

28 River Street – Zoning Amendment – Refusal Report

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| Date: | March 16, 2017 |
| To: | Toronto and East York Community Council |
| From: | Director, Community Planning, Toronto and East York District |
| Wards: | Ward 28 – Toronto Centre-Rosedale |
| Reference Number: | 16 268409 STE 28 OZ |

SUMMARY

This application proposes a 15-storey mixed-use building with 162 dwelling units and ground floor retail space and at 28 River Street, which is currently occupied by a Beer Store.

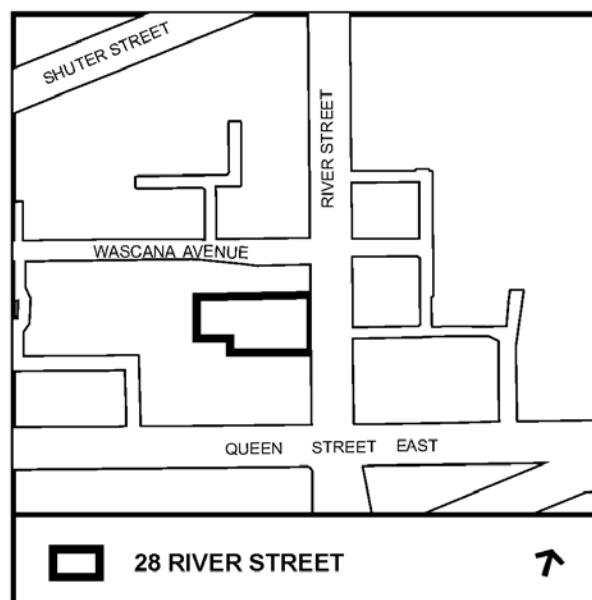
Staff find the proposed development to be inappropriate for the subject property as it does not comply with Official Plan policies with regard to an appropriate transition in scale between a *Mixed-Use Area* and a *Neighbourhood*. The proposed development would cause excessive negative impact on the existing adjacent townhouses located on Wascana Avenue and River Street and represents overdevelopment of the site.

This report reviews and recommends refusal of the application to amend the Zoning By-law.

RECOMMENDATIONS

The City Planning Division recommends

1. City Council refuse the application to amend the Zoning By-law for the lands at 28 River Street because the proposal:



- a. does not comply with Official Plan Policies 2.3.1(2) and 4.5(2) with regard to an appropriate transition in scale between a *Mixed Use Area* and *Neighbourhood*;
 - b. does not comply with Official Plan Policy 3.1.2(3) with regard to massing that fits into its existing and planned context and an appropriate transition in scale to neighbouring buildings and providing for adequate light;
 - c. does not comply with Official Plan Policies 3.1.3(1) and 3.1.3(2) with regard to ensuring the proposed tall building fits within its existing and planned context with an appropriate tower location and orientation in relation to adjacent buildings and meeting the built form principles of the Official Plan; and
 - d. would cause excessive negative impact on the existing adjacent townhouses on Wascana Avenue with regard to shadow and sky view.
2. City Council authorize the City Solicitor and appropriate City staff to appear before the Ontario Municipal Board in support of Council's decision on the Zoning By-law Amendment, in the event City Council adopts the staff recommendation to refuse this application and City Council's decision on this application is appealed to the Ontario Municipal Board (OMB).
 3. City Council direct the City Solicitor to request the OMB, in the event the application is appealed to the OMB and the OMB allows the appeal and permits the proposed additional height or density, or some variation, to:
 - a. secure community benefits with the final allocation and distribution determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor, and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the Planning Act; and
 - b. withhold its Order allowing the appeal in whole or in part allowing the Zoning By-law Amendment until:
 - i. The Owner has entered into an Agreement under Section 37 of the Planning Act to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, and the Section 37 Agreement has been registered on title of the property to the satisfaction of the City Solicitor; and
 - ii. The OMB has been provided with a proposed Zoning By-law Amendment by the City Solicitor together with confirmation the proposed Zoning By-law Amendment is in a form satisfactory to the City.

5. Staff report to City Council regarding the feedback received at the Community Consultation Meeting to be held on March 23, 2017, and any further recommendations arising from it.
6. City Council authorize the City Solicitor and any other City staff to take such actions as necessary to give effect to the recommendations of this report.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

There are no previous planning applications that affect the subject property.

ISSUE BACKGROUND

Pre-Application Consultation

A pre-application consultation meeting was held with the applicant on May 31, 2016, to discuss a development concept for a 16-storey mixed-use building and to determine the application submission requirements. Staff advised that the subject property is not suitable for a tall building but is potentially suitable for a mid-rise building with a height comparable to the width of the River Street right-of-way, which is 20 metres.

Proposal

The proposed development is a 15-storey mixed-use building with 162 dwelling units and retail space on the ground floor that is currently planned to be occupied by a Beer Store. The building height to the top of floor 15 is 47.3 metre and the total height is 52.9 metres including a mechanical penthouse.

The proposed building has a gross floor area of 11,752 square metres with 458 square metres of retail space. The density (floor space index) is 7.2 times the lot area. The tower floor plate above the fourth floor has an average area of 750 square metres and a maximum area of 844 square metres on the seventh floor.

The building has a rear yard setback of 5.6 metres, excluding balconies. There is an 8.5-metre building step-back at the rear of the building on the fifth floor and another step-back of 6.3 metres on the tenth floor. The front portion of the building, with a depth of approximately 12 metres, has no setback on the south side, no setback on the north side for the lower four floors, and a 3-metre step-back on the north side from floors 7 to 15. Beyond a building depth of 12 metres, both the north and south sides of the building have a typical setback in the range of 3.9 to 5.5 metres with inset balconies.

The retail space spans most of the frontage on River Street with approximately 18 metres of frontage starting from the north end. The residential lobby entrance has approximately 3.5 metres of frontage facing River Street on the south side of the retail space. A breezeway for vehicular access with a width of approximately 6.5 metres is at the south end of the River Street frontage.

There are 162 dwelling units proposed, comprised of 27 (17%) bachelor units, 23 (14%) one-bedroom units, 55 (34%) one-bedroom plus den units, 35 (22%) two-bedroom units, 5 (3%) two-bedroom plus den units, and 17 (10%) three-bedroom units. Two dwelling units are located on the ground floor behind the retail space with private terraces adjacent to the north property line. The remaining dwelling units are located on the upper floors with all the two-bedroom plus den units located on floors 11-15 and most of the three-bedroom units located on floors 10-15.

The proposed residential amenity space consists of 224 square metres (1.38 square metres per dwelling unit) of indoor amenity space and 352 square metres (2.17 square metres per unit) of outdoor amenity space. The ground floor has an indoor amenity space adjacent to outdoor amenity space located in the rear yard and a stairway leading to additional indoor amenity space on the second floor. Stand-alone outdoor amenity space is located on the fifth floor on a terrace at the rear of the building. The fifteenth floor has both indoor and outdoor amenity space that includes a large terrace with views to the north and west.

Vehicular access is proposed from River Street via a breezeway through the building adjacent to the south property line. There is one Type "G" loading space that has a length of 13 metres located at ground level within the building, which will serve the retail space for deliveries, moving day for residents, and waste management. Egress from the loading space relies on reversing into the driveway on the south side yard within the subject property.

The ramp to the underground parking is adjacent to the loading space within the building and leads down to three underground levels that contain a total of 65 parking spaces. On P1 there are five parking spaces for the retail use and four car-share parking spaces. On P2 there are five residential visitor parking spaces and the remainder of the spaces on P2 and P3 are residential occupant parking spaces.

A total of 212 bicycle parking spaces are proposed, comprising 188 residential occupant spaces located on P1, 16 residential visitor spaces also located on P1 and 4 retail visitor spaces located at grade in front of the retail space facing River Street.

Site and Surrounding Area

The subject property is located mid-block on the west side of River Street, north of Queen Street East and south of Wascana Avenue. The site has an area of 1,627 square metres and is generally rectangular in shape with 29.7 metres of frontage along River Street and a typical depth of 60 metres. The site slopes very gently downwards from north to south. There is one existing one-storey building on the site that is used as a Beer Store. The remainder of the site is primarily a surface parking lot.

The first structure constructed on the subject property was a three-storey house completed in 1883 that was home to Thomas W. Defries who was involved in the brewery industry. By 1905 the house was repurposed as a child care centre known as the East End Day Nursery. In 1959, the property was sold to Brewers Retail and by 1960 the house was demolished. A new one-storey brick building for Brewers Retail was completed in 1962 and there has been little change to the site or existing building since then.

The following uses surround the subject property:

North: Adjacent to the subject site, on the south side of Wascana Avenue and on the west side of River Street, there is a row of 6 three-storey townhouses that are part of the T.C. Douglas Housing Co-operative (co-op). To the west of the townhouses there is a small surface parking lot for the co-op and further west is another row of 3-storey townhouses on both sides of Wascana Avenue. North of Wascana Avenue there is a row of three-storey semi-detached houses along the west side of River Street and a 3-storey apartment complex that is part of the T.C. Douglas Co-op.

East: On the east side of River Street the Toronto Humane Society occupies a large two-storey building at the northeast corner of River Street and Queen Street East. Directly across from the subject property is a five-storey heritage building at 19 River Street that has been repurposed for residential uses and is known as the Vinegar Lofts. Adjacent to the north side of that building is a three-storey residential building and further north is a row of three-storey semi-detached houses.

South: There is a private driveway along the south side of the subject property that serves an existing three-storey office building located at the northwest corner of River Street and Queen Street East that spans the entire depth of the subject property. Further west along Queen Street East there is a six-storey residential building. The south side of Queen Street East has a row of two-storey mixed use buildings.

West: Behind the subject property there is a surface parking lot that is part of the office building property at the northeast corner of River Street and Queen Street East. Further west is a row of 3 two-storey houses and one vacant lot that front onto Fee Place, which is public lane that has vehicular access from Queen Street East and pedestrian access from Wascana Avenue and Sumach Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong healthy communities; wise use and management of resources; and protecting public health and 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, by the *Planning Act*, to be consistent with the PPS. Policy 4.7 states that the Official Plan is the most important vehicle for implementing 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, by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan for the Greater Golden Horseshoe.

Staff reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The subject property is within the *Downtown* as shown on Map 2—Urban Structure. Policy 2.2(2) directs growth to the *Downtown, Centres, Avenues, and Employment Areas* in order to efficiently use existing infrastructure, create a concentration of jobs and people in areas well served by transit, and facilitate cultural and economic activity. Policy 2.2.1(1) provides a minimum density target of 400 jobs and residents per hectare for the *Downtown*, which represents the highest density target in the City. New development is to build "on the strength of the *Downtown* as the premier employment centre in the GTA" as per policy 2.2.1(1)(b).

The site is designated *Mixed Use Areas* on Map 18—Land Use Plan. "*Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings" as stated in policy 4.5(1). River Street is identified as a major street on Map 3 with an existing and planned width of 20 metres.

The adjacent lands to the north that includes townhouses on Wascana Avenue and River Street are designated *Neighbourhoods*. Policy 2 in Section 2.3.1 Healthy Neighbourhoods specifies that development in a *Mixed Use Area* that is adjacent or close to a *Neighbourhood* will "provide a gradual transition of scale and density, as necessary to achieve the objectives of this Plan through the stepping down of buildings towards and setbacks from those *Neighbourhoods*" and will "maintain adequate light and privacy for residents in those *Neighbourhoods*."

As stated in Section 4.5, "*Mixed Use Areas* will absorb most of the anticipated increase in retail, office, and service employment in Toronto in the coming decades, as well as much of the new housing" but "not all *Mixed Use Areas* will experience the same scale or intensity of development." Policy 4.5(2) provides further development criteria for a *Mixed Use Area* that specifies that new development will "locate and mass new buildings to provide a transition between areas of different development intensity and scale, as

necessary to achieve the objectives of this Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*." The policy also requires new development to "locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*."

General direction for built form is provided in Section 3.1.2, which includes policies stating that "new development will be located and organized to fit with its existing and/or planned context," and will located and organize vehicle parking, vehicular access and service areas to minimize their impact on adjacent streets and properties. Policy 2.1.2(3) states that "new development will be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: (c) creating appropriate transitions in scale to neighbouring existing and/or planned buildings, (d) providing for adequate light and privacy and (e) adequately limiting any resulting shadowing" on neighbouring properties.

Section 3.1.3 provides further built form direction specifically applicable to tall buildings. The policy preamble states that "tall buildings come with larger civic responsibilities and obligations than other buildings." Policy 3.1.3(1) provides design requirements and considerations for the three components of a tall building, namely the base building, middle (shaft), and top. The middle is to be designed with an appropriate location and orientation in relation to adjacent buildings. Policy 3.1.3(2) requires tall building proposals to "meet the built form principles" of the Official Plan and demonstrate "how the proposed building and site design relate to the existing and/or planned context."

Zoning

The subject property is designated *Industrial (IC D3 N2)* in Zoning By-law 438-86. The *IC* zone permits a broad range of non-residential uses including various commercial, retail, institutional, light industrial and automotive uses. The maximum permitted density is three times the lot area and the maximum density for commercial and institutional uses is two times the lot area. The maximum height is 14 metres.

A new area-specific Zoning By-law (No. 1106-2016), which was adopted by City Council in October 2016 and is now under appeal to the Ontario Municipal Board, applies to new tall buildings in the *Downtown* and requires that the portion of a tall building above a height of 24 metres must be a minimum of 12.5 metres from adjacent side lot lines.

The city-wide Zoning By-law 569-2013 does not apply to the subject site.

Avenues and Mid-Rise Buildings Study

In July 2010, City Council directed staff to use the Mid-Rise Building Performance Standards contained in The Avenues and Mid-Rise Buildings Study (mid-rise guidelines) in the evaluation of new mid-rise buildings. In June 2016, City Council approved the

Mid-Rise Building Performance Standards Addendum dated April 20, 2016. The Addendum is to be used together with the mid-rise guidelines during the evaluation of applicable development applications. The Addendum is approved as an interim supplement to the mid-rise guidelines until such time as City Council considers and adopts updated Mid-Rise Building Design Guidelines.

The Addendum is available at:

<http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92709.pdf>.

Among other matters, the Addendum specifies that the mid-rise guidelines apply to the subject property because it is designated *Mixed Use Areas* in the Official Plan and fronts onto a *Major Street* (i.e. River Street) with a right-of-way width of at least 20 metres.

The guideline for maximum height of a mid-rise building, excluding a mechanical penthouse, is equal to the width of the adjacent right-of-way, which is 20 metres and typically equates to six storeys for a residential building with ground floor retail space.

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>.

Policy 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, in the Official Plan states that 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 Plan related to the design and development of tall buildings in Toronto.

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

River Street is not classified as a High Street or Secondary High Street in the guidelines and the Downtown Vision Height Map does not recognize the subject site as a potential location for a tall building.

TOcore: Planning Toronto's Downtown

TOcore: Planning Downtown is a three-year, inter-divisional study, led by City Planning. Building on Downtown's existing planning framework, TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured.

The new Secondary Plan will update the Downtown planning framework to shape future growth and link growth to the provision of needed infrastructure investments to achieve the city-building vision and policies of the Official Plan. A series of infrastructure strategies for office, transportation, parks and public realm, community services and facilities, and energy are in development as part of this review, along with a water infrastructure assessment.

City Council adopted the TOcore Proposals Report on December 15, 2016. The Proposals Report provides a vision for Downtown to 2041, five guiding principles and 128 policy directions that will inform the development of the Downtown Secondary Plan. The accompanying staff report also provides updates on the Phase 2 public consultations, population growth projections for Downtown and the status of infrastructure strategies underway that will support the implementation of the new Downtown Secondary Plan. A draft Secondary Plan will be presented to City Council in Q3 2017.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal) which provide the detailed performance standards for portions of buildings above 24 metre in height.

Site Plan Control

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

Tree Preservation

There are no existing trees on the subject property. There are 12 trees within six metres of the northerly property line, two of which are street trees on River Street and ten are private trees. The proposed development will necessitate the removal of five private trees, one of which is protected by the private tree bylaw as it is large and has a trunk diameter at breast height of 46.2 centimetres. Three other private trees are proposed to be injured and are also large trees protected by the private tree bylaw, having trunk diameters equal or greater than 30 centimetres.

Urban Forestry staff have advised that additional tree plantings are required to compensate for the proposed removal and injury of existing private trees.

Reasons for Application

The proposed rezoning is required to allow residential uses on the subject property, to allow the proposed increase in height and density, to allow a reduction in the minimum parking requirement, and to allow other site-specific standards.

Application Submission

The following reports/studies were submitted with the application:

- Planning & Urban Design Rationale
- Shadow Study
- Pedestrian Level Winds – Opinion Letter
- Public Consultation Strategy
- Arborist Report
- Toronto Green Standard Checklist
- Transportation Impact Study
- Functional Servicing & Stormwater Management Report
- Hydrogeological Assessment
- Phase I Environmental Site Assessment
- Phase II Environmental Site Assessment

The Toronto Green Standard (TGS) Checklist is currently under review by City staff for compliance with the Tier 1 performance measures.

A Notification of Complete Application was issued on January 17, 2017, that deemed the rezoning application complete as of December 19, 2016.

Agency Circulation

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

Community Consultation

A community consultation meeting is scheduled for March 23, 2017. A Supplementary Report that provides a summary of the community feedback received at the meeting will be brought forward to the Toronto and East York Community Council meeting on April 4, 2017.

COMMENTS

This section provides an overview of planning considerations used in the evaluation of the proposed rezoning. The comments draw on input from City and agency staff, the community and local stakeholders, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

Overall, staff find the proposed development is not consistent with the existing and planned context, would cause excessive negative impact on adjacent residential properties to the north and would undermine the low-rise character of the adjacent *Neighbourhood*.

Provincial Policy Statement and Provincial Plans

The proposed development represents *residential intensification* as defined by the Provincial Policy Statement (PPS). The proposal is not entirely consistent with the PPS because it will not be sufficiently "conserving features that help define character" as required by policy 1.7.1(d) in order to support long-term economic prosperity. The proposed development will detract from the established low-rise character of the *Neighbourhood* along Wascana Avenue due to a lack of transition.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. The proposal represents *intensification* of a *built-up area* within an *urban growth centre* as defined by the Growth Plan.

The Downtown Urban Growth Centre (UGC) is identified in the Growth Plan for the Greater Golden Horseshoe. It is on track to exceed the UGC density target by 2031. The target is the average for the entire *Downtown* UGC area, and it is not for any one particular area within *Downtown*. The proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Avenues and Mid-Rise Buildings Study

The performance standards in the Avenues and Mid-Rise Buildings Study (mid-rise guidelines) have been applied to the proposed development because the subject property is potentially suitable for a mid-rise building, although the proposed 15-storey building is not a mid-rise building. One of the primary functions of the mid-rise guidelines is to help quantify the Official Plan policies with respect to providing an appropriate transition in scale between a new development in a *Mixed Use Area* and an adjacent *Neighbourhood*, among other important contextual considerations.

The Planning & Urban Design Rationale Report submitted by the applicant asserts that the proposed development is a mid-rise building but the proposal does come close to complying with the mid-rise guidelines regarding height and massing. The applicable performance standards are discussed subsequently in the report under "Density, Height, Massing" and "Sun, Shadow".

Tall Building Design Guidelines

The Tall Building Design Guidelines do not apply to the subject property because it is not considered suitable for a tall building. But considering the proposed 15-storey building is defined as a tall building since the height substantially exceeds the width of the adjacent right-of-way, the proposal has also been evaluated using the Tall Building Design Guidelines. The guidelines help interpret and quantify the tall building policies provided in Section 3.1.3 of the Official Plan.

The proposed development substantially deviates from several important guidelines, including those regarding transition in scale, sunlight and sky view and tower placement. Such guidelines are further described and discussed subsequently in this report under the headings "Density, Height, Massing" and "Sun, Shadow".

Density, Height, Massing

The height and massing of the proposal would cause excessive negative impact on adjacent residential properties and the character of the low-rise area to the north. The proposed height and massing do not provide sufficient transition in development intensity and scale to the adjacent townhouses to the north at 47-53 Wascana Avenue and 30-32 River Street. Transition to the *Neighbourhood* lands to the west is less of a concern because there is an existing parking lot that is designated *Mixed Use Areas* between the subject site and the *Neighbourhood* that provides a separation of approximately 30 metres.

Mid-Rise Building Considerations

Performance standard no. 1 in the mid-rise guidelines states that the maximum allowable height "will be no taller than the width of the Avenue right-of-way," excluding a mechanical penthouse. With consideration for the Mid-Rise Building Performance Standards Addendum, River Street represents an Avenue with a right-of-way width of 20 metres for the purposes of applying the mid-rise guidelines. The proposed height of 47.3 metres, excluding the mechanical penthouse, is more than twice as much (2.37 times) as the guideline for maximum height, which indicates the proposed building cannot be considered a mid-rise building.

Rear transition to a *Neighbourhood* is addressed in performance standards nos. 5A and 5B, which deal with ideal lots and shallow lots respectively. Ideal lots have a depth greater than 32.6 metres and shallow lots have a depth equal to or less than 32.6 metres. The rear transition guidelines are based on the general assumption that a property in a *Mixed Use Area* is adjacent to other *Mixed Use Area* properties on the sides and adjacent to a *Neighbourhood* at the rear. The context of the subject property in relation to the adjacent *Neighbourhood* is atypical in that the rear lot line is adjacent to a *Mixed Use Area* but the north side lot line is adjacent to a *Neighbourhood*. Staff have interpreted the mid-rise guidelines to apply the rear transition to *Neighbourhoods* guidelines to the north side lot line and to apply the shallow lot performance standards (no. 5B) to that transition considering the width of the site is 29.7 metres.

Under performance standard no. 5B, the required setback from a property in a *Neighbourhood* is 7.5 metres. The proposed building abuts the north side lot line with no setback on the ground floor. On floors 2 to 4 the front portion of the building with a depth of 12.2 metres also has no setback and the rear portion of the building has a setback in the range 3.9 to 5.5 metres. Floors 5 to 15 are set back from the north side lot line mostly in the range of 3.0 to 5.5 metres. Overall the proposed zero-metre setback does not provide sufficient transition to the adjacent *Neighbourhood*, especially with regard to the four-storey front portion of the proposed building that will abut the rear yard of the townhouse at 53 Wascana Avenue.

Performance standard no. 5B also specifies an angular plane applicable to the north side of the building that is measured from a height of 10.5 metres and set back 7.5 metres from the *Neighbourhood* property line. Less than half of the proposed building is within the north side angular plane. A substantial portion of floors 4 to 7 penetrate the angular plane, most of floors 7 to 10 penetrate the angular plane and floors 11 to 15 are entirely beyond the angular plane. Such a substantial encroachment into the angular plane demonstrates a lack of regard for providing a transition in scale to an adjacent *Neighbourhood* as required by Official Plan Policies 2.3.1(2)(b) and 4.5(2)(c).

Tall Building Considerations

Section 1.3 of the Tall Building Design Guidelines provides direction with respect to fit and transition in scale to "ensure tall buildings fit within the existing or planned context and provide an appropriate transition in scale down to lower-scaled buildings." Transition is necessary to respect the character of neighbouring buildings and to maintain access to sunlight and sky view for surroundings streets, public and private open space, and neighbouring properties. A combination of angular planes, horizontal separation distances, setbacks and/or step-backs are to be applied to provide transition.

Horizontal separation distance is the primary means to provide suitable transition between a tall building and a *Neighbourhood*. Section 3.1 of the Downtown Tall Buildings: Vision and Supplementary Design Guidelines provides guidelines for fit and transition in scale when a tall building is adjacent to a lower scale neighbourhood area. Guideline 3.1(a) states that the tower portion of a tall building is to be set back from the abutting property line by at least 20 metres. The proposed development provides a separation in the range of 3.0 to 5.5 metres.

The need for horizontal separation distance is reinforced by Official Plan Amendment (OPA) No. 352 and Zoning By-law No. 1106-2016 (both under appeal to the OMB), which apply to tall buildings in the *Downtown*. The OPA requires tall buildings to provide setbacks from the lot lines to fit with the existing and planned context. The by-law requires a minimum 12.5-metre separation between a proposed tower and a lot line that abuts another property, whereas the proposed building provides only a 3.0-metre separation from adjacent properties to the north and no separation from the adjacent property to the south. As per Policy 517(B)(iii) in OPA No. 352, proposed tall buildings that do not meet intent of the OPA with regard for fitting in with the existing and planned context indicate the site is not suitable for a tall building.

A 45-degree angular plane measured from the north property line adjacent to the *Neighbourhood* is another method to provide suitable transition in scale, which is referenced in Section 1.3 of the Tall Building Design Guidelines. The angular plane serves to "limit shadow and overlook on neighbouring properties that are lower scale, and limiting shadow and loss of sky view on adjacent streets." The majority of the proposed building penetrates the angular plane.

Section 3.2.1 of the Tall Building Design Guidelines specifies that tower floor plates should be limited to "750 square metres or less per floor" and that they should be located to minimize shadow impacts on surroundings streets, open spaces and properties. The proposed building has an average tower floor plate area of 750 square metres but floors 5 to 9 have floor plates in the range of 810 to 844 square metres. The proposed orientation of the tower has a relatively long east-west dimension that ranges from approximately 40 to 42 metres on floors 5 to 9 and approximately 34 to 37 metres on floors 10 to 15, which exacerbates the shadow and sky view impact on the adjacent townhouse properties to the north.

Tower placement is further addressed in section 3.2.2 of the Tall Building Design Guidelines, which states that towers are to be placed "away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and adjacent public realm." Specifically, the tower should have a minimum 3-metre step-back from the base building facing the street. Facing River Street, the proposed tower has a step-back from the base building ranging from 1.8 to 4 metres on floors 5 and 6. From floors 7 to 15 the step-back is reduced to a range of 0 to 3 metres.

Overall, the proposed height and massing are inappropriate for the subject property given its proximity to the adjacent *Neighbourhood*. The proposed tall building does not provide a suitable transition in height and scale to the *Neighbourhood* to the north.

Sun, Shadow

Both the mid-rise guidelines and the tall building guidelines provide direction for addressing shadow impact on neighbouring properties and streets. Performance standard no. 5B in the mid-rise guidelines as previously described also serves to limit shadow impact on an adjacent *Neighbourhood*. The substantial deviation from the guidelines for a setback and angular plane from a *Neighbourhood* suggests the proposed building does not adequately limit shadow impact on the *Neighbourhood*.

Performance standard no. 4A specifies a front 45-degree angular plane measured from the River Street property line at a height of 16 metres, in order to provide for a minimum of five hours of sunlight on the sidewalk on the east side of River Street during the equinoxes. Although the proposed building substantially encroaches into the front angular plane from floors 7 to 15, the relatively narrow width of the building helps mitigate the shadow impact on the east side sidewalk on River Street.

Under the Tall Building Design Guidelines, tall buildings should be located and designed "to protect access to sunlight and sky view within the surrounding context of streets, parks public and private open space, and other shadow sensitive areas" as per Section 1.4 of the guidelines. The proposed development would cause excessive negative impact on the sky view from the rear yards of the adjacent townhouses with a 15-storey building that is only 3.0 to 5.5 metres away.

Section 1.4(c) of the Tall Building Design Guidelines specifies that a shadow study is to "demonstrate how the proposed tall building protects access to sunlight and seeks to adequately limit shadowing of neighbouring streets, properties, and open space." The shadow impact analysis provided by the applicant in the Planning & Urban Design Rationale Report summarizes the shadow impact on the adjacent *Neighbourhood* to the north and west as "generally limited to two hours in any one location" even though it states that the adjacent townhouses "to the immediate north at 47-53 Wascana Avenue and 30-32 River Street would experience incremental shadowing between 10:18 a.m. and 3:18 p.m." Staff find that the shadow study and analysis does not demonstrate that the shadow impact on the adjacent *Neighbourhood* will be adequately limited as required by Official Plan policy 4.5(2)(d).

The proposed building would also cast a shadow over portions of the sidewalk on the north side of Wascana Avenue and on the east side of River Street for approximately three hours during the equinoxes.

Wind

The Pedestrian Level Winds study submitted by the applicant is a qualitative study that finds "wind conditions at grade level around the entire building are expected to be suitable for the anticipated pedestrian uses throughout the year without mitigation." To verify these findings, a quantitative study based on a physical model in a wind tunnel would be required for a Site Plan application for a tall building.

Land Use

The proposed mixed-use building with residential and retail uses is consistent with the *Mixed Use Areas* designation in the Official Plan and suitable for the subject property. The proposed uses are compatible with the surrounding residential uses and the commercial uses to the south.

Streetscape

The proposed building has a 2-metre setback at ground level that provides a 5.4-metre wide sidewalk with a minimum 2.1-metre pedestrian clearway. For a tall building, the setback should be increased to provide a minimum 6-metre wide sidewalk as referenced in Section 4.2 of the Tall Building Design Guidelines. The proposed landscaping along River Street includes two new street trees. Urban Forestry staff have advised that three street trees should be provided.

The design of the east façade facing River Street, with substantial glazing that spans more than half the frontage, is generally appropriate as the retail façade will help animate the street. The width of the residential entrance and the vehicular access are minimized.

Residential Amenity Space

The proposed indoor amenity space of 224 square metres or 1.38 square metres per dwelling unit does not meet the standard requirement of 2.0 square metres per dwelling unit and should be increased accordingly. A suitable location for additional indoor

amenity space would be on the fifth floor since the proposed development has outdoor amenity space on that floor without any adjacent indoor space.

Traffic Impact, Access, Parking

Transportation Services have no objections to the traffic impact as described in the Transportation Impact Study submitted the applicant but they have advised the study needs to be updated to determine a trip generation rate for the Beer Store.

River Street is the only street available to provide access to the subject site. The proposed location of the driveway from River Street is suitably located approximately half way between Queen Street East and Wascana Avenue. Preferably the existing private driveway adjacent to the south side of the subject property could be used to provide access to subject site in order to eliminate the need for curb cuts in front of the subject property but the applicant has advised they explored that option with the neighbouring land owner and could not reach an agreement.

The proposed parking provision for residential occupants, residential visitors, and retail visitors is comparable to other recent mixed-use developments in the vicinity.

Transportation Services has advised that a parking demand survey is required to the determine the availability of parking for visitors to the site and to determined the parking demand for the proposed Beer Store.

Servicing

Development Engineering and Toronto Water require revisions to the Functional Servicing Report & Stormwater Management Report submitted by the applicant in order to comply with City standards and to clarify how groundwater discharge will be managed.

Heritage

There is one *adjacent* building that listed in on the City of Toronto's Heritage Register located across the street at 19 River Street, which is a five-storey residential building known as the Vinegar Lofts. The four-storey height of the base building of the proposed development is comparable to the streetwall height of the Vinegar Lofts and does not significantly impact its cultural heritage value.

Open Space/Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Official Plan shows local parkland provision across the City. The subject property is in an area with 0 to 0.42 hectares of local parkland per 1,000 people, which represents the lowest quintile of parkland provision per person in the city. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The proposed development contains a total of 162 dwelling units and 458 square metres of retail space on a site with an area of 1,627 square metres. At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal

Code, the parkland dedication requirement is 2,160 square metres or 138% of the site area. However, for sites that are less than one hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to 2% parkland dedication. In total, the parkland dedication requirement is 158 square metres.

If redevelopment of the subject property were to occur, the parkland dedication requirement would be satisfied through cash-in-lieu of on-site parkland. This is appropriate as 158 square metres is not a suitable size to develop a programmable park within the existing context of this development.

Given the current rise in dog population in the downtown area, a dog relief station within the building is advisable. This will help to alleviate some of the pressure on the existing neighbourhood parks.

Toronto Green Standard

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment. The applicant is required to meet Tier 1 of the TGS.

If City Council adopts the staff recommendations to refuse this rezoning application and if the application is appealed to the Ontario Municipal Board (OMB) and the OMB ultimately approves an increase in height and/or density, recommendation 3(b)(ii) in this report is intended to allow development standards in compliance with Tier 1 of the TGS to be secured. TGS performance measures may also be secured through the Site Plan Control process.

Section 37

Section 37 community benefits have not been determined as the development proposal is not supported by staff. If the rezoning application is appealed to the Ontario Municipal Board (OMB) and the OMB ultimately approves an increase in height and/or density, recommendation 3 in this report is intended to provide an opportunity for staff to determine an appropriate allocation and distribution of community benefits, in consultation with the Ward Councillor, prior to the OMB issuing a final decision and Order.

Conclusions

The proposed development does not fit within the existing and planned context with regard for an appropriate transition in scale between the proposed development and the adjacent *Neighbourhood* to the north. The proposed height and massing would have

excessive negative impact on the adjacent townhouses in the *Neighbourhood* at 47 to 53 Wascana Avenue. The proposed rezoning is inappropriate for the subject property, represents over-development of the site, and is inconsistent with the Official Plan.

CONTACT

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SIGNATURE

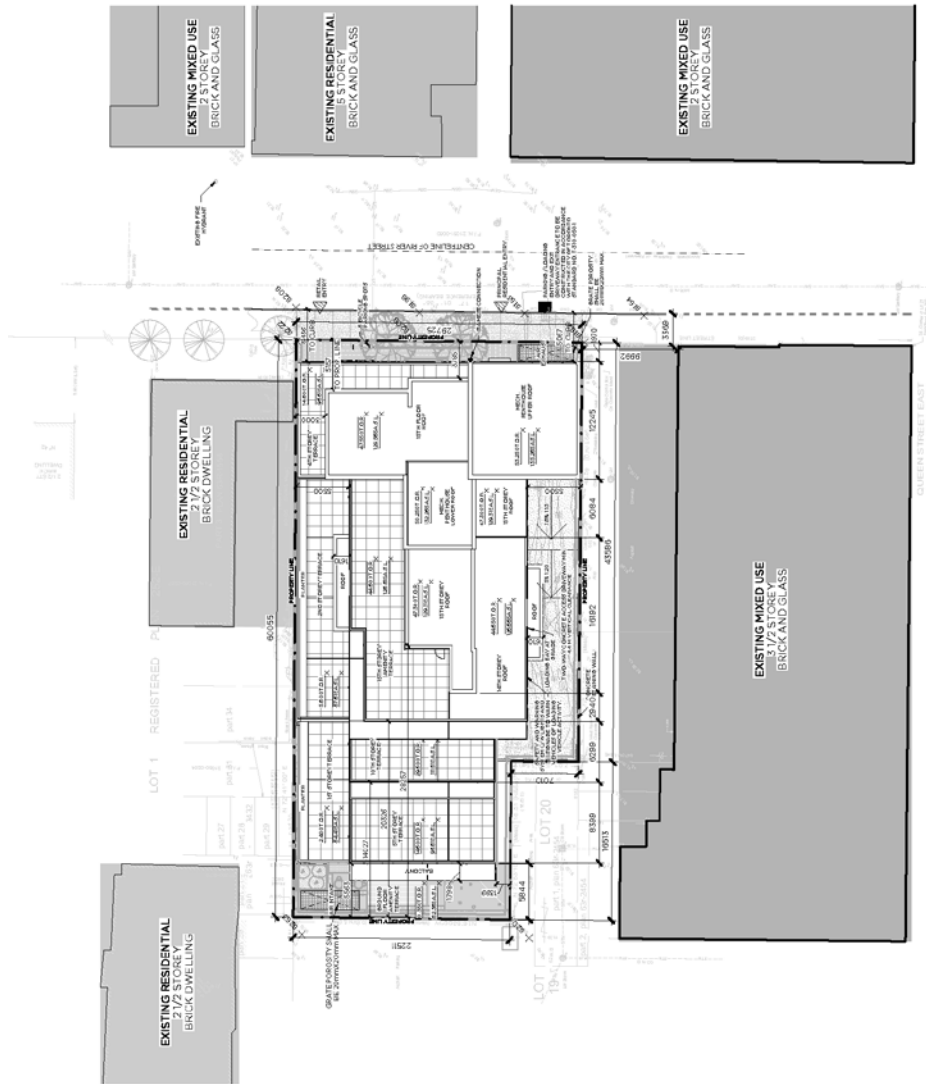
Gregg Lintern, MCIP, RPP
Director, Community Planning
Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan
Attachments 2a-d: Elevations
Attachment 3: Rendering: Looking south along River Street
Attachment 4: Zoning
Attachment 5: Official Plan – Land Use Map
Attachment 6: Application Data Sheet

Staff report for action – Final Report – 28 River Street



Site Plan

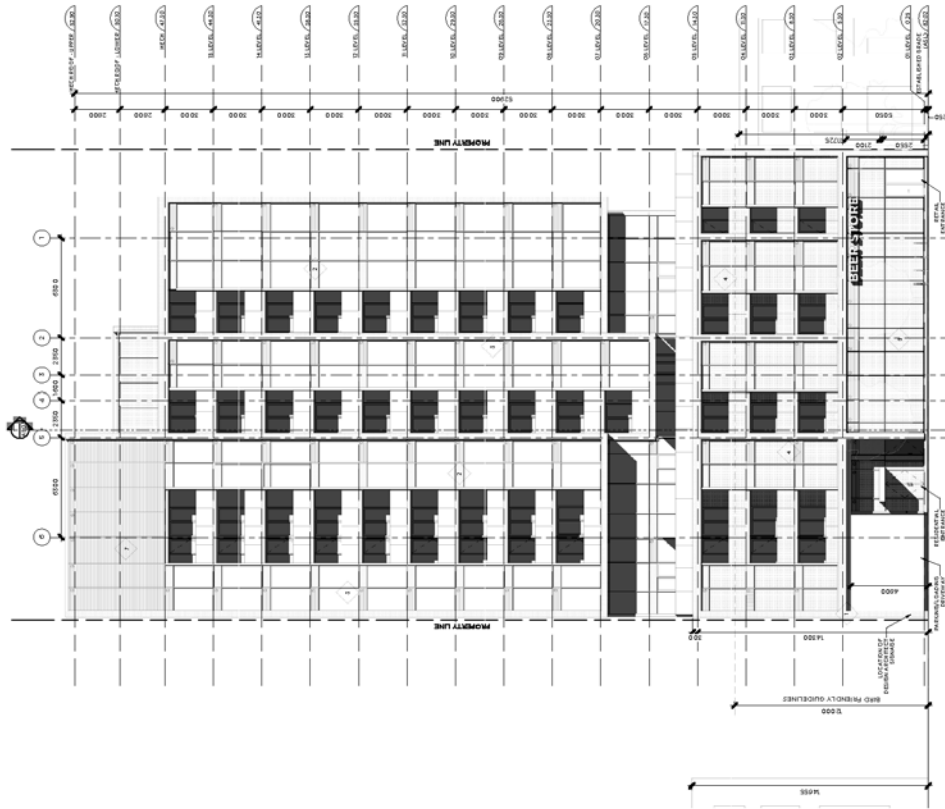
Applicant's Submitted Drawing

Not to Scale
02/03/2017

28 River Street

File # 16_268409_STE 28 0Z

Attachment 2a: East Elevation



East Elevations

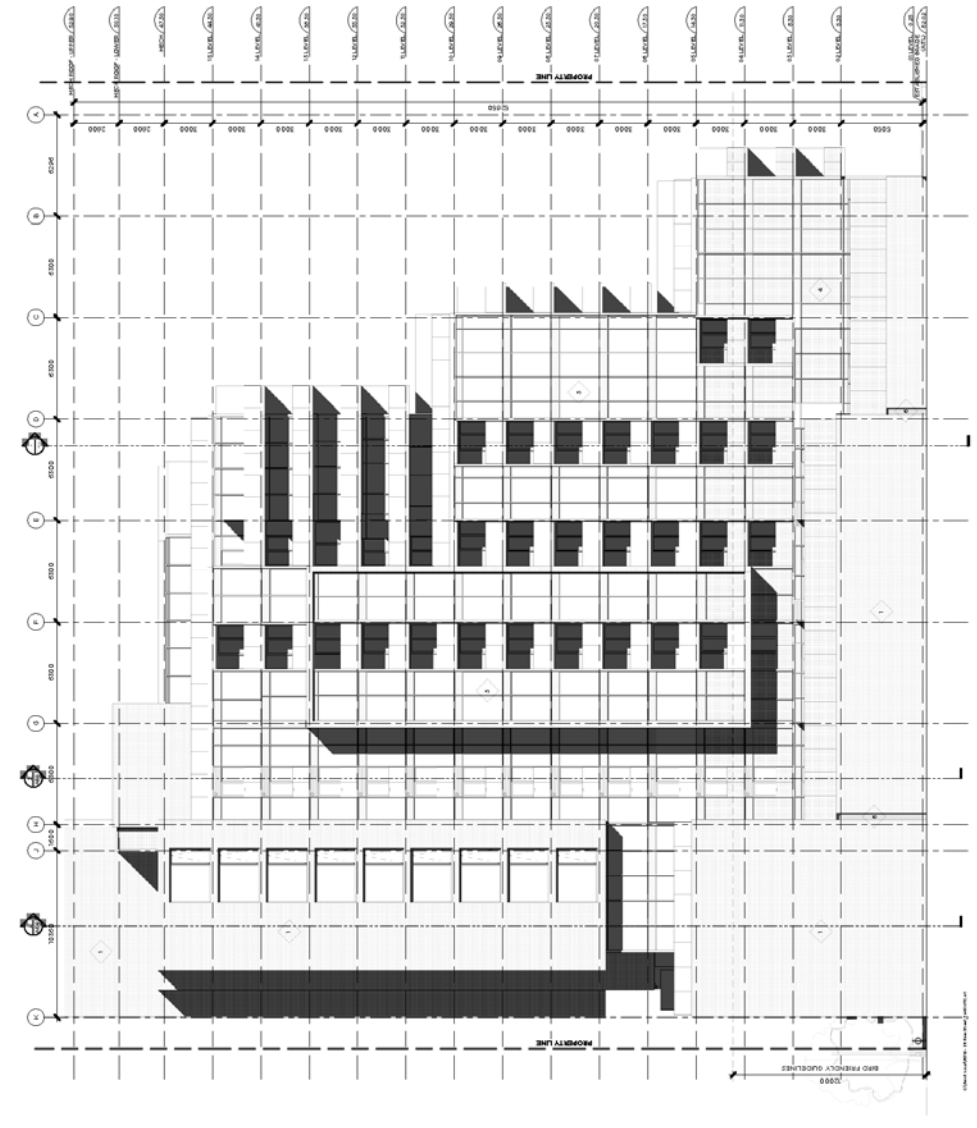
Applicant's Submitted Drawing

Not to Scale
02/03/2017

28 River Street

File # 16_268409 STE 28 0Z

Attachment 2b: North Elevation



North Elevation

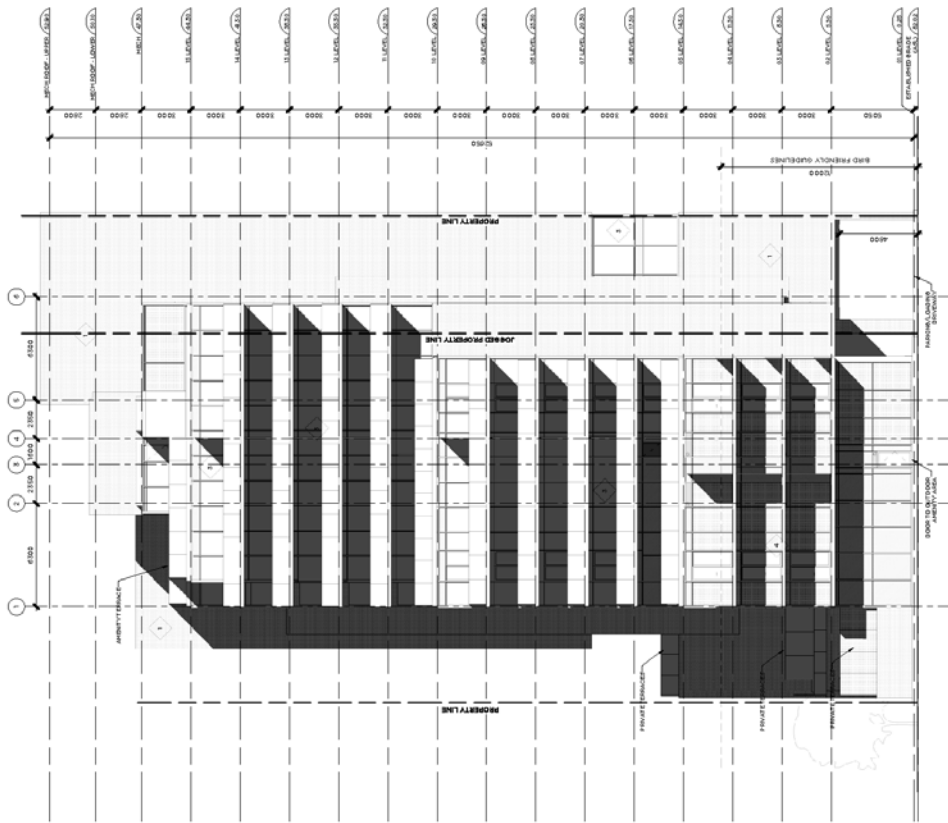
Applicant's Submitted Drawing

Not to Scale
02/03/2017

28 River Street

File # 16_268409 STE 28 02

Attachment 2c: West Elevation



West Elevation

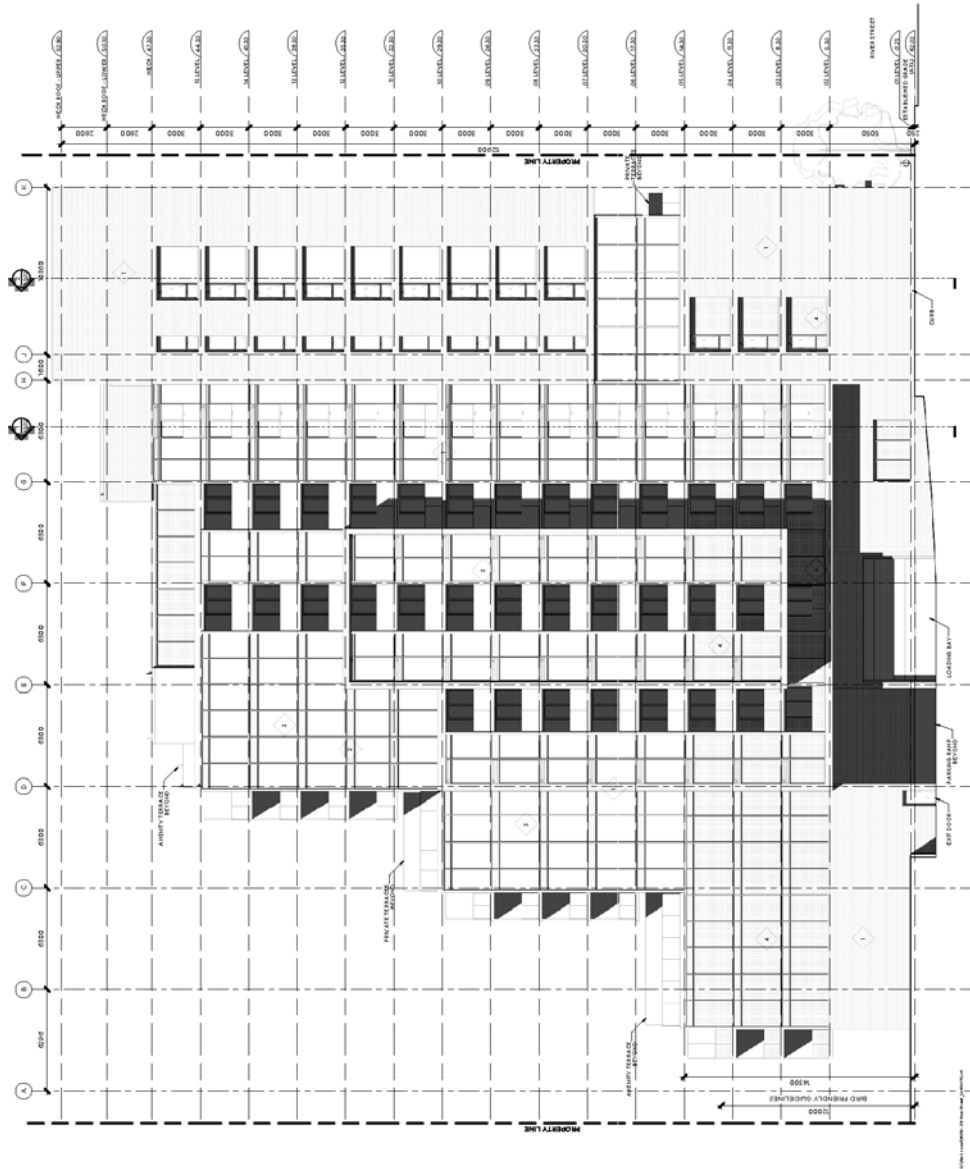
Applicant's Submitted Drawing

Not to Scale
02/03/2017

28 River Street

File # 16_268409_STE 28 0Z

Attachment 2d: South Elevation



South Elevation

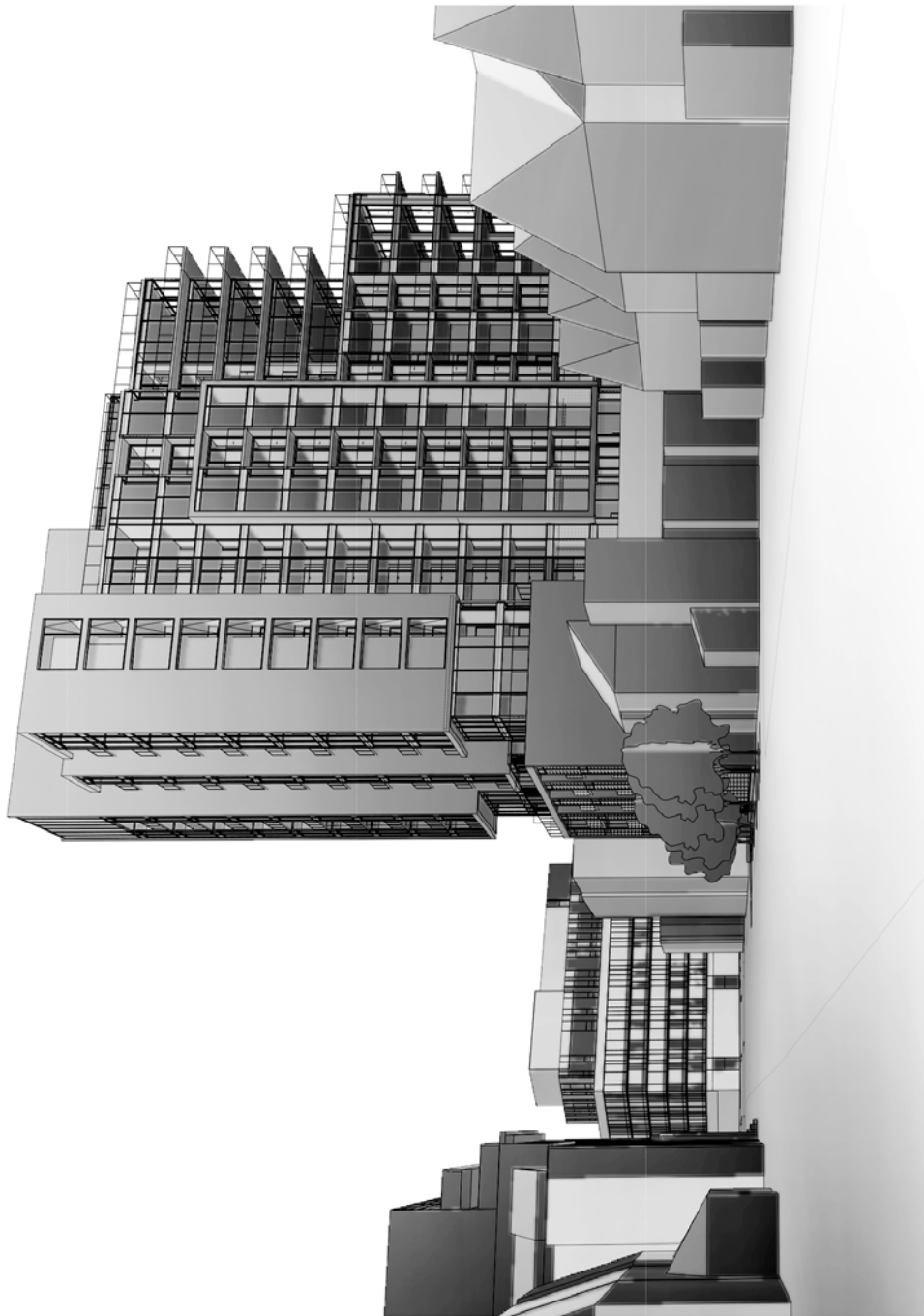
Applicant's Submitted Drawing

Not to Scale
02/03/2017

28 River Street

File # 16_268409_STE 28.0Z

Attachment 3: Rendering – Looking south along River Street



Rendering

Applicant's Submitted Drawing

Not to Scale
02/03/2017

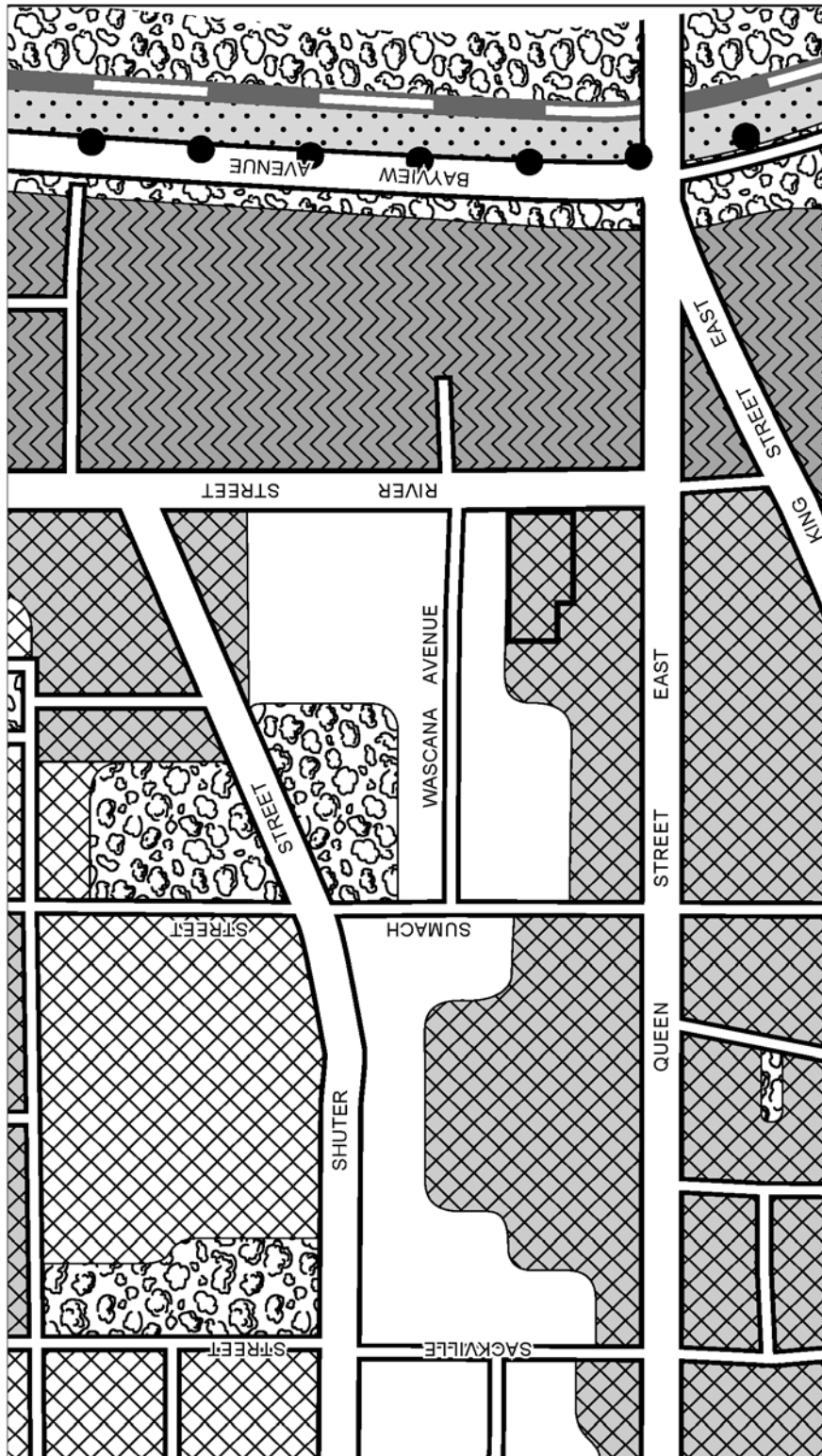


28 River Street

File # 16_268409_STE 28 0Z

Staff report for action – Final Report – 28 River Street

Attachment 5: Official Plan -- Land Use Map



Official Plan

- Site Location
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks & Open Space Areas
- Parks
- Regeneration Areas
- Utility Corridors

28 River Street

File # 16 268409 STE 28

Not to Scale
03/03/2017

Attachment 6: Application Data Sheet

| | | | |
|-----------------------|---|---------------------|----------------------------------|
| Application Type | Rezoning | Application Number: | 16 268409 STE 28 OZ |
| Details | Rezoning, Standard | Application Date: | December 19, 2016 |
| Municipal Address: | 28 RIVER STREET | | |
| Location Description: | PLAN E 252 PT LOT 2 **GRID S2805 | | |
| Project Description: | Proposed rezoning for a 15 storey (52.9m) mixed-use building with ground floor retail and residential uses on the upper floors. 162 dwelling units. 65 parking spaces on 3 levels of underground parking. | | |
| Applicant: | Agent: | Architect: | Owner: |
| STEVE THOMPSON | | RAW Design | 28 RIVER STREET HOLDINGS LIMITED |

PLANNING CONTROLS

| | | | |
|----------------------------|-----------------|--------------------------|---|
| Official Plan Designation: | Mixed Use Areas | Site Specific Provision: | N |
| Zoning: | IC D3 N2 | Historical Status: | N |
| Height Limit (m): | 14 | Site Plan Control Area: | Y |

PROJECT INFORMATION

| | | | | |
|------------------------------------|--------|---------|-----------------|--------------|
| Site Area (sq. m): | 1627.2 | Height: | Storeys: | 15 |
| Frontage (m): | 29.73 | | Metres: | 52.9 |
| Depth (m): | 60.05 | | | |
| Total Ground Floor Area (sq. m): | 810 | | | Total |
| Total Residential GFA (sq. m): | 11294 | | Parking Spaces: | 65 |
| Total Non-Residential GFA (sq. m): | 458 | | Loading Docks | 0 |
| Total GFA (sq. m): | 11752 | | | |
| Lot Coverage Ratio (%): | 49.8 | | | |
| Floor Space Index: | 7.22 | | | |

DWELLING UNITS

| | |
|--------------|-------|
| Tenure Type: | Condo |
| Rooms: | 0 |
| Bachelor: | 27 |
| 1 Bedroom: | 78 |
| 2 Bedroom: | 40 |
| 3 + Bedroom: | 17 |
| Total Units: | 162 |

FLOOR AREA BREAKDOWN (upon project completion)

| | Above Grade | Below Grade |
|----------------------------------|-------------|-------------|
| Residential GFA (sq. m): | 11294 | 0 |
| Retail GFA (sq. m): | 458 | 0 |
| Office GFA (sq. m): | 0 | 0 |
| Industrial GFA (sq. m): | 0 | 0 |
| Institutional/Other GFA (sq. m): | 0 | 0 |

CONTACT: **PLANNER NAME:** **Thomas Rees, Planner**
TELEPHONE: **416-392-1791**