

276-294 Main Street and 144 Stephenson Avenue (formerly 286-294 Main Street) - Zoning By-law Amendment Application - Request for Directions Regarding LPAT Hearing

Date: January 25, 2019

To: Toronto and East York Community Council

From: City Solicitor

Wards: Ward 19 - Beaches-East York

REASON FOR CONFIDENTIAL INFORMATION

This report contains advice or communications that are subject to solicitor-client privilege. This report contains information regarding potential litigation.

SUMMARY

Tribute (Danforth) Limited ("Tribute") is the owner of lands municipally known as 276-294 Main Street and 144 Stephenson Avenue (the "Subject Site").

The Original Application

On June 30, 2017, Tribute submitted a Zoning By-law Amendment application to the City, proposing to develop a 30-storey (93.3 metres plus a 5 metre mechanical penthouse) mixed-use building at the lands municipally known as 286-294 Main Street (the "Original Application"). The Original Application proposed a gross floor area ("GFA") of 22,444.8 square metres: 20,908 square metres of residential, 110.3 square metres of retail and 1,426.5 square metres of office. The proposed Floor Space Index (FSI) of the Original Application was 12.57 times the area of the lot.

On December 19, 2017, Tribute appealed its Zoning By-law Amendment application to the Local Planning Appeal Tribunal (the "LPAT") due to Council's failure to render a decision within the prescribed timeframe in the *Planning Act* (the "Appeal").

At its meeting on May 22, 2018, City Council adopted a Request for Directions report in respect of the Original Application and directed the City Solicitor and City staff to attend

the LPAT in opposition of the Original Application and to continue negotiations with Tribute to address the issues outlined in the Request for Directions Report.

The Settlement Offer

Further to City Council's instructions, City staff and Tribute have been engaging in without prejudice discussions. On January 25, 2019, the City Solicitor received a without prejudice settlement offer (the "Settlement Offer") from the applicant.

The Settlement Offer includes additional lands. Tribute has purchased the adjacent properties at 276-284 Main Street, which lie to the south of the lands included in the Original Application, and has incorporated the new lands into a revised development proposal (the "Revised Proposal").

The Revised Proposal is for a 27-storey (83.9 metres plus a 5 metre mechanical penthouse) mixed-use building at 276-294 Main Street. An on-site park is proposed at 144 Stephenson Avenue. The new proposed GFA is 27,874.7 square metres: 26,221.9 square metres of residential, 139.1 square metres of retail and 1,513.7 square metres of office. The FSI of the Revised Proposal is 8.67 times the area of the lot.

Key Changes to the Original Application

The key changes to the Original Application in the Revised Proposal are:

- Reducing the overall density of the proposal from an FSI of 12.57 to 8.67;
- Reducing the building height from 30 storeys (93.3 metres excluding mechanical penthouse) to 27 storeys (83.9 metres excluding mechanical penthouse);
- Improving tall building setbacks that generally meet the Tall Building Design Guidelines;
- Increasing the distance of the tower from the nearest low-rise residential building from 22.6 metres to 34.7 metres;
- Providing 10 percent of the residential units 3-bedroom units, whereas none were provided in the Original Application;
- Increasing sidewalk width from a range of 3.0-5.9 metres to 6.0 metres;
- Providing on-site parkland dedication at 144 Stephenson Avenue; and
- Incorporating appropriate conservation of the potential heritage building at 292 Main Street.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the recommendations contained in the Confidential Attachment 1 to this report.
2. City Council authorize the public release of the confidential recommendations contained in the Confidential Attachment 1 if adopted by City Council.
3. City Council direct that all other information contained in Confidential Attachment 1 is to remain confidential at the discretion of the City Solicitor, as it contains advice which is subject to solicitor-client privilege.

FINANCIAL IMPACT

Adopting this report will have no financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

A pre-application meeting was held on June 8, 2017. The current application was submitted on June 30, 2017 and deemed complete on August 18, 2017.

A Preliminary Report on the application was adopted by Toronto and East York Community on October 17, 2017 authorizing staff to conduct a community consultation meeting. The Preliminary Report can be accessed online at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.TE27.42>

A Request for Direction Report on the application was adopted by City Council on May 22, 2018 in response to the applicant filing an appeal to the Local Planning Appeal Tribunal (the "LPAT"), citing City Council's failure to make a decision within the time required by the *Planning Act*. The Request for Direction Report can be accessed online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.22>

A pre-hearing conference was held at the LPAT on June 12, 2018. At the pre-hearing conference, the LPAT scheduled a five-day hearing of the appeal for June 24-28, 2019.

COMMENTS

The table below outlines the differences between the Original Application and the Revised Proposal:

	Original Application	Revised Proposal
Site Address	286-294 Main Street	276-294 Main Street
Site Area (square metres)	1,785.6	3,215.8
Floor Space Index	12.57	8.67
Breakdown of Gross Floor Area (square metres)		
Residential	20,908	26,221.9
Retail	110.3	139.1
Office	1,426.5	1,513.7
Total	22,444.8	27,874.7
Unit Mix		
One-Bedroom	106 (35.2 percent)	234 (65 percent)
Two-Bedroom	195 (64.8 percent)	90 (25 percent)
Three-Bedroom	0 (0 percent)	36 (10 percent)
Total	301 (100 percent)	360 (100 percent)
Residential Amenity Space (square metres per unit)		
Indoor	451.5 square metres (1.5 per unit)	547.5 square metres (1.5 per unit)
Outdoor	522.4 square metres (1.7 per unit)	550.7 square metres (1.5 per unit)
Car Parking Spaces	114 (82 residential / 30 visitor / 2 car share)	151 (129 residential / 22 visitor/non-residential)
Bicycle Parking Spaces	377	449

Tower Height (metres/storeys)	93.3 (30 storeys)	83.9 (27 storeys)
Tower Floor Plates (square metres)	744	749
Tower Setbacks (metres)		
North	7.5	12.5
South	5.0	19.1
East	3.0	3.1
West	5.5-16.6	23.0
Sidewalk Width (metres)	3.3-5.9	6.0
Distance from tower to low rise neighbourhoods (metres)	22.6	34.7
Parkland (square metres)	Cash-in-lieu	On-site parkland at 144 Stephenson Avenue (365 square metres)
Heritage Conservation	No regard for potential heritage resources	Retention of potential heritage building at 292 Main Street

See Appendix C for the revised architectural drawings, including revised site statistics, prepared by Turner Fleischer Architects and dated January 24, 2019.

City Planning has provided the following background information.

Site and Surrounding Area

The subject site of the Original Application was located mid-block on the west side of Main Street, one property south of Danforth Avenue. Four existing buildings occupy the site: a 1-storey building with retail at grade at 286 Main Street; a 2-storey building with retail at grade and a residential unit above at 288-290 Main Street; a 2-storey building with a medical office at 292 Main Street; and a 5-storey medical office building with retail at grade at 294 Main Street. Surface parking is also present onsite, and a public laneway is located at the rear.

The Revised Proposal increases the area of the subject site to 3,215 square metres. Tribute assembled additional lands to the south of the site of the Original Application, at

the lands municipally known as 276-284 Main Street. These lands currently feature a 1-storey building with a partial second floor addition. To the rear of this building is a surface parking lot.

Uses surrounding the site include:

North: Immediately to the north are 2- and 3-storey mixed-use buildings fronting on Danforth Avenue. The building immediately north of the subject site, currently occupied by an optical store, is a building with heritage potential as indicated in the Danforth Avenue Planning Study. This building contributes to the main street character of Danforth Avenue and Main Street. On the north side of Danforth Avenue is the Hope United Church and a 7- storey senior's residence. The Hope United Church also has heritage potential as indicated in the Danforth Avenue Planning Study. Further northeast is the TTC Main Street subway station (approximately 150 metres from the proposal). To the north is also an application to amend the Zoning By-law for a 10-storey building at 2494 Danforth Avenue (an existing Shoppers Drug Mart store). This application (File No. 17 278384 STE 31 OZ) is currently under review.

South: Immediately to the south is Stephenson Avenue, across from which is a 1-storey non-residential building, a 2-storey detached house, a 2-storey Toronto Community Housing townhouse complex, and a hydro transformer station.

East: Immediately to the east is the embankment of the Main Street bridge over the rail corridor. Across Main Street is the Main Square complex comprising the following buildings: a 29-storey apartment building with retail at grade; a 22-storey apartment building with retail at grade; a 24-storey apartment building; and a 9-storey apartment building. To the south of the complex is the 2-storey Main Square Community Recreation Centre. In addition, two new buildings (a 15-storey building at the corner of Main and Danforth and a 32-storey building at the southeast corner of the site) received zoning approval in 2006 and are undergoing site plan review (File No. 06 157044 STE 32 SA). The Danforth GO Station is also located to the southeast, on the east side of Main Street and south of Stephenson Avenue. Currently, Metrolinx is undertaking a connectivity study which is examining how to improve the station's functionality from a user perspective to connect more easily with the wider community.

West: Immediately to the west is a public laneway to be widened to City standard. Across the laneway, on the southwest side, are 1- and 2-storey residential homes fronting on Stephenson Avenue. To the northwest side are 1- and 3-storey mixed-use buildings fronting on Danforth Avenue.

Provincial Land-Use Policies: Provincial Policy Statement and Growth Plan

Provincial Policy Statements and geographically specific Provincial Plans, along with municipal Official Plans, provide a policy framework for planning and development in the Province. This framework is implemented through a range of land use controls such as zoning by-laws, plans of subdivision and site plans.

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong Report for Action with Confidential Attachment - 276-294 Main Street and 144 Stephenson Avenue - Request for Directions Regarding LPAT Hearing

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;
- *The provision of an appropriate range of housing types and densities to meet projected requirements of current and future residents. Healthy, livable and safe communities are achieved, amongst other means, by accommodating a range of residential, employment, institutional and other uses to meet long-term needs, facilitating all forms of residential intensification and redevelopment, promoting densities for new housing which effectively use land, resources, infrastructure and public services, and support the use of public transit;*
- The conservation of *significant built heritage resources and significant cultural heritage landscapes; and*
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under Section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan 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.

In accordance with Section 3 of the *Planning Act* all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

Provincial Plans are intended to be read in their entirety and relevant policies are to be applied to each situation. The policies of the Plans represent minimum standards. Council may go beyond these minimum standards to address matters of local importance, unless doing so would conflict with any policies of the Plans.

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS and shall conform with Provincial Plans. All comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS and conform with Provincial Plans.

Policy 5.1 of the Growth Plan states that where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of its decision as it relates to the policies of the Growth Plan which require comprehensive municipal implementation.

City of Toronto Official Plan

The Official Plan designates the property as *Mixed Use Areas*, which are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings, as well as parks and open spaces and utilities.

The Official Plan provides development criteria for *Mixed Use Areas* that include the direction to:

- locate and mass new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Official Plan, through means such as providing appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*;
- locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes;
- provide good site access and circulation and an adequate supply of parking for residents and visitors;
- provide an attractive, comfortable and safe pedestrian environment;
- locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and
- provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

Section 3.1.2 – "Built Form" indicates that development will be located, organized and massed to fit harmoniously with the existing and/or planned context. Development will limit its impacts on neighbouring properties and the public realm by respecting street proportions, creating appropriate transitions in scale, providing for adequate light and privacy, limiting impacts of servicing and vehicular access on the property and neighbouring properties; and limiting shadow and wind impacts.

Section 3.2.1 – "Housing" indicates that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. The Official Plan also includes policies encouraging the increase in new housing through intensification and infill that is consistent with the Official Plan.

Adjacent Land Use Designations

The properties directly to the north front on Danforth Avenue, which is also a *Mixed Use Areas* designation and within an *Avenue* in Map 2 – Urban Structure of the Official Plan. Avenues are "important corridors along major streets where reurbanization is anticipated and encouraged to create new housing and job opportunities, while improving the pedestrian environment, the look of the street, shopping opportunities and transit service for community residents", according to Section 2.2.3 of the Plan. City Staff have completed the Danforth Avenue, from Victoria Park to Coxwell Avenue, planning study (further discussed below).

The properties directly to the west are designated *Neighbourhoods* in the Official Plan, which are considered to be physically stable areas. Policy 2 of Section 2.3.1 – "Healthy Neighbourhoods" states that developments in *Mixed Use Areas* that are adjacent or close to *Neighbourhoods* will:

- Be compatible with those *Neighbourhoods*;
- Provide a gradual transition of scale and density through the stepping down of buildings towards and setbacks from those *Neighbourhoods*;

- Maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- Attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

The City of Toronto Official Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

Official Plan Amendment 320

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, Neighbourhoods and Apartment Neighbourhoods policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized Apartment Neighbourhood sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the OMB issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here: www.toronto.ca/OPreview/neighbourhoods.

In addition, OPA 320 adds new criteria to existing Healthy Neighbourhoods policy 2.3.1.2 in order to improve the compatibility of new developments located adjacent and close to Neighbourhoods and in Mixed Use Areas, Apartment Neighbourhoods and Regeneration Areas. The new criteria address aspects in new development such as amenity and service areas, lighting and parking.

Official Plan Amendment 420 (Danforth Avenue Planning Study)

In July 2014, City Council requested the City Planning Division to undertake a study of Danforth Avenue, in two segments, between the Don River and Coxwell Avenue and Coxwell Avenue and Victoria Park Avenue. On July 23, 2018, City Council adopted Official Plan Amendment 420 with respect to Phase 1 of the Danforth Avenue Planning Study, applying to Danforth Avenue from Coxwell Avenue to Victoria Park Avenue. City Council's decision can be accessed online at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.22>

The Danforth Avenue Planning Study was a multi-disciplinary review conducted as a comprehensive and integrated planning study. The study reviewed the character, placemaking, built form, public realm, retail vitality, community services and facilities, heritage and historic character of Danforth Avenue in the context of the various surrounding neighbourhoods.

The subject site is adjacent to but not part of the Danforth Avenue Planning Study. Given the adjacency, OPA 420 has informed the review of this development application.

For more information on the Danforth Avenue Planning Study, please see the study's website at: <http://www.toronto.ca/danforthstudy>.

Main Street Planning Study

On November 7, 2017, City Council requested the City Planning Division to undertake further study of development potential within proximity of the Main Street subway station and the Danforth GO station. The study area encompasses properties designated as Mixed Use Areas along Danforth Avenue, generally within 500 metres of Main Street subway station, Main Street, Dawes Road, and the intersection of Gerrard Street East and Main Street.

This study functions as an addendum to the Danforth Avenue Planning Study by specifically looking at relating tall buildings to the mid-rise planned context of Danforth Avenue and supporting provincial and municipal policy objectives of intensification, both jobs and people, in areas well served by surface transit and rapid transit stations. Official Plan policy 2.2.1(a) states the Plan will create a better urban environment, a competitive local economy and a more socially cohesive and equitable city through the integration and coordination of transportation planning and land use planning by attracting more people and jobs to targeted growth areas in the City that are supported by good and affordable transit services and other infrastructure.

On July 3, 2018, Toronto and East York Community Council received an Update Report on the study. The report can be access online at:
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE34.91>

Final policy recommendations for the Main Street Planning Study are targeted for the second quarter of 2019.

Zoning

Former City of Toronto Zoning By-law 438-86

The site is split into three zoning categories. The properties at 292-294 Main Street are zoned MCR T3.0 C2.0 R2.5, which permits a maximum density of 3 times the area of the lot and a maximum height of 14 metres. The properties at 286-276 Main Street are zoned CR T2.0 C1.0 R2.0, which permits a maximum density of 2 times the area of the lot and a maximum height of 14 metres. Both zoning categories permit a wide range of residential and non-residential uses including apartment buildings, triplexes, row houses, live-work units, retail stores, restaurants, offices, and institutional and community services.

The property at 144 Stephenson Avenue is zoned R2 Z0.6 in the former City of Toronto Zoning By-law 438-86 which permits low density residential uses including apartment buildings up to a density of 0.6 times the lot area. The maximum permitted height is 10 metres.

Citywide Zoning By-law 569-2013

As with Zoning By-law 438-86, the site is split into three zoning categories. The properties at 292-294 Main Street are zoned CR 3.0 (c2.0; r2.5) SS2 (x2219), which
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permits a maximum density of 3 times the area of the lot and a maximum height of 14 metres. The properties at 286-290 Main Street are zoned CR 2.0 (c1.0; r2.0) SS2 (x1160), which permits a maximum density of 2 times the area of the lot and a maximum height of 14 metres. Both zoning categories permit a wide range of residential and non-residential uses including apartment buildings, triplexes, row houses, live-work units, retail stores, restaurants, offices, and institutional and community services. Additionally, both zoning categories apply Development Standard Set 2, which sets out provisions with regard to building setbacks, encroachments, landscaping, and parking, among others.

This site is zoned R (d0.6) (x736) in Zoning By-law 569-2013 which is currently under appeal. This zoning permits a range of residential uses including detached and semidetached homes, townhouses and apartment buildings and limited non-residential uses. The total permitted density for all uses is 0.6 times the area of the lot. The height limit is 10 metres.

Design Guidelines

City-Wide Tall Building Design Guidelines

City Council has adopted city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of tall building development applications. The Guidelines establish a unified set of performance measures for the evaluation of tall building proposals to ensure they fit within their context and minimize their local impacts. The link to the Guidelines is here:

<https://www.toronto.ca/legdocs/mmis/2013/pg/bgrd/backgroundfile-57177.pdf>

Avenues and Mid-rise Buildings Study and Performance Standards

City Council adopted the Avenues and Mid-rise Buildings Study and an addendum containing performance standards for mid-rise buildings. They identify a list of best practices and establish a set of performance standards for new mid-rise buildings. Key issues addressed include maximum allowable building heights, setbacks and step backs, sunlight and skyview, pedestrian realm conditions, transition to Neighbourhoods and Parks and Open Space Areas and corner sites. The link to the guidelines is here:

<https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/mid-rise-buildings/>.

City Council also adopted a revised Mid-Rise Building Performance Standards Addendum, for staff to use together with the 2010 approved Mid-Rise Building Performance Standards in the preparation of area studies or during the evaluation of development applications, where mid-rise buildings are proposed and Performance Standards are applicable, until such time as City Council adopts updated Mid-Rise Building Design Guidelines. Council's decision is here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PG12.7> and <http://www.toronto.ca/legdocs/mmis/2016/pg/bgrd/backgroundfile-92537.pdf>.

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. The Growing-Up Draft Urban Design Guidelines were considered in the review of this proposal.

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

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies, boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services, such as sewer, water, roads and transit. The City's Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible. Providing for a full range of community services and facilities in areas experiencing major or incremental growth, is a responsibility shared by the City, public agencies and the development community.

On July 23, 2018, City Council adopted the Danforth Avenue Planning Study. At that time, City Council directed City Planning, Social Development, Finance and Administration, Parks, Forestry and Recreation, Children's Services Division and any related City divisions, to develop a Social Development Plan that identifies the necessary service providers and programs for the Main Street and Danforth Avenue area and to develop a Community Service and Facilities Plan that identifies the necessary services and facilities for the Main Street and Danforth Avenue area in anticipation of increased intensification in this area. This direction applies to the ongoing Main Street Planning Study, which seeks to review built form, particularly taller buildings, in the proximity to the Main Street TTC station and Danforth GO station. Upon the completion of the Main Street Planning Study (targeted for the second quarter of 2019), City Planning, together with divisions already named, will develop the Social Development Plan and Community Service and Facilities Plan, both of which will inform what services and facilities are required in order to accommodate future growth in the area.

Any Section 37 funds to be provided as part of this application would be used to upgrade existing community services or be added toward the future provision of a new community space within the area.

Toronto Green Standard

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and Report for Action with Confidential Attachment - 276-294 Main Street and 144 Stephenson Avenue - Request for Directions Regarding LPAT Hearing

demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. Performance measures for the Tier 1 development features will be secured through the site specific zoning by-law in terms of automobile and cycling infrastructure as well as storage and collection of solid waste. Further TGS features would be secured through the site plan approval process, should the development proceed, such as stormwater retention.

Community Consultation

City Planning staff, in consultation with the Ward Councillor at the time of the application, hosted a community consultation meeting on January 9, 2018. At this community consultation, staff and the applicant presented the Original Application to the community. At the meeting, the community identified concerns with the lack of three bedroom units, designing a pedestrian-scaled base building, providing parking for the proposed commercial uses, and ensuring replacement of the medical office.

Additionally, residents were concerned with the intersection at Main and Danforth and with at Main and Stephenson and concerned with regard to capacity for community services and facilities. Both of these issues will be addressed in the Main Street Planning Study, which is looking at improving the existing road network as well as engaging with the community services and facilities needs needed to accommodate future growth in this area.

Lastly, residents spoke to building materials that are sensitive to migratory birds. If the development proceeded, this issue could be resolved through the site plan control process and would be secured in the site plan agreement.

The community consultation was previously reported on in detail in the initial Request for Direction Report dated April 16, 2018. The report can be accessed online at: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.TE32.22>

Site Plan Control

The proposal is subject to Site Plan Control. An application (file no. 17 10-775 STE 32 SA) for Site Plan Control has been submitted in conjunction with the zoning by-law amendment application.

Matters to be addressed through the site plan control application would include: materiality of the building, design excellence, stormwater management, landscaping, parking level layouts and site circulation, among others.

Reasons for Application

The proposed 27-storey mixed-use building is situated within three zoning categories. The properties at 292-294 Main Street are within a commercial-residential zone with a maximum permitted density of 3 times the area of the lot and a height limit of 14 metres.

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The properties at 276-290 Main Street are within a commercial-residential zone with a maximum permitted density of 2 times the area of the lot and a height limit of 14 metres. The property at 144 Stephenson Avenue is within a residential zone with a maximum permitted density of 0.6 times the area of the lot and a height limit of 10 metres.

The proposed density of the Revised Proposal is 8.67 times the area of the lot and the proposed height is 83.9 metres (excluding mechanical), located on the 276-294 Main Street properties. The proposed density and height exceed the maximum permitted density and height in both Zoning By-law 438-86 and 569-2013. A zoning bylaw amendment is therefore required. The property at 144 Stephenson Avenue is proposed to be a public park, which does not require a site specific zoning permission.

Revised Proposal Submission

The following reports/studies were submitted in support of the revised proposal:

- Architectural Plans, dated January 24, 2019
- Table prepared by Cassels Brock showing changes from original application to revised application
- On-site Parkland Landscape Concept dated October 22, 2018
- Hydrogeological Opinion Letter, dated January 15, 2019

Agency Circulation

The revised proposal, together with the plans and studies noted above, has been circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the Revised Proposal.

Conclusion

The purpose of this report is to request further instructions on the Settlement Offer. City Planning has been involved in the preparation of this report.

The City Solicitor requires further instructions. This report is about litigation before the LPAT and contains advice or communications that are subject to solicitor-client privilege. Attachment 1 to this report contains confidential advice and should be considered by Council in camera.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

1. Appendix A - With Prejudice Settlement Offer Letter dated January 25, 2019
2. Appendix B - Table Prepared by Cassels Brock dated December 20, 2018
3. Appendix C - Revised Architectural Drawings dated January 24, 2019
4. Appendix D - Revised On-site Parkland Design Concept
5. Appendix E - Hydrogeological Opinion Letter dated January 15, 2019
6. Confidential Attachment 1 - Confidential Recommendations and Confidential Information