

**10 St Mary Street - Zoning Amendment Application –
Request for Directions**

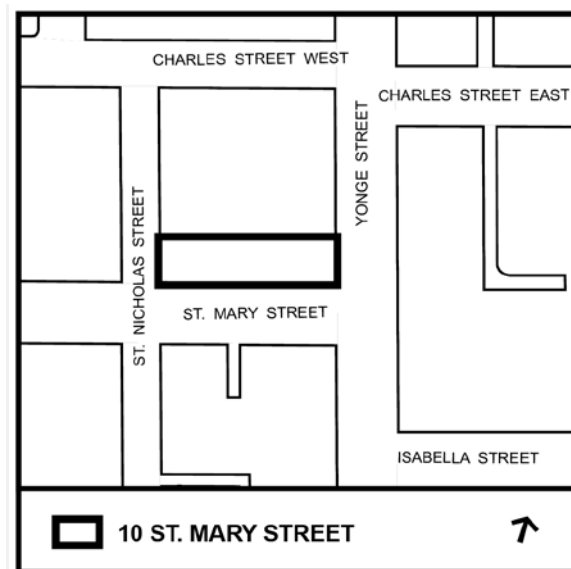
Date:	September 23, 2015
To:	Toronto and East York Community Council
From:	Director, Community Planning, Toronto and East York District
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	14 208729 STE 27 OZ

SUMMARY

The application proposes to demolish an 8-storey designated heritage building to construct a 42-storey mixed-use building with 255 residential dwelling units and 251 square metres of ground floor retail at 10 St. Mary Street.

On July 16, 2015, the City Clerk's Office received notification that the applicant filed an appeal of the Zoning By-law Amendment to the Ontario Municipal Board (OMB), citing Council's failure to make a decision on the application within the prescribed timelines of the *Planning Act*. An OMB pre-hearing has been scheduled for November 25, 2015.

This proposal is not appropriate for the site, as it is over development, it does not conform to the Official Plan Policies and is inconsistent with Council-approved guidelines. The proposed demolition of the heritage building is contrary to the Official Plan policies and the Provincial Policy Statement.



RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council authorize the City Solicitor, together with City Planning staff and any other appropriate staff, to

oppose the applicant's appeal respecting the Zoning By-law Amendment application for 10 St. Mary Street and attend the Ontario Municipal Board hearing in opposition to such appeal, and retain such experts as the City Solicitor may determine are appropriate in support of the position recommended in the report dated September 23, 2015 from the Director, Community Planning, Toronto and East York District.

2. City Council authorize City Planning in consultation with the Ward Councillor to secure services, facilities or matters pursuant to Section 37 of the Planning Act, as may be required by the Chief Planner and Executive Director, City Planning, should the proposal be approved in some form by the Ontario Municipal Board.

Financial Impact

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

On November 19, 2013, Toronto and East York Community Council directed the Director, Urban Design, City Planning to report on the evaluation of the property at 10 St. Mary Street for its heritage potential. Background information can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE28.89>

On May 6, 2014, City Council stated its Intention to Designate the existing 8-storey office building at 10 St. Mary Street under Part IV of the *Ontario Heritage Act*. The applicant appealed the heritage designation to the Conservation Review Board on June 27, 2014. Notice was received from the Conservation Review Board advising that the applicant withdrew their appeal on March 18, 2015. On April 4, 2015, City Council passed By-law No. 353-2015 designating the property as being of cultural heritage value or interest. Background information and reports can be found here: <http://www.toronto.ca/legdocs/mmis/2014/te/bgrd/backgroundfile-67515.pdf>

On February 10 and 11, 2015, City Council enacted Study Area Designation By-law 277-2015 for the Historic Yonge Street Heritage Conservation District Study Area, for a period of one year which prohibits and set limitations with respect to the alteration, demolition, removal or erection of building or structure within the study area boundaries, while the City completes a Heritage Conservation District study. Background information can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.MM3.38>

On April 3, 2013 Council adopted Official Plan Amendment (OPA) 199 to establish new Official Plan Heritage policies. The Minister approved OPA 199 without modification in November 2014 and 49 appeals of the decision were lodged with the Ontario Municipal Board, including an appeal pertaining to 10 St. Mary Street. Official Plan Amendment 199 was brought into force as it pertains to the City in May 2015, except as it pertains to a number of appealed properties. OPA 199 is still under appeal and litigation as it applies to 10 St. Mary Street.

On November 15, 2013, City Council enacted By-law 1507-2013 for Official Plan Amendment No. 183 (OPA 183), being the North Downtown Yonge Site and Area Specific Policy 382. Approximately 20 appeals have been received on the new OPA, including an appeal for 10 St. Mary Street.

On December 18, 2013, City Council adopted Official Plan Amendment 231, which contains new economic policies and new policies and designations for Employment Areas. The applicant has appealed OPA 231 with respect to policies for office promotion and retention in the Downtown, the Centres and within 500 metres of rapid transit stations.

On, June 16, 2015, Toronto and East York Community Council adopted a Preliminary Report dated May 14, 2015, identifying a number of deficiencies with the proposal, including: insufficient separation distances; lack of heritage preservation; the need for office space replacement; and non-conformity to Official Plan Amendment 183 policies.

Pre-Application Consultation

Several pre-application meetings were held with the applicant prior to the application being filed on August 19, 2014. The applicant was advised on December 19, 2013 that the property was being evaluated by staff for designation under Part IV of the Ontario Heritage Act. On April 2, 2014, the applicant was informed that a report recommending designation had been adopted by the Toronto Preservation Board on March 26, 2014. Issues discussed with the applicant included the proposals' non-conformity to the Official Plan, in particular OPA 183, OPA 231 and the Tall Building Design Guidelines, as well as the City's expectations relating to the conservation of the building.

Proposal

The application proposes to demolish an 8-storey designated heritage building on site and construct a 42-storey (140.5 metres, including the mechanical equipment) mixed-use building with a 10-storey base (30.6 metres).

The proposed 10-storey base building is built along all property lines with a setback for the first two floors of 2.4 metres on Yonge Street and 1.8 metres on St. Nicholas Street. The applicant is proposing to provide a full recording of the existing building within the proposed base building. The proposed sidewalk space along both Yonge Street and St. Mary Street is 6 metres sidewalk width.

The ground floor setbacks are as follows:

Street	Setback
Yonge Street Setback	2.4 m
St. Mary Street Setback	0.0 m
St. Nicholas Street Setback	1.8 m
North property line	0.0 m

The proposed tower has a floor plate of approximately 435 square metres and is set back approximately: 14.5 metres along Yonge Street; 0 to 1.2 metres from the north property line; 3 metres from St. Mary Street; and 3 metres from St. Nicholas Street above the base. See the table below for all the setbacks proposed.

A total of 255 residential dwelling units are proposed, consisting of 7 bachelor units, 186 one-bedroom units, 44 two-bedroom units and 18 three-bedroom units. A total of 18,387 square metres of residential gross floor area and 251 square metres of retail gross floor area is proposed with an overall floor area ratio of 19.1 times the area of the lot. The retail use will be located on the ground floor with entrances proposed along St. Mary and Yonge Streets. The residential lobby entrance is to be located on St. Mary Street.

A 4-level underground parking garage, accessible by two car elevators is proposed, with access from St. Nicholas Street. A total of 49 residential vehicular parking spaces and no visitor or retail parking spaces are proposed. A total of 316 bicycle parking spaces are proposed. One Type "G/B" loading space is proposed and accessed from St. Nicholas Street.

The proposal includes 341 square metres of indoor amenity space located on the 11th floor and 534 square metres of outdoor amenity space on the adjoining terrace.

The proposed tower floor plate size is as follows:

Floors	Floor Plate Size
12	528 sq.m
24-36	434-436 sq.m
37-42	329 sq.m

The proposed tower setbacks are as follows:

From North Property Line	
Floors	Setback
11	from 0 to 2.4 m
12- 42	from 0 to 1.2 m

From South Property Line (St. Mary Street)	
Floors	Setback
11	2.4 m
12-42	3.0 m

From West Property Line (St. Nicholas Street)	
Floors	Setback
11	4.3 m
12 -23	3.0 m
24- 42	0.0 m

From East Property Line (Yonge Street)	
Floors	Setback
11	15.7 m
12-23	14.5m
24-36	25.0 m
37-42	31.1 m

Site and Surrounding Area

The 974 square metre, rectangular narrow site fronts onto three streets: Yonge Street (15.9 m frontage); St Mary Street (61 m frontage); and St. Nicholas Street (15.9 m frontage). The site abuts a private lane to the north which is approximately 3 metres wide. There is an 8-storey designated heritage building on the site, containing 7,327 square metres of office space.

North: of the site along Yonge Street is a series of two-storey mixed-use buildings with retail at grade. Directly adjacent to the subject property to the north is a listed heritage property at 79 and 83 St. Nicholas Street and a designated building at 81 St. Nicholas Street. At the southwest corner of Yonge Street and Charles Street West there is a recent approval to construct a two-storey addition to the existing Shoppers Drug Mart while preserving the designated heritage building.

South: of the St. Mary Street is an eight-storey building (Church of Scientology building) and to the west along St. Mary Street is a 35-storey residential building. South along Yonge Street is a series of 2 to 3-storey buildings with retail at grade. At the southwest corner of St. Nicholas and St. Mary Streets is a 24-storey rental apartment building.

East: of the site along Yonge Street, is a series of 2 to 3-storey buildings with retail at grade,

West: of St. Nicholas Street is a 20-storey residential building.

Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to when carrying out its responsibilities, including: the orderly development of safe and healthy communities; the conservation of features of significant architectural, cultural and historical interest; the adequate provision of employment opportunities; and the appropriate location of growth and development.

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 communities; wise use and management of resources; and protecting public health and safety. The PPS recognizes that local context and character is important. Policies are outcome-oriented and some policies provide flexibility in their implementation provided that the provincial interests are upheld.

The PPS provides for the conservation of built heritage resources and allows for development adjacent to protected heritage properties, so long as it has been demonstrated that the significant heritage attributes of the property will be conserved. City Council's planning decisions are required to be consistent with the PPS. The PPS provides policy direction on protecting and maintaining employment opportunities in close proximity to transit systems. The PPS states that the Official Plan is the most appropriate vehicle for implementing the PPS. 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: direction for how and where to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan calls for municipalities should increase employment uses along existing transit services. City Council's planning decisions are required to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is located within the *Downtown and Central Waterfront* area on Map 2 – Urban Structure in the Official Plan. This site is designated as *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan. The property is surrounded by properties also designated *Mixed Use Areas*.

Chapter two of the Official Plan indicates that growth is anticipated within the *Downtown*, but not in all areas of the *Downtown*. The anticipated growth is not to be spread uniformly across the whole of *Downtown*, some areas should not experience much physical change.

Mixed Use Areas are made up of a broad array of residential uses, offices, retail and services as well as institutional, entertainment, recreational and cultural activities in addition to parks and open spaces. *Mixed Use Areas* are intended to be areas for new retail, office, and service employment and new housing.

The Plan includes criteria that direct the form and quality of development for the *Mixed Use Areas* designation. The criteria states that new buildings should provide a transition between areas of different intensity and scale, including a stepping down of heights towards lower scale neighbourhoods; minimize shadow impacts and provide an attractive, safe and comfortable pedestrian environment.

Policy 3.1.3 states that Tall Buildings come with larger civic responsibilities than buildings of a smaller scale. In addition to speaking about specific built form characteristics, the policy states that proposals for Tall Buildings should clearly demonstrate how they relate to the existing and planned context, take into account their relationship with the topography and other tall buildings and how they meet the other objectives of the Official Plan.

Policy 3.1.3.1 indicates that where a tall building is appropriate, it should have: a base at an appropriate scale for the street that integrates with adjacent buildings; middle with a floor plate size and shape with appropriate dimensions for the site; and a top that contributes to the skyline character. Policy 3.1.3.2 requires new tall development to address key urban 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/or planned context; taking into account the relationship of the site to topography and other tall buildings; providing high quality, comfortable and usable publicly accessible open space areas; and meeting other objectives of the Official Plan.

Policy 3.1.2.3 indicate that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, park, open space and properties by: creating appropriate transition in scale to neighbouring existing and/or planned buildings for the purpose of achieving the objectives of the Plan; and providing for adequate light and privacy.

Policy 3.1.5.2 of the Official Plan directs that "Heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved". The Official Plan includes policies

directing the protection and management of significant buildings, properties, landscapes, views and archaeological sites.

While the City's amended Official Plan policies (OPA199) are in force, the property at 10 St. Mary Street currently under site specific appeal to OPA 199 and subject to further consideration by the Ontario Municipal Board.

Economic Health and Employment Land Policies - Official Plan Amendment 231

City Council adopted Official Plan Amendment (OPA) 231 on December 18, 2013 which contains new economic policies and new policies and designations for Employment Areas. The applicant has appealed to the Ontario Municipal Board the policy in OPA 231 which requires new development that includes residential units on a property with at least 1,000 square metres of existing non-residential gross floor area used for offices within the Downtown, the Centres or 500 metres of a rapid transit station in a Mixed Use Area or Regeneration Area designation, to also increase the non-residential gross floor area used for office purposes. OPA 231 emphasizes the promotion of office space in areas serviced by rapid transit in order to accommodate future employment and support public investment in transit infrastructure. On June 22, 2015, the OMB approved Policy 3.5.1 which provides for a multi-faceted approach to economic development in Toronto that includes stimulating transit-oriented office growth in the Downtown.

The site is located within a *Mixed Use Area* within the *Downtown* on a site with over 7,000 square metres of office space, none of which is proposed to be replaced in the development proposal.

The intent of OPA 231 is to maintain and grow a strong and diverse economy by stimulating the growth of new office space and maintain current concentration of office space near rapid transit; preserving the majority of the City's Employment Areas for business and economic activity; and accommodating the growth of the retail and institutional sectors to serve the needs of a growing population. The proposal would result in the loss of 7,327 square metres of office space within 2 city blocks of two major subway lines and thus is a highly accessible employment location.

North Downtown Yonge Area Specific Policy 382/ Official Plan Amendment No. 183

At its meeting of June 22, 2011, Toronto and East York Community Council, directed staff to undertake the North Downtown Yonge Street Planning Framework study in response to the Downtown Tall Buildings Study and concerns regarding the extent and type of applications being received in the area. The boundary of the study area is Bay Street to the west, Bloor Street to the north, Church Street to the east and College/ Carlton Streets to the south. The study was to consider mixed use sites in the area with potential for intensification and revitalization and recommend a framework for future redevelopment that City Council could use as a guide for the consideration of individual redevelopment proposals within the area.

On November 15, 2013, City Council enacted By-law 1507-2013 for Official Plan Amendment No. 183 (OPA 183), being the North Downtown Yonge Site and Area Specific Policy 382. Approximately 20 appeals have been received on the new OPA, including an appeal for 10 St. Mary Street.

The site is within the "Yonge Street Character Area" which is characterized by: a strong heritage fabric; predominately low-rise main street building typology with a prevailing street wall height of 2-4 storeys; narrow retail frontages; and shallow lot depths. The site is also identified as being located in the "Height Core Area" within the "Yonge Street Character Area". The policies contained in OPA 183 work together in establishing the appropriate built form for the area. Policies for the Yonge Street Character Area include the following:

Policies:

- 5.31** Development/redevelopment must create a consistent street wall along Yonge Street to a maximum height of 18 metres or 4 storeys.
- 5.3.2** Development/redevelopment must require store frontage width at grade along Yonge Street to be consistent with the average width of at-grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Yonge Street in the North Downtown Yonge Area.
- 5.3.3** Development/redevelopment must provide building setbacks to secure a sidewalk zone (measured curb to building face) at least 6 metres wide, or greater where established by the existing context or at corners, transit nodes, PATH access points, or other locations with significant pedestrian use. The sidewalk zone may be entirely on public property or a combination of public and private property.
- 5.3.4** Development/redevelopment must provide, where commercial uses are planned at grade, building setbacks to secure a sidewalk zone on private property to support adequate space for café patios, outdoor displays and other marketing activities.
- 5.3.6** Development/ redevelopment must have:
- a. A minimum setback of 20 metres from the Yonge Street frontage property line to the tower portion of any tall building development, where heritage properties are present on site; and
 - b. A minimum setback of 10 metres from the Yonge Street frontage property line to the tower portion of any tall building development, where there are no on-site heritage properties.
- 5.3.9** Any development/redevelopment within the "Height Core Area" of the Yonge Street Character Area, as shown on Map 2, Open Space Network and Height Areas, will conserve, maintain and enhance the existing character, cultural heritage values, attribute and scale of the existing heritage properties and their context. The maximum height within the "Height Core Area" of the Yonge Street Character Area will be in the range of 4 storeys or 18 metres. Buildings higher than 18 metres may only be permitted if:

- a. no part of the building is located above the angular plane drawn from the Yonge Street lot line, commencing at a height of 18 metres above the street level and then angling upwards at an angle of 75 degrees away from Yonge Street over the site; and
- b. where the site contains a heritage property, the heritage can be retained in its entirety and appropriately incorporated into the development/redevelopment, in keeping with Section 6 of the North Downtown Yonge Site and Area Specific Policy.

These are not the only policies of OPA 183 that apply to the site.

Properties with heritage resources on site are expected to provide a 20 metre tower setback from the Yonge Street property line and adhere to the 75 degree angular plane as spoken to in the policy. The intent of the 75 degree angular plane is to ensure new tall buildings provide a sufficient setback from the street to preserve the historic low-rise scale along Yonge Street. The proposal is providing a 14.5 metre tower setback from the Yonge Street property line and projects into the angular plane at the 8th, 10th, 23rd and 24th storeys, as well as the mechanical penthouse.

If the proposal provided a 20 metre setback from the Yonge Street property line, as required when there is on-site heritage buildings, the proposal would project into the 75 degree angular plane at the 31st storey. However, if the 10 metre setback is applied, the proposed tower would still penetrate the required angular plane at 18th storey.

Ontario Heritage Act

Section 34 (1) of the *Ontario Heritage Act* (OHA) states that no owner of property designated under Section 29 shall demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property unless the owner applies to the council of the municipality in which the property is situated and receives consent in writing to the demolition or removal. Section 34.1 (1) indicates that if Council refuses the permit applied for or gives the permit with terms and conditions attached, the owner of the property may appeal to the Ontario Municipal Board (OMB).

Standards and Guidelines for the Conservation of Historic Places in Canada

In 2008, Toronto City Council adopted the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada as the official document guiding planning, stewardship and conservation approaches for all listed and designated heritage resources within the City of Toronto.

<http://www.toronto.ca/legdocs/mmis/2008/cc/decisions/2008-03-03-cc17-dd.pdf>

The following Standards for Preservation, Rehabilitation and Restoration can be applied to the demolition application for 10 St. Mary Street:

- Conserve the heritage value of an historic place. Do not remove, replace or substantially alter its intact or repairable character-defining elements. Do not move a part of an historic place if its current location is a character-defining element.
- Conserve heritage value by adopting an approach calling for minimal intervention.
- Find a use for an historic place that requires minimal or no change to its character-defining elements.

Tall Building Design Guidelines

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use the Guidelines in the evaluation of all 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.

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

The application is located within the area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Tall Building Guidelines also contain heritage principles and performance standards.

The site is located on the Yonge Street Special Character Street as illustrated on Map 1 of the Guidelines. This designation recognizes Yonge Street's overall heritage value and iconic stature but accommodates its differing re-development potential along specific segments of the street. In this segment of Yonge Street, towers are to be set back 20 metres where heritage properties are present on site and 10 metres where there are no on-site heritage properties.

The height range for the site along Yonge Street is 92 to 152 metres, as identified on Map 2 of the Guidelines. The High Street Typologies Map (Map 3) also identifies the site within the Yonge Street Special Character Street, where appropriate building typologies will be determined on a site-by-site basis. Map 1 identifies St. Mary Street as a Secondary High Street. Secondary High Streets height ranges are generally one-third lower than the High Street to which they run parallel. Map 4 identifies Yonge Street as a Priority Retail Street, meaning 60 percent of the total building frontage should contain active retail uses.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Guidelines are available at:
<http://www.toronto.ca/planning/tallbuildingdesign.htm>

Zoning

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013, which is currently under appeal at the Ontario Municipal Board. Therefore, both Zoning By-law 569-2013 and former City of Toronto General Zoning By-law 438-86 currently apply to this site.

Under Zoning By-law 569-2013, the site is zoned CR 3.0 (c2.0, r3.0) x 2546 and within Policy Area 1 provisions, with a maximum permitted building height of 18 metres.

Under Zoning By-law 438-86, the site is zoned CR T3.0 C2.0 R3.0 with a maximum permitted building height of 18 metres. There is a requirement for an angular plane of 16 metres and then 44 degrees along Yonge Street.

In both cases the CR zoning category allows for a broad range of commercial and residential uses with the density limits of 2.0 and 3.0 times the area of the lot respectively.

Historic Yonge Street Heritage Conservation District Study Area By-law

The property at 10 St. Mary Street is subject to the Historic Yonge Street Heritage Conservation District Study Area By-law (277-2015), passed by City Council on February 11, 2015. This by-law prohibits demolition of all properties within the by-law area for a period of one year.

Currently 89 percent of the properties in the Historic Yonge Street HCD Study Area are not currently included on the City's Heritage Register as either listed or designated properties and are therefore not protected by the provisions of the Ontario Heritage Act. Over the next year, a Plan will be drafted for the area and presented to City Council that sets out policies and guidelines for its protection. City Council may adopt the Plan and designate the area as a Heritage Conservation District.

Site Plan Control

The proposed development is subject to Site Plan Control approval. A Site Plan application has not been submitted to date.

TOcore

On May 13, 2014, Toronto and East York Community Council considered a staff report regarding 'TOcore: Planning Toronto's Downtown', along with a related background document entitled 'Trends and Issues in the Intensification of Downtown'. These reports along with additional information are available on the study website at: www.toronto.ca/tocore

TOcore is looking at how Toronto's Downtown should grow, with both a renewed planning framework and the necessary infrastructure to remain a great place to live, work, learn and play. TOcore is in its initial 'taking stock' phase, which involves an analysis of existing conditions, growth trends and priority issues in the Downtown. The study team will be reporting back to TEYCC by the end of 2015 on the results of Phase One and the priorities for Phase Two,

"Planning and Analysis". The review of this application has been informed by the issues being considered under TOcore.

Reasons for Application

The proposal requires an amendment to the Zoning By-law for an increase in density and height, a reduction and refinement to the residential parking, and other development standards.

Community Consultation

A community consultation meeting was held on April 28, 2015, with the local Councillor, Planning Staff, the applicant and approximately 35 members of the public. The meeting started with presentations from Planning Staff and the applicant followed by questions and concerns from the residents. Some of the concerns raised included:

- Conserving the existing designated heritage building;
- Conformity to the recently Council adopted OPA 183, which the community participated in the development of;
- Height of the proposed tower and the incremental shadow on the northeast corner of Yonge Street and Charles Street;
- The lack of parking spaces proposed; and
- Potential traffic and congestion issues.

Agency Circulation

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

COMMENTS

The proposal to demolish a heritage building and construct the proposed tall building is not appropriate for the site. The applicant submitted their application in August 2014 and filed an appeal with the OMB in July 2015 without any revisions to their initial application based on the formal comments provided by the community and city divisions and agencies. As expressed in the pre-application meetings, given the area context, and the site size and narrow configuration, the proposal represents an overdevelopment of the site.

Provincial Policy Statement and Provincial Plans

The Planning Act and associated Provincial Policy Statement guide development in the Province and they include provincial interests regarding heritage resources as described in the Provincial Policy Statement issued under the authority of Section 3 of the Planning Act. The Planning Act requires that all decisions affecting land use planning matters "shall be consistent with" the Provincial Policy Statement. The Provincial Policy Statement (PPS) provides direction on matters of provincial interest related to land use planning and development, and promotes the

provincial policy-led planning system. The Official Plan is the most appropriate vehicle for implementing the PPS.

Provincial Policy Statement 2.6.1 reads "Significant built heritage resources and significant cultural heritage landscapes shall be conserved".

Section 1.8.1 direct Planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) strives, among other things, to direct growth to areas of urban intensification. Section 4.2.4 of the Growth Plan calls for cultural heritage conservation, including conservation of archaeological resources where feasible as built-up areas is intensified. Staff are of the opinion that the proposed built form is not consistent with the Official Plan policies, the PPS and the Growth Plan.

Land Use

The application proposes both residential and non-residential uses. These uses are permitted within the CR mixed-use district in the Zoning By-laws as well as within the *Mixed Use Area* of the Official Plan.

The application proposes to exceed the permitted gross floor area for the residential and non-residential uses in the Zoning By-law. While the uses are permitted, the application fails to meet many key policies within the Official Plan and Tall Building Design Guidelines.

The application does not propose to replace the office use currently on site. The intent of OPA 231 (adopted by Council prior to the application being submitted, but not currently in force) is to maintain and grow a strong and diverse economy by stimulating the growth of new office space and maintain the current concentration of office space located near rapid transit.

Heritage

The property at 10 St. Mary Street is designated heritage (By-law No. 353-2015) under all three categories of design, associative and contextual value. The 8 storey building is an excellent example of mid-century International Style structure. It is historically associated with the architectural partnership of Mathers and Haldenby, whose work contributed significantly to educational, government and commercial institutions in Toronto, across Canada and internationally. The subject property makes an important contribution to the character of the area and is linked to its surroundings as representative of mid-twentieth century Yonge Street.

A Heritage Impact Assessment (HIA) written prior to the designation of the building was submitted with the development application prepared by Goldsmith Borgal Company Architects dated July 29, 2014 supporting the application. A building condition assessment prepared by

S2S Environmental Inc. dated February 11, 2014, included in the Conservation Plan, presents the conclusion that the building on the property appears to be in fair to good condition.

The proposed demolition of the designated heritage building is not in accordance with the intent of the Ontario Heritage Act, PPS or Standards and Guidelines for the Conservation of Historic Places in Canada, as it does not protect and conserve the heritage resource.

The cultural heritage value of the property at 10 St. Mary Street is set out in detail in the report prepared by the Director of Urban Design, dated February 28, 2014 and titled "Intention to Designate under Part IV, Section 29 of the Ontario Heritage Act – 10 St Mary Street."

Density and Massing

Base Building

The applicant is proposing to demolish the existing designated heritage building. Official Plan Policy 3.1.5.2 states that heritage resources on properties listed on the City's Inventory of Heritage Properties will be conserved. The 10-storey base building is proposed to replicate the design and massing of the existing designated heritage building. Staff do not support the proposed demolition and re-creation of the existing heritage building. The designated building should be maintained, preserved and incorporated into any future redevelopment of the site.

For new construction, the North Downtown Yonge OPA 183 restricts the height of the base building to a maximum of 4-storeys or 18 metres within the Yonge Street Character Area. The 18 metre height limit ensures that the scale of the base building responds to and preserves the predominately low-rise main street building typology present along Yonge Street. OPA 183 was adopted by Council prior to the application being submitted, but is not currently in force.

Tower Separation Distance

The proposed separation distance from the north property line is not acceptable. The proposed building neither conforms to the policies of the Official Plan nor to the Tall Building Design Guidelines. The proposed tower is set back approximately 0.0 – 1.2 meters from the north property line. The Tall Building Design Guidelines call for a 12.5 metre tower setback from the property lines.

Section 3.1.3(1b) of the Official Plan requires that tall building towers have a floor plate size and shape that has appropriate dimensions for the site, and is located and oriented on the site and building base to fit harmoniously into its existing and/or planned context. The Tall Building Design Guidelines recommend that towers should be separated by a minimum distance of 25 metres to achieve sufficient light, views and privacy for proposed towers, and to secure light, views and privacy for adjacent existing and/or potential tower sites. The proposed tower setback of 0.0-1.2 meters is inconsistent with the Tall Building Design Guidelines standards of 12.5 metres and the 5.5 metre window setback requirement in the Zoning By-law. The subject site is too small to accommodate the minimum 12.5 metres tower setback to the north property line. Tall Building Guidelines explain that if it is not feasible to construct a tower on a site after applying these setback and stepbacks, the site may be too small for a tall building.

The proposed minor setback to the north is unacceptable as it will have negative impacts on the potential development on the adjoining properties to the north. Replicating this proposal over the block would amount to four towers with 0.0 to 2.4 metre tower separation between each tower creating one large mass over the block, which would be unacceptable due to the skyview, privacy and sunlight penetration issues.

The block analysis called for by the Tall Buildings Guidelines illustrates that to accommodate a tall building on this block it must provide; a 20 metre setback from any heritage resources; a tower setback of 12.5 metres from the property line that abuts an existing or potential tower; and animation of all four elevations of the tower, as well as adhere to the 75 degree angular plane from the Yonge Street property line provision found in OPA 183. All of these features are subject to heritage concerns and the on-going Heritage Conservation District Study for the area.

The subject site is 974 square metres and is too small to accommodate these built form features. The two tower sites identified in the block analysis would require a site area of 2,067 square metres each. This site is less than half the size required to accommodate a tower on the site.

The Official Plan states in the Built Form section (Policy 3.1.2.3 a) that new development will be massed and its exterior façade will be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by massing new buildings to frame adjacent streets and open spaces in a way that respects the existing and/or planned street proportion. As demonstrated above, this proposal fails to respect both the existing and planned context for the area.

The proposed tower will negatively impact the development potential of the adjacent properties to the north. The proposed setback and separation distances would create an inappropriate condition that would need to be addressed on adjacent lands if they are developed.

City Planning staff are prepared to consider a significantly modified development on the site but only in a manner that is respectful of the existing planning framework and context. The proposed massing does not propose sufficient tower separation distance to the north.

Sun and Shadow

The applicant has submitted a Shadow Analysis to illustrate the shadows created by the proposed tower during September/March 21st and June 21st equinoxes during the hours of 9:18 a.m. to 6:18 p.m. Planning staff have reviewed the shadow analysis and found the impacts to be acceptable.

The shadow studies show incremental shadowing on the west sidewalk along Yonge Street at 1:18 p.m., the northeast corner of Yonge and Charles Streets and the southeast corner of Yonge and College Streets at 2:18 pm, as well as the north side sidewalk along College Street at 3:18 p.m. during the March/September equinoxes.

The Official Plan states that tall buildings must minimize the negative impact of shadows on adjacent public spaces including streets, parks and open spaces. The Downtown Vision Guidelines identify certain areas within the downtown as shadow sensitive areas to protect the

public realm from undue overshadowing by proposed buildings. The incremental shadow from the proposal does not fall on any shadow sensitive areas.

Wind

The applicant has submitted a Pedestrian Level Wind Assessment. The analysis concludes that the pedestrian level wind conditions at grade will be suitable for the areas intended purpose, which is standing or walking. The outdoor amenity area on the 11th storey will require a 1.8 metre vertical barrier around the perimeter. The terraces on the 24th and 37th floors will also require mitigation with perimeter screening. Staff are satisfied with these conclusions.

Traffic, Parking and Access

Transportation Services find the traffic impacts resulting from the proposed development to be acceptable. A Traffic Impact Study (TIS) prepared by LEA Consulting Limited, dated July, 2014 was submitted in support of the application. The study concluded that site traffic associated with the development can be accommodated on the area road system.

The application proposes a total of 49 residential parking spaces for 255 residential dwelling units to be located 4-levels below-grade. No residential visitor parking and no retail parking spaces are proposed. The proposed residential parking supply does not meet the requirements of the Zoning By-law. The Zoning By-law would require a minimum of 162 spaces, consisting of 136 resident spaces and 26 visitor spaces.

Transportation Services do not accept the proposed parking ratios and recommend a minimum number of residential parking spaces on the site to serve this development based on the following ratios:

Unit Type	Spaces Per Unit
Bachelor	0.3
1-bedroom	0.5
2-bedroom	0.8
3-bedroom	1.0
Residential Visitors	0.1

While it is acknowledged that some relief from these parking standards may sometimes be granted, this is normally done after acceptable site specific analysis demonstrating that the By-law standard exceeds the actual parking demand. The study does not justify the residential and visitor parking shortfall.

Vehicular access to the two car elevator and loading spaces are proposed directly off of St. Nicholas Street, at the west limit of the site and is generally acceptable.

Servicing

Engineering and Construction Services Staff have reviewed the Functional Servicing Report prepared by MMM Group and have commented on a number of deficiencies in the report. On October 20, 2014, staff sent a letter directly to MMM Group outlining the required revision. The applicant has not provided a revised Functional Services Report. This matter is still outstanding.

Amenity

The applicant proposes to provide 341 square metres of indoor amenity space and 534 square metres of outdoor amenity space. The Zoning By-law requires a minimum of 2.0 square metres per unit (255 dwelling units proposed) of indoor and outdoor amenity space be provided.

The proposal meets the required outdoor amenity space required but falls nearly 200 square metres short of the requirement for indoor amenity space. Planning staff continue to require the applicant to increase the proposed indoor amenity space to meet the zoning standard.

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 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 the parkland priority areas, as per the City Wide Parkland Dedication By-law 1020-2010.

The application proposes a 42-storey mixed use building on a site area of 974 square metres with 255 residential units and 251 square metres of commercial use at-grade. At the alternative rate of 0.4 hectares per 300 units specified in By-law 1020-2010, the parkland dedication requirements is 3,400 square metres or 353% of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use. In total, the parkland dedication requirement is 96.4 square metres.

The applicant would be required to satisfy the parking dedication requirements through cash-in-lieu. Park's Staff have advised that the cash-in-lieu option is appropriate, as there is no suitable location for an on-site parkland dedication.

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 worked out, in consultation with the Ward Councillor, if the project is ultimately considered to be good planning and recommended for approval.

No discussions were had regarding community benefits, since the application is not considered to be good planning. In the event, the Ontario Municipal Board (OMB), is in the position to grant additional density and/or height beyond that permitted in the Zoning Bylaw, the City should request that the OMB withhold their final order until the City has secured the appropriate community benefits.

Conclusion

The proposal, as appealed to the Ontario Municipal Board is overdevelopment of this narrow small site. It would set a negative precedent for future infill development in terms of the City's built form policies in the area. It does not achieve the tall buildings performance standards, or other guidelines as approved by Council. Further, the proposal does not conform to recently adopted Official Plan amendments for North Downtown Yonge; Official Plan heritage policies; and policies for replacing office space in selected areas with rapid transit.

Given the proposal's lack of conformity to Council adopted guidelines, and Official Plan policies, the proposal does not represent good planning. City Planning are recommending that Council direct staff to appear at the Ontario Municipal Board in opposition to the proposal.

CONTACT

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E-mail: jrenaud2@toronto.ca

SIGNATURE

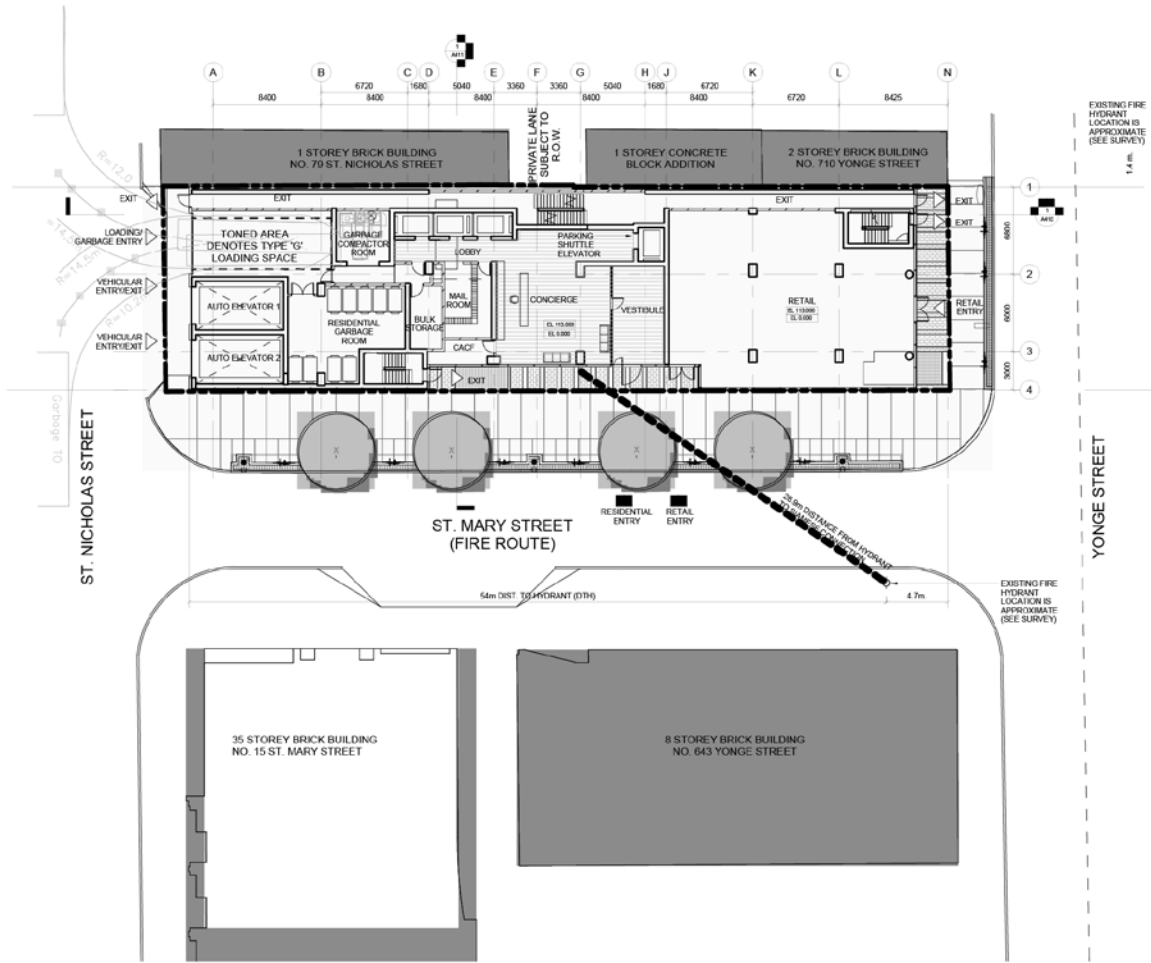
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

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

Attachment 1: Site Plan



Site Plan

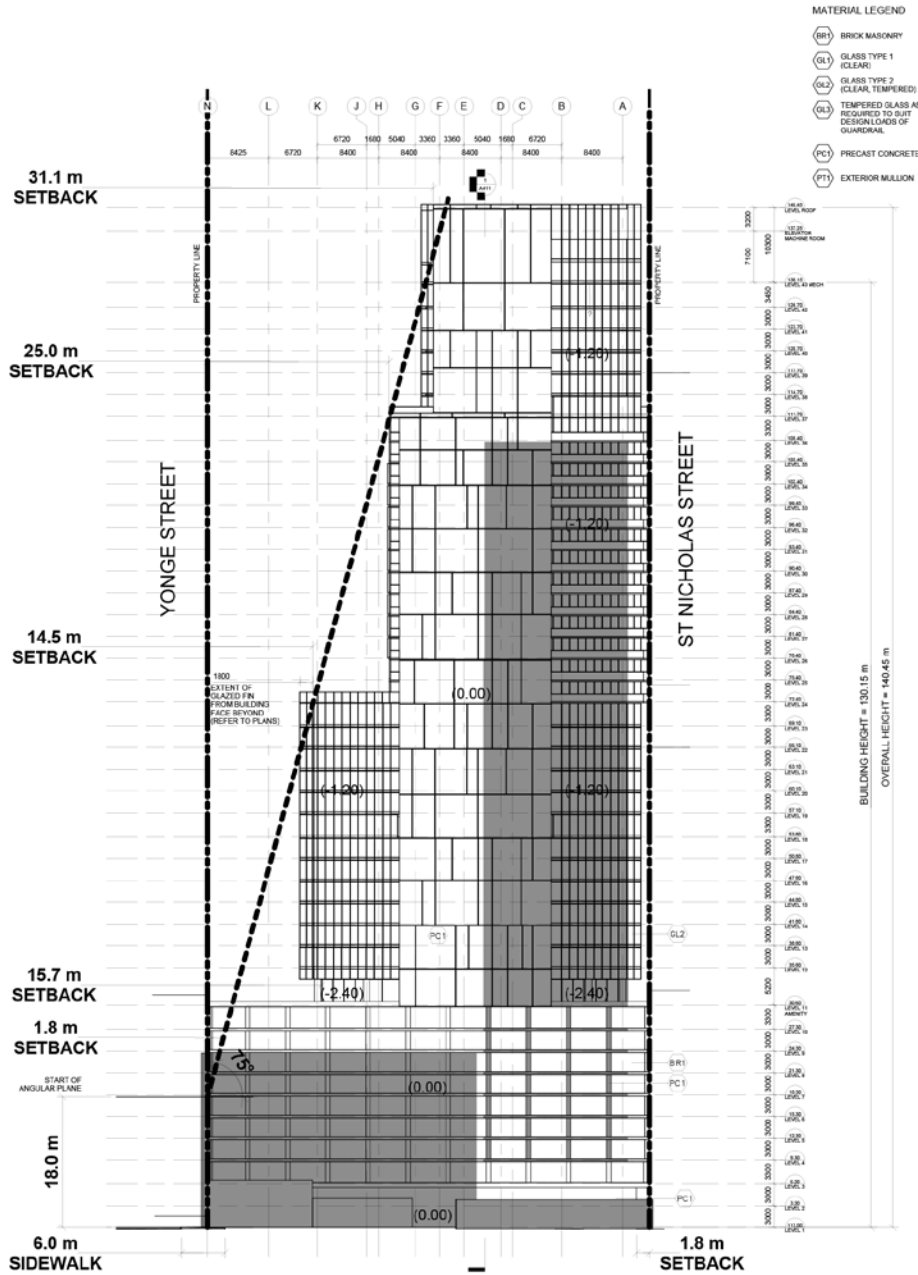
Applicant's Submitted Drawing

Not to Scale

10 St. Mary Street

File # 14_208729_STE 27 0Z

Attachment 2: North Elevation



North Elevation

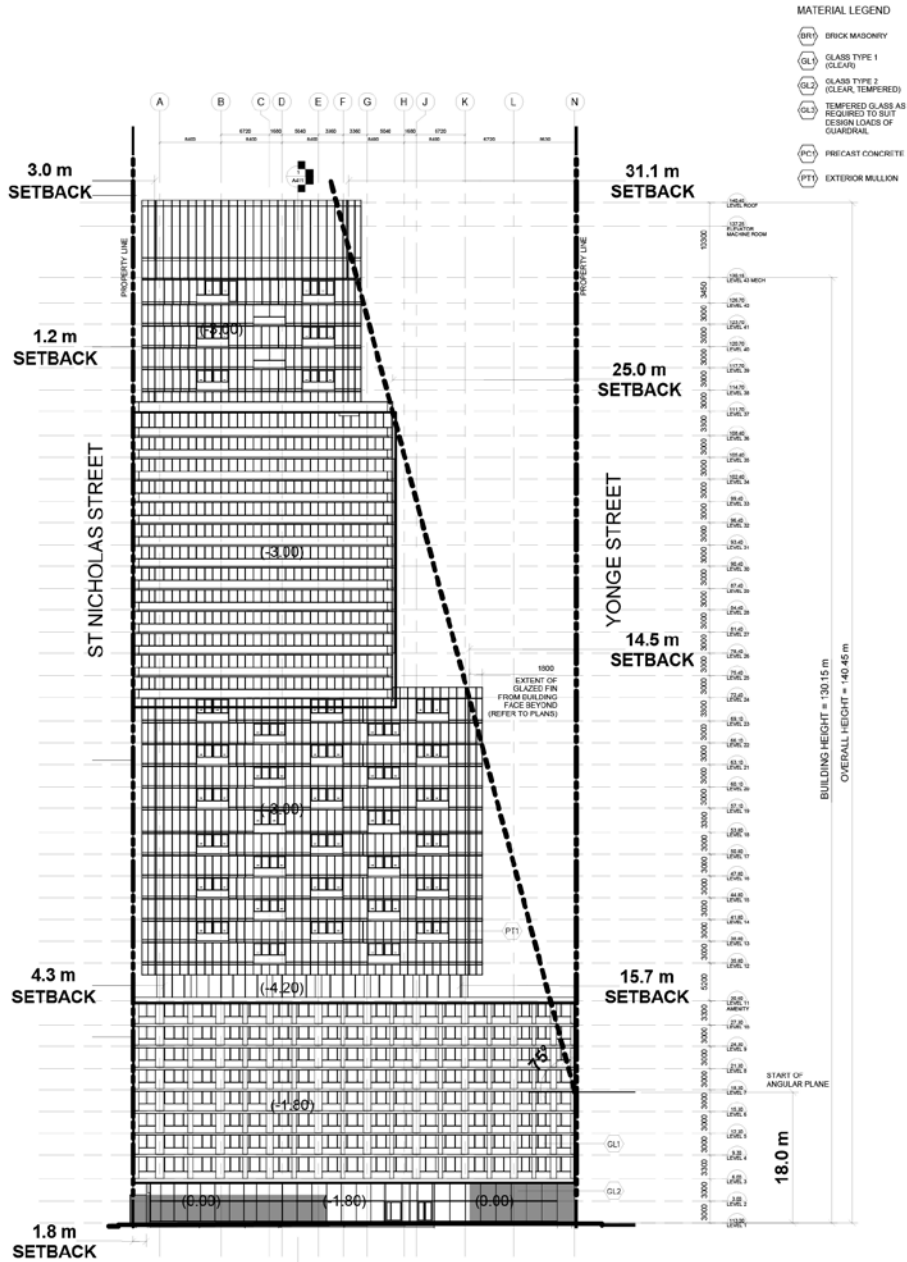
Applicant's Submitted Drawing

Not to Scale
12/11/2014

10 St. Mary Street

File # 14_208729_STE 27 OZ

Attachment 3: South Elevation



South Elevation

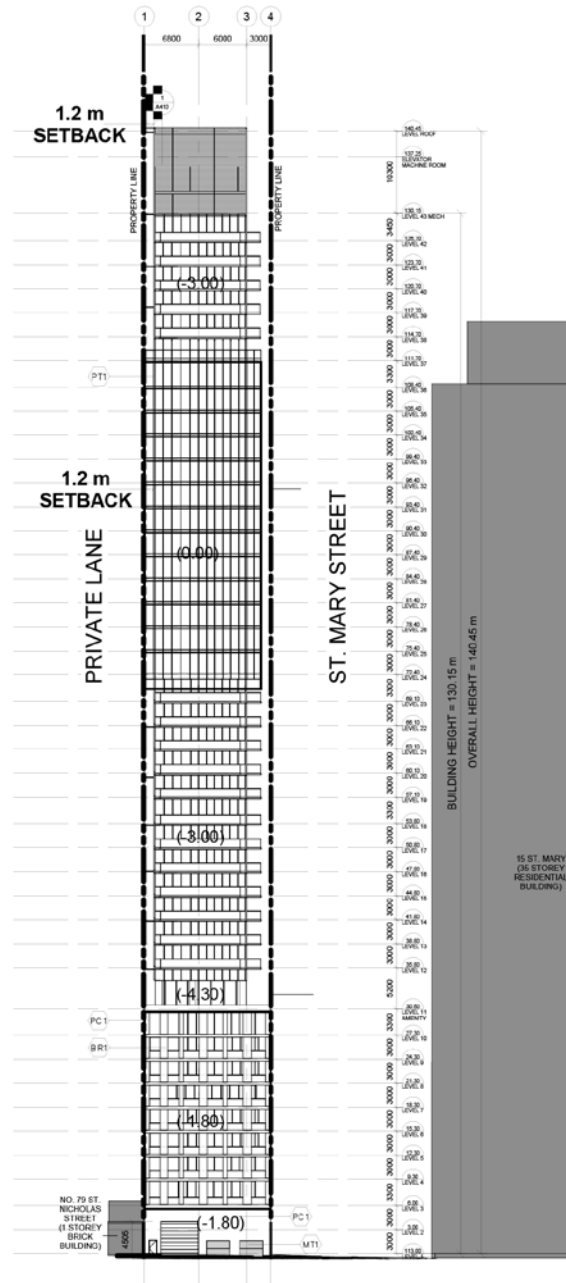
Applicant's Submitted Drawing

Not to Scale
12/11/2014

10 St. Mary Street

File # 14_208729_STE 27 0Z

Attachment 5: West Elevation



West Elevation

Applicant's Submitted Drawing

Not to Scale
12/11/2014

10 St. Mary Street

File # 14_208729_STE 27 0Z

Attachment 7: Application Data Sheet

Application Type	Rezoning	Application Number:	14 208729 STE 27 OZ
Details	Rezoning, Standard	Application Date:	August 19, 2014
Municipal Address:	10 ST MARY ST		
Location Description:	PLAN D3 PT LOT 4 LOT 5 **GRID S2707		
Project Description:	Proposing to demolish the existing eight storey designated office building and construct a 42 storey mixed-use building containing 255 residential dwelling units and retail at-grade. A total of 49 parking spaces and of 316 bicycle parking spaces are proposed.		

Applicant:

Sherman Brown Dryer Karol
5075 Yonge St., Suite 900
Toronto, Ontario, M2N 6C6

Architect:

Core Architects
317 Adelaide St. W.
Toronto, Ontario, M5V 1P9

Owner:

Lifetime Developments
49 Jackes Ave.
Toronto, Ontario, M4T 3E2

PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:	Designated
Height Limit (m):	18	Site Plan Control Area:	Yes

PROJECT INFORMATION

Site Area (sq. m):	974	Height:	Storeys:	42
Frontage (m):	15.87		Metres:	140.45
Depth (m):	61.07			
Total Ground Floor Area (sq. m):	859			Total
Total Residential GFA (sq. m):	18387		Parking Spaces:	49
Total Non-Residential GFA (sq. m):	251		Loading Docks	1
Total GFA (sq. m):	18638			
Lot Coverage Ratio (%):	88.2			
Floor Space Index:	19			

DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	7
1 Bedroom:	186
2 Bedroom:	44
3 + Bedroom:	18
Total Units:	255

FLOOR AREA BREAKDOWN (upon project completion)

		Above Grade	Below Grade
Residential GFA (sq. m):	18387		0
Retail GFA (sq. m):	251		0
Office GFA (sq. m):	0		0
Industrial GFA (sq. m):	0		0
Institutional/Other GFA (sq. m):	0		0

CONTACT: PLANNER NAME: Jennifer Renaud, Planner
TELEPHONE: 416-392-7554