Church which is designated as historically significant under the Ontario Heritage Act.

West: Adjacent to the west is Victoria College’s Rowell Jackman Hall, an 8-storey student residence and further west Burwash Hall, a 3-storey student residence. Burwash Hall is listed on the City’s inventory of heritage properties.

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

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. City Council’s planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan
The site is located in the Downtown and in the University of Toronto Secondary Plan area. The site is designated Institutional Areas in the Official Plan.
As an area where growth is anticipated and encouraged, the Official Plan provides for new development in the Downtown that among other things, builds on the strength of the area as an employment centre and provides for a range of housing opportunities. The Official Plan recognizes the importance of Institutional Areas in the City’s overall growth management strategy including the campuses of higher learning such as the University of Toronto.

The Official Plan directs growth to the Downtown in order to achieve multiple City objectives. Among other things, it: promotes the efficient use of municipal services and infrastructure; concentrates jobs and people in areas well served by transit; promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling; improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile, all in keeping with the vision for a more liveable Greater Toronto Area.

This reurbanization strategy recognizes that the level of growth will not be uniform across the Downtown given its diversity. The policies of Section 2.2.1.6 promote the improvement of the quality of the Downtown by measures such as preserving and strengthening the range and quality of the social, health, community services and local institutions located in this area.

The Official Plan recognizes that most of the City’s future development will be infill and as such will need to fit in, respect and improve the character of the surrounding area. As a result, the built form policies of Section 3.1.2.2 seek to ensure that new development is located, organized and massed to fit harmoniously with the existing and/or planned context and will limit its impacts on neighbouring streets, parks, open spaces and properties. Among other things, this harmony is achieved by: massing new buildings to frame adjacent streets in a way that respects the existing and/or planned street proportion; creating appropriate transitions in scale to neighbouring or existing planned buildings; providing for adequate light and privacy; and adequately limiting any resulting shadowing and uncomfortable wind conditions, on neighbouring streets and properties.

Due to the larger civic responsibility and obligations associated with tall buildings, the built form policies of Section 3.1 provide additional direction on how they fit into the existing and planned context and how they are designed. The Plan states that although tall buildings are desirable in the right places they don’t belong everywhere and are only one form of intensification.

Section 3.1.3.2 requires that tall buildings proposals address key design considerations including:

- meeting the built form principles of the Official Plan;
- 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 planned context;
- providing high quality, comfortable and usable publicly accessible open spaces; and
- meeting the other goals and objectives of the Official Plan.


Institutional Areas Policies

Institutional Areas are made up of major educational, health and governmental uses with their ancillary uses, cultural, parks and recreational, religious, commercial and institutional residence facilities, including the full range of housing associated with a health institution, as well as utility uses.

The Official Plan recognizes that universities and colleges need flexibility to develop their lands quickly according to a strategic plan when a donor or government provides money to build. To this end, the Official Plan promotes the development of campus plans that may form the basis for a Secondary Plan. The policies of Section 4.8 provide that when lands in Institutional Areas are declared to be surplus, the owner is encouraged to investigate the possible use of the site for an alternative suitable public institutional purpose, affordable housing or public open space before applying to redesignate the lands for other purposes.

The Toronto Official Plan is available on the City’s Website at: www.toronto.ca/planning/official_plan/introduction.htm

University of Toronto Secondary Plan

The subject property is located within the University of Toronto Secondary Plan Area. The objectives for the Secondary Plan Area are: to recognize and protect the Area primarily as an Institutional District; to provide planning regulations that give the institutions flexibility to adjust to changing program, technological and funding constraints; and to preserve, protect and enhance the unique built form, heritage and landscape character of the Area.

The University of Toronto Secondary Plan is available on the City’s website at http://www1.toronto.ca/static_files/CityPlanning/PDF/20_university_toronto_dec2010.pdf

Design Criteria for the Review of Tall Buildings

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

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines are specifically intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

Since the site is located in the University of Toronto Secondary Plan Area it has not been included on the height maps in the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall
Building Design Guidelines May 2013). However, the Downtown Vision and Supplementary Design Guidelines are useful for evaluating tall building proposals. The Downtown Guidelines are available at http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines

Zoning
The site is zoned Mixed-Use (Q) in Zoning By-law 438-86. Residential uses that include shared housing arrangements such as: a monastery, nunnery, hostel, university residence, residence affiliated with a hospital, and homes for the aged are permitted. As well, community service, cultural and arts facilities and general institutional uses such as: colleges, universities and hospitals, and limited retail and office uses are permitted on the site.

On this site, a maximum building height of 14 metres is permitted for the first 15.2 metres of lot depth, and a maximum building height of 23 metres is permitted for the remainder of the site. A maximum density of 2 times the lot area is permitted on the site. A minimum building setback of 4.0 metres is required from St. Mary Street.

Site Plan Control
The development is subject to site plan control. A site plan approval application has not been received to date.

Reasons for Application
An Official Plan amendment is required because the proposed residential apartment use is not permitted in the Institutional Areas designation on the site.

A Zoning Bylaw amendment is required since the proposed residential apartment use is not a permitted use on the site. As well, the proposed building height of 125.40 metres (excluding mechanicals) and density of 8.72 times the lot area exceeds the maximum heights (14 & 23 metres) and density (2 times the lot area) permitted under the existing zoning. Other areas of non-compliance to the zoning by-law include:

- deficiency in parking spaces;
- deficiency is size of the loading space;
- proposed location of visitor bicycle parking spaces within an enclosure; and
- a minimum setback of 4.0 metres is required from the street and no setback is proposed.

Community Consultation
City Planning staff with the Ward Councillor held a community consultation meeting on June 26, 2012 at S. Basil's Parish. Approximately 50 area residents were in attendance, as well as, the applicant’s consulting team.

Comments and concerns raised at the meeting and in written comments submitted to the City Planning generally related to the following issues:

- Tower setbacks from adjacent towers, such as 57 Charles Street West
- Tower location and impact on views – some residents suggested that the tower be moved to the west side of the site to not block the view for the residents in 1 St. Thomas Street building
- Shadow Impacts
- Public Accessibility of the open space
- Traffic Congestion in the area

Agency Circulation
The application was circulated to all the appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application.

COMMENTS

Provincial Policy Statement and Provincial Plans
The proposed development has adequate regard to matters of Provincial interest as required by Section 2 of the Planning Act.

The proposal is consistent with the Provincial Policy Statement, as the proposal is an efficient land use that promotes a strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

The application proposes intensification within a built-up urban area near higher-order transportation. A range of uses are proposed, including Institutional and Residential uses, and appropriate development standards would be introduced to facilitate intensification redevelopment to meet minimum targets set out in the PPS.

Land Use
The policies of Section 4.8 of the Official Plan provide that when lands in Institutional Areas are declared to be surplus, the owner is encouraged to investigate the possible use of the site for an alternative suitable public institutional purpose, affordable housing or public open space before applying to redesignate the lands for other purposes. Both St. Michael's College and the University of Toronto have indicated that they do not have interest in the site for Institutional purposes. In this regard, the application to allow residential uses is considered appropriate in this instance, taking into consideration the land use pattern in the area and the mixed institutional and residential uses proposed.

The proposed development is consistent with the Official Plan that directs growth to the Downtown in order to achieve multiple City objectives, which includes the efficient use of municipal services and infrastructure; concentrates jobs and people in areas well served by transit; mixed use development to increase opportunities for living close to work and to encourage walking and cycling; improves air quality and reduces greenhouse gas emissions by reducing reliance on the private automobile all in keeping with the vision for a more liveable Greater Toronto Area. It should also be noted that some Institutional uses are proposed to be maintained on the site in keeping with the policy objectives of the University of Toronto Secondary Plan.
Density, Height, Massing
Chapter Three- Building a Successful City identifies that most of the City’s future development will be infill and redevelopment and, as such, will need to fit in, respect and improve the character of the surrounding area. Section 3.1.2.3 (Built Form) of the Official Plan states that new development will be massed and its exterior façade designed to fit harmoniously into its existing and/or planned context.

The proposed height of 40-storeys and approximately 135.05 metres, including mechanical elements, exceeds the permitted height of 14 metres for the first 15.2 metres of the site's depth and 23 metres in height for the remainder of the site, by approximately 100 metres.

In the applicant’s planning rationale for the proposed height, mention is made of taller buildings that have been approved in the area. These buildings are typically closer to Bloor Street and/or Bay Street and have different policy frameworks and contexts.

The buildings closer to Bloor Street are within the Bloor Street Corridor of the Bloor-Yorkville North Midtown Area. More specifically, these buildings are located within the Bloor Street Corridor “height ridge” area, where buildings are intended to step down from the “height peak” of the intersection of Yonge Street and Bloor Street.

The proposal fails to relate to or fit within its existing and planned context, rather it responds to the established heights along Bay Street, which is identified in the Downtown Tall Buildings Vision and Performance Standard Design Guidelines to accommodate heights at 30 to 50-storeys. The applicant’s rationale for the proposed height is the site's proximity to taller buildings, in particular 50 St. Joseph Street. Although 50 St. Joseph Street was approved at 45 and 55-storeys, in this instance the development site abuts Bay Street and is part of the upper Bay Street Corridor. The subject site does not abut Bay Street frontage and is currently within the University of Toronto Secondary Plan lands, therefore its height needs to be more reflective of its surrounding context to the west, providing a meaningful transition in scale to respond to the character of the lands to the west.

The development’s proposed height cannot be compared to the established fabric along Bay Street for a number of reasons:

1. The properties are zoned for greater heights and existing taller buildings on Bay Street;
2. Bay Street has a larger right-of-way width than St. Mary Street;
3. St. Mary Street has a different built form context and character than Bay Street
4. The Downtown Tall Buildings Vision and Performance Standard Design Guidelines identifies Bay Street to accommodate greater heights.
5. The property is immediately adjacent to an area in the Bloor-Yorkville/North Midtown Area that has building heights lower than 40-storeys.

Immediately north of the subject site, within the Bloor-Yorkville/North Midtown Area, is the Sultan-St. Thomas Precinct Area. In the design guidelines for the areas, new development in the Sultan-St. Thomas Precinct is to form part of a height and massing transition that steps down to the prevailing low-rise character of the lands within the University of Toronto campus to the
west and south. Although the subject site lies outside of the Sultan-St. Thomas Precinct, it is within the University of Toronto Secondary Plan. It is intended that heights transition downwards from the Sultan-St. Thomas Precinct to the University of Toronto area. The height of the proposed tower should be reduced to provide a similar transition to lower and mid-rise buildings in the area.

Section 3.3.1 of the University of Toronto Secondary Plan directs that, “new buildings will achieve a harmonious relationship to their built form context through consideration of such matters as, but not limited to, the building massing and setbacks, roof line and profile, scale, texture, architectural detail and expression, including fenestration and materials”. The majority of the surrounding context, with the exception of sites with frontages on Bay Street, are low-scale institutional buildings with heights ranging from 3 to 9 storeys.

The proposed height is not appropriate for this site as the policy intent is to support a more contextual scale and fit.

It is recommended that the tower portion of the development proposal be reduced to 30-storeys. A building at this height will provide a transition from the taller buildings on Bay Street to the existing buildings north of the site on Charles Street West and St. Thomas Street that range in height from 16 to 28-storeys in height. With the reduced height and the ground floor courtyard a transition will also be provided to the lower scale institutional buildings to the west on the University of Toronto lands.

The proposed tower has been sited to provide a setback of approximately 10 metres to the east property line and approximately 20 metres to the face of the tower to the east. This setback is considered appropriate as the towers are offset from each other. The proposed tower has been pushed to the far east side of the site to provide an offset from the tower to the north located at 77 Charles Street West. The majority of the units in the tower to the north will have open views of the ground floor courtyard and chapel. A setback of approximately 15 metres is proposed from the face of the face of the tower to the terraced mid-rise sections of the building to the north. The proposed tower would have a setback of more than 20 metres to the approved 45-storey tower to the south.

**Sun, Shadow, Wind**

A shadow study from the applicant's architect was submitted with the application illustrating the incremental shadow impacts during March 21 and September 21 (Spring and Fall Equinoxes), June 21 (Summer Solstice) and December 21.

The shadow studies illustrated the as-of-right building shadow and proposed building shadow. Additional shadow is created by the proposed building north of the site. The additional shadow is not significant as many of the existing tall buildings in the area cast shadow in the area. There are no new shadow impacts on the open space or new parks as they are located south of the subject property.
Wind studies will be required once the final height of the proposal has been determined to ensure that proper mitigation measures are incorporated to limit impacts on abutting properties and sidewalks, roof top amenity areas and the ground floor publically accessible courtyard.

**Parking**

The applicant will be required to provide parking for the residential condominium component of the project in accordance with the following minimum ratios:

- One Bedroom Units: 0.5 spaces per unit;
- Two Bedroom Units: 0.7 spaces per unit;
- Three+ Bedroom Units: 1.0 space per unit; and
- Visitors: 0.1 spaces per unit.

A minimum of 11 parking spaces for all uses proposed for this project would be required, other than the use identified above, namely the 70 student residences (1, 2 and 3 Bedrooms) and 8 apartments for the Sisters of Loretto College.

**Servicing**

Additional information is required from the applicant to address servicing comments from staff related to the water flow test, proposed storage tanks, and sanitary flow, among other items, prior to any zoning approvals for the site.

The owner shall be required, prior to any zoning approvals on the site, to provide and pay for any improvements to the municipal infrastructure in connection with the Functional Servicing Report, as accepted by the Executive Director of Engineering and Construction Services, should it be determined that upgrades to such infrastructure are required to support this development.

**Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The site is in the lowest quintile of current provision of parkland. The site is in a parkland priority area, as per the City Wide Parkland Dedication By-law 1020-2010.

The applicant proposes 220 residential units and 78 dwelling rooms in addition to 2,222 m2 of institutional use on a site with a total area of 2,690 m2. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirement is 0.24 hectares or 120% of the site area. For sites that are less than 1 hectare in size, a cap of 10% is applied to the residential component, while the non residential use is subject to a 2% parkland dedication. A breakdown of the floor areas for the student residence units and for the office component of the proposed development has not been provided. Consequently, the exact parkland dedication requirement for this development cannot be determined and will be calculated at permit issuance.
The applicant would be required to satisfy the parkland dedication requirement through cash-in-lieu. This is appropriate as there is no location for an on-site parkland dedication and the site would be encumbered with below-grade parking.

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

**Trees and Urban Forestry**

Urban Forestry staff in their comments dated May 2, 2012 indicated that the Tree Survey Plan showed that there were 63 trees involved with the proposed development. Clarification was required regarding the number of private and City owned trees affected by the proposed development and Urban Forestry staff had requested an updated Arborist Report and all existing trees to be plotted on Site/Roof Plan, Tree Survey Plan and Survey Plan to reflect the existing condition. At the time of writing this report, the applicant had not provided all of the necessary permit applications and information to Urban Forestry Staff to evaluate all of the trees proposed to be removed. It is recommended that before introducing the necessary Bills for the Official Plan Amendment and Zoning By-law Amendment to City Council for enactment, City Council require the Owner to obtain the necessary tree removal permits for all affected private and public trees proposed to be removed to accommodate the proposed development, to the satisfaction of the Supervisor, Urban Forestry, Toronto and East York District, the City Solicitor and the Chief Planner and Executive Director. Should it be determined by the Supervisor, Urban Forestry, Toronto and East York District, that certain private or public trees are required to be protected on or adjacent to the site, the Chief Planner and Executive Director, be requested to submit a report to City Council indicating the modifications required to the development proposal to protect the identified trees.

Where it is not possible to retain City-owned trees that qualifies for protection, under Section 813-5 (I), of the Street Tree by-law, the General Manager of Parks, Forestry and Recreation is authorized to allow for the removal of City-owned trees and will consider such requests provided that the applicant has; submitted a complete ‘Application to Remove Healthy City-Owned Trees’ (attached), provide the required fee ($300.00 for each tree included in an application), agreed to implement a satisfactory landscape plan and that both Urban Forestry and the Ward Councillor are in agreement with the proposal.

Where tree planting to replace trees removed is not physically possible on site at a replacement ratio of 3:1, the General Manager of Parks, Forestry & Recreation will accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years. Only large growing shade tree species will be counted in the 3:1 replacement ratio.

The applicant should be advised that the determination of ownership of any subject tree(s) is the responsibility of the applicant and any civil or common-law issues which may exist between property owners with respect to trees must be resolved by the applicant.

For development sites where it is not possible to retain City-owned trees, under Section 813-5 (I), of the Street Tree by-law, the General Manager of Parks, Forestry and Recreation is
authorized to allow for the removal of City-owned trees and will consider such requests provided that the applicant has submitted a complete ‘Application to Remove Healthy City-Owned Trees’, agreed to implement a satisfactory landscape plan and that both Urban Forestry and the Ward Councillor are in agreement with the proposal.

Approval of a request to remove a healthy City-owned tree is also subject to the applicant providing payment for the value of the tree as assessed by Urban Forestry. The value of tree in question will be determined upon receipt of a tree removal application.

**Toronto Green Standard**

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

**Section 37**

Section 37 of the Planning Act allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than what the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are established in consultation with the Ward Councillor if the project is considered to be good planning and recommended for approval.

Community benefits can include (among other capital facilities): parkland, non-profit arts and cultural, community or child care facilities, streetscape improvements on the public boulevard not abutting the site; and other works detailed in policy 5.1.1.6 of the Official Plan. The community benefits must bear a reasonable relationship to the proposed development, including at a minimum, an appropriate geographic relationship and the addressing of the planning issues associated with the development. (e.g., local shortage of parkland, provision of new parks facilities).

The community benefits recommended to be provided by and at the Owner's expense and secured in the Section 37 Agreement are as follows:

- Prior to the issuance of the first above grade building permit the owner shall provide the following cash contributions:
  
  i. $150,000 towards the City's Capital Revolving Fund for Affordable Housing for the purpose of maintaining and constructing affordable rental housing units in Ward 27, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

  ii. $1,000,000 for local area park and streetscape improvements in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;
iii. $350,000 for social and community space purposes in Ward 27 to the satisfaction of the Chief Planner and Executive Director, City Planning in consultation with the local councillor;

iv. The payment amounts in Recommendation 4 herein to be increased by upwards indexing in accordance with the Non-Residential Construction Price Index for the Toronto CMA, reported by Statistics Canada or its successor, calculated from the date of final approval of the bills to the date of each such payment to the City; and

v. In the event the cash contributions referred to in Section (i), (ii) and (iii) above has not been used for the intended purpose within three (3) years of this By-law coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director of City Planning, in consultation with the local Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in the vicinity of the lands.

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

i. A privately owned publicly accessible (POPS) ground floor courtyard on the site adjacent to St. Mary Street, to the satisfaction of the Chief Planner and Executive Director, City Planning Division, and the City Solicitor in consultation with the local councillor; and

ii. A minimum of 10% of the dwelling units in the development must be 3 bedrooms units;
CONCLUSION
While a Public Meeting notice was issued for a 40-storey proposal as submitted by the applicant, Planning staff is recommending a 30-storey building be approved for the site for the reasons stated in this report. Staff proceeded in this manner as this is a long standing application that requires a decision from City Council.

CONTACT
Mark Chlon, Senior Planner
Tel. No.  416-397-1761
Fax No.  416-392-1330
E-mail:  mchlon@toronto.ca

SIGNATURE

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

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ATTACHMENTS
Attachment 1: Site Plan
Attachment 2: Elevations
Attachment 3: Elevations
Attachment 4: Elevations
Attachment 5: Level 1 – Ground Floor Plan
Attachment 6: Level 2
Attachment 7: Level 3
Attachment 8: Existing Zoning
Attachment 9  Official Plan
Attachment 10: University of Toronto Secondary Plan
Attachment 11: Application Data Sheet
Attachment 3: Elevations

West Elevation

Elevations
Applicant's Submitted Drawing
Not to Scale
07/15/2014

East Elevation

70 St. Mary Street

File # 10 122799 STE 27 OZ
Attachmet 4: Elevations

North Elevation

Elevations
Applicant's Submitted Drawing

70 St. Mary Street

Not to Scale
07/15/2014

File # 10 122799 STE 27 OZ
Attachment 5: Level 1 – Ground Floor Plan
Attachment 9: Official Plan

70 St. Mary Street

File #: 10 122799 OZ

Site Location
Mixed Use Areas
Institutional Areas

Parks & Open Space Areas

Not to Scale
03/27/2012
**Attachment 11: Application Data Sheet**

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<td>Re-submission (received April 23, 2014). OPA and Rezoning application for a proposed new 40 storey mixed use building with Institutional uses/Loretto College, including a chapel, meeting rooms and accessory office space, and a total of 298 residential units (including 220 residential condo units, 70 student residence rooms and 8 suites for the Sisters) with 204 parking spaces in a 3 level underground parking garage. The existing building on the site to be demolished.</td>
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<tr>
<td>Applicant:</td>
<td>BOUSFIELDS INC</td>
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<td>Agent:</td>
<td>Robert Glover</td>
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<tr>
<td>Architect:</td>
<td>architectsAlliance</td>
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<tr>
<td>Owner:</td>
<td>LORETTO LADIES COLLEGES AND SCHOOLS</td>
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<td>PLANNING CONTROLS</td>
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<tr>
<td>CONTACT:</td>
<td>MARK CHLON, SENIOR PLANNER</td>
</tr>
<tr>
<td>TELEPHONE:</td>
<td>416-397-1761</td>
</tr>
</tbody>
</table>