

49 Ontario Street – Zoning Amendment Application – Preliminary Report

Date: December 11, 2019

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District

Ward 13 - Toronto Centre

Planning Application Number: 19 244188 STE 13 OZ

Current Use(s) on Site: A 2- to 7-storey, 8,092 square metre office building, with surface parking facilities

SUMMARY

This report provides information and identifies a preliminary set of issues regarding the application for a mixed use development including 3 towers (12, 29 and 36 storeys) located at 49 Ontario Street. Staff are currently reviewing the application. It has been circulated to all appropriate agencies and City divisions for comment. Staff will proceed to schedule a community consultation meeting for the application with the Ward Councillor.

RECOMMENDATIONS

The City Planning Division recommends that:

1. Staff schedule a community consultation meeting for the application located at 49 Ontario Street together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the application site, and to additional residents, institutions and owners to be determined in consultation with the Ward Councillor, with any additional mailing costs to be borne by the applicant.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

ISSUE BACKGROUND

Application Description

This application proposes to amend the Zoning By-law for the property at 49 Ontario Street to permit a mixed use development consisting of 3 towers, 12-storeys (46.95 metres), 36-storeys (127.0 metres) and 29-storeys (104.4 metres) atop a shared base building. The overall development proposes a total of 881 dwelling units consisting of 543 one-bedroom units (61%), 244 two-bedroom units (28%), and 94 three-bedroom units (11%) with a residential gross floor area of 52,243 square metres. The proposed non-residential uses include 13,138 square metres of office gross floor area and 643 square metres of retail gross floor area. The total proposed density of on the site is 10.91 FSI. A mid-block connection between Ontario Street and Berkeley Street is proposed between the 12-storey building and the towers. A total of 202 parking spaces are proposed in two underground parking levels as well as 947 bicycle parking spaces.

Detailed project information is found on the City's Application Information Centre at:

<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

See Attachments 1 and 2 of this report for a three dimensional representation of the project in context, Attachment 3 for the location map, Attachment 4 for the proposed site plan drawing and Attachment 6 for the application data.

Provincial Policy Statement and Provincial Plans

Land use planning in the Province of Ontario is a policy led system. Any decision of Council related to this application is required to be consistent with the Provincial Policy Statement (2014) (the "PPS"), and to conform with applicable Provincial Plans which, in the case of the City of Toronto, include: the Growth Plan for the Greater Golden Horseshoe (2017) and, where applicable, the Greenbelt Plan (2017). The PPS and all Provincial Plans may be found on the Ministry of Municipal Affairs and Housing website.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019) (the "Growth Plan") came into effect on May 16, 2019. This new plan replaces the previous Growth Plan for the Greater Golden Horseshoe, 2017. The Growth Plan (2019) continues to provide a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe region, of which the City forms an integral part. The Growth Plan establishes policies that require implementation through a Municipal Comprehensive Review ("MCR"), which is a requirement pursuant to Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan (2019), including the establishment of minimum density targets for and the delineation of strategic growth areas, the conversion of provincially significant employment zones, and others.

Policies not expressly linked to a MCR can be applied as part of the review process for development applications, in advance of the next MCR. These policies include:

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space that better connect transit to where people live and work;
- Retaining viable lands designated as employment areas and ensuring redevelopment of lands outside of employment areas retain space for jobs to be accommodated on site;
- 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 (2019) builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the Greater Golden Horseshoe region. The policies of the Growth Plan (2019) 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 (2019).

The Growth Plan (2019) contains policies pertaining to population and employment densities that should be planned for in major transit station areas ("MTSAs") along priority transit corridors or subway lines. MTSAs are generally defined as the area within an approximately 500 to 800 metre radius of a transit station, representing about a 10-minute walk. The Growth Plan (2019) requires that, at the time of the next MCR, the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSAs achieve appropriate densities.

Toronto Official Plan

The City of Toronto Official Plan is a comprehensive policy document that guides development in the City, providing direction for managing the size, location, and built

form compatibility of different land uses and the provision of municipal services and facilities. Authority for the Official Plan derives from The *Planning Act* of Ontario. The PPS recognizes the Official Plan as the most important document for its implementation. Toronto Official Plan policies related to building complete communities, including heritage preservation and environmental stewardship may be applicable to any application. Toronto Official Plan policies may be found here:

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

The current application is located on lands within the Downtown and Central Waterfront area on Map 2 and is designated Regeneration Areas on Map 18 of the Official Plan, as shown on Attachment 5 of this report.

The application is also located within the King-Parliament Secondary Plan.

King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan. The main objective of the Secondary Plan is to encourage reinvestment in the area for a mixture of uses that reinforces the historic built form and public realm, while ensuring growth is mutually compatible and complements the existing built form character and scale of the area. The King-Parliament Secondary Plan may be found here:

<https://www.toronto.ca/wp-content/uploads/2017/11/9063-cp-official-plan-SP-15-KingParliament.pdf>

The site is designated Regeneration Area 'A' (Jarvis-Parliament) on Map 15-1 – Land Use Plan. Regeneration Area 'A' lands are targeted for significant growth, having a mix of compatible land uses including commercial, industrial, institutional, residential, live/work and entertainment uses.

King-Parliament Secondary Plan Review

On May 22, 2018, City Council directed staff to undertake a review of the King-Parliament Secondary Plan and the area north of Queen Street East between Jarvis Street and River Street. The review focuses on three themes being built form, public realm and heritage. On October 29, 2019, City Council directed staff to use the proposed King-Parliament Plan, and directed staff to bring forward a recommended King-Parliament Secondary Plan and updated Zoning By-law to City Council by the third quarter of 2020. The proposed King-Parliament Secondary Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/te/bgrd/backgroundfile-138215.pdf>

The Downtown Plan

City Council adopted OPA 406 at its meeting on May 22-24, 2018. OPA 406 included amendments to the Downtown section of the Official Plan and Map 6 of the Official Plan and brought forward a new Secondary Plan for the entire Downtown area.

On August 9, 2018 the City's application under Section 26 of the *Planning Act* was sent to the Minister of Municipal Affairs and Housing (MMAH) for approval. The Ministry

issued its decision regarding OPA 406 on June 5, 2019. Since this application was submitted after June 5, 2019, OPA 406, the new Downtown Secondary Plan, applies to this application. The in-force Downtown Plan may be found here:

<https://www.toronto.ca/legdocs/mmis/2019/cc/bgrd/backgroundfile-135953.pdf>

The majority of the site is designated 'Mixed Use Areas 2 - Intermediate', with the exception of the Berkeley Street frontage which is designated 'Mixed Use Areas 4 - Local.' Development in Mixed Use Areas 2 will include building typologies that respond to their site context, including mid-rise and some tall buildings. Development in Mixed Use Areas 4 is intended to be of a low-rise scale.

Non-residential uses will be protected and promoted in the King-Parliament Secondary Plan Area, especially uses related to the culture sector.

Official Plan Amendment 352 - Updating Tall Building Setbacks Downtown

On October 5-7, 2016, City Council adopted Official Plan Amendment 352 - Downtown Tall Building Setback Area ("OPA 352"). OPA 352 is currently under appeal before the Local Planning Appeal Tribunal; however, there is no site-specific appeal by the owner for 49 Ontario Street. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of all buildings in the Downtown. At the same meeting, City Council adopted area specific Zoning By-laws 1106-2016 and 1107-2016 (also under appeal), which provide detailed performance standards for portions of buildings above 24 metres in height. Further background information can be found at www.toronto.ca/tocore

St. Lawrence Neighbourhood Heritage Conservation District Plan

On December 9, 2015, City Council adopted the St. Lawrence Neighbourhood Heritage Conservation District ("HCD") Plan, which is not yet in effect because it is subject to several appeals to the Local Planning Appeal Tribunal. Despite the HCD Plan not yet being in effect, the policies and guidelines provided in the Plan are the outcome of a thorough planning analysis with an emphasis on heritage conservation and are relevant in evaluating development proposals.

The overall objective of the HCD Plan is to protect and conserve the heritage value of the St. Lawrence neighbourhood. The HCD Plan seeks to guide change within the neighbourhood while maintaining its heritage attributes. The policies and guidelines contained within the HCD Plan have been formulated to assist property owners in ensuring that proposed alterations conform to the district objectives and respect the overall neighbourhood context.

The site is located outside but adjacent to the HCD Plan boundary. The Official Plan includes policies related to development on properties adjacent to Heritage Conservation Districts.

Official Plan Amendment to Further Protect Heritage Views of St. James Cathedral

On April 23, 2013, Council adopted Official Plan Amendment 199 ("OPA 199") to establish revised heritage policies in the Official Plan as part of the 5-year review. Additional policies were also added to the Public Realm section (3.1.1) to provide for the protection of important views to landmark buildings and structures, important natural heritage views and the downtown/financial district skyline. The amendment was forwarded to the MMAH and was subsequently approved in November 2013. Following the Minister's approval, the amendment was appealed to the Ontario Municipal Board (OMB). After a series of OMB mediation sessions, the OMB on May 12, 2015 issued a decision which brought OPA 199 into force and effect with minor modifications. A copy of the OMB decision may be found here: <http://www.omb.gov.on.ca/e-decisions/pl131323-May-12-2015.pdf>

Through the OMB's decision a set of new Official Plan policies came into effect, including Policy 3.1.1.9 and Policy 3.1.1.10 which established view protection policies from the public realm to prominent buildings, structures and landscapes and natural features, including the view of the St. James Cathedral spire from King Street East at Church Street (southwest and northwest corners), and Front Street East (north side) across from Farquhars Lane.

A city-initiated Official Plan Amendment is underway to clarify, through enhanced study, the existing view protection policies in the Official Plan as they affect the silhouette views associated with City Hall, Old City Hall and St. James Cathedral. On July 23, 2018, City Council directed staff to use the proposed policies and diagrams contained in the latest status report to inform the evaluation of current and future development applications in the surrounding area. The status report may be found here: <https://www.toronto.ca/legdocs/mmis/2018/te/bgrd/backgroundfile-118130.pdf>

Zoning By-laws

The site is zoned Reinvestment Area (RA) in the former City of Toronto Zoning By-law 438-86, as amended. This zoning category permits a range of uses, some of which are constrained by various exceptions. The southwest portion of the site has a height limit of 26 metres, and the northeast portion of the site has a height limit of 12 metres.

The site is zoned Commercial Residential Employment (CRE) in the City of Toronto Zoning By-law 569-2013, as amended. The same height restrictions and exceptions in By-law 438-86 have been carried forward into By-law 569-2013.

The City's Zoning By-law 569-2013 may be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-law-preliminary-zoning-reviews/zoning-by-law-569-2013-2/>

Design Guidelines

The following design guidelines will be used in the evaluation of this application:

- King-Parliament Urban Design Guidelines;
- Mid-Rise Building Performance Standards and Addendum;
- City-wide Tall Building Design Guidelines; and
- Growing Up: Planning for Children in New Vertical Communities Draft Urban Design Guidelines; among others.

The City's Design Guidelines may be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/design-guidelines/>

Site Plan Control

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

COMMENTS

Reasons for the Application

The proposal requires an amendment to Zoning By-laws 438-86 and 569-2013 for the property at 49 Ontario Street to vary performance standards, including: increase in gross floor area, increase in building height, reduction of minimum tall building setbacks, reduction in amenity space provisions, and reduced parking standards, among others.

ISSUES TO BE RESOLVED

The application has been circulated to City divisions and public agencies for comment. At this stage in the review, the following preliminary issues have been identified:

Provincial Policies and Plans Consistency/Conformity

Section 2 of the *Planning Act* requires municipalities to have regard for matters of provincial interest, including: the protection of ecological systems, including natural areas, features and functions; conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that area of high quality, safe and accessible, attractive and vibrant.

The application will be evaluated against the PPS and the Growth Plan to establish the application's consistency with the PPS and conformity to the Growth Plan, including but not limited to whether: the proposal makes efficient use of land and resources, infrastructure and public facilities; the proposal is directed at an appropriate location; appropriate development standards are promoted which facilitate compact form; the proposal adequately conserves significant built heritage resources and cultural heritage landscapes; and the proposal represents an appropriate type and scale of development and transition of built form to adjacent areas.

Official Plan Conformity

Staff will continue to evaluate this planning application against the Official Plan to determine the application's conformity to the Official Plan including the King-Parliament Secondary Plan (both in-effect and proposed) and the Downtown Plan.

Built Form, Planned and Built Context

Staff will continue to assess the suitability and appropriateness of the proposed height, massing, and other built form issues based on Section 2 (d), (j), (k), (p), (q) and (r) of the *Planning Act*; the PPS (2014); the Growth Plan (2017); the City's Official Plan policies; and the City's Design Guidelines.

The following preliminary issues have been identified:

- The suitability of the proposed height and massing, including setbacks and stepbacks, in relation to the area's existing and planned built form character and scale;
- The appropriateness of the tower floor plate sizes and tower setbacks and separation distances;
- The appropriateness of the base building's mass and height;
- The provision of adequate amenity space and the appropriate mix and size of dwelling units;
- The impacts of new shadowing on the public realm and open spaces. A Shadow Study was submitted and is currently under review by City staff;
- The impacts of any changes to the pedestrian level wind conditions along adjacent and nearby streets, as well as the proposed amenity spaces of the building and impacts on surrounding properties. A Pedestrian Wind Assessment was submitted and is currently under review by City staff;
- The appropriateness of the streetscape and mid-block connection design, including minimum clearway widths and landscape concept;
- The identification of opportunities for parkland or open space; and
- The appropriate conservation of heritage resources adjacent to the site.

Additional issues may be identified through the review of the application, including further review from City divisions and agencies and the public consultation process.

Tree Preservation

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees By-law) and III (Private Tree By-law). There are 19

trees located within the City road allowance adjacent to the subject site. The applicant is proposing to remove all of the existing trees and plant 7 new trees within the City road allowance.

- An Arborist Report, Tree Preservation Plan and Landscape Plans were submitted and are currently under review.

Archaeological Assessment

The subject site is identified as an area of archaeological resource potential.

- A Stage 1 Archaeological Resource Assessment was submitted and is currently under review.

Heritage Impact & Conservation

The subject site is located adjacent to the St. Lawrence Neighbourhood Heritage Conservation District Plan boundary. The subject site is also adjacent to several properties that are either included on the City's Heritage Register and/or designated under Part IV of the Ontario Heritage Act. These include 25 Ontario Street, 93-95 Berkeley Street, 525 Adelaide Street East, and 411 Richmond Street East.

- A Heritage Impact Assessment was submitted and is currently under review by City staff.

The subject site is located within the Site and Area Specific Policy area identified for the city-initiated Official Plan Amendment to clarify the view protection policies for St. James Cathedral. Staff will assess whether the proposed development will result in a visible intrusion above and behind the St. James Cathedral silhouette when viewed from King Street East and Church Street.

Community Services and Facilities

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

The timely provision of community services and facilities is as important to the livability of the City's neighbourhoods as "hard" services like 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 communities. 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.

- A Complete Community Assessment was submitted and is currently under review by City staff. Staff will assess the impact of the proposed development and local development activity on community services and facilities, including assessment of existing capacity to support the proposed future population.

Infrastructure/Servicing Capacity

The proposed development is to be serviced by connections to the existing watermain and sanitary sewers on Berkeley Street and Ontario Street. Staff are reviewing the application to determine if there is sufficient infrastructure capacity to accommodate the proposed development and the cumulative impact of all the proposed developments in the area. The proposed development will need to meet the requirements of the City of Toronto's Wet Weather Flow Management Guidelines. The proposed development will need to ensure the discharging of groundwater to the City's sewer system can be adequately supported.

- A Functional Servicing and Stormwater Management Report, Geotechnical Investigation Report, and Hydrogeological Investigation Report were submitted and are currently under review by City staff to evaluate the effects of the development on the City's municipal servicing infrastructure and identify and provide the rationale for any new infrastructure and upgrades to existing infrastructure, necessary to provide adequate servicing to the proposed development.

A two level underground garage that provides 202 vehicular parking spaces for the development is proposed to be accessed from a new private lane off Ontario Street. Four ground-level loading spaces are also proposed to be accessed from the private lane.

- A Transportation Impact Study has been submitted and is under review by City staff to evaluate the effects of the development on the transportation system, and to identify any transportation improvements that are necessary to accommodate the travel demands and impacts generated by the development.

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 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 to be secured through the zoning by-law process include: automobile infrastructure; cycling infrastructure; and storage and collection of recycling and organic waste.

- A TGS Checklist was submitted and is currently under review by City staff for compliance with the Tier 1 performance measures. Staff will encourage the applicant to achieve Tier 2 performance measures or higher as part of the review process.

Section 37 Community Benefits

The Official Plan provides for the use of Section 37 of the *Planning Act* to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision by the applicant of community benefits in the form of capital facilities. It is standard to secure community benefits in a Section 37 Agreement which is then registered on title.

The proposal at its current height and density will be subject to Section 37 contributions under the *Planning Act*. Section 37 benefits have not yet been discussed. City staff intends to apply Section 37 provisions of the *Planning Act* should the proposal be approved in some form.

Other Matters

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

CONTACT

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SIGNATURE

Lynda H. Macdonald, MCIP, RPP, OALA, FCSLA
Director, Community Planning
Toronto and East York District

ATTACHMENTS

City of Toronto Drawings

Attachment 1: 3D Model of Proposal in Context (Looking Northwest)

Attachment 2: 3D Model of Proposal in Context (Looking Southeast)

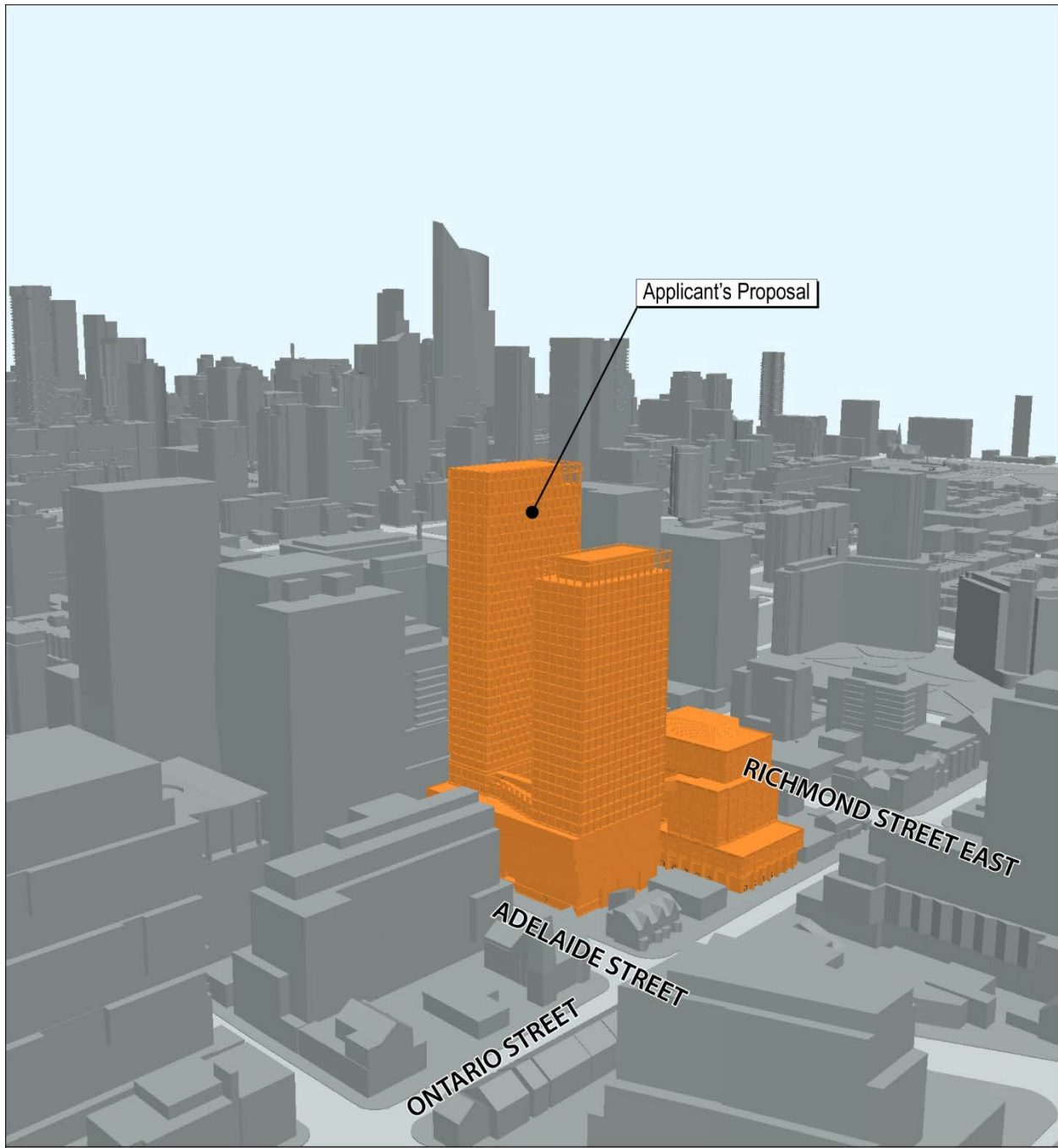
Attachment 3: Location Map

Attachment 4: Site Plan

Attachment 5: Official Plan Map

Attachment 6: Application Data Sheet

Attachment 1: 3D Model of Proposal in Context (Looking Northwest)

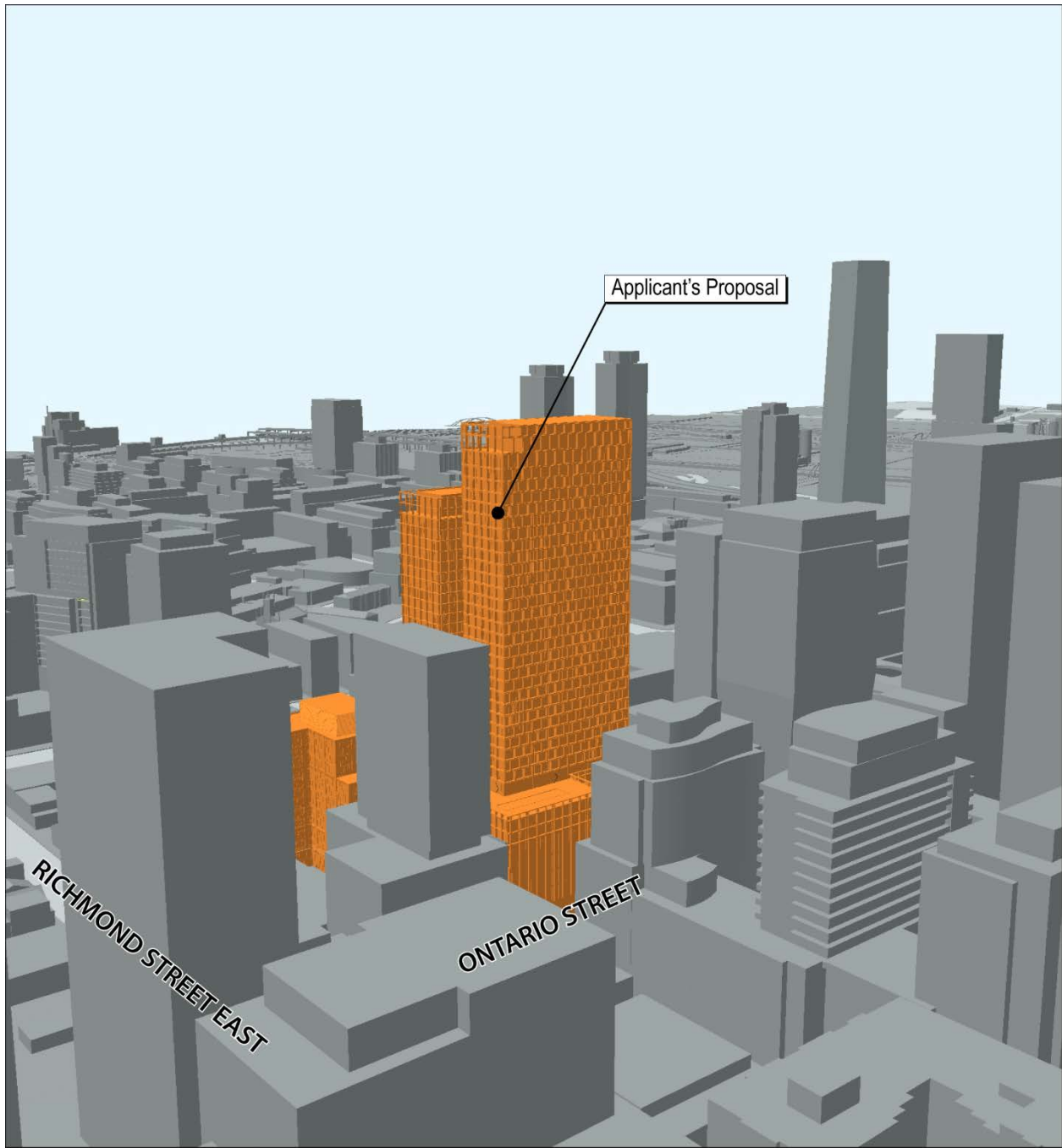


View of Applicant's Proposal Looking Northwest



12/03/2019

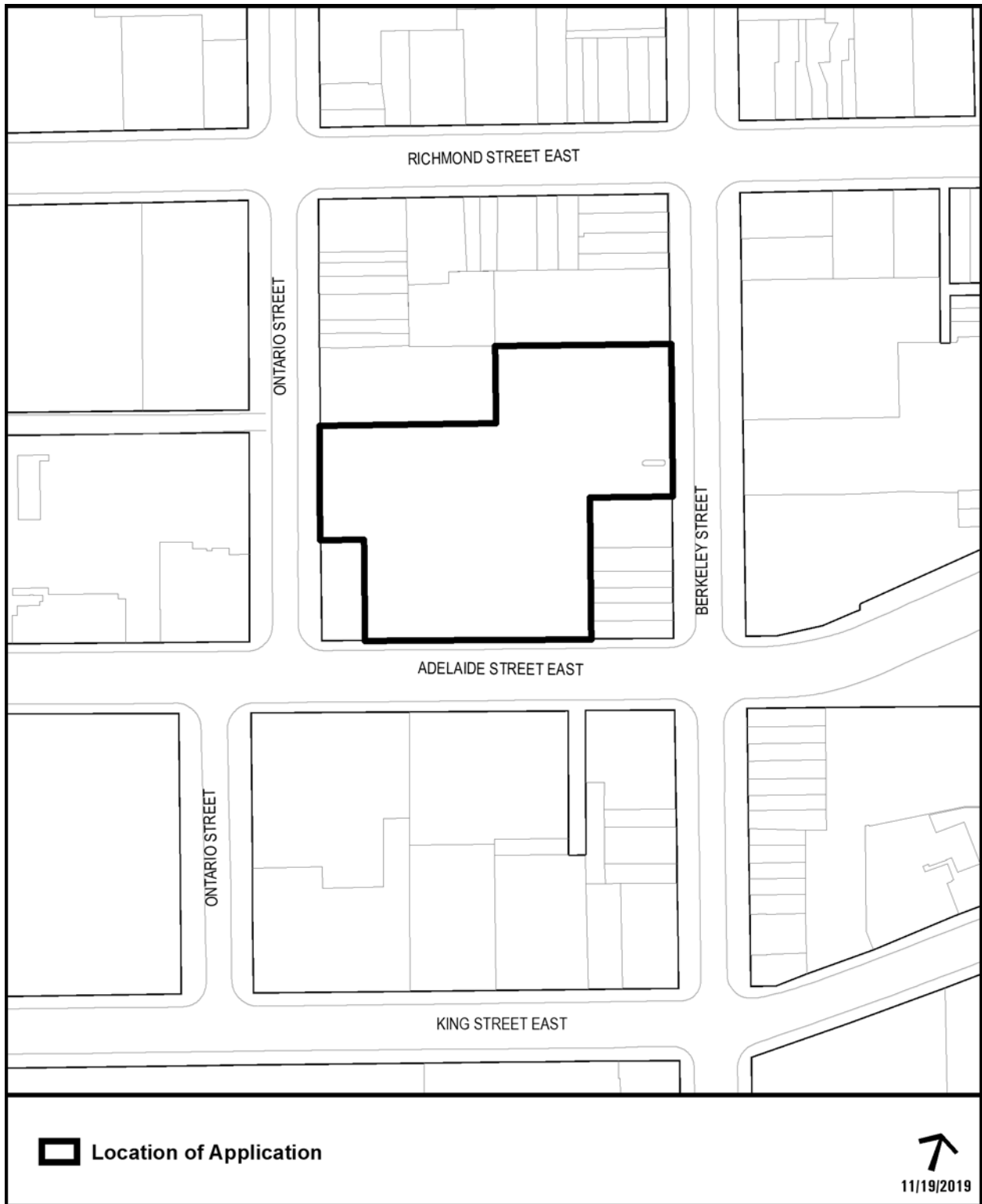
Attachment 2: 3D Model of Proposal in Context (Looking Southeast)



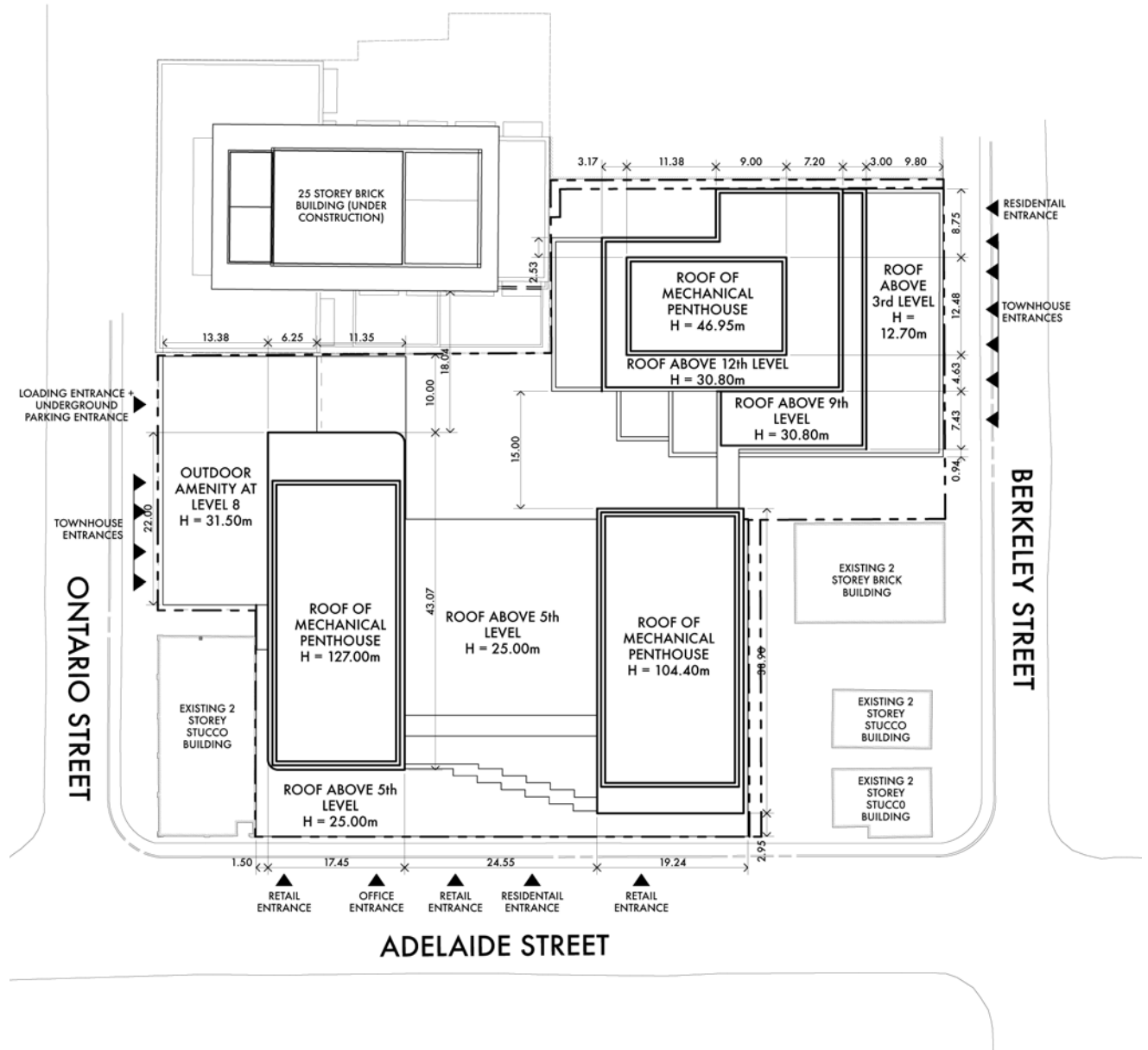
View of Applicant's Proposal Looking Southeast

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Attachment 3: Location Map



Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Map



49 Ontario Street

Official Plan Land Use Map #18

File # 19 244188 STE 13 OZ



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Not to Scale
11/19/2019

Attachment 6: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 49 ONTARIO ST **Date Received:** November 1, 2019

Application Number: 19 244188 STE 13 OZ

Application Type: Rezoning

Project Description: Zoning By-law Amendment application for three buildings of 12, 29 and 36 storeys containing 643 square metres of retail, 13,138 square metres of office, and 52,241 square metres of residential resulting in 881 dwelling units. 149 parking spaces are proposed within a 2-level underground garage.

Applicant	Agent	Architect	Owner
Tony Medieros		architectsAlliance	Whiterock 49 Ontario Street Inc.

EXISTING PLANNING CONTROLS

Official Plan Designation: Regeneration Areas Site Specific Provision:

Zoning: CRE x1, x41, x58 Heritage Designation:

Height Limit (m): 26 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 5,996 Frontage (m): 65 Depth (m): 84

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			3,635	3,635
Residential GFA (sq m):			52,243	52,243
Non-Residential GFA (sq m):	8,092		13,781	13,781
Total GFA (sq m):	8,092		66,025	66,025
Height - Storeys:	7		36	36
Height - Metres:			127	127

Lot Coverage Ratio (%): 60.63 Floor Space Index: 10.91

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	52,243	
Retail GFA:	643	
Office GFA:	13,138	
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			881	881
Other:				
Total Units:			881	881

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			543	244	94
Total Units:			543	244	94

Parking and Loading

Parking Spaces: 202 Bicycle Parking Spaces: 947 Loading Docks: 4

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