DA TORONTO

STAFF REPORT ACTION REQUIRED

193-195 McCaul Street - Zoning Amendment Application - Request for Direction Report

Date:	April 16, 2018
То:	Toronto and East York Community Council
From:	Acting Director, Community Planning, Toronto and East York District
Wards:	Ward 20 – Trinity-Spadina
Reference Number:	17 211689 STE 20 OZ

SUMMARY

This application proposes to amend the former City of Toronto Zoning By-law 438-86 to permit the development of a 19-storey mixed-use building with 266 dwelling units and retail/service commercial space at-grade. The proposal includes 81 parking spaces and 267 bicycle parking spaces.

On December 4, 2017, the applicant appealed the Zoning By-law Amendment application to the Local Planning Appeal Tribunal ("LPAT") citing the Council's failure to make a decision within the time required by the *Planning Act*. A pre-

hearing conference has not yet been scheduled.

This report reviews and recommends that the City Solicitor together with City Planning staff and other appropriate staff be directed to oppose the application in its current form at the LPAT. The proposed development is not supportable in its context, for reasons including that it does not have regard to relevant matters of provincial interest set out in the *Planning Act*, is not consistent with the Provincial Policy Statement, does not conform with the Growth Plan for the Greater Golden Horseshoe, does not conform



with the Official Plan, does not meet the intent of certain Council-adopted guidelines and policy direction for the area, constitutes overdevelopment and is not good planning or in the public interest.

The applicant has expressed willingness to work with the City to address the issues raised through the application review process and summarized in this report, including appropriate heights, massing, setbacks and amenity space for this site, in order to achieve an acceptable form of development.

RECOMMENDATIONS

The City Planning Division recommends that:

- 1. City Council direct the City Solicitor and City staff, as appropriate, to attend the Local Planning Appeal Tribunal Hearing, and to oppose the Zoning By-law Amendment application for 193-195 McCaul Street in its present form for reasons set out in the report (April 16, 2018) from the Acting Director, Community Planning, Toronto and East York District.
- 2. City Council authorize the City Solicitor and appropriate staff to continue negotiations with the applicant to address the issues outlined in this report, including appropriate heights, massing, setbacks and amenity space for this site and appropriate public benefits to be secured pursuant to Section 37 of the *Planning Act*.
- 3. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council directs the City Solicitor to request that the Local Planning Appeal Tribunal withhold the issuance of any Order on the Zoning By-law Amendment for the subject lands until such time as:
 - a) the final form of the Zoning By-law amendments are to the satisfaction of the Acting Director, Community Planning, Toronto East York District and the City Solicitor;
 - b) the owner addresses the outstanding items outlined in the memorandum from Engineering and Construction Services dated September 25, 2017, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.
 - c) community benefits and other matters in support of the development as are determined appropriate are secured in a Section 37 Agreement executed by the owner and registered on title to the satisfaction of the Acting Director Community Planning, Toronto and East York District and the City Solicitor.

4. 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

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

Decision History

A pre-application consultation meeting was held with the applicant on August 3, 2017, to provide preliminary feedback and discuss complete application submission requirements. Significant concerns were raised with regard to the height of the proposal, the building setbacks, the number of 3-bedroom units and the level of amenity space provision. The drawings presented at the meeting are similar to those formally submitted as part of the Zoning By-law Amendment application on August 4, 2017.

ISSUE BACKGROUND

Proposal

The application proposes the development of a 19-storey mixed use building with 266 residential units and 597 square metres of retail/service commercial space atgrade. The overall height of the building would be 64 metres, inclusive of the wrapped mechanical penthouse, and the proposed floor space index is 12.15 times the area of the lot. The proposal would require the demolition of the 2-storey former Silverstein's Bakery building on the site.

The proposed 19-storey building would consist of a 6-storey podium with a tower element at the seventh floor level and above. The overall massing of the proposed building incorporates projecting and recessed 'shifting boxes', with a recessed nineteenth floor.

The ground floor of the proposed building would be recessed from the upper floors of the building on the north and west sides, with a setback of 1.7 metres from the west lot line and 1 metre from the north lot line. The ground floor of the proposed building would be set back between 0.3 and 0.6 metres from the south lot line, while to the east the proposed building would have a setback of between 0 and 0.4 metres.

From second floor level and above the proposed building would have various setbacks due to the 'shifting box' massing of the building. This creates a range of setbacks of:

- 0.3 metres to the north;
- between 5.2 to 6.5 metres to the east;
- 0.3 metres to the south; and
- between 5.3 to 4.8 metres (with balconies projecting into this) to the west.

The proposed residential component of the building includes 266 residential units. The breakdown of the units is as follows: 19 studios (7%), 168 1-bedroom units (63%), 47 2-bedroom units (18%) and 32 3-bedroom units (12%).

A total of 723 square metres of amenity space is proposed, including 202 square metres of outdoor amenity space and 520 square metres of indoor amenity space. The amenity space would be located on the east side of the proposed building and would be at second floor level.

The proposed vehicular access is from McCaul Street at the southernmost point of the building. The access would lead to an internal ramp for passenger vehicles to access the below grade parking, a single Type G loading space at-grade and a turning 'T' within the building envelope. A total of 81 parking spaces would be provided in three below-grade parking levels, with 267 bicycle parking spaces (28-short term and 239-long term) provided at-grade and below grade levels.

Attachments 1-6 provide the application's site plan, elevations and statistics.

Site and Surrounding Area

The site is located on the east side of McCaul Street and is rectangular in footprint. The lot has a frontage onto McCaul Street measuring approximately 45 metres and a depth 36 metres. The site has an area of approximately 1,605 square metres (0.16 hectares).

The site is currently occupied by a 2-storey brick commercial/industrial building. The southern end of the building is pulled back from the sidewalk and has three loading docks, a surface parking area and a wide curb cut. The building is currently vacant but was formerly the Silversteins Bakery.

North: Immediately to the north of the site is an entrance/exit driveway with a landscaped strip that serves the neighbouring 6-storey parking garage to the east of the site. Beyond this is a surface parking lot that wraps around the rear of a 2-storey brick house-form building, which is designated under Part IV of the *Ontario Heritage Act*.

Farther to the north is surface parking associated with the Joseph and Wolf Lebovic Centre at Mount Sinai Hospital, which consists of a 5 ¹/₂-storey medical building occupying the northeast corner of the block. The northwest corner of the block is occupied by McCaul-Orde Parkette, which is a designated *Park* in the Official Plan.

Farther north the buildings vary in height between 3 to 4-storeys where they have a frontage onto Orde Street and 6 to 7-storeys where they front onto College Street. These buildings are either listed or designated under Part IV of the *Ontario Heritage Act*, are largely in institutional use and include Orde Street Junior Public School.

West: Opposite the site on the west side of McCaul Street the properties are located within two land use designations. Those to the south of Silverstein Lane are designated *Mixed Use Areas* and those to the north are designated *Neighbourhoods* in the Official Plan.

Immediately to the west and northwest of the site is a residential neighbourhood with low-rise built form consisting of predominantly $2\frac{1}{2}$ to 3-storey residential dwellings, with two churches also located within the block.

The properties to the south of Silverstein Lane that front onto McCaul Street are a row of 4-storey townhouses with a surface parking area to the rear. South of these properties is Baldwin Street and the area known as Baldwin Village, which is characterised by 2-storey house-form buildings with a mix of restaurant and retail units interspersed with residential dwellings.

Farther to the northwest of the site on the west side of McCaul Street is the 4-storey Ronald McDonald House building and a 5-storey institutional building.

South: Immediately abutting the site to the south is a 14-storey residential building known as Elm Place, which wraps around the southwest corner of the block and has frontages onto McCaul Street and Elm Street. The north face of this building is blank with no fenestration or detailing.

At the southeast corner of the block is a mixed institutional/residential building with 2 and 8-storey elements.

The block to the south of Elm Street, contains the Michener Institute, a 15-storey institutional building that steps down to 6-storeys in height along McCaul Street, with a parkette on the southeast corner of Elm Street and McCaul Street.

East: The lands to the east of the site are designated as *Institutional* in the Official Plan. Immediately to the east of the site is a 6-storey parking garage building that encompasses the entire lot and fronts onto Murray Street. South of this building and southeast of the application site is a second 6-storey parking garage building.

On the eastern side of Murray Street, fronting University Avenue are the Toronto Rehab University Centre, which is 11-storeys in height and the Joseph and Wolf Lebovic Health Complex, which has 18-storeys and is the main building of the Mount Sinai Health System. To the north of this is the 18-storey Princess Margaret Cancer Centre. On the southwest corner of University Avenue and College Street is a 20-storey commercial building.

Southeast of the site there are a number of residential apartment buildings ranging in height between 8 and 16-storeys, between St. Patrick Street and University Avenue.

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. The matters include: the orderly development of safe and healthy communities; the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; the conservation of features of significant architectural, cultural, historical and archaeological or scientific interest; the appropriate location of growth and development; and the promotion of a built form that is well designed, encourages a sense of place and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The Provincial Policy Statement (2014) provides policy direction province wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its Official Plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council affecting land use planning matters "shall be consistent with" the PPS.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- Minimizing the negative impacts of climate change by undertaking stormwater management planning that assesses the impacts of extreme weather events and incorporates green infrastructure; and
- Recognizing the importance of watershed planning for the protection of the quality and quantity of water and hydrologic features and areas.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Official Plan

The site is located in the *Downtown* as identified in the Official Plan's Urban Structure (Map 2). The site is designated *Mixed Use Areas* in the Official Plan, and is part of Site and Area Specific Policy 202, which relates to commercial parking garages.

Chapter Two – Shaping the City

Policies for the *Downtown* are contained in Section 2.2.1, and identify that the *Downtown* will continue to evolve as a healthy and attractive place to live and work as new development that supports the urbanization strategy and the goals for *Downtown* is attracted to the area. Sites located within the *Downtown* offer opportunities for substantial employment and residential growth. The Official Plan directs growth to the *Downtown* in order to achieve multiple City objectives. Among

other things, it promotes the efficient use of municipal services and infrastructure, concentrates jobs and people in areas well served by transit, promotes mixed use development to increase opportunities for living close to work and to encourage walking and cycling. This reurbanization strategy recognizes that the level of growth will not be uniform across the *Downtown* given its diversity.

Section 2.3.1 Healthy Neighbourhoods of the Official Plan includes Policy 2.3.1.2 identifying that intensification of land adjacent to *Neighbourhoods* will be carefully controlled so that *Neighbourhoods* are protected from negative impact. The Plan also states that development in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will, among other matters, be compatible with those *Neighbourhoods*, provide a gradual transition of scale and density, and maintain adequate light and privacy for residents in those *Neighbourhoods*. The site is located in close proximity to *Neighbourhoods* designated land across McCaul Street to the northwest.

Chapter Three – Building a Successful City

The Public Realm policies of the Official Plan are contained in Section 3.1.1. These policies recognize that City streets are significant public open spaces that connect people and places and support the development of sustainable, economically vibrant and complete communities. These policies address how City streets will incorporate a Complete Streets approach. Sidewalk and boulevard design to achieve safe, attractive and interesting and comfortable spaces for pedestrians by providing well designed and co-ordinated tree planting and landscaping, among other things, and by locating and designing utilities within streets, within buildings or underground in a manner that will minimize negative impacts on the natural, pedestrian and visual environment and enable the planning and growth of trees to maturity.

The Built Form policies of the Official Plan are contained in Section 3.1.2. These policies relate to the form of the new development, and recognize that for the most part, future development will be built on infill and redevelopment sites and will need to fit in, respecting and improving the character of the surrounding area. Among other things, these policies stipulate that new development will:

- Be located and organized to fit with its existing and/or planned context;
- Development will frame and support adjacent streets, parks and open spaces to improve the safety, pedestrian interest and casual views to these spaces;
- Limit resulting shadowing of, and uncomfortable wind conditions on, neighbouring streets, properties and open spaces, having regard for the varied nature of such areas;
- Locate and organize vehicle parking, vehicular access, service areas and utilities to minimize their impact on the property and on surrounding properties

and to improve the safety and attractiveness of adjacent streets, parks and open spaces; and

- Be massed and its exterior face be designed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties.

Section 3.1.5 of the City's Official Plan provides direction on the conservation of Toronto's significant cultural heritage resources. Policies include: Policy 3.1.5.4, "Heritage Properties will be conserved, consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada"; and Policy 3.1.5.6, "New construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it".

Section 3.2.3 Parks and Open Spaces of the Official Plan seeks to maintain, enhance and expand the system of parks and open spaces across the city. Policy 3.2.3.3 sets out that to preserve the utility of parks by minimizing the effects of additional shadowing, noise, traffic and wind from development adjacent to parks.

Chapter Four - Land Use Designations

The site is designated *Mixed Use Areas* in the Official Plan. This land use designation permits a broad range of commercial, residential and institutional uses, and includes policies and development criteria to guide development and its transition between areas of different development intensity and scale. The development criteria in *Mixed Use Areas* include, but are not limited to:

- Creating a balance of high quality commercial, residential, institutional and open space uses that reduces automobile dependency and meets the needs of the local community;
- Providing for new jobs and homes for Toronto's growing population on underutilized lands;
- Locating and massing new buildings to provide a transition between areas of different development intensity and scale;
- Locating and massing new buildings to frame the edges of streets and parks;
- Providing an attractive, comfortable and safe pedestrian environment;
- Providing good site access and circulation, and an adequate supply of parking for residents and visitors;

- Locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- Providing indoor and outdoor recreation space for building residents in every significant multi-residential development.

Chapter Five - Implementation

Chapter Five provides guidance to understand and interpret the Official Plan. In particular, Section 5.6, Policy 1 indicates that the Official Plan should be read as a whole in order to understand its comprehensive and integrative intent as a policy framework. Additionally, Section 1.5, How to Read this Plan, in Chapter One indicates that the Official Pan is a comprehensive and cohesive whole. The proposed application was evaluated against the policies described above as well as the policies of the Official Plan as a whole.

Tall Building Design Guidelines

In May 2013, City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for tall buildings to ensure they fit within their context and minimize their local impacts.

Policy 1 in the Official Plan's Section 5.3.2, Implementation Plans and Strategies for City-Building, 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, The Built Environment, and other policies within the Official Plan related to the design and development of tall buildings in Toronto.

The proposal 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 in Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings. The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals.

Official Plan Amendment 352 – Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. 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, which provide the detailed performance standards for portions of buildings above 24 metres in height. While OPA 352 and the By-laws are under appeal, these amendments represent Council's position with respect to proposals seeking to introduce a tall building into the urban context.

Growing Up: Planning for Children in New Vertical Communities

In July 2017, Toronto City Council adopted the Growing-Up Draft Urban Design Guidelines and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

Section 3.1 of the Guidelines details that units larger than one bedroom should be thoughtfully designed to accommodate children. To ensure a suitable unit size to accommodate families the Guidelines details ranges for unit sizes of 87 - 90 square metres for two bedroom units and 100 - 106 square metres for three bedroom units.

The Council Decision and draft guidelines are available on the City's website at: <u>http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG21.3</u>

TOcore

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city.

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.

Building on Downtown's existing planning framework and drawing on best practices within the City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and

public realm, community services and facilities, water and energy are in development as part of this review.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed City Planning staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

The recommended Downtown Plan and supporting materials can be found at <u>www.toronto.ca/tocore</u>

Map 11 of TOcore proposes to designate the site as *Mixed Use Area 3 - Main Street*. Proposed Policy 6.28 of TOcore details that development will be in the form of low-rise and mid-rise buildings within *Mixed Use Areas 3*. The site is also located within the *Health Sciences District*, where proposed Policy 6.15.2 details that any increase in density, above existing as-of-right permissions within the Zoning By-law, will only contain institutional and non-residential gross floor area.

Section 10 of TOcore seeks to enhance community services and facilities to support a diverse range of programs and services to support communities, contribute to quality of life and act as neighbour focal points where people gather, socialize and access services. Community Services and Facilities are essential to fostering *complete communities*. Proposed Policy 10.7 details that development will include a child care centre where it can be accommodated on the site.

Zoning

The site is zoned Commercial Residential (CR) by Zoning By-Law 438-86, as amended (see Attachment 5). The CR Zone permits a range of residential uses including apartment buildings. The CR Zone also permits non-residential and community uses, including office, retail stores, service, community centres, day nursery and place of worship. The By-law permits a 14-metre building height and a combined density of 2.5 times the lot area for residential and non-residential uses on this site (1.0 times the lot area for non-residential uses and 2.0 times the lot area for residential uses).

The site is also subject to part 12(2)256(b) of Zoning By-Law 438-86, as amended, which relates to the height limits within the *West approach area* of the helicopter flight path associated with the Hospital for Sick Kids.

The site is not subject to City-wide comprehensive Zoning By-law 569-2013.

Site Plan Control

The proposed development is subject to Site Plan Approval. An application for Site Plan Control has not been submitted.

Community Consultation

A community consultation meeting was held on March 19, 2018, and was attended by approximately 44 members of the public. Concerns raised at the meeting included:

- The height of the building;
- The lack of setbacks;
- Shadowing to the *Neighbourhoods* across McCaul Street
- Traffic impacts to the surrounding road network;
- Lack of on-site parking;
- Impact on traffic, disturbance and noise to residents and the hospitals from construction;
- Increased pressure on local schools and play space;
- The proposal should include affordable housing; and
- The decision and appeal process.

These comments have been considered by City Planning staff in the review of this application.

Notice of Complete Application

A Notice of Complete Application was issued on August 30, 2017.

Local Planning Appeal Tribunal

The proposal was appealed to the LPAT by the applicant for failure by City Council to issue a decision within the time prescribed by the *Planning Act* (120 days) on December 4, 2017. Given that the application was submitted on August 4, 2017, the applicant's appeal was one day after the earliest possible date to appeal. A prehearing conference has not been scheduled to date.

Application Review

City Planning staff have twice met with the applicant to discuss the application, provided a formal letter on January 10, 2018, detailing the issues raised in this report and have provided circulated agency comments. A revised submission in response to

the application review comments to date is expected. The applicant has expressed willingness to work with the City to achieve an acceptable built form for the site that is sensitive to its context.

Reasons for the Application

The applicant submitted a Zoning By-law Amendment application to permit a building that exceeds the permitted maximum building height of 14 metres by approximately 50 metres, resulting in a proposed building height of 64 metres (inclusive of the mechanical penthouse). The proposal also exceeds the maximum density of 2.5 times the lot area, with a proposed density of 12.15 times the lot area. In addition, the proposed building does not comply with other performance standards that apply to the site.

COMMENTS

Planning Act, Provincial Policy Statement and Provincial Plans

Section 2 of the *Planning Act* sets out matters of provincial interest that City Council shall have regard to in making any decision under the *Planning Act*. Relevant matters of provincial interest include amongst other matters: Section 2(r) the promotion of built form that is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

In its current form, the proposed development does not have regard for relevant matters of provincial interest in Section 2(r) as the proposal's built form provides insufficient setbacks and excessive height, which together contribute to a proposed massing that fails to respect and relate to its McCaul Street context and does not encourage a sense of place.

The Provincial Policy Statement (PPS) contains policies related to managing and directing development. It requires that sufficient land be made available for intensification and redevelopment; that planning authorities identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account, among other things, the existing building stock or areas; and that they establish and implement minimum targets for intensification and redevelopment within built up areas.

While the PPS encourages intensification and efficient development, it recognizes that local context is important and that well-designed built form contributes to overall long-term economic prosperity. The proposed development is not a level of intensification that is appropriate when taking into account the existing building stock and area. Today, McCaul Street functions as a boundary between the taller hospital buildings fronting University Avenue and the lower scale residential and commercial uses to the west. This is also reflected in the City's planning policy and guidelines, discussed later in this report. Redevelopment of properties fronting the east side of McCaul Street, such as this site, need to provide a built form with a scale

and massing that reinforces the less intensive development patterns as one moves west from University Avenue. In its current form, the proposed development fails to achieve this, rather exporting the intensity and scale more commonly located on a main street, such as University Avenue.

Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS. Further, Policy 1.1.3.3 indicates planning authorities shall identify appropriate locations for intensification and redevelopment. In this context, the Official Plan further implements the direction of the PPS to require appropriate built form to fit harmoniously into its existing and planned context.

The Official Plan meets the requirements of the PPS. It contains clear, reasonable and attainable policies that protect provincial interests and direct development to suitable areas while taking into account the existing building stock, including heritage buildings, and protects the character of the area consistent with the direction of the PPS. In this context, although the proposal does represent intensification, it is not consistent with other objectives of the Official Plan and to that extent not consistent with the PPS, in that it does not fit harmoniously into its existing and planned context and it represents overdevelopment of the site.

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") contains policies related to setting minimum intensification targets throughout delineated built-up areas (Section 2.2.2.4). The proposed development however, does not conform with Section 2.2.2.4.b) of the Growth Plan as it does not represent an appropriate scale of development for the surrounding area and does not appropriately transition to adjacent properties. Furthermore, due to its excessive height and lack of setbacks, the proposed development does not conform with Section 5.2.4.5.b), which requires the type and scale of development to be contextually appropriate.

The Downtown Urban Growth Centre is identified in the Growth Plan. The site is within the Downtown Toronto Urban Growth Centre, which is on track to achieve or exceed the Urban Growth Centres (UGC) density target of 400 jobs and people per hectare 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 increased density that would result from the proposed development is not required to meet the minimum growth figures set out in the Growth Plan for the Greater Golden Horseshoe.

Given the above-noted reasons, the proposal does not have regard for Section 2 of the *Planning Act*, is not consistent with the PPS and does not adequately conform to and conflicts with the Growth Plan (2017). As noted, the Official Plan is the most important vehicle for implementing provincial policy and, as will be described below, the proposal does not meet the intent of the Official Plan as it is excessively tall, does not provide appropriate setbacks, step backs or massing, and does not provide an appropriate transition to the neighbouring built form and land uses.

Land Use

Within the *Downtown*, the site is designated *Mixed Use Areas* within the Official Plan. The proposal is therefore generally in an appropriate location for development. The proposed commercial and residential uses are permitted within *Mixed Use Areas*, however, the proposed development results in a scale and mass that is not appropriate for the prevailing context.

TOcore

The proposal would increase density at the site above the existing as-of-right zoning permissions and does not currently include any institutional or non-residential uses that would support the growth of the *health sciences district*. As such, the proposal would not meet the intent of proposed Policies 6.14 and 6.15 of the Proposed Downtown Plan.

The opportunity to include uses that support the growth of the *health sciences district*, such as treatment, education, research and related commercial functions, should be considered by the applicant as part of a resubmission.

Heritage Conservation

While there are no heritage resources on the proposed development site, to the north of the site at 207 McCaul Street is a 2 ¹/₂-storey residential form property known as Richard Purdon House that is designated under Part IV of the *Ontario Heritage Act*.

The proposed building would present a relatively inactive and unarticulated 19storey elevation to the north, with minimal setback from the lot line. The design of this elevation and scale of the proposed building should be reconsidered to ensure that the proposal addresses Policy 3.1.5.6 of the Official Plan, which sets out that new construction adjacent to heritage properties will be designed to conserve the cultural heritage values, attributes and character of that property, and to mitigate visual and physical impact on it.

Height, Massing and Setbacks

The proposed building would measure 64 metres in height, inclusive of the mechanical penthouse, with almost no set back to the north and south lot lines. The proposed building would have a recessed ground floor, a 6-storey base that would cantilever over the proposed widened sidewalk and a 'shifting boxes' form comprised of six recessed and projecting boxes.

Height and Massing

The proposed 64 metre building height represents a significant increase in height from the low-rise predominantly residential form of the buildings to the west, which

are designated *Neighbourhoods* to the north of Silverstein Lane and *Mixed Use Areas* to the south in the Official Plan.

Given the relatively narrow right-of-way width of McCaul Street (approximately 19 metres), together with the proposed 6-storey base building height, limited set back at seventh floor level, the overall height of the building and the resultant density, the proposed building would not represent a gradual transition of scale and density to the designated *Neighbourhoods Areas* as required by Official Plan Policy 2.3.2.

To the north is an entrance/exit driveway leading to the parking garage to the east of the site, with two surface parking areas beyond this, a 2-storey designated heritage building, McCaul-Orde Park and a number of 3- to 7-storey institutional buildings, many of which are listed or designated on the City's Heritage Register. Given the low-scale of buildings to the north, the Official Plan designated *Park*, the heritage status of some of the buildings, the proposed building, due to its excessive height and massing would appear overly dominant in the streetscape and out of keeping with the surrounding built and planned context in views looking south along McCaul Street, contrary to Official Plan Policy 3.1.2.

To the east of the site the lands are designated *Mixed Use Areas* in the Official Plan and are currently comprised of two parking garage buildings up to 6-storeys in height and an 8-storey building on the southeast corner of the block. The lands to the east of the site front onto Murray Street, which is identified in the Tall Buildings Design Guidelines as a Secondary High Street where specific height limits have not been established, but height ranges are generally expected to be one-third lower than the High Streets they run parallel too.

In this case, Murray Street runs parallel to University Avenue, which is identified as a High Street, and the existing institutional buildings are between 11 and 18-storeys. Given this and the location of the lands in close proximity to a designated *Neighbourhoods*, it would be expected that any proposal development at the neighbouring sites to the east would be at a lower level than the buildings fronting University Avenue and form part of a gradual transition to the west.

Given this and that the site does not fall within a High Street or Secondary High Street area as identified by Map 1 of the Guidelines, the height of the proposed building would be excessive in comparison to the existing buildings to the east and southeast, and would be incongruous within the planned context for the lands to the east.

To the south the proposed development would face the blank north elevation of the adjacent 14-storey residential building and would be separated by a narrow private lane with the proposed building set back 0.3 metres from the lot line. The significant projection of the proposed building above this neighbouring building (approximately 28 metres higher), together with the lack of an adequate set back to the south and an insufficient step back of the front façade results in a poor relationship between the

two buildings and would appear incongruous within the area. A reduced set back to the south for the height of the neighbouring building could result in a more consistent and well designed frontage onto the east side of McCaul Street. However, the acceptability of a reduced set back up to the height of the neighbouring property to the south would be subject to the overall height, setbacks and step backs, massing and design of the proposal and all other relevant planning matters relating to the proposal being acceptable.

Given the surrounding land uses and the existing and planned context for the area, the proposed building height and massing would be incongruous within the area and would not represent an appropriate transition from the lower height of the buildings to the north and west or to the greater heights of the buildings on University Avenue to the east.

Setbacks and Floor Plate

The proposed building would be set back 0.3 metres from both the north and south lot lines of the property. The 'shifting boxes' massing of the building results in setbacks of between 5.5 and 6.2 metres to the rear (east) and fronting McCaul Street (west) stepbacks of between 2.8 and 3.3 metres from the base building. The proposal would have varying floor plates across each storey but these would generally be over 1090 square metres for the tower elements.

Council-approved OPA 352 (By-law 1105-2016) is based on the City's Tall Building Guidelines and speaks to the importance of providing sufficient setbacks and separation distances between tower portions of tall buildings to provide for privacy, sunlight and sky views. Council-adopted Zoning By-laws 1106-2016 and 1107-2016 require any building proposed within the Downtown to provide a minimum setback of 3 metres to a lot line abutting a street that is a public highway and 12.5 metres to the centre line of that street, and 12.5 metres to a lot line having no abutting street or public lane. While currently under appeal, these By-laws reflect Council direction related to achieving appropriate separation distances.

OPA 352 acknowledges that some sites are simply too small to accommodate tall building development as it is not possible to provide the required separation distances. Development of tall buildings on such sites results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants and the overall liveability of the City.

The lands to the north of the site currently include an access drive and a surface parking lot with a centrally located designated heritage building. While these lots include potential constraints on development, these lands could be amalgamated and redeveloped in the future. While to the east, the existing parking garage building has potential to be redeveloped, which is discussed in more detailed below. The setbacks of the proposed building 0.3 metres from the north lot line and between 5.5 and 6.2 metres to the rear (east) lot line does not have regard to the relationship of the proposed building to the potential redevelopment of neighbouring sites.

The Tall Building Design Guidelines detail that any increase in tower floor plates size over 750 square metres require that exceptional design attention be given to the shape and articulation of the tower to diminish the overall scale and impact of the building mass. For the reasons set out in this report, the proposed building is not considered to have an exceptional shape or articulation that would diminish its impact. Therefore, the proposed floor plate of the tower element measuring over 1090 square metres is excessive and unjustified.

A proposed development that does not incorporate appropriate separation distances to the lot lines of adjacent sites and an overly large floor plate is an indication of overdevelopment. The proposed building would be contrary to the Tall Building Design Guidelines, Council-approved OPA 352 and relevant By-laws, and the Council endorsed directions of the Proposed Downtown Plan. The lack of setbacks and overly large floor plate, like the height discussed above, are indicative of a building which is too large for its site.

Considering the proposed height, massing, setbacks and step backs, the proposed development does not respond appropriately or provide an appropriate transition in height, massing or density to the low density and low-rise, largely designated *Neighbourhoods* to the west or to the existing and planned context of the lands to the north, east and south. Beyond this the proposed building would not represent a transitional form to the tall buildings along University Avenue.

In its current form, the proposal's height, massing and set backs are contrary to the City's Official Plan transition and Built Form policies, the Tall Building Design Guidelines, Council-approved OPA 352 and By-laws 1105-2016, 1106-2016 and 1107-2016, and the Council endorsed directions of the Proposed Downtown Plan, which implement the Provincial Planning Statement and Growth Plan for contextually appropriate development.

Sun, Shadow and Wind

The submitted shadow study shows that the proposed development would result in additional shadowing to the designated *Neighbourhoods* to the west and northwest of the site in the morning during the spring and fall equinoxes, as well as on June 21st. This is not supported by staff, nor does it conform with Official Plan *Mixed Use Areas* Policy 4.5, particularly Policy 2 d), which requires development within designated *Mixed Use Areas* to locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes.

Although McCaul-Orde Parkette to the north of the site is not clearly delineated in the submitted shadow study, the proposed development would be likely to result in

Staff report for action – Request for Direction – 193-195 McCaul Street

additional shadowing to the southernmost part of the designated *Park* in the morning during the spring and fall equinoxes. This is not supported by staff, nor does it conform with Official Plan policy 3.1.2.3(f) and 3.2.3.3, which seek to minimize the shadow impacts of development on parks and open space.

A detailed pedestrian wind level assessment submitted with the application shows that the proposal would not result in unacceptable impacts on pedestrians at grade level.

Residential Unit Mix

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities design guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The proposed overall unit breakdown consists of 7% studios, 63% one-bedroom units, 18% two-bedroom units and 12% three-bedroom units, which meets the intent of the relevant housing policies and guidelines. However, 34 of the 2 and 3-bed units (12.8% of total units) would have floor areas below the recommended range of unit sizes in the Growing-Up Urban Design Guidelines. The residential mix of units should be maintained as part of any resubmission, while the floor areas of the units should be increased to meet the recommended range of unit sizes to provide a diversity of bedroom sizes.

Amenity Space

Amenity space is required for this development at a rate of 2.0 square metres per unit for a total of 532 square metres of each, indoor and outdoor space. The proposed development would provide 521square metres of indoor amenity space (a ratio of 1.96 square metres per unit), which includes a guest suite and 202 square metres of outdoor amenity space (a ratio of 0.76 square metres per unit). The proposed outdoor amenity space provision should be increased.

Traffic Impact, Parking and Loading

The submitted Urban Transportation Considerations report prepared by BA Consulting Group Ltd dated August 1, 2017, details that the proposed development would generate approximately 25 two-way trips during the Am and PM peak hours. Transportation Services staff have reviewed the submitted report and concur with the conclusion that projected site traffic will have a minimal impact on the area intersections and can be acceptably accommodated on the adjacent road network.

The proposed development includes 81 parking spaces, consisting of 70 resident vehicular parking spaces, 11 visitor parking spaces and zero commercial parking spaces. However, Zoning By-law 438-86 requires a total of 189 parking spaces, comprising 163 resident spaces and 16 residential visitor spaces. The submitted Urban Transportation Considerations report details that the proposed parking supply is supported by the developments location near high-level transit services, both on and off-site bicycle parking and the availability of car-sharing spaces in the area. Additionally, parking supply and uptake rates in the area are similar to those proposed. Transportation Services staff have reviewed this report and note that the justification provided for the reduction in the resident parking and residential visitor parking requirements is satisfactory.

On-site loading will be provided within the form of one Type G loading space, which is consistent with the requirements of the Zoning By-law. However, further revisions are required to the layout of the ground floor of the building to ensure that there is sufficient manoeuvring space for vehicles to access/egress this space.

Bicycle Parking

The Official Plan contains policies which encourage reduced automobile dependency as well as promoting alternative modes of transportation. The objective is to increase the opportunities for better walking and cycling conditions for residents. The development proposes to provide 267 resident bicycle parking spaces, comprising 239 long-term spaces and 28 short-term spaces, which meets requirements of the zoning by-law, and is therefore acceptable.

Servicing

Engineering and Construction Services staff require revisions to the Servicing Report, the Landscape Plan and the Hydrological Assessment. This information must be provided and reviewed by Engineering and Construction Services staff before the approval of a site specific Zoning By-law to allow for the redevelopment of the site.

Parkland

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8b of the Toronto Official Plan shows local parkland provisions across the City. The site is in the lowest quintile of current provision of parkland and is in a parkland acquisition priority area, as per chapter 415, article iii of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in chapter 415, article III of the Toronto Municipal Code, the proposed development's parkland dedication requirement is 3,547 square metres or 228% of the site area. However, for sites less than 1 hectare in size, a cap of 10% is applied for the residential use while the non-

residential use is subject to a 2% parkland dedication. The total parkland dedication requirement is 157 square metres.

The site is located in an area of low parkland provision and in accordance with Official Plan Policy 3.2.3.7, the applicant is requested to satisfy the parkland dedication through acquiring off-site parkland that will contribute positively to existing parks within the neighbourhood. The applicant is encouraged to work with other development applicants within 500 metres of their site to consolidate multiple off-site parkland dedication requirements with the conveyance of one site. The size and location of the parkland would be subject to the approval of the General Manager, Parks, Forestry and Recreation and would be subject to conditions for conveyance of parkland prior to the issuance of the first above grade building permit.

Public Realm

The Tall Building Design Guidelines detail that a 6 metre sidewalk width should be provided. The proposal includes a 2 metre setback of the main building frontage to the front property line that would provide weather protection, but would result in a substandard sidewalk width of 5.5 metres. The proposal should be revised to ensure a 6 metre wide sidewalk is provided to McCaul Street.

In addition to this and as detailed in the Transportation Services comments dated September 25, 2017, a minimum pedestrian clearway of 2.1 metres on McCaul Street is required to be provided. Due to the location of the proposed street trees and bicycle post and rings, the 2.1 metre cannot be achieved entirely within the City right-of-way. As such, it is necessary for the owner to provide and convey a public pedestrian easement in perpetuity to the City for the full extent of the pedestrian clearway to be accommodated on private property.

Trees

The Arborist Report by The Tree Specialists Inc. dated August 1, 2017, confirms that there are no trees on the site. However, there are private trees to the north of the site and a City tree to the south of the site that may require tree protection during construction.

The application proposes the planting of two street trees on McCaul Street. Urban Forestry staff have noted that the two trees proposed to be planted within the McCaul Street sidewalk would not meet the Toronto Green Standards and that a total of five trees within this area. Additional trees should be provided as part of the proposal and adequately detailed on the proposed landscape plans.

Community Services and Facilities

The submitted Community Services and Facilities Report, prepared by Bousfields Inc and dated August 2017, states that since 2006 there has been a moderate population growth within the Kensington-Chinatown Neighbourhood. Looking at the population growth between 2001 and 2011, there has been a population growth rate of 8.5% in this neighbourhood, which is a significant increase. This rate of growth must be balanced with the provision of a full range of community services, parks and amenities to serve the population.

Although some community services and amenities are being added to the area, the cost of land and lack of appropriate spaces presents challenges to providing community infrastructure to serve this intensity of growth. Approval of development with excessive density puts added pressure on this existing infrastructure deficit. If redevelopment of this site advances opportunities to contribute to improvements to local community services and facilities will be identified through the development's Section 37 benefits discussed below.

Tenure

The proposed tenure is condominium.

Toronto Green Standard

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

The applicant is required to meet Tier 1 of the TGS. To this end, the development proposes the required number (239 and 28) of long-term and short-term bicycle parking spaces respectfully. Should the zoning by-law amendment application be approved in some form, the subsequent Site Plan Control application will be further reviewed for compliance with the TGS.

Section 37

Section 37 of the *Planning Act* allows the City to require community benefits in situations where increased density and/or height are permitted. Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include: affordable housing; streetscape improvements on the public boulevard not abutting the site; and other works detailed in Section 5.1.1.6 of the Official Plan. Section 37 may also be used as may otherwise be agreed upon, subject to the policies contained in Chapter 5 of the Official Plan. The community benefits must bear a reasonable planning relationship to the proposed development including, at a minimum, an appropriate geographic relationship and may relate to planning issues associated with the development (e.g. local shortage of parkland). No discussions were advanced as the development review process had not resulted in an agreement on the proposal to date.

City Planning staff recommend that the City Solicitor be directed to request the Ontario Municipal Board, in the event it determines to allow the appeals in whole or in part, to withhold any Order that may approve the development until such time as the City and the owner have presented by-laws to the Board in a form acceptable to the Acting Director, Community Planning, Toronto and East York District and the City Solicitor. This includes providing for the appropriate Section 37 benefits to be determined and incorporated into any zoning by-law amendment and a satisfactory Section 37 agreement has been entered into as between the City and the owner and registered on title, all to the satisfaction of the Acting Director, Community Planning, Toronto and East York District and the City Solicitor.

CONCLUSION

City Planning staff do not support the proposal in its current form, as it does not conform with the applicable planning framework for the area, is not consistent with the existing character of the area and does not achieve a compatible relationship with the built form context. A reduction in building height, increased separation distances and step backs from adjacent properties and additional amenity space are required. It is recommended that the City Solicitor, together with City Planning and other appropriate staff, be directed to attend the OMB hearing in opposition to the appeal. Staff will continue to work with the applicant to achieve an acceptable built form for the site that is sensitive to its context.

CONTACT

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SIGNATURE

Lynda H. Macdonald, Acting Director, Community Planning Toronto and East York District

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ATTACHMENTS

Attachment 1: Site Plan/Ground Floor

Attachment 2: North Elevation

Attachment 3: East Elevation

Attachment 4: South Elevation

Attachment 5: West Elevation

Attachment 6: Application Data Sheet

Attachment 7: Zoning



Not to Scale >>

Attachment 2: North Elevation



North Elevation

Applicant's Submitted Drawing

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Attachment 3: East Elevation

East Elevation

Applicant's Submitted Drawing

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Attachment 4: South Elevation



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File # 17 211689 STE 20 0Z



Attachment 5: West Elevation

West Elevation

Applicant's Submitted Drawing

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Attachment 6: Application Data Sheet

Application Type Rezoning		5	Application Number:			17 211689 STE 20 OZ			
Details	Rezoning, Star		d Application Date:		August 4, 2017		, 2017		
Municipal Address: 193 MC C.		CAUL ST							
Location Description: **GRID		S2009							
Project Description:	storey re 18,905.0	Zoning By-law Amendment application to facilitate redevelopment of the site for a 19- storey residential/mixed-use building (19 storeys), with a total of 266 residential units: 18,905.0 sq. m. residential GFA and 597 square metres of retail/service commercial space located on the ground floor.							
Applicant:	Agent:		Architect:		Own	Owner:			
KIM KOVAR	BOUSFI	ELDS INC	ARCHITEC	ARCHITECTS ALLIANCE		BJL MCCAUL INC			
PLANNING CONTROLS									
Official Plan Designation: Mixed Use A		se Areas	eas Site Specific Provision:						
Zoning:	CR T2.5	5 C1.0 R2.0	Historical	Historical Status:					
Height Limit (m):	14		Site Plan	Site Plan Control Area:					
PROJECT INFORMATION									
Site Area (sq. m):		1605	Height:	Storeys:	19				
Frontage (m):		44.85		Metres:	64.4				
Depth (m):		35.87							
Total Ground Floor Area (sq. m):		909				Tota	l		
Total Residential GFA (sq. m):		18909	Parking		es:	81			
Total Non-Residential GFA (sq. m):		597		Loading Dock	CS .	1			
Total GFA (sq. m):		19502							
Lot Coverage Ratio (%):		57							
Floor Space Index:		12.15							
DWELLING UNITS FLOOR AREA BREAKDOWN (upon project completion)									
Tenure Type:	enure Type: Condo				Above Grade		Below Grade		
Rooms:	0	Resident	ial GFA (sq. m):	189	18905		0		
Bachelor:	19	Retail G	FA (sq. m):	597	597		0		
1 Bedroom:	168	Office G	FA (sq. m):	0	0		0		
2 Bedroom:	47		tial GFA (sq. m):		0		0		
3 + Bedroom: 32		Institutio	onal/Other GFA (se	q. m): 0			0		
Total Units:	266								
CONTACT: H	PLANNER NAME:	Nathanie	l Baker, Planner						

TELEPHONE:

416-338-2073





