

**65 Grand Magazine St (Fort York Block 4A)  
Official Plan Amendment, Zoning By-law Amendment  
- Request for Direction Report**

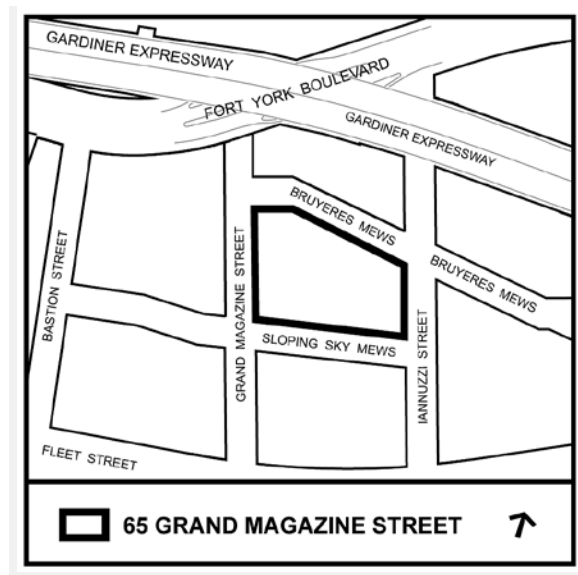
<b>Date:</b>	December 11, 2015
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 19 – Trinity-Spadina
<b>Reference Number:</b>	14 264174 STE 19 OZ (Official Plan and Zoning By-law Amendment)

**SUMMARY**

On December 15, 2014, ONNI Group submitted applications to amend the City’s Official Plan and Zoning By-law 438-86. The applications propose a 32-Storey (106.5 metre) residential building containing 511 dwelling units at 65 Grand Magazine Street. A total of 420 vehicle parking spaces are proposed in 4 levels of underground parking with 513 bike parking spaces proposed on the ground and P1 levels.

On July 27, 2015, the applications were appealed to the Ontario Municipal Board (OMB) due to City Council’s failure to make a decision on the requested Official Plan amendment and Zoning By-law amendment within 180 and 120 days, respectively.

The applicant and City staff have met on a number of occasions to discuss the City’s concerns with the application. The applicant and City staff will continue to meet to discuss these matters in an effort to reach a resolution. Staff are requesting City Council direction to continue these discussions and, if unsuccessful, to attend the Ontario Municipal Board to oppose the proposed development.



A prehearing at the Ontario Municipal Board is being scheduled for February 2016.

## **RECOMMENDATIONS**

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### **The City Planning Division recommends that:**

1. City Council authorize the City Solicitor and appropriate staff to continue discussions with the applicant in an attempt to resolve the issues outlined in the report (December 11, 2015) from the Director, Community Planning, Toronto and East York District, regarding 65 Grand Magazine Street, and report back to City Council on the details of a settlement, if one is reached, including Section 37 matters.
2. In the event that the outstanding issues contained in the report (December 11, 2015) from the Director, Community Planning, Toronto and East York District, are not resolved, City Council direct the City Solicitor, together with City Planning staff and other City staff, to attend the Ontario Municipal Board hearing to oppose the Official Plan and Zoning By-law amendment applications as proposed.
3. City Council authorize the Director and Community Planning, Toronto and East York District, in consultation with the Ward Councillor, to identify and provide direction to City Staff and the City Solicitor with respect to matters, services and facilities pursuant to Section 37 of the Planning Act in the event the Board approves the Official Plan and Zoning By-law amendment applications as proposed in whole or in part.
4. In the event that Ontario Municipal Board allows the appeal in whole or in part, City Council authorize the City Solicitor to request that the Ontario Municipal Board withhold its final Order to approve the Official Plan and Zoning By-law amendment for the subject lands until such time as:
  - a. the City and the owner have presented to the Ontario Municipal Board an Official Plan and Zoning By-law amendment that implements the decision of the Board in form and substance satisfactory to the Director, Community Planning, Toronto and East York District and the City Solicitor; and
  - b. community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner to the satisfaction of the Director Community Planning, Toronto and East York District and the City Solicitor.

## **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

In 1995, the adoption of the Bathurst/Strachan Area Part II Plan (19.46) established the original framework for the redevelopment of the Fort York Neighbourhood. (By-law 1995-0465 and 1995-0466).

In 2003, the City renamed the plan the Fort York Neighbourhood Secondary Plan through Official Plan Amendment No. 265 (By-law 754-2003).

In 2004, City Council endorsed the Fort York Public Realm Plan:

<http://www.fortyork.ca/images/management-docs/fort-york-public-realm-plan-2004.pdf>

On August 24, 2007, the Ontario Municipal Board, amended the plan, through Order No. 2374 ( Board File No.'s PL030379, PL030913 and PL030914) which enacted By-law 897-2007(OMB), which amends By-law No. 438-86, as amended, with respect to Block 2, Block 3, Block 4 and Block 4A. This By-law amendment established the currently permitted building height and density for the subject site.

<http://www.toronto.ca/legdocs/bylaws/2007/law0897.pdf>

## **Pre-Application Consultation**

A pre-application consultation meeting was held with the applicant to discuss complete application submission requirements.

Several meetings with Planning Staff and the applicant occurred prior to the submission of the subject application. At these meetings, Planning Staff noted concerns regarding the height and density of the proposed development in relation to the existing context of the Fort York neighbourhood and the proposal's relation to the Fort York National Historic Site. Planning staff also noted the lack of non-residential space at grade as being a concern, as the proposal is situated within a mixed-use area, and the Secondary Plan contemplates the opportunity for non-residential uses on the ground floor within such areas, to assist in animating the public realm and providing services to residents locally.

## **ISSUE BACKGROUND**

### **Proposal**

The proposed development remains unchanged from the original submission received by City Planning on December 15, 2014.

This application proposes the development of a 32-storey (106.5 metre) residential building. The tower portion of the building sits atop a 4-6 storey podium.

Residential uses, totalling 31,270 square metres of gross floor area, are proposed. The proposed unit-mix is as follows:

Bachelor:	29 units	6 % of total
One Bedroom:	343 units	67 % of total
Two Bedroom:	79 units	16 % of total
Three Bedroom:	60 units	12 % of total
<b>Total:</b>	<b>511 units</b>	

A total of 1,024 square metres of indoor and 1,024 square metres of outdoor amenity space is proposed.

No non-residential uses are proposed on site.

A total of 513 bike parking spaces are proposed on the Ground and P1 Levels, of which, 53 spaces are proposed for visitors and will be located at-grade.

A total of 420 vehicle parking spaces are proposed in 4 levels of underground parking, of which, 61 are proposed for visitors. Vehicle access is proposed from Bruyeres Mews.

One Type-C and one Type-G loading space are proposed. Access to these loading spaces is proposed from Bruyeres Mews.

### **Site and Surrounding Area**

The subject site has a total area of approximately 7,500 square metres in the shape of an irregular convex pentagon. It is bordered on all sides by public streets, with Bruyeres Mews to the north, Iannuzzi Street to the east, Sloping Sky Mews to the south and Grand Magazine Street to the west. A condominium sales office and parking area are currently situated on the site.

The surrounding uses are as follows:

North: A 15-storey (47 metre), 249-unit, residential building with, 4 levels of underground parking in under construction on the north side of Bruyeres Mews. The Gardner Expressway and The Fort York National Historic Site are situated to the north.

West: A 17-storey (53 metre) residential building and 15-storey (47 metre) residential building containing 502 residential units are situated on the west side of Grand Magazine Street.

South: 3-storey townhouses are situated on the south side of Sloping Sky Mews and a 28-storey tower and 11-storey podium is situated on the same block, fronting Fleet Street.

East: A 27-storey mixed-use building containing 410 residential units and 467.5 metres of commercial floor space is situated on the east side of Iannuzzi Street, northeast of the subject site. A 15-storey mixed use building is situated on the east side of Iannuzzi Street to the east of the site.

## **Community Consultation**

A Community consultation meeting was held at Fort York Visitor's Centre on June 15, 2015. The Community made the following comments on the proposal:

- While the current permitted height, of 19 storeys, is acceptable, the proposed increase in height is not supported.
- The proposal will have a negative impact on the skyview within the community and toward the Fort;
- The opportunity to provide non-residential space within the building should be explored;
- The design of the building does not fit in with the area character;
- The proposed materials and design of the building should be improved;
- The vehicle traffic generated from the development is a concern;
- The building may create adverse wind impacts for pedestrians.

The Comments expressed by the community are generally consistent with the concerns of City Planning Staff which are discussed further in the body of this report.

## **ISSUE BACKGROUND**

### **Planning Act, Provincial Policy Statement and Provincial Plans**

Section 2 of the *Planning Act* sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, 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 healthy 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 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**

City staff review the Official Plan in its entirety when considering development proposals. The following key policies from the Official Plan were identified when considering the proposed development.

### **Mixed Use Areas (4.5)**

The subject site is designated *Mixed Use Areas* on Map 18 – Land Use Plan. Section 4.5 of the Official Plan contains policies to govern the built form of new development in *Mixed Use Areas*.

### **Healthy Neighbourhoods (2.3.1)**

The properties to the south and west of the subject site are designated *Apartment Neighbourhoods* by the Official Plan. The Healthy Neighbourhoods Section of the Official Plan (Section 2.3.1) includes policies for development in *Mixed Use Areas* adjacent to *Apartment Neighbourhoods*.

### **Public Realm (3.1.1)**

Section 3.1.1 contains policies that help guide the development of streets, sidewalks, boulevards, and other aspects of the public realm.

### **Built Form (3.1.2 and 3.1.3)**

Section 3.1.2 of the Official Plan includes policies for the City's Built Form and requires that new development be located and organized to fit within an area's existing and/or planned context. Section 3.1.3 of the Official Plan addresses matters related to tall building design.

### **Heritage Resources (3.1.5)**

Section 3.1.5 of the Official Plan Heritage Policies requires that development adjacent to heritage resources respects the scale, character and form of the heritage resource. The updated Heritage Conservation Policies contained in Official Plan Amendment 199, recently approved by the Ontario Municipal Board, cover a wide array of heritage properties including: individually significant buildings and structures, properties that are a part of a heritage conservation district, cultural heritage landscapes, archaeological resources and areas of archaeological potential. The policy directs that development adjacent to a heritage resource ensures that the integrity of the heritage property's cultural heritage value and attributes are retained. The City's heritage policies implement the Provincial Policy Statement.

### **Height and/or Density Incentives (5.1.1)**

The Plan includes policies addressing the use of Section 37. The policies state that Section 37 community benefits are capital facilities and/or cash contributions toward specific capital facilities and include amongst other matters, community facilities, day care space, and area park improvements. Section 37 of the *Planning Act* gives

municipalities authority to pass zoning by-laws involving increases in the height or density of development in return for the provision by the owner of community benefits.

### **How to Read the Plan**

Section 1.5 of the Plan states that the Official Plan is to be read as a comprehensive and cohesive whole. This application will be reviewed against all policies of the Official Plan. The Official Plan is available here:

[http://www1.toronto.ca/static\\_files/CityPlanning/PDF/chapters1\\_5\\_dec2010.pdf](http://www1.toronto.ca/static_files/CityPlanning/PDF/chapters1_5_dec2010.pdf)

### **Fort York Neighbourhood Secondary Plan**

The site is situated within the Fort York Neighbourhood Secondary Plan area (Section 6.13). The plan envisions the Fort York Neighbourhood as a vital mixed use neighbourhood which takes advantage of large areas of existing public open space in a unique waterfront setting and is served by the appropriate range of community services and facilities.

### **Fort York Heritage Conservation District Study and Plan**

The Fort York Heritage Conservation District Study and Plan reviews and consolidates the previous 1985 Fort York Heritage Conservation District Plan, addressing the conservation of nationally significant resources from the War of 1812 and remnants of Toronto's founding landscape. This new Plan was developed as a result of the City acquiring additional land to enlarge the Fort York site, the rapidly changing context of the Fort, including the new visitor centre, and changes to the Ontario Heritage Act. The Heritage Study and Plan include direction with regard to the protection of heritage attributes, view corridors, landforms and archaeological features both within the study boundaries and associated adjacent lands. The subject site is within the adjacent lands to the Fort York Heritage Conservation District.

### **Fort York Public Realm Plan (2004)**

The Fort York Public Realm Plan, endorsed by City Council, establishes a set of guidelines, which outline the principles and overall vision for the emerging neighbourhood. It builds on the approved policies of the Official Plan and the zoning by-laws that set out the location of public spaces, density, height and built form envelopes, and informs the City's review of development applications in the area by setting a standard for the best possible design of the streets, parks, pedestrian and cycle connections, and public and private open spaces throughout the neighbourhood. The Fort York Public Realm Plan, defines the principles for liveable and pedestrian-friendly streets, parks and open spaces in this emerging Toronto neighbourhood.

<http://www.fortyork.ca/images/management-docs/fort-york-public-realm-plan-2004.pdf>

### **Zoning**

The subject site is zoned 'CR' Mixed Use, by By-law No. 438-86, as amended. The CR zone permits a broad range of residential and commercial uses, some being subject to specific performance criteria. The maximum permitted building height is 59.0 metres on

the east end of the site, 20.0 meters on the northwest portion of the site, and 16.0 metres on the southwest portion of the site.

By-law 97-2007(OMB), which amends By-law No. 438-86, allows for 37,360 square metres of residential gross floor area on Blocks 4 and 4A, of which not more than 13,200 square metres may be located on Block 4 and not more than 30,000 square metres may be located on Block 4A.

### **Site Plan Control**

The application is subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

### **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 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>

### **Reasons for the Application**

The proposal requires an amendment to the Official Plan, specifically the Fort York Neighbourhood Secondary Plan, to increase the maximum permitted residential density. The plan allows a maximum of 37,360 square meters of combined residential floorspace on Blocks 4 (70 Iannuzzi Street) and 4A (65 Grand Magazine Street). Block 4, currently under construction, contains 15,915 square meters of residential floor space, allowing for a maximum of 21,445 square metres of residential floor space on Block 4A. The proposal requires an amendment to the Zoning By-law to increase the maximum permitted density by 9,825 square metres.

The tower portion of the site is zoned for a maximum building height of 59.0 meters and allows additional height for the mechanical penthouse. The applicant is seeking a maximum building height of 106.5 metres to the top of the mechanical penthouse, which is an increase of 47.5 metres or 13-storeys above the as-of-right zoning.

### **COMMENTS**

The development of lands in an established urban setting requires careful consideration of the immediate site context and the broader neighbourhood. Developments should respond to the defining urban characteristics of the area into which they are proposed and should seek to complement and reinforce the established urban form. New development must relate, enhance and contribute to its surroundings. Consideration of context is of particular importance in this case due to the site's close proximity to the Fort York National Historic Site and the fact that the site sits within the master planned Fort York Neighbourhood. The proposed redevelopment of 65 Grand Magazine Street detailed in this report does not meet these objectives. The proposal is not supported by City



Planning Staff for the reasons outlined below.

## **Planning Act, Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (PPS) 2014, recognizes that local context and character is important. The Official Plan is the most important vehicle for implementation of this Provincial Policy Statement. The PPS directs that Official plans set out appropriate land use designations and policies.

City Staff do not agree that the proposed development constitutes appropriate intensification of an underutilized site, as stated in the Planning and Urban Design Rationale, by Bousfields, dated December 2014, submitted in support of the proposed development. The current permission for redevelopment of the site would appropriately intensify this site and achieve the City's intensification objectives. The proposed additional height and density constitutes overdevelopment of the site, as it does not comply with the City's Official Plan Policies, meant to implement the PPS and Growth Plan and provide for contextually-appropriate levels of growth within the City.

City Planning staff recommend amending the proposal to reduce the proposed height and density to be consistent with existing approvals and address the objectives of the Planning Framework.

The proposal does not comply with numerous policies in the City's Official Plan, including the Fort York Neighbourhood Secondary Plan, and a number of other planning tools intended to guide the development of this area, as further discussed below, therefore the proposal does not comply with the Provincial Policy Statement.

## **The Area Planning Framework - Summary**

The development of the Fort York neighbourhood is guided and informed by a number of land use planning documents, hereafter referred to as the 'Planning Framework', which work together to articulate the City's objectives for the development of this Neighbourhood. The Planning Framework includes The Official Plan; the Fort York Neighbourhood Secondary Plan; the Fort York Heritage Conservation District Study and Plan; the Fort York Public Realm Plan; the City's Built Form Guidelines, and Zoning By-law 438-86, as amended. The redevelopment of the Fort York Neighbourhood has occurred based on the comprehensive Planning Framework comprising these documents, as well as other City guidelines and best practices. It is Planning Staff's opinion that the proposed development does not conform to this comprehensive Planning Framework.

Policy 2.3.1 of the Official Plan directs that where intensification of land adjacent to an *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, will be created in consultation with the community, to mitigate negative impacts on *Apartment Neighbourhoods* from adjacent new development.

Policy 3.1.2 of the Official Plan directs that new development be located and organized to fit with an area's existing and/or planned context.

Policy 3.1.3 of the Official Plan provides additional direction for proposed tall buildings. Tall building proposals should relate to the existing and/or planned context, taking into account the relationship of the site to topography and other tall buildings, among other considerations.

Policy 3.1.5 of the Official Plan directs that any development on or adjacent to a heritage property will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained.

Policy 4.5 of the Official Plan directs that development in *Mixed Use Areas* locate and mass new buildings to provide a transition between areas of different development intensity and scale.

Policy 6.13.2 of the Official Plan states that the significance of Fort York and the Fort York Heritage Conservation District will be recognized in the redevelopment of the Fort York Neighbourhood, particularly with respect to the location and configuration of new streets, parks and public open spaces, the allocation of land uses and density, height limits and other built-form controls. This policy further states that building heights will increase in a southerly direction from the Fort, with lower buildings established along the southern edge of Fort York Boulevard.

Policy 6.13.3 of the Official Plan provides a framework for the built form and structure of the Fort York Secondary Plan Area. The Plan directs that building heights and orientation will be compatible with the Fort York National Historic Site.

Policy 6.13.4 of the Official Plan provides direction for the provision of a Mix of Uses within the Fort York Secondary Plan Area. While the policies of this section state that non-residential uses will primarily be located on the Bathurst and Lake Shore West frontages, the plan also encourages a mix of commercial and residential uses on a number on Blocks in the Secondary Plan area, including Block 4 and 4A. The Plan directs that a mix of uses be considered on Block 4 and 4A but limits residential floor area on both blocks, combined, to 37,360 square metres. By-law 897-2007(OMB) provides further specificity regarding maximum floorspace on these blocks directed by the Official Plan, permitting not more than 30,000 square metres of gross floor area on Block 4A.

The subject site is adjacent to the Fort York Heritage Conservation District. A property designated under Part V of the Ontario Heritage Act is subject to a level of conservation that protects not only the historic site itself, but also requires careful consideration of changes to the surrounding context which is critical to that resource. Any development proposal on this site must have regard for the Fort York Heritage Conservation District Study and Plan, in order to conserve cultural heritage values and attributes.

The Fort York Neighbourhood Public Realm Plan (the “Public Realm Plan”) is recognized by Section 6.13.9 of the Official Plan as part of the Development Strategy for the Fort York Neighbourhood. The Public Realm Plan acknowledges that maximum building heights have been established in the Secondary Plan and implementing Zoning By-laws and that the principle for the establishment of building heights is that point towers above the base buildings increasing in height away from Fort York.

In order to preserve sky views, the Public Realm Plan directs that towers in the Fort York Neighbourhood should be slender in width to maintain the broadest possible views between buildings.

The Zoning By-law 438-86, as amended, permits maximum building heights which increase gradually in a southerly direction and maximum gross floor areas on the site and surrounding area in order to implement the other components of the Planning Framework.

### **The Area Planning Framework – Response to the Proposal**

This site is the last possible development site in the Fort York Neighbourhood west of Bathurst Street. Unlike some areas in the City which have experienced significant growth in the last several years, this neighbourhood has had the benefit of a contemporary, comprehensive Planning Framework, comprising a range of planning tools including the Official Plan, Fort York Neighbourhood Secondary Plan, Fort York Neighbourhood Public Realm Plan, Fort York Heritage Conservation District, and the Zoning By-law. The proposed development does not implement the objectives of this Planning Framework. The comprehensive Planning Framework is complete, appropriate, and has been successfully implemented through previous developments in this area over the last 15-20 years. To compromise the integrity of the Planning Framework with the last piece of significant residential growth in this neighborhood would be detrimental to the Neighbourhood as whole and the Fort York National Historic Site. The proposed development does not represent good planning.

The proposed development represents an increase in building height not contemplated on this site by any document in the Planning Framework and is not supported by City Planning Staff. While the City contemplates increases in building height and massing in many instances on a site specific basis, in this instance, the proposed increase in building height and density is not consistent with the comprehensive land use planning direction provided by the Planning Framework specifically for this area and is not supported by City Staff.

The Planning Framework directs building heights to increase in a southerly direction. The Zoning By-law, which helps implement the other documents in the Planning Framework, permits maximum building heights which provide a gradual transition in a southerly direction. The proposed development, at 32 storeys is situated to the south of an approved 15-storey building currently under construction, and north of an existing 27-storey building. Attachment 9 demonstrates that the proposed building height does not comply with the policy which directs building height to increase in a southerly transition

away from the Fort, whereas the currently permitted building height does comply with the intent of the Planning Framework in this regard.

The Planning Framework identifies sky view, particularly south from Fort York, as an important objective of neighbourhood development. Limiting tower floorplate sizes, securing view corridors, prescribing tower locations, and requiring the gradual southerly transition of height all indicate that the relationship of building mass and the porosity between building elements which allows for sky view within the neighbourhood and from the Fort, is crucial to implementing the Planning Framework. The Framework also discourages any shadowing from new development on the Fort.

The proposed development maintains a 750 square metre maximum tower floorplate, but is proposing 13-storeys additional storeys above the currently permitted building height. The proposal appears to not cast any additional shadow on the Fort, however shadowing of the Fort is not the sole determinant of whether a new development negatively impacts the Fort. The proposed additional height and mass reduces sky views from the Fort, does not provide an appropriate transition away from the Fort and is of a scale which overwhelms the Fort, in a manner that significantly diminishes its cultural heritage value, and is inconsistent with the objectives detailed in the Planning Framework.

The mix of residential and commercial uses contemplated by the Planning Framework has not materialized on a number of blocks where such uses were permitted. Block 4A represents the last opportunity for a development site in the Secondary Plan to deliver additional non-residential space on-site. City Planning encourages the applicant to consider a non-residential component to this development.

The Planning Framework, through Official Plan policy, requires that Tall building proposals relate to the existing and/or planned context. In this case, the proposal represents the last potential development site in the Fort York Secondary Plan Area west of Bathurst Street, so the existing context to which this building should relate is now established, and will not change significantly in the long term. While the Planning Framework has been amended from time to time as the area developed, these amendments have still resulted in a built context which implements the built form direction provided by the Framework. While a number of sites in the area have been previously approved for increases in density and height, these increases have all generally occurred in accordance with the overall built form direction in the Planning Framework, and most building height has been approved on major street frontages such as Bathurst Street and Fleet Street, whereas this proposal, with a height significantly greater than that which is contemplated in the Planning Framework, does not.

In order to achieve the intent of the comprehensive Planning Framework, it is necessary to significantly reduce the proposed building to a height which implements the transition prescribed in several documents in the area Planning Framework. A significantly reduced building height would result in a more appropriate relationship to the adjacent tall buildings, conserve sky views from Fort York National Historic Site, transition away from the Fort in the manner directed by the Planning Framework, to which other area

developments have all generally adhered, and result in a more appropriate scale to address the City's built form objectives for this neighbourhood as articulated in the area Planning Framework.

### **Bike Parking**

The amount of bike parking being proposed is appropriate, however the configuration of the proposed bike parking area is not acceptable to staff. City Planning staff will work with the applicant to redesign bike parking areas to provide better access from the street, including a direct access, which is not shared by other vehicles, to a bike parking area at the ground floor.

### **Unit Mix**

The City's Official Plan encourages a mix of unit types in order to achieve complete communities. The proposal includes a large percentage of 1 bedroom units. The proposal should be revised to provide for a greater percentage of family sized units, especially two-bedroom units, of which few are proposed, among the unit mix.

### **Section 37**

The proposed development requests increases to the as-of-right height and density. In accordance with the Policy 5.1.1 of the Official Plan, a proposal must constitute good planning before community benefits can be considered. Staff have not yet entered into discussions regarding Section 37 benefits, but advised the applicant earlier in the application review process that Section 37 benefits will be secured as a condition of the approval of a development on this site. These benefits may include:

- Contributions to the Fort York National Historic Site;
- Increasing the provision of affordable housing in the area;
- The provision of non-profit social enterprise space;
- The provision of additional day care space;
- Improvements to area park land; and
- Other contributions to community benefits or capital facilities as may be determined through discussion with the applicant and City Planning Staff in consultation with the Ward Councillor.

Should the Ontario Municipal Board grant the subject appeal, in whole or in part, City Planning requests that Council authorize the Chief Planner, in consultation with the Ward Councillor, to identify and secure community benefits under Section 37 of the *Planning Act*.

## **Conclusion**

City Planning staff do not support the amendments to the Official Plan and Zoning By-law as currently proposed.

This site is the last possible development site in the Fort York Neighbourhood west of Bathurst Street. Unlike some areas in the City which have experienced significant growth in the last several years, this neighbourhood has had the benefit of a contemporary, comprehensive Planning Framework, comprising a range of planning tools including the Official Plan, Fort York Neighbourhood Secondary Plan, Fort York Neighbourhood Public Realm Plan, Fort York Heritage Conservation District, and the Zoning By-law. The proposed development does not implement the objectives of this Planning Framework. The comprehensive Planning Framework is complete, appropriate, and has been successfully implemented through previous developments in this area over the last 15-20 years. To compromise the integrity of the Planning Framework with the last piece of significant residential growth in this neighborhood would be detrimental to the Neighbourhood as whole and the Fort York National Historic Site. The proposed development does not represent good planning.

City Planning staff will continue to work with all stakeholders in an effort to resolve the concerns detailed in this report in advance of an Ontario Municipal Board hearing. Should these discussions be successful, the City Solicitor will report to Toronto City Council on the details of a settlement, including Section 37 matters. Should these discussions be unsuccessful, City Planning staff request that City Council direct the City Solicitor, together with City Planning staff and other City staff as appropriate, to attend the Ontario Municipal Board hearing to oppose the proposed Official Plan and Zoning By-law amendments application in their current form.

## **CONTACT**

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## **SIGNATURE**

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

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## **ATTACHMENTS**

Attachment 1: Proposed Site Plan

Attachment 2: Proposed Elevations

Attachment 3: Proposed Perspective

Attachment 4: Official Plan – Land Use – Map 18 Excerpt

Attachment 5: Fort York Neighbourhood Secondary Plan - Map 13-2

Attachment 6: Fort York Neighbourhood Secondary Plan - Map 13-4

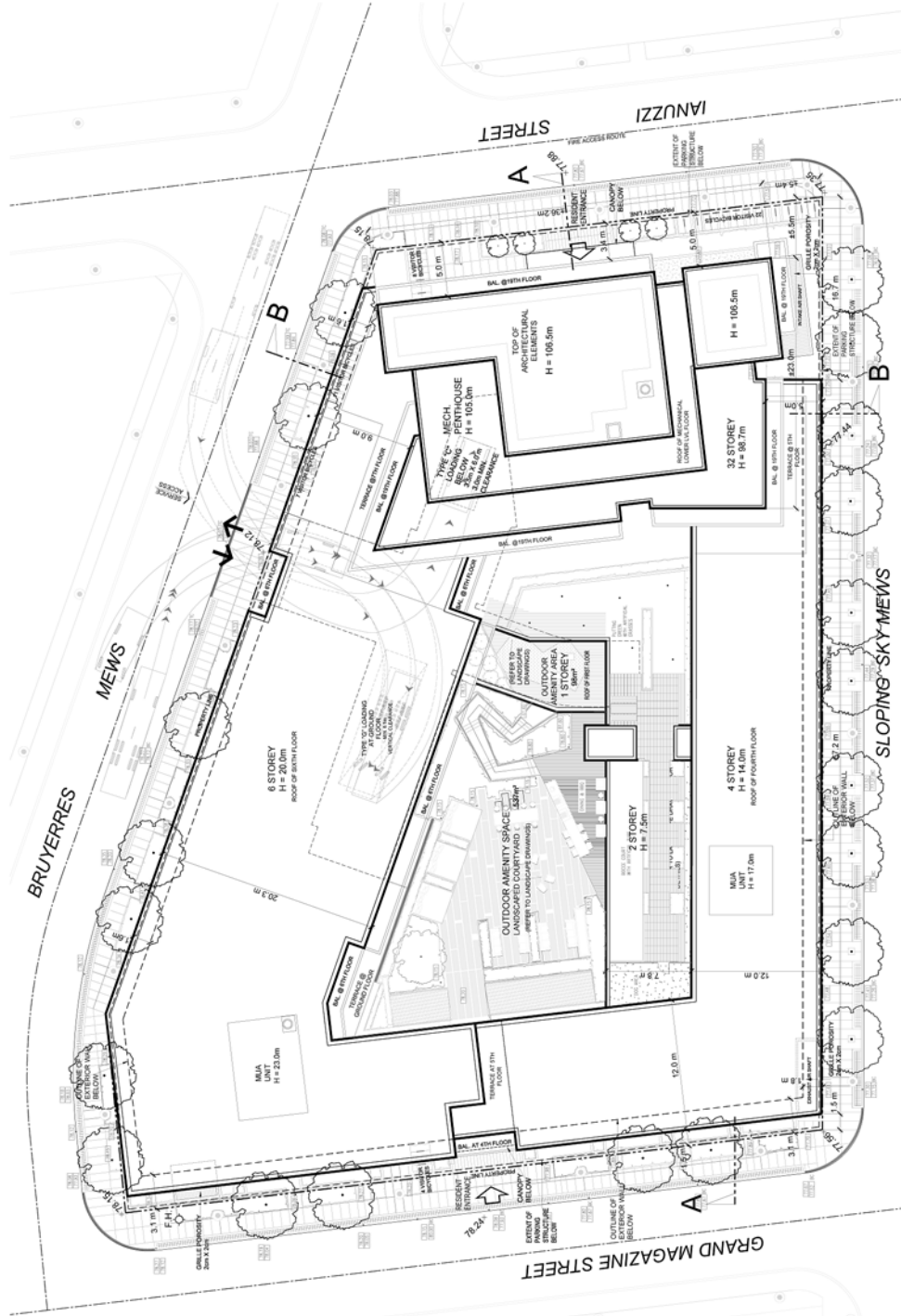
Attachment 7: Fort York Neighbourhood Secondary Plan - Map 13-5

Attachment 8: Zoning By-law 438-86 Excerpt

Attachment 9: Proposed Height Relative to Currently Permitted Height and Context

Attachment 10: Application Data Sheet

# Attachment 1: Proposed Site Plan



65 Grand Magazine Street

Site Plan

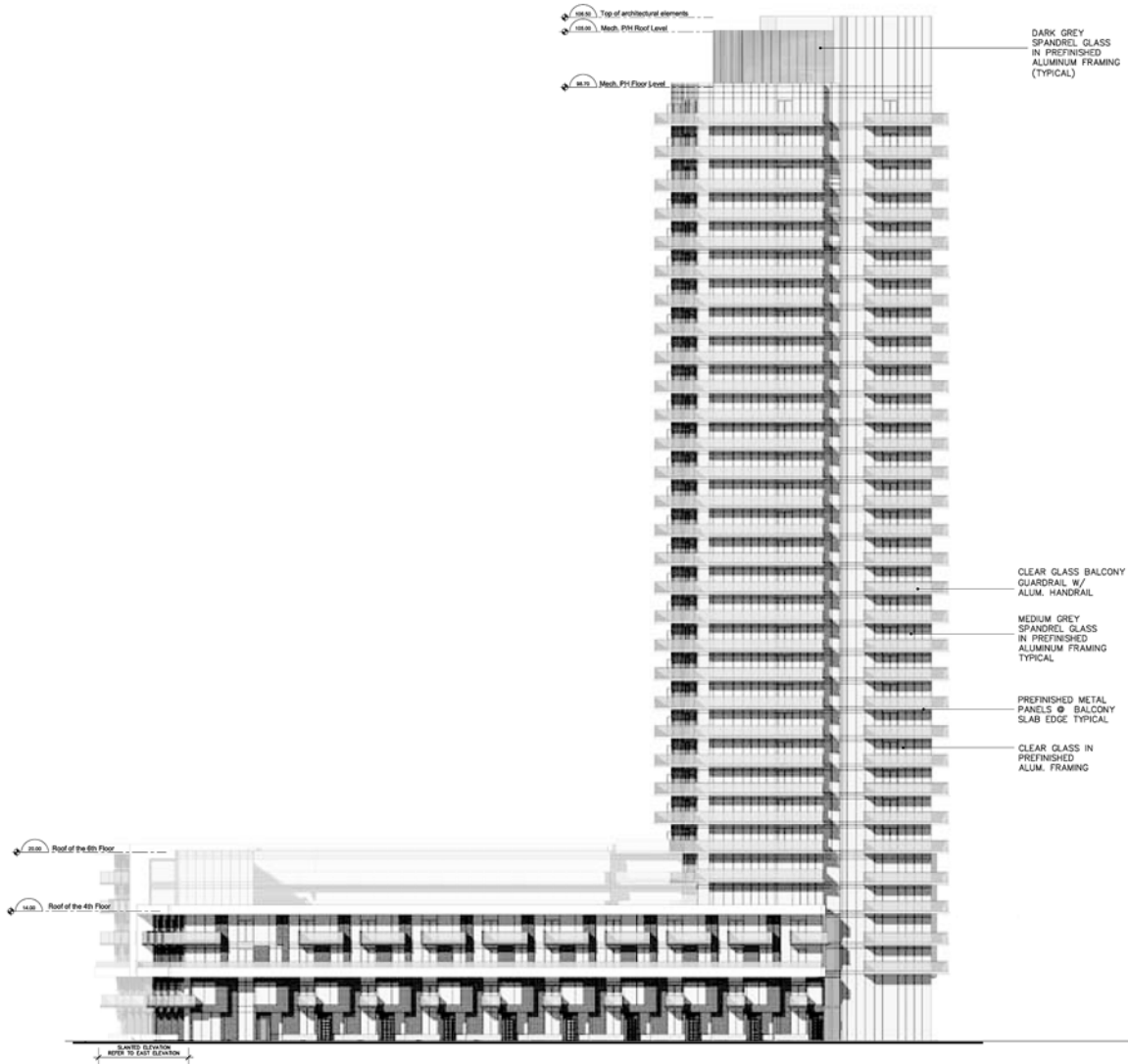
Applicant's Submitted Drawing

Not to Scale  
02/13/2015

File # 14 264174



## Attachment 2: Proposed Elevations



South Elevation

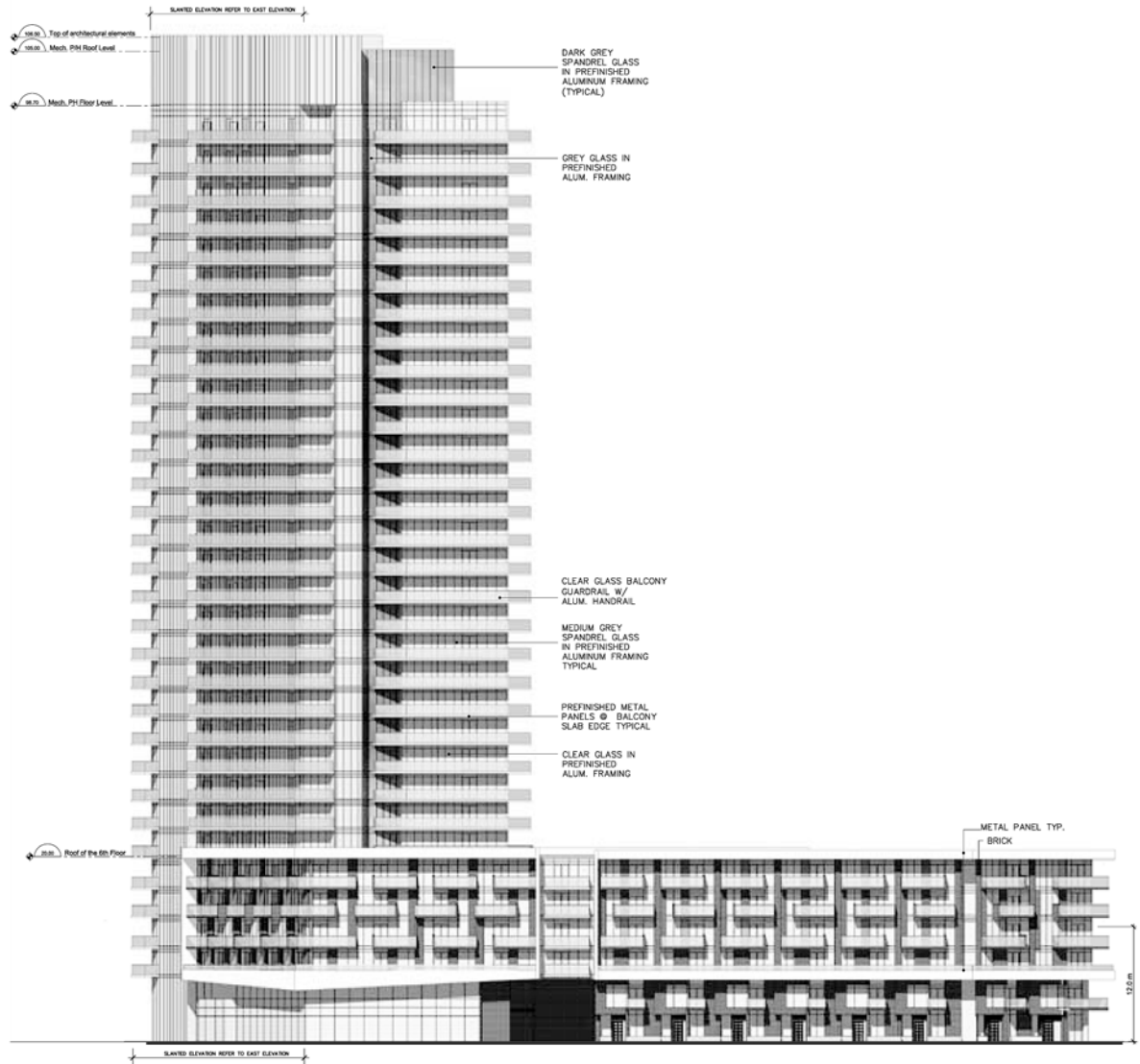
### Elevations

Applicant's Submitted Drawing

Not to Scale  
02/13/2015

65 Grand Magazine Street

File # 14 264174



North Elevation

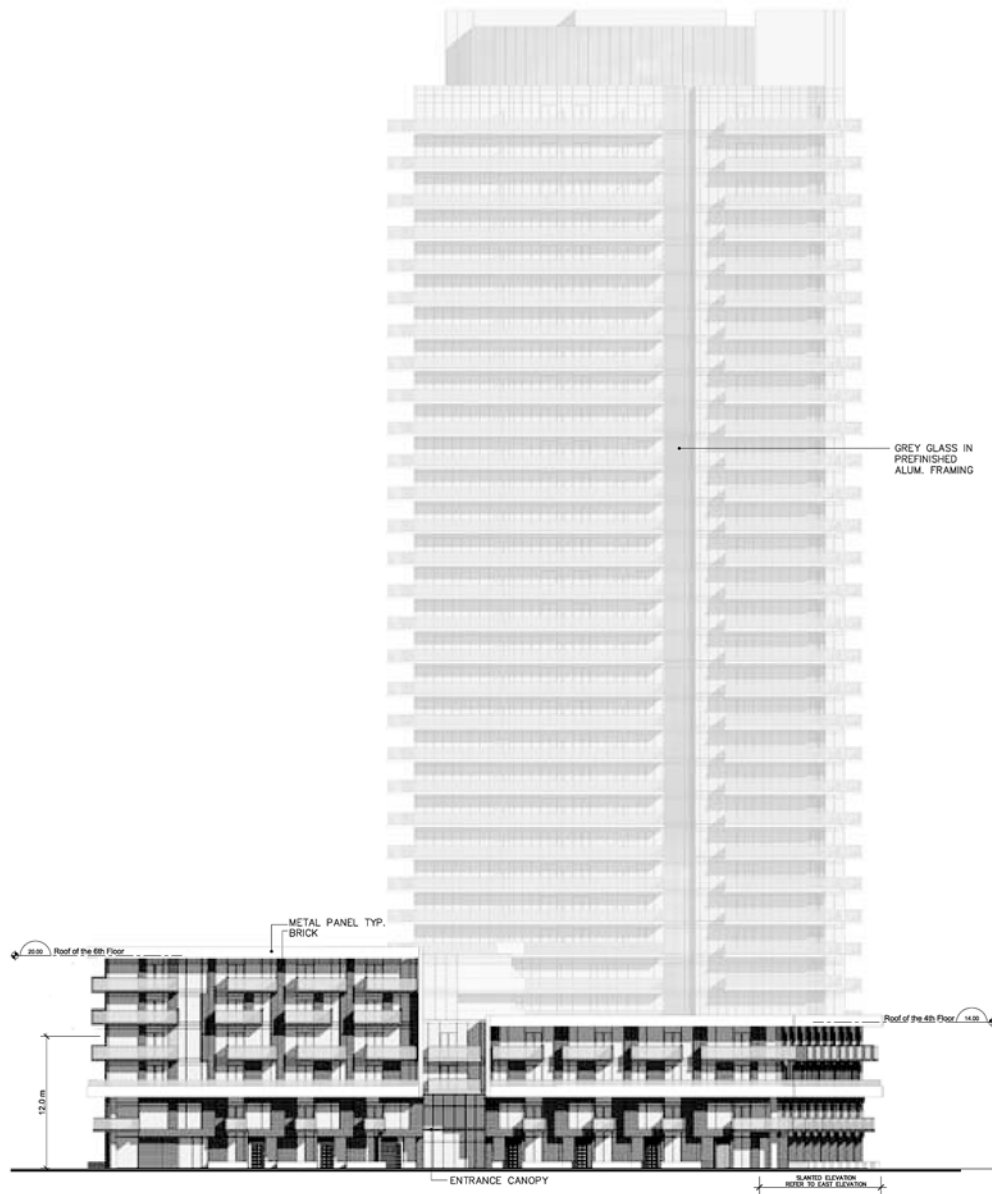
Elevations

Applicant's Submitted Drawing

Not to Scale  
02/13/2015

65 Grand Magazine Street

File # 14 264174



West Elevation

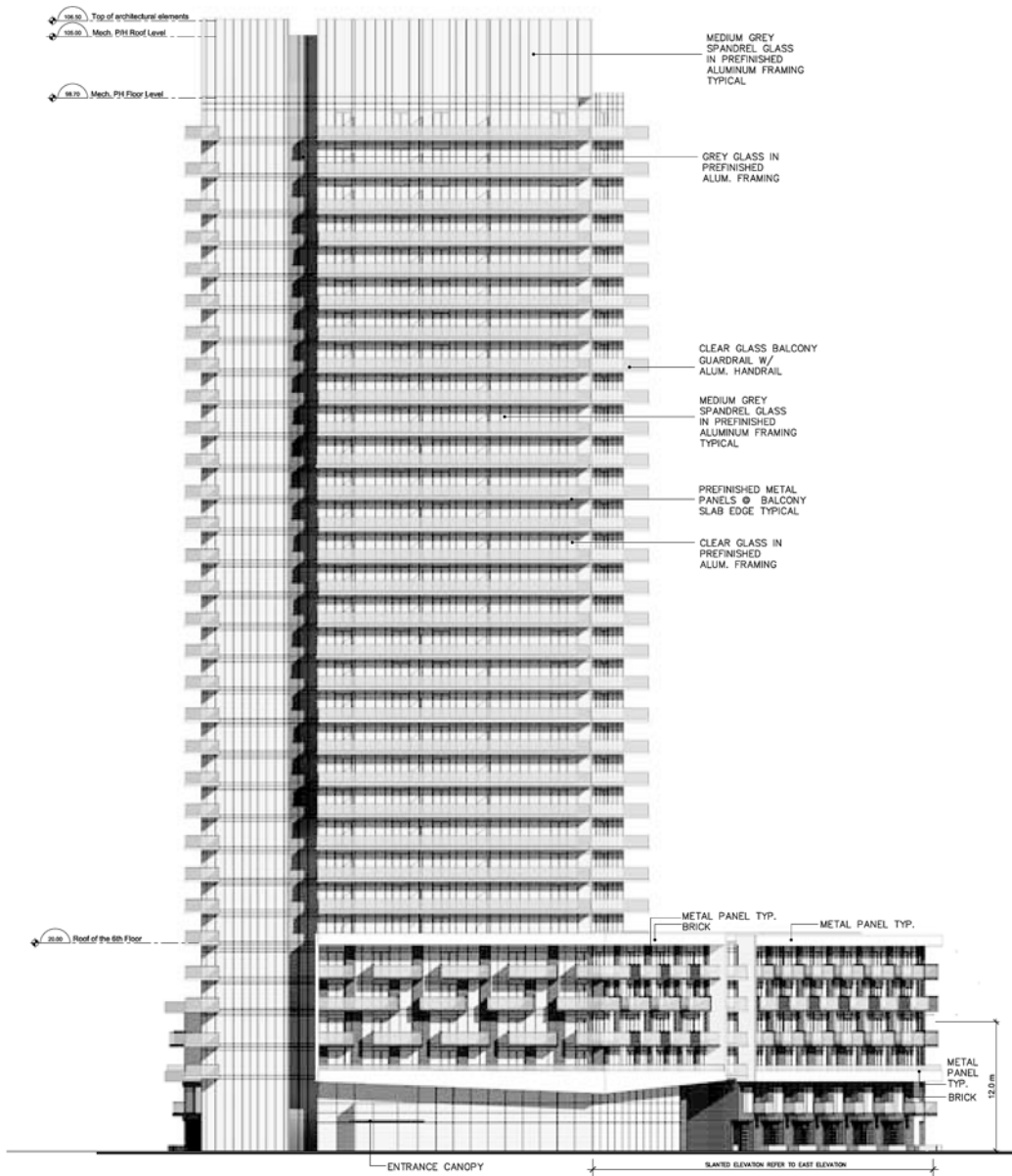
**Elevations**

**65 Grand Magazine Street**

Applicant's Submitted Drawing

Not to Scale  
02/13/2015

File # 14 264174



East Elevation

Elevations

65 Grand Magazine Street

Applicant's Submitted Drawing

Not to Scale  
02/13/2015

File # 14 264174

**Attachment 3: Proposed Perspective**



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**Perspective View**

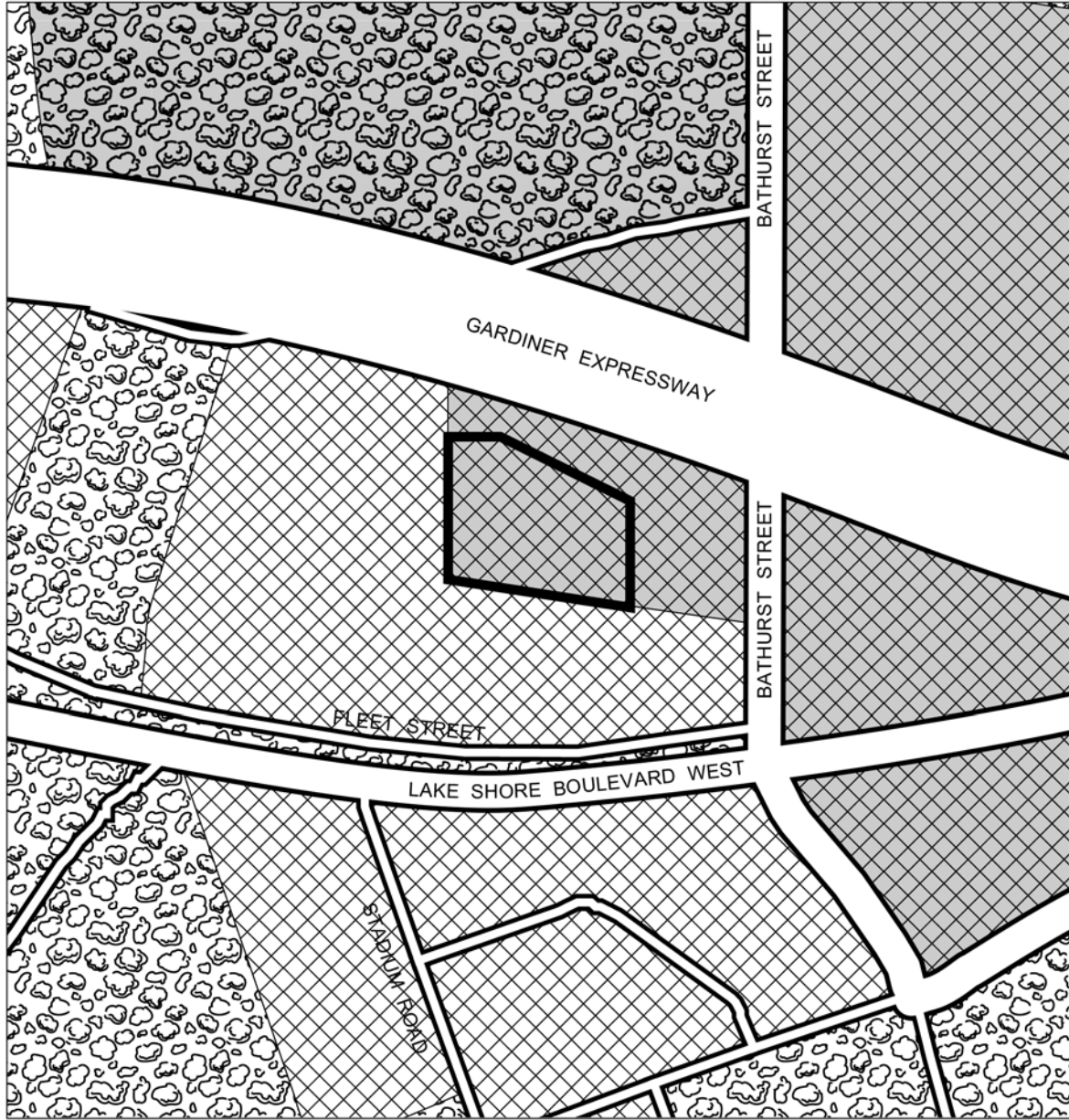
Applicant's Submitted Drawing

Not to Scale  
02/13/2015

**65 Grand Magazine Street**

File # 14 264174

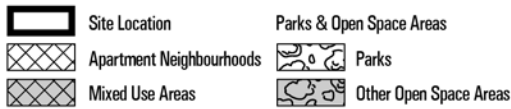
Attachment 4: Official Plan – Land Use



**TORONTO** City Planning  
 Extract from Official Plan

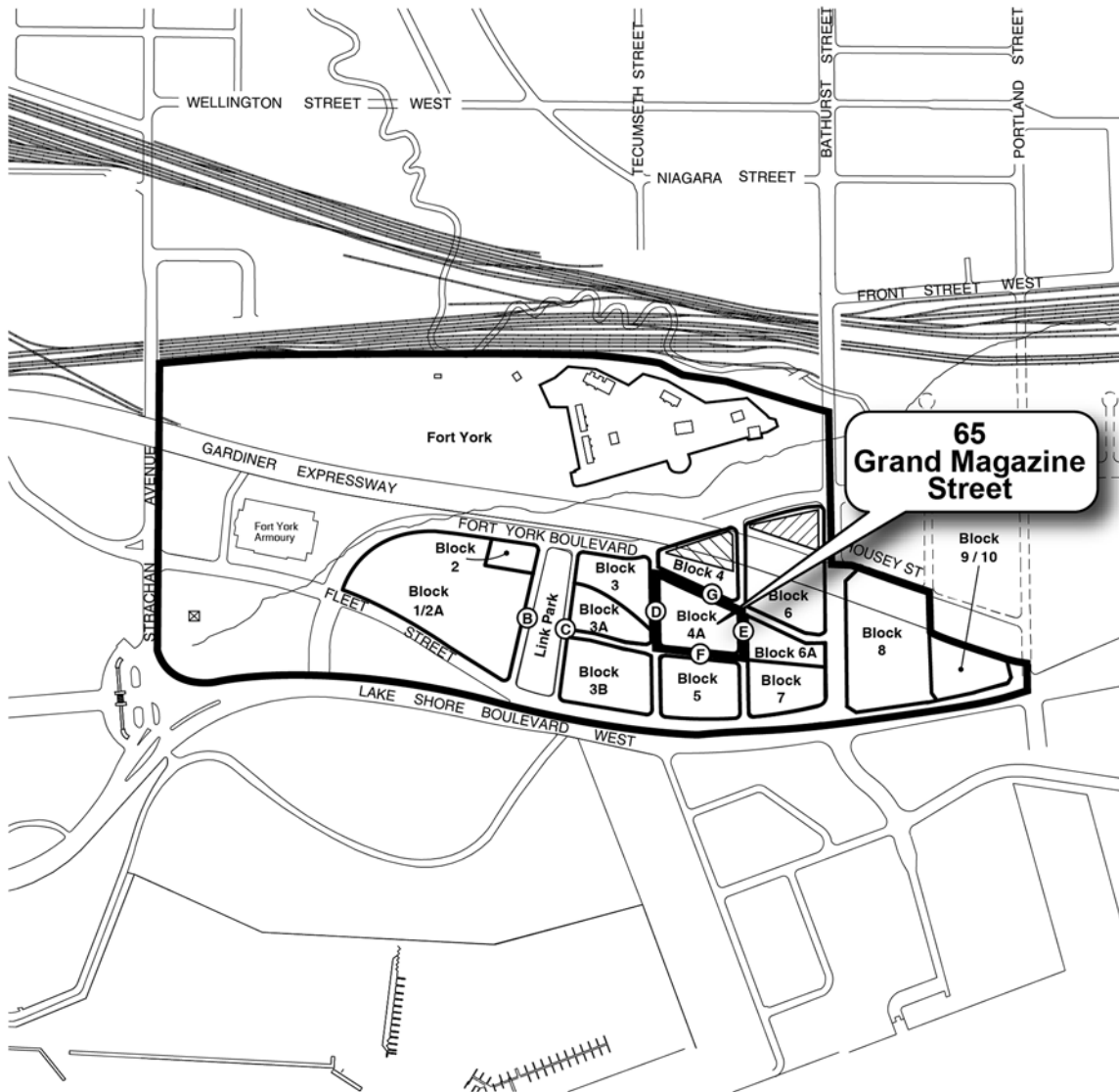
65 Grand Magazine Street

File # 14 264174



Not to Scale  
 02/13/2015

## Attachment 5: Fort York Neighbourhood Secondary Plan Map 13-2






Not to Scale 



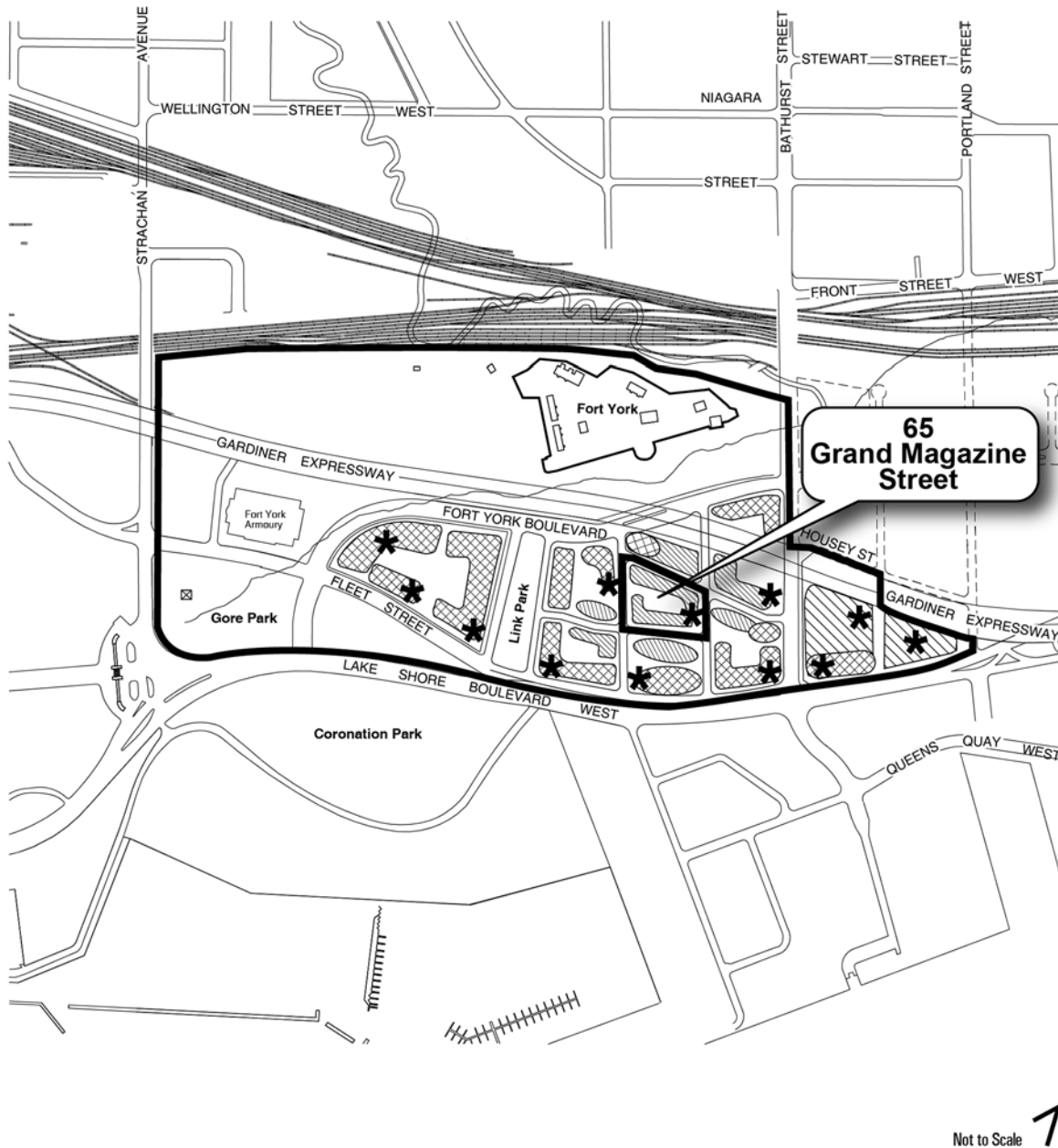
### Fort York Neighbourhood Secondary Plan

MAP 13-2 Proposed Streets and Blocks

-  Secondary Plan Boundary
-  Block 4 Triangle
-  Block 6 Triangle




October 2009

## Attachment 6: Fort York Neighbourhood Secondary Plan Map 13-4



### Fort York Neighbourhood Secondary Plan

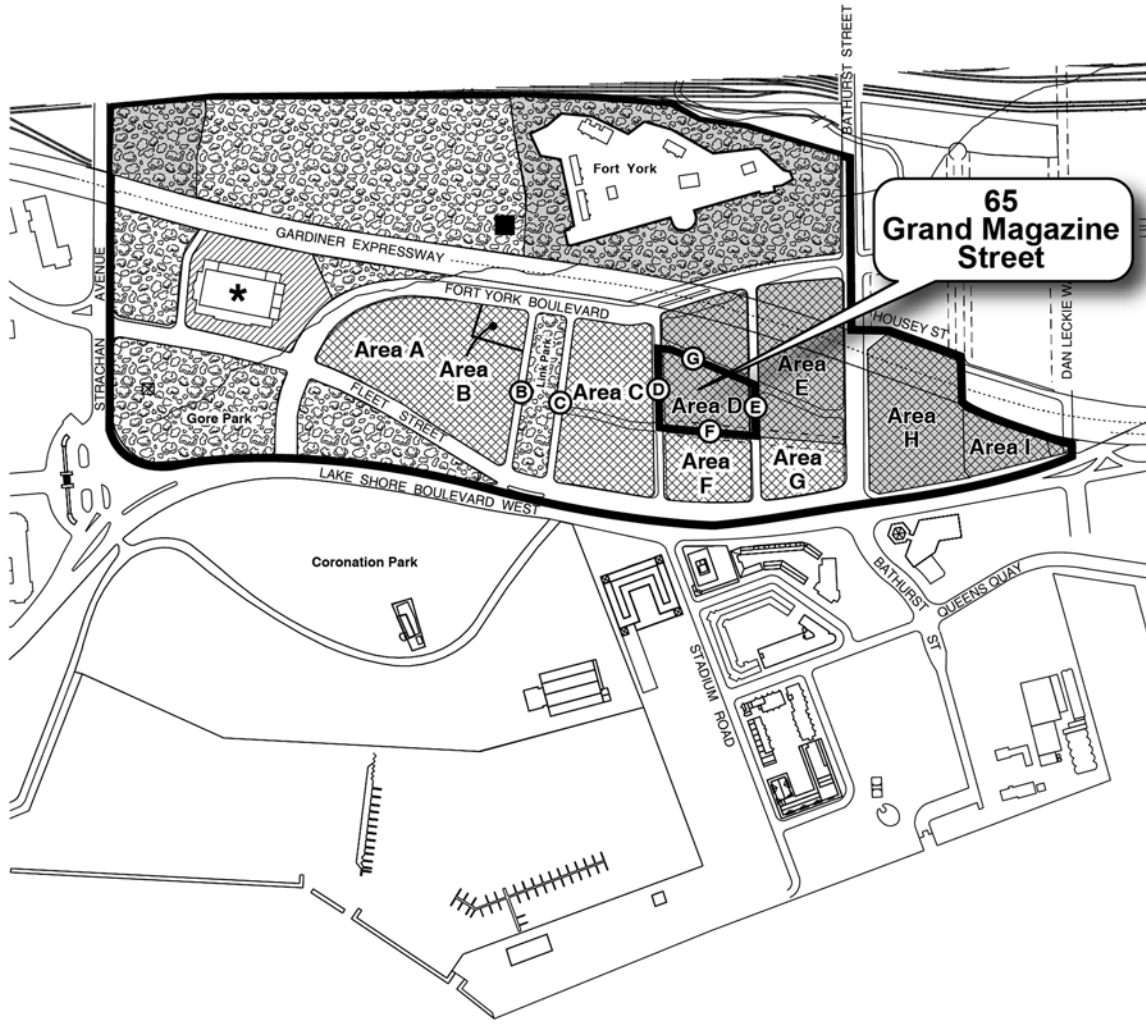
MAP 13-4 Height Zones

-  Secondary Plan Boundary
-  Low-Rise (4-6 storeys)
-  Mid-Rise (7-15 storeys)
-  Potential Tower Location

October 2009



# Attachment 7: Fort York Neighbourhood Secondary Plan Map 13-5



Not to Scale

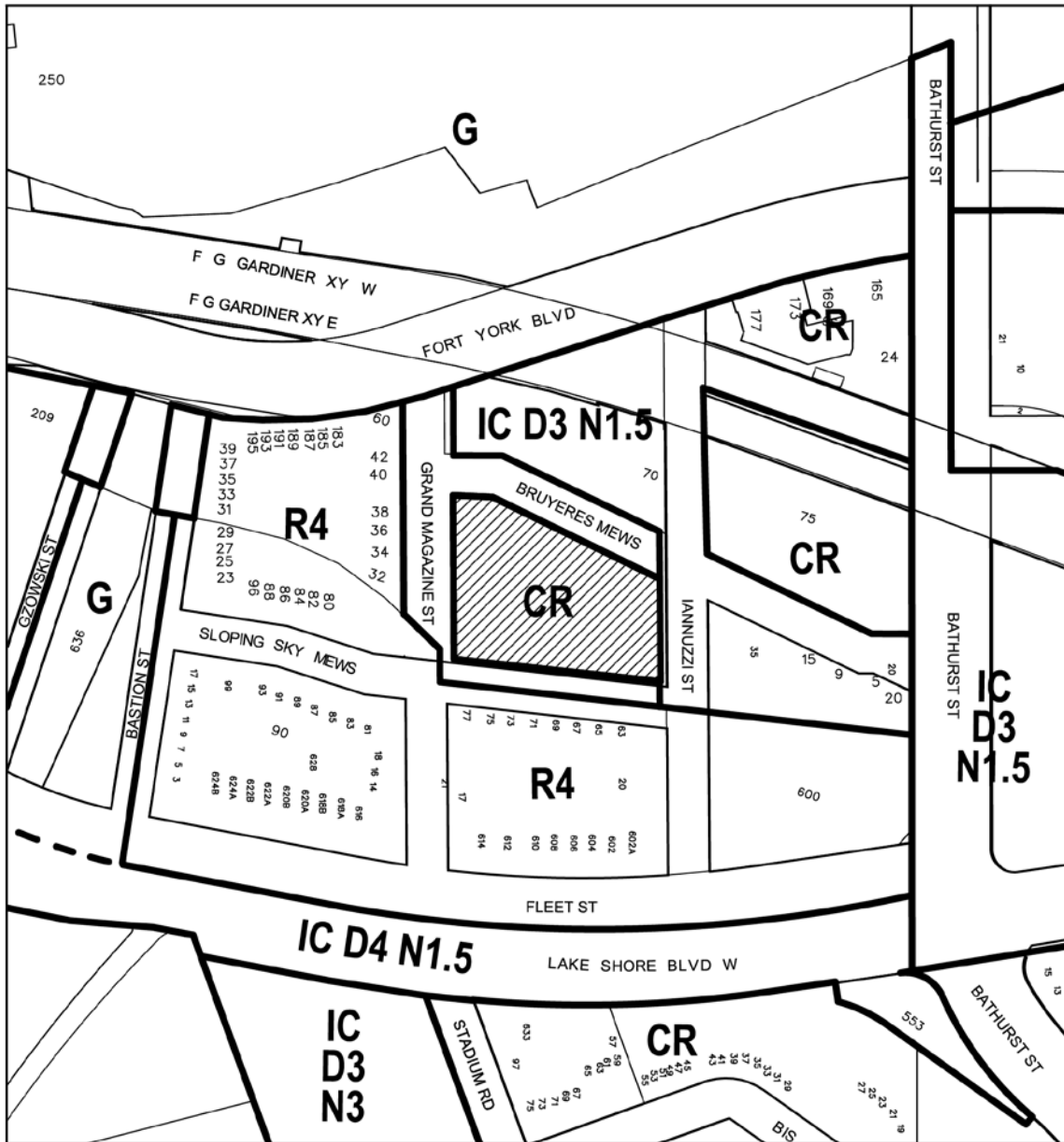


## Fort York Neighbourhood Secondary Plan Map 13-5 Land Use Plan

- |                          |                                     |                     |   |
|--------------------------|-------------------------------------|---------------------|---|
| Secondary Plan Boundary  | <b>Parks &amp; Open Space Areas</b> |                     | Possible School Site                          |
| Apartment Neighbourhoods | Parks                               | Institutional Areas | Proposed Location of Fort York Visitor Centre |
| Mixed Use Areas          | Other Open Space Areas              |                     |   |

October 2009

Attachment 8: Current Zoning



**TORONTO** City Planning  
Zoning

65 Grand Magazine Street

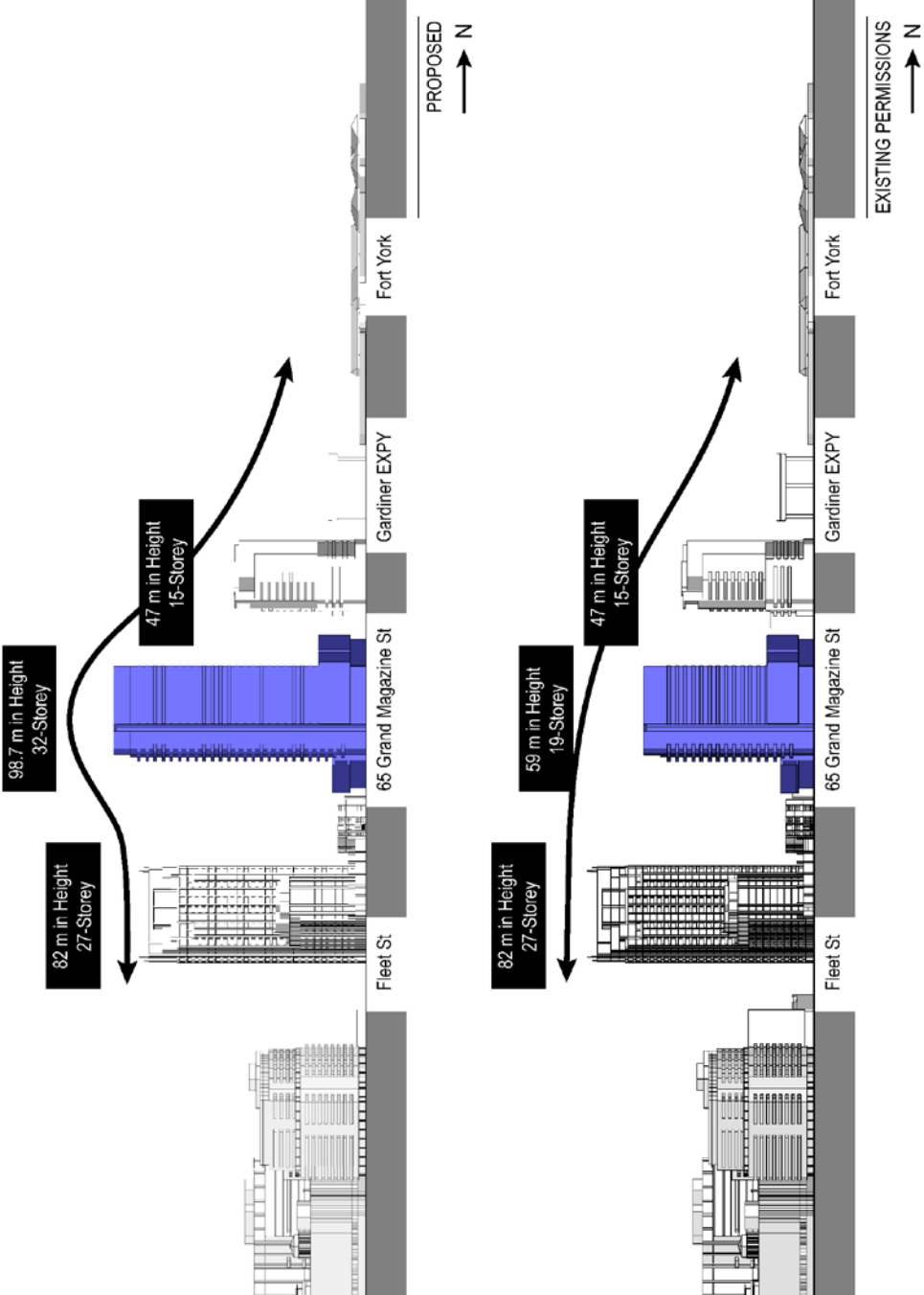
File # 14 264174 0Z

- CR Mixed-Use District
- IC Industrial District
- G Parks District



Not to Scale  
Zoning By-law 438-86 (as amended)  
Extracted 03/02/2015

**Attachment 9: Proposed Height Relative to Currently Permitted Height and Context**



## Attachment 10: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	14 264174 STE 19 OZ
Details	OPA & Rezoning, Standard	Application Date:	December 15, 2014

Municipal Address: 65 GRAND MAGAZINE ST

Location Description: PLAN ORDNANCE RESERVE PT WATER LOT RP 66R21894 PARTS 14 18 20 21 24 25 33 TO 36 47 TO 50 57 58 66 75 TO 81 83 TO 89 \*\*GRID S1909

Project Description: An official plan ammendment and rezoning applicant for a new 32 storey condo tower with 511 residential units and 4 levels of underground parking (total of 420 parking spaces)

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
ONNI	BOUSFIELDS	Page/Steele / IBI	GARRISON YARDS LTD

### PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR	Historical Status:
Height Limit (m):	20, 16, 59	Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq. m):	4748.7	Height:	Storeys:	32
Frontage (m):	64.17		Metres:	106.5
Depth (m):	85.34			
Total Ground Floor Area (sq. m):	3321			<b>Total</b>
Total Residential GFA (sq. m):	31270		Parking Spaces:	420
Total Non-Residential GFA (sq. m):	0		Loading Docks	2
Total GFA (sq. m):	31270			
Lot Coverage Ratio (%):	69.9			
Floor Space Index:	6.59			

### DWELLING UNITS

Tenure Type:	Condo
Rooms:	0
Bachelor:	29
1 Bedroom:	343
2 Bedroom:	79
3 + Bedroom:	60
Total Units:	0

### FLOOR AREA BREAKDOWN (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	31270	0
Retail GFA (sq. m):	0	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	<b>Graig Uens, Planner</b>
	<b>TELEPHONE:</b>	<b>416-397-4647</b>