

176-178 Front Street East and 33 Sherbourne Street - Zoning Amendment Application – Final Report

Date: August 24, 2020

To: Toronto and East York Community Council

From: Director, Community Planning, Toronto and East York District
Ward 13 - Toronto Centre

Planning Application Number: 19 124407 STE 13 OZ

SUMMARY

This application proposes to permit a 38-storey mixed-use building with an overall height of 129.4 metres and 29,925 square metres of gross floor area consisting of 439 residential units and 1,383 square metres of retail uses. The existing 2-storey buildings at 33 Sherbourne Street and 178 Front Street East are proposed to be designated under the Ontario Heritage Act and incorporated as part of the proposal.

The proposed development is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2019).

This report reviews and recommends approval of the application to amend the Zoning By-laws.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend Zoning By-law 438-86, for the lands at 33 Sherbourne Street, 176 and 178 Front Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 9 to the August 24, 2020 report from the Director, Community Planning, Toronto and East York District.
2. City Council amend Zoning By-law 569-2013, for the lands at 33 Sherbourne Street, 176 and 178 Front Street East substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 10 to the August 24, 2020 report from the Director, Community Planning, Toronto and East York District.
3. City Council authorizes the City Solicitor to make such stylistic and technical changes to the draft Zoning By-law Amendments as may be required.

4. Before introducing the Bills for the Zoning By-law Amendments to City Council for enactment, the owner shall complete the following in relation to heritage matters:

a.) Enter into a Heritage Easement Agreement with the City for the property at 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East) in accordance with the plans and drawings September 3, 2019 and revised June 2, 2020 prepared by Giannone Petricone Associates Inc. Architects on file with the Senior Manager, Heritage Planning, the Heritage Impact Assessment prepared by GBCA Architects dated March 4, 2019 and revised February 21, 2020 and in accordance with the Conservation Plan required in Recommendation 4. c.) below to the satisfaction of the Senior Manager, Heritage Planning, including registration of such agreement to the satisfaction of the City Solicitor;

b.) Provide a detailed Conservation Plan, prepared by a qualified heritage consultant, that is consistent with the conservation strategy set out in the Heritage Impact Assessment for 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East) prepared by GBCA Architects dated March 4, 2019 and revised February 21, 2020 to the satisfaction of the Senior Manager, Heritage Planning; and

c.) Enter into and register on the property at 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East) one or more agreements with the City pursuant to Section 37 of the Planning Act to the satisfaction of the City Solicitor, the Chief Planner and Executive Director, City Planning Division, and the Senior Manager, Heritage Planning, with such facilities, services and matters to be set forth in the related site specific Zoning By-law Amendment giving rise to the proposed alterations.

5. Before introducing the Bills for the Zoning By-law Amendments to City Council for enactment, the owner shall enter into an Agreement pursuant to Section 37 of the Planning Act as follows:

a.) The owner shall provide community benefits having a value to be determined and be allocated at the discretion, and to the satisfaction of the Chief Planner and Executive Director, City Planning Division, in consultation with the Ward Councillor;

b.) The payment amount identified in Recommendation 5. a) above shall be indexed upwardly in accordance with the Statistics Canada Non-Residential Construction Price Index for the Toronto Census Metropolitan area, reported quarterly by Statistics Canada in Building Construction Price Indexes Table: 18-10-0135-01, or its successor, calculated from the date of the Section 37 agreement to the date of payment;

c.) In the event the cash contributions referred to Recommendation 5. a.) has not been used for the intended purposes within three (3) years of the By-laws coming into full force and effect, the cash contribution may be redirected for another purpose, at the discretion of the Chief Planner and Executive Director, City

Planning Division, in consultation with the Ward Councillor, provided that the purpose is identified in the Toronto Official Plan and will benefit the community in Ward 13; and

d.) The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

i. The owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 16, 27, 2009 through the adoption of item PG 32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6, 7, 2017 through the adoption of item PG 23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time;

ii. That prior to final site plan approval the owner shall:

A. Provide final site plan drawings substantially in accordance with the approved Conservation Plan required in Recommendation 4. b.) above to the satisfaction of the Senior Manager, Heritage Planning;

B. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

C. Provide a Heritage Lighting Plan that describes how the exterior of the heritage property will be sensitively illuminated to enhance its heritage character to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

D. Provide a detailed landscape plan for the subject property, satisfactory to the Senior Manager, Heritage Planning;

E. Provide an Interpretation Plan for the subject property, to the satisfaction of the Senior Manager, Heritage Planning and thereafter shall implement such Plan to the satisfaction of the Senior Manager, Heritage Planning;

F. Submit a Signage Plan to the satisfaction of the Senior Manager, Heritage Planning; and

G. Enter into necessary agreements and pay all costs associated with the Front Street East boulevard widening between Sherbourne Street and Princess Street;

iii. That prior to the issuance of any permit for all or any part of the property 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East), including a heritage permit or a building permit, but excluding permits for repairs and maintenance and usual and minor works for the existing heritage building as are acceptable to the Senior Manager, Heritage Planning, the owner shall:

A. Have obtained final approval for the necessary Zoning By-law Amendment required for the subject property, such Amendment to have come into full force and effect;

B. Provide building permit drawings, including notes and specifications for the conservation and protective measures keyed to the approved Conservation Plan required in Recommendation 4. b.) above, including a description of materials and finishes, to be prepared by the project architect and a qualified heritage consultant to the satisfaction of the Senior Manager, Heritage Planning; and

C. Provide a Letter of Credit, including provision for upwards indexing, in a form and amount and from a bank satisfactory to the Senior Manager, Heritage Planning to secure all work included in the approved Conservation Plan, Heritage Lighting Plan and Heritage Interpretation Plan; and

iv. That prior to the release of the Letter of Credit required in Recommendation 5. d.) iii. C. above, the owner shall:

A. Provide a letter of substantial completion prepared and signed by a qualified heritage consultant confirming that the required conservation work and the required interpretive work has been completed in accordance with the Conservation Plan and Interpretation Plan and that an appropriate standard of conservation has been maintained, all to the satisfaction of the Senior Manager, Heritage Planning;

B. Provide replacement Heritage Easement Agreement photographs to the satisfaction of the Senior Manager, Heritage Planning; and

C. Have received City Council authority to enter into a heritage easement agreement under Section 37 of the Ontario Heritage Act with the owner of 33 Sherbourne Street and 178 Front Street East (including 176 Front Street East) in a form and content satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning Division.

FINANCIAL IMPACT

The City Planning Division confirms that there is no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

DECISION HISTORY

On May 22, 2019, Toronto and East York Community Council adopted the Preliminary Report on the application, authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision document can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.TE6.29>

CONSULTATION WITH APPLICANT

On November 23, 2018, a preliminary meeting was held with the applicant and City staff on a proposed 37-storey mixed-use building.

After the submission of the application on March 12, 2019, consultation meetings with the applicant were held throughout 2019 and 2020 to resolve issues identified during the review of the application.

PROPOSAL

Original Proposal

The original application submitted on March 4, 2019 proposed a 37-storey (126.15 metres including the mechanical penthouse) mixed-use building on the northeast corner of Front Street East and Sherbourne Street, with a gross floor area of 30,616.5 square metres consisting of 439 residential units and 1,427.2 square metres of commercial gross floor area.

The 2-storey building at 33 Sherbourne Street was proposed to be altered and incorporated as part of the development. The 2.5 storey building at 178 Front Street East was proposed to be demolished.

Revised Proposal No. 1

A revised proposal was submitted on September 3, 2019. The proposed tower setbacks to the east property line had increased from 10 to 11.5 metres, and to the west property line from 5 to 6 metres.

Revised Proposal No. 2

A second revised proposal was submitted on February 14, 2019 in response to concerns raised at the community consultation meeting and additional staff comments. The proposal increased the base building's setback from the rear property line from 0 to 1.3 metres between the 1st to 3rd storeys in order to provide a greater city laneway right-of-way, and 9.4 metres to 12.3 metres from the 4th to the 8th storeys in order to provide a greater separation distance to the properties to the north. The overall tower floorplate was increased from 791 square metres to 842 square metres.

Revised Proposal No. 3 (Current)

The current proposal was submitted on June 2, 2020, addressing staff's additional comments to reduce the floor plate of the tower from 842 square metres to 750 square metres, which results in an acceptable tower separation distances to the north and east property lines. An additional storey is proposed to bring the building to 38 storeys.

The two existing buildings at 33 Sherbourne Street and 178 Front Street East are proposed to be altered and incorporated as part of the development.

Refer to Table 1 for a comparison of the key statistics between the iterations of the proposal submissions, and Attachment 1 for the Application Data Sheet.

Table 1 Application Iteration Comparison

	Original March 4th 2019 Submission	Revised September 3rd 2019 Submission	Revised February 14th 2020 Submission	Revised June 2nd 2020 Submission (Current)
Site Area	1,907.2	1,907.2	1,907.2	1,907.2
FSI	16.1	15.4	16.5	15.7
GFA (sq.m.)				
Residential	29,093.7	27,605.7	29,605	28,542.3
Retail	1,427.2	1,370.5	1,348	1,383.2
Total	30,616.5	29,337.7	31,404	29,925.5
Residential Units				
Bachelor	46 (10.5%)	48 (10.9%)	48 (10.9%)	43 (9.8%)
1-Bedroom	301 (78.5%)	301 (68.5%)	301 (68.5%)	282 (64.3%)
2-Bedroom	47 (10.7%)	45 (10.25%)	45 (10.25%)	69 (15.7%)
3-Bedroom	45 (10.3%)	45 (10.25%)	45 (10.25%)	45 (10.3%)
Total	439 (100%)	439 (100%)	439 (100%)	439 (100%)
Amenity Space				
Indoor	1,052 (2.4/unit)	1,012 (2.3/unit)	918 (2.1/unit)	885 (2.0/unit)
Outdoor	451 (1.0/unit)	409 (0.9/unit)	578 (1.3/unit)	612 (1.4/unit)
Car Parking Spaces				
Resident	65	65	65	65
Non-resident	26	26	26	26
Total	91	91	91	91

	Original March 4th 2019 Submission	Revised September 3rd 2019 Submission	Revised February 14th 2020 Submission	Revised June 2nd 2020 Submission (Current)
Bicycle Parking Spaces				
Residential	396	396	396	396
Visitor	44	44	44	44
Non-Res	0	6	6	6
Tower Height (m.)	126.15	126.15	126.15	129.3
Number of Storeys	37	37	37	38
Tower Floor Plate (sq.m.)	787	791	842	750
Tower Setback (m.)				
North	9.4	9.4	8.8	8.8
East	10	12.6	10.5	11.5
South	5	5	5	5.7
West	5	6	3	3
Heritage Conservation	33 Sherbourne St. being retained	33 Sherbourne St. being retained	33 Sherbourne St. and 176 Front St. E. being retained	33 Sherbourne St. and 176 Front St. E. being retained

See Attachments 2 and 3 for a three dimensional representation of the current proposal in context, Attachment 4 for the location map, Attachment 11 for the site plan, and Attachments 12 to 15 for the elevations.

Site and Surrounding Area

The site is a rectangular shaped parcel with an area of 1,907 square metres on the northeast corner of Front Street East and Sherbourne Street. A gas station, a 2-storey commercial building and a 2.5 storey commercial building are currently on the site.

The surrounding land uses are as follows:

North: Abbey Lane, a City-owned public laneway; north of Abbey Lane is 39 Sherbourne Street - a 17-storey residential building with the conservation of the National Hotel designated under Part IV of the Ontario Heritage Act; 261 King Street East - a 7-storey residential building with retail at grade; and 138 Princess Street - a 10-storey residential building.

East: 184 Front Street East - an 8-storey office building with retail at grade; further east is Princess Street.

South: Front Street East; south of Front Street East is 177 Front Street East - currently a site under construction for two 29-storey buildings, previously subject to site plan application, file no. 16 213965 STE 28 SA.

West: Sherbourne Street; west of Sherbourne Street is 154 Front Street East - currently a site under construction for a 26-storey building, previously subject to the site plan application file no. 11 146730 STE 28 SA.

Reasons for Application

The proposal requires amendments to Zoning By-laws 438-86 and 569-2013 for the properties at 33 Sherbourne Street, 176 and 178 Front Street East to vary performance standards, including: increase in building height; reduction of minimum tall building setbacks; reduction in amenity space provisions; and reduced parking standards, among others.

APPLICATION BACKGROUND

Application Submission Requirements

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

- Survey
- Context Plan
- Site Plan
- Floor Plans
- Elevations
- Digital 3D Model
- Draft Zoning By-law Amendments
- Conceptual Landscape Plans
- Sun/Shadow Study
- Planning and Urban Design Rationale Report
- Public Consultation Plan
- Toronto Green Standard Checklist
- Tree Removals Plan
- Tree Declaration Form

- Pedestrian Level Wind Study
- Noise and Vibration Feasibility Assessment
- Heritage Impact Assessment
- Archaeological Assessment
- Air Quality Letter
- Energy Strategy
- Transportation Impact Study
- Functional Servicing and Stormwater Management Report
- Hydrogeological Geotechnical Report
- Hydrological Review Report
- Groundwater Pump Discharge Letter
- Rental Housing Demolition and Conservation Declaration of Use and Screening Form

Copies of the submitted documents are available on the City's Application Information Centre at:

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

Agency Circulation Outcomes

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate Zoning By-law standards.

Statutory Public Meeting Comments

In making their decision with regard to this application, Council members have been given an opportunity to view the oral submissions made at the statutory public meeting held by the Toronto and East York Community Council for this application, as these submissions are broadcast live over the internet and recorded for review.

POLICY CONSIDERATIONS

Planning Act

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; 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.

Provincial Land-Use Policies: Provincial Policy Statement and Provincial Plans

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 (2020)

The Provincial Policy Statement (2020) (the "PPS") 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 use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs;
- protecting people, property and community resources by directing development away from natural or human-made hazards; and
- conserving significant built heritage resources.

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 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."

Provincial Plans

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.

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 (2019)") 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, 2019 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 employment areas, 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 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 GGH 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. The outcome of staff analysis and review are summarized in the Comments section of the Report.

Toronto Official Plan

This application has been reviewed against the policies of the City of Toronto Official Plan, the Downtown Plan and the King-Parliament Secondary Plan as follows:

Chapter 2 - Shaping the City

The site is within the Downtown on Map 2 - Urban Structure of the Official Plan. The Downtown is anticipated to accommodate growth, to be spread un-uniformly across the whole of Downtown.

Section 2.2.1 Downtown: The Heart of Toronto

This section states the Plan will create a better urban environment, a competitive economy and a more socially diverse 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. Downtown is where our history is richest, but it is also where we continue to rebuild to accommodate a growing economy and a changing society. Given that this is one place in Toronto where "change is constant", we must ensure that our built heritage is respected, nurtured and improved.

Policy 2.2.1.1 states the Downtown Urban Growth Centre ("UGC") will be planned to optimize the public investment in higher order transit within the Centre and should exceed the minimum combined gross density target of 400 residents and jobs per hectare set out in the Growth Plan.

Policy 2.2.1.2 states the Downtown will continue to be shaped as the largest economic node in the city and the region by accommodating development that: a) builds on the strength of Downtown as the premier employment, institutional, retail, arts and culture, and entertainment centre in the Greater Golden Horseshoe; b) advances economic competitiveness and helps to attract provincially, nationally and internationally significant investment and employment uses; and g) fosters growth of creative industries and culture sector centred on the King-Parliament Secondary Plan Area.

Policy 2.2.1.4 states the quality of Downtown will be improved by: a) developing programs and activities to maintain and upgrade public amenities and infrastructure; and d) preserving and strengthening the range and quality of the social, health, community services and local institutions in Downtown.

Policy 2.2.1.5 states the architectural and cultural heritage of Downtown will be preserved by designating buildings, districts and open spaces with heritage significance by working with owners to restore and maintain historic buildings. Policy 2.2.1.6 states design guidelines specific to districts of historic or distinct character will be developed and applied to ensure development respects the context of such districts.

Chapter 3 - Building a Successful City

Section 3.1.1 The Public Realm

This section provides direction to the importance of the public realm including streets, sidewalks, internal pedestrian connections, open space areas, parks and public buildings.

Policy 3.1.1.5 states City streets are significant public open spaces and shall incorporate a Complete Streets approach and be designed to perform their diverse roles.

Section 3.1.2 Built Form

This section states the development must not only fit on its site and program, but also in terms of how the site, building and its streetwall fit within the existing and/or planned context of the neighbourhood and the City. Each new development should promote and achieve the overall objectives of the Plan.

Policy 3.1.2.1 states new development will be located and organized to fit within its existing and/or planned context.

Policy 3.1.2.3 requires new development to be massed to fit harmoniously into its existing and/or planned context, and will limit its impact on neighbouring streets, parks, open spaces and properties by: massing new buildings to frame adjacent streets and open spaces that respects the street proportion; creating appropriate transitions in scale to neighbouring existing and/or planned buildings; providing for adequate light and privacy; limiting shadowing and uncomfortable wind conditions on neighbouring streets, properties and open spaces; and minimizing any additional shadowing on neighbouring parks as necessary to preserve their utility.

Policy 3.1.2.4 requires new development to be massed to define edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure there is adequate access to sky view.

Policy 3.1.2.5 requires new development to provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians.

Section 3.1.3 Built Form - Tall Buildings

This section states tall buildings come with larger civic responsibilities and obligations. Tall buildings are generally defined as those buildings taller than the width of the right-of-way.

Policy 3.1.3.2 requires tall building proposals to address key urban design considerations that include: demonstrating how the proposed building and site design will contribute to and reinforce the overall City structure; demonstrating how the proposed building and site design relate to the existing and/or planned context; taking into account the relationship of the site to the topography and other tall buildings; and providing high quality, comfortable and usable publicly accessible open space areas.

Section 3.1.5 Heritage Conservation

This section provides direction on the identification of potential heritage properties, conservation of heritage properties and on development adjacent to heritage properties. As noted earlier in this report, the properties at 33 Sherbourne Street and 178 Front Street East are identified as contributing properties in the St. Lawrence Heritage Conservation District Plan.

Policy 3.1.5.4 states properties on the Heritage Register will be conserved and maintained consistent with the *Standards and Guidelines for the Conservation of Historical Places in Canada*, as revised from time to time and adopted by Council.

Policy 3.1.5.5 states proposed alterations, development, and/or public works on, or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained, prior to work commencing on the property and to the satisfaction of the City.

Policy 3.1.5.6 states the adaptive re-use of properties on the Heritage Register is encouraged for new uses permitted in the applicable Official Plan land use designation, consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*.

Policy 3.1.5.26 states 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.

Policy 3.1.5.27 states, where it is supported by cultural heritage values and attributes of a property on the Heritage Register, the conservation of whole or substantial portions of buildings, structures and landscapes on those properties is desirable and encouraged. The retention of facades alone is discouraged.

Policy 3.1.5.32 states impacts of site alterations, developments, municipal improvements, and/or public works within or adjacent to Heritage Conservation Districts will be assessed to ensure that the integrity of the districts' heritage values, attributes, and character are conserved.

Policy 3.1.5.33 states Heritage Conservation Districts should be managed and conserved by approving only those alterations, additions, new development, demolitions, removals and public works in accordance with respective Heritage Conservation District Plans.

Section 3.2.3 - Parks and Open Spaces

This section provides direction on the need for parks and open spaces.

Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, noise, traffic and wind on parks and open spaces will be minimized as necessary to preserve their utility.

Section 3.5 Toronto's Economic Health

Policy 3.5.1.1 states Toronto's economy will be nurtured and expanded to provide for future employment needs and the fiscal health of the City.

Policy 3.5.1.2 states a multi-faceted approach to economic development in Toronto will be pursued that: b) provides appropriate locations and opportunities for new retail and service establishments; and e) promotes the Cultural Sector as an important element of our civic economy.

Chapter 4 - Land Use Designations

Section 4.7 Regeneration Areas

The site is designated Regeneration Areas on Map 18 of the Official Plan. Regeneration Areas are envisioned to contain a mixture of uses where strategies and a framework for development be "tailor-made" based on the specific policies of the Secondary Plan.

See Attachment 5 for the subject site's Official Plan land use designations.

Chapter 5 - Implementation

Section 5.1.1 Height and/or Density Incentives

This section refers to Section 37 of the *Planning Act* and establishes the provisions under which Section 37 may be used.

Section 5.2.1 Secondary Plans: Policies for Local Growth Opportunities

The site is subject to the King-Parliament Secondary Plan. Specifically, policy 5.2.1.3 states Secondary Plans will promote a desired type and form of physical development resulting in highly functional and attractive communities and plan for an appropriate transition in scale and activity between neighbouring districts.

Section 5.3.2 Implementation Plans and Strategies for City-building

This section indicates detailed action-oriented plans, programs and strategies will be needed to implement the Official Plan and to adapt to changing circumstances and challenges over the life of the Official Plan. Policy 5.3.2.1 states implementation plans, strategies and guidelines will be adopted to advance the vision, objectives and policies of this Plan.

Section 5.6 Interpretation

This section establishes how the policies are to be understood and interpreted.

Policy 5.6.1 states that the Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making. Policy 5.6.1.1 states policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Chapter 6 - Secondary Plans

Section 15 King-Parliament Secondary Plan

The site is within the boundary of the King-Parliament Secondary Plan ("KPSP"). The main objectives of the KPSP 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 site is designated Regeneration Area 'A' (Jarvis-Parliament) on Map 15-1 - Land Use Plan. The area designated Regeneration Area 'A' in the Secondary Plan, generally bordered by Jarvis Street, Queen Street East, Power Street, The Esplanade and Front Street East is targeted for significant growth as a whole, having a mixture of compatible land uses.

See Attachment 6 for the subject site's Secondary Plan land use designation, and Attachment 7 for the subject site's Areas of Special Identity.

The King-Parliament Secondary Plan can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

King-Parliament Secondary Plan Review

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

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

TOcore: Planning Downtown

City Council adopted Official Plan Amendment 406 ("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 prior to June 5, 2019, OPA 406, the new Downtown Secondary Plan, does not apply to this application. The in-force Downtown Plan may be found here:

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

OPA 352 – Downtown Tall Building Setback Area

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

Zoning

The site is zoned RA "Reinvestment Area" with a maximum height limit of 30 metres under Zoning By-law 438-86. The RA designation permits a mixture of uses. The site specific exception provisions include: a building stepback of 3 metres from Sherbourne Street and Front Street East after a building height of 20 metres; prohibition of a commercial parking garage or a private commercial garage; and single-use retail use exceeding 8,000 square metres.

On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. Planning Act applications submitted after May 9, 2013 are subject to the new Zoning By-law. The site is zoned CRE (x73) "Commercial Residential Employment", with the entire site having a height limit of 30 metres. The CRE zone permits a range of uses similar to the former designation under Zoning By-law 438-86. The (x73) provisions refer to site specific exceptions that are carried over from Zoning By-law 438-86.

See Attachment 8 for the subject site's existing Zoning designation.

Design Guidelines

Part III of the PPS under the section titled "Guidance Material" states that guidance material and technical criteria may be issued from time to time assist planning authorities and decision-makers with implementing the policies of the Plan. Policy 5.2.5.6 of the Growth Plan indicates supporting documents, such as design guidelines, will direct the development of a high quality public realm and compact built form in achieving minimum intensification and density targets of the Plan. Policy 5.3.2.1 of the Official Plan states 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 realm improvements in growth areas. The following design guidelines were used in the evaluation of this application.

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 can be found here:

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

King-Parliament Urban Design Guidelines

The King-Parliament Urban Design Guidelines correspond to the policy direction of the King-Parliament Secondary Plan. The site is within the Old Town of York Area of Special Identity. New development shall respect the historical and urban design significance of the area. The King-Parliament Urban Design Guidelines can be found here: <https://www.toronto.ca/wp-content/uploads/2017/08/8fde-Toronto-Urban-Design-Guidelines-King-Parliament.pdf>

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 was subject to several appeals to the Local Planning Appeal Tribunal ("LPAT"). On July 27, 2020, the LPAT issued a decision allowing the appeal in part against the St. Lawrence Neighbourhood HCD Plan, and directed revisions be made to the document prior to its coming into force. The St. Lawrence Neighbourhood HCD Plan will be enacted following the Order and the subject property will be designated under Part V of the Ontario Heritage Act.

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 properties at 33 Sherbourne Street and 178 Front Street East are located within the HCD Plan's Front Street Sub Area and are identified as "contributing properties".

Site Plan Control

The proposal is subject to Site Plan Control. An application for Site Plan approval has been submitted, file no. 19 215419 STE 13 SA, and was reviewed concurrently with the subject application. The Site Plan application has been deemed complete under the Planning Act.

COMMUNITY CONSULTATION

A community consultation meeting took place on September 9, 2019 at the George Brown College - St. James Campus at 200 King Street East. Approximately 120 members of the public attended the consultation meeting, along with the Councillor and staff. The majority of the comments received on the application were not in support of the proposal. Comments raised through written submissions and expressed during the meeting include:

Land Use

- The decommission of the on-site gas station will further reduce the number of gas stations in the Downtown.

- Lack of retail, institutional and office gross floor area, and additional open space to support the growing population.

Density

- The proposed density on the site is too high, and combined with recent approved developments abutting the intersection of Front Street East and Sherbourne Street, will not be sustainable given the existing infrastructure and public transit capacity.
- The proposed density will set a negative precedent for development in the area.
- The proposed density should be reduced given the difficulties experienced through the Covid-19 pandemic and the need for less density.

Built Form

- The proposed tall building height exceeds the recently approved tall building heights in the area, and does not fit within the context of the surrounding areas.
- The proposed siting of the tower is too close to the existing residential buildings north of Abbey Lane.
- The mass of the base building and the tower reduces the quality of life for existing residents in surrounding buildings as light, privacy and views are compromised, in particular for the residents residing in the lower storeys.
- The mass and height of the base building needs to be reduced from 10 to 4 storeys.

Architecture

- The design of the proposed tower does not fit contextually to the surrounding area.

Heritage Conservation

- Concern of the continued dismantling of the heritage fabric in the area.
- Impact of the proposal to the heritage designated building at 39 Sherbourne Street.

Traffic

- Increased traffic on Abbey Lane, where existing conditions already result in traffic jams for existing residents that rely on the laneway for access.
- The proposal will exacerbate the issues with existing garbage and recycling trucks have manoeuvring into the loading spaces of the existing buildings.'
- Prohibit servicing vehicles from accessing Abbey Lane in order to better vehicular traffic flow.
- Increased traffic on Sherbourne Street and disruption to cyclists using the cycle track.
- Additional commercial public parking and parking overall as part of the development is needed.
- Potential to consolidate garbage and recycling loading from the existing loading facilities to minimize disruption.

Shadow Impact

- The proposed tower will shadow the existing residential units to the north with a south or southwest facing view. These units should have a reasonable degree of daylighting to their units

Noise Impact

- Noise from the garbage and recycling trucks on Abbey Lane will impact the quality of life for residents.
- Noise from existing sources including the fire station will impact the quality of life for residents.

Air Emission Impact

- Increased traffic activity along Abbey Lane and the emissions to the surrounding residential units will cause harm to the overall health of the residents.

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Wind Impact

- A wind tunnel on Abbey Lane may be created due to the height of the buildings abutting it.

Construction Impact

- Existing construction within proximity of the site, and the potential construction on this site will impact the quality of life for neighbouring residents.

Residential Unit Sizes

- The proposed unit sizes are not conducive to larger families and will encourage a transient clientele.
- There is a lack of affordable housing units.

Streetscape

- Remove the overhead wires along Front Street East.
- The sidewalks on Sherbourne Street and Front Street East needs to be widened to provide a more comfortable and safe pedestrian environment.

The community feedback received on the application was taken into consideration by staff through the review of the application. Comments received regarding construction impact cannot be addressed as part of the rezoning application, but will be reviewed as part of the review of the site plan application.

COMMENTS

Planning Act

It is staff's opinion the application have regard to relevant matters of provincial interest, including sections: 2 d) which speak to the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; 2 p) and r) which speak to the appropriate location for growth and development and the promotion of built

form that (i) is well designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

These provincial interests are further articulated through the PPS (2020) and the Growth Plan (2019).

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the PPS (2020) and the Growth Plan (2019). The proposal has also been reviewed and evaluated against Policy 5.1 of the Growth Plan as described in the Issue Background section of the Report.

Staff have determined that the proposal is consistent with the PPS and conforms with the Growth Plan as follows.

Provincial Policy Statement

The PPS, 2020 came into effect on May 1, 2020. Municipalities and other approval authorities in exercising any authority that affects a planning matter requires that decisions shall be consistent with policy statements issued under the Planning Act.

The PPS is to be read in its entirety. The language in each policy, including the Implementation and Interpretation policies assists decision makers in understanding how the policies are to be implemented. The PPS contains minimum standards and municipalities can go beyond these standards unless doing so would conflict with other policies of the PPS.

From an intensification and land use perspective, this application is consistent with policies that promote efficient land use patterns (Policies 1.1.1, 1.1.2, 1.1.3.1 and 1.1.3.2) for a mix of residential and retail uses in an area identified in the Official Plan for intensification and a varied mix of land uses. The King-Parliament area is encouraged to provide replacement of non-residential gross floor area through redevelopment as articulated in the Downtown Secondary Plan. This policy direction is not applicable to the subject proposal. Future proposals in the King-Parliament area are encouraged to provide full replacement of non-residential gross floor area.

From a built form perspective, Policy 1.7.1 e) indicates long-term economic prosperity should be supported by...encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. Policy 1.1.3.4 states appropriate development standards be promoted to facilitate intensification and a compact form. Development standards are established in the Official Plan and the KPSP. Supporting documents in the form of the urban design guidelines further implements the Official Plan direction. This proposal is consistent in this regard as the proposed mass, scale, and height fits in its immediate existing and planned context along Front Street East, and complements the varied building typologies that form the existing and planned context of the King-Parliament area.

From a heritage conservation perspective, Policy 2.6.1 indicates significant heritage resources and significant cultural heritage landscapes shall be conserved. Policy 2.6.3 indicates planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. City Planning staff are of the opinion the proposed development is consistent with the PPS in conserving the cultural heritage resources on and adjacent to the site.

It is City Planning staff's opinion that the application and the amending Zoning By-laws are consistent with the PPS, 2020.

Growth Plan (2019)

The subject site is within the Downtown UGC, part of the strategic growth area defined in the Growth Plan. The Downtown UGC, encompassing an area generally bordered by Bathurst Street, the mid-town rail corridor and Rosedale Valley, Don River and Lake Ontario, will be planned to achieve, by 2031, or earlier, a minimum density target of 400 residents and jobs combined per hectare.

With regard to intensification and land use, this application conforms to the policy direction that speaks to directing growth to the Downtown UGC (Policy 2.2.1.2). Additional analysis on the application's conformity to the Growth Plan's intensification targets (Policy 2.2.3.2) are provided in the following section of this Report.

With regard to built form and public realm, the application conforms to the City's municipal strategy in building type and scale anticipated within this area in the King-Parliament, and conforming to the tall building separation distance requirements on its own site.

With regard to heritage conservation, policy 4.2.7.1 indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. Policy 4.2.7.2 states municipalities will work with stakeholders in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources.

It is City Planning's staff's opinion that the application, and the amending Zoning By-laws conform to the Growth Plan, 2019.

Conformity with Growth Targets and Density Targets

The most recent Official Plan update was undertaken when the City's Official Plan was approved by the LPAT (formerly the Ontario Municipal Board) in 2006 and considered further through the statutory five-year review of the Official Plan that commenced in 2011. The five-year review resulted in a number of Official Plan amendments that were approved by the province on various dates. The Official Plan sets out areas for future growth while at the same time establishing policies that are appropriate and considerate of the surrounding context.

The subject site is within the Downtown UGC of the built-up area boundary as identified in the Growth Plan, where a significant share of population and employment growth is anticipated. The City of Toronto is required through its Official Plan to plan for a future population of 3,190,000 people by the year 2041. Additional density targets are provided for the various UGC in the City at a rate of 400 people and jobs combined per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan's forecasts based on Census data, current development proposals and future trends that are currently being considered by the City.

The density of the Downtown Toronto UGC area in 2016 is 354 people and jobs per hectare, based on the 2016 Census population and the 2016 Toronto Employment Survey results. From 2011 to 2016, the population increased by 41,668 people. Employment increased by 69,280 jobs over the same period. The increase in density as a result of this growth is an additional 52 people and jobs per hectare over the 2011-2016 period. This demonstrates total population and employment growth and growth in density of the UGC.

Table 2: Downtown Toronto UGC

Year	Census Population	TES Employment	Area (hectares)	Density (people & jobs)
2011	205,888	441,920	2,143	302
2016	247,556	511,200	2,143	354
2011-2016 Increase	41,668	69,280	2,143	52

Sources: 2011 and 2016 Census, Statistics Canada, 2011 and 2016 Toronto Employment Survey, City of Toronto

In the Downtown Toronto UGC area, the 2016 Q4 Development Pipeline contained 42,556 units in projects that were built between 2012 and 2016, and a further 45,236 units in projects which are active and thus which have at least one Planning approval, for which Building Permits have been applied for or have been issued, and/or those which are under construction, but are not yet completed (see ProfileToronto: How Does the City Grow? April 2017). The number of units in the area that are in active projects is greater than the number of units which have been built over the past five years.

If a similar number of units in active projects were realized in the near term as were built in the previous five years, and if the same population and employment growth occurred in the Downtown Toronto UGC over the near term from 2016 as occurred over the past five years from 2011 to 2016, the resulting density would be 406 people and jobs per hectare. Thus if the current trends continued, the resulting density would be above the minimum UGC density target of the Growth Plan (2019). In addition, there would remain an additional ten years for additional approved development to occur.

The proposed development is not required for the City to meet the density target of 400 people and jobs/hectare in the Downtown UGC. The density target is to be measured across the whole of the Downtown UGC, as indicated in policy 5.2.5.4 of Growth Plan.

Land Use

The Planning Rationale report was submitted in support of the application. Staff reviewed the analysis provided in the report, along with the review of the PPS, Growth Plan, Official Plan, and applicable urban design guidelines in formulating an opinion on the proposed land uses.

The proposal provides 28,542.3 square metres of residential gross floor area starting on the third storey and 1,383.2 square metres of commercial gross floor area on the first and second storeys. The subject site's frontages on Sherbourne Street and Front Street East are proposed to be predominately active retail uses that will animate the street, with the remaining portions reserved for the residential lobby entrance and secondary building exits.

Based on the policy framework applicable for the site, the proposed residential and commercial uses conform to the Official Plan and the KPSP. It is noted the Downtown Secondary Plan encourages redevelopment in the King-Parliament area to fully replace existing non-residential gross floor area, in particular cultural spaces. The site currently has approximately 25,000 square metres of non-residential gross floor area. This application is not subject to the policies of the Downtown Plan. It is anticipated current and future applications subject to the Downtown Plan will continue to maintain existing and expand on non-residential uses and cultural spaces.

Residential Unit Mix

The development proposes a total of 439 residential units, consisting of: 43 (9.8%) bachelors; 282 (64.3%) one-bedrooms; 69 (15.7%) two-bedrooms; and 45 (10.3%) three-bedrooms. The unit mix does not meet the policy direction of the Downtown Plan where residential development is to achieve an additional minimum 15% of the total unit mix to be a combination of two and three bedroom units. However, the proposal is not subject to the policies in the Downtown Plan, and staff are satisfied with the minimum two and three bedrooms proposed, to be secured in the amending zoning by-laws.

Built Form

The proposed building incorporates the existing siting of the buildings at 33 Sherbourne Street and 176 Front Street East, where the addition above the building along Sherbourne Street is stepped back 3 metres, and the addition above the building along Front Street East is stepped back 5.7 metres. Above a height of 30.8 metres, or 10 storeys, the tower provides setbacks of 5.7 metres to the south, 11.5 metres to the east, 8.8 metres to the north and 3 metres to the west, resulting in a tower floor plate of 750 square metres. The east elevation of the first 10 storeys is proposed to be built along the lot line to line up with the blank wall of the west elevation of the building to the east.

Policy 1.1.3.4 of the PPS states appropriate development standards be promoted to facilitate intensification and a compact form. Policy 2.2.2.3 of the Growth Plan states all municipalities will develop a strategy to achieve minimum intensification targets and intensification throughout delineated built up-areas, which will: b) identify the appropriate type and scale of development and transition of built form to adjacent areas.

The Official Plan, KPSP, and urban design guidelines provide the municipal strategy in identifying the appropriate height and mass of development.

Policy 3.1.2.4 of the Official Plan states new development will be massed to define the edges of streets, parks and open spaces at good proportion. Taller buildings will be located to ensure adequate access to sky view for the proposed and future use of these areas. Policy 3.1.3.1 b) requires the middle part of the tall building be designed with appropriate dimensions for the site, be located and oriented on the site and in relationship to the base building and adjacent buildings in a manner that satisfies the provisions of the other policy directions, which includes addressing urban design considerations identified in Policy 3.1.2.

In the KPSP, Policy 3.2 e) states new buildings will achieve a compatible relationship with their built form context through consideration of such matters as building height, massing, scale, setbacks, stepbacks, roof line and profile and architectural character and expression.

Guideline 1.3 of the Tall Building Guidelines direct tall buildings to fit within the existing or planned context by providing a transition down to lower-scaled buildings. Guideline 1.5 direct tall buildings to frame an important view from the public realm, to ensure that the view is maintained. Guideline 3.2.1 direct the floorplate size be 750 square metres. Guidelines 3.2.2 and 3.2.3 direct a tower be sited 3 metres from the base building along a street, and a minimum 12.5 metres from side and rear property lines in order to achieve a minimum 25 metre separation distance between towers.

Height

The proposal results in an overall height of 129.3 metres including the mechanical penthouse, and 120.8 metres up to the 29th storey. The height of the proposed building will form the tallest building within the block and the adjacent blocks. Staff is of the opinion the overall height on this site is appropriate given its frontage along two major roads along Sherbourne Street and Front Street East. The location of this tall building within the block, and the surrounding area within the Regeneration Area 'A' policy area complements the varied building heights within the site's immediate surroundings and the broader areas in building heights from low-rise to tall buildings. Although not every site is anticipated to be a tall building within the Regeneration Area 'A' policy area, the proposed tall building's height can be accommodated based on the site's dimensions and its immediate existing and planned context.

Massing

Based on the policy framework for the site, it is staff's opinion the proposed tall building mass is acceptable. The proposed tall building's tower is sited in order to provide for the minimum 3 metre setback along the Sherbourne Street and Front Street East frontages, and the minimum 12.5 metre setback to the centerline of Abbey Lane to the north. The tower dimensions meet the Tall Building Guidelines standards and Tall Building Tower Separation Amending Zoning By-laws. The proposed tall building provides a 11.5 metre setback to the east property line, as opposed to the minimum of 12.5 metres as directed by urban design guidelines and Zoning By-law. Staff are satisfied of this condition in this context within this block as the length of the proposed tower with the 11.5 metre setback condition is minimized compared to the length.

Further, no projecting balconies are to extend beyond the elevation of the east wall of the tower after the 10th storey.

The tower's floorplate of 750 square metres meet the Tall Building Design Guidelines in providing a slender tower form.

The proposal's base building incorporates the existing buildings at 33 Sherbourne Street and 178 Front Street East, with a height of 9 metres. The mass stepbacks 3 metres from the front of the building 33 Sherbourne Street, and 5.7 metres from the front of the building at 178 Front Street after the second storey. The massing of the base building provide a streetwall that is complementary to the streetwall in the original ten blocks of Old Town and the stepbacks proposed after a height of 9 metres (2 storeys) meet the Official Plan policy direction and Tall Building Design Guidelines.

The proposal's setback of the lower storeys facing Abbey Lane from the first to eight storeys at the northeast portion were increased from 12.5 metres to 15.5 metres measured from the centreline of the public lane in order to provide greater separation between residential units with this facing condition. Staff are of the opinion this increase in separation distance is appropriate.

Heritage Conservation

Heritage Planning has reviewed the Heritage Impact Assessment ("HIA") submitted in support of the development proposal. The HIA concludes that the development will conserve the on-site heritage buildings that it is respectful and sensitive to the character of adjacent heritage resources. Overall staff agree with this assessment.

The current retention strategy is to retain the primary (south) elevation of the south building with an east and west reveal. The retention strategy for the east building includes the retention of the primary (west) elevation and a significant portion of the north elevation that faces Abbey Lane and is visible from Sherbourne Street. A reveal of the south elevation will also be retained. At an earlier stage of the this development proposal the applicant proposed demolishing the building and constructing a new base building approximately in its place, but with a greater setback from Front Street East. The new base building was to take design cues from the demolished building. Staff opposed this development strategy as the south building meets the criteria for designation under the Ontario Heritage Act and additionally, because the building is identified as a contributing building within the St. Lawrence Neighbourhood HCD Plan. Demolishing the building and constructing a new base building of a similar design is not conservation as defined in our existing heritage planning framework.

The residential floorplates proposed to be constructed above the heritage buildings will be stepped back from the retained building elevations in order to mitigate the visual impact on them and to conserve the scale form and massing of the buildings. Stepping back the new residential floor plates will also conserve the existing street wall and ensure the existing buildings remain dominant features on the street.

As part of the development that the applicant is proposing to undertake, restoration work will be done on both buildings. The scope of work includes paint removal, masonry repair and cleaning. The existing non-sympathetic windows are not original to the buildings and will be replaced with new sympathetic windows that will be designed based on archival photography.

Staff have reviewed the application against the in-force heritage policies and in the context of the emerging policy framework for the area, including the St. Lawrence Neighbourhood HCD Plan. The proposal satisfies the objectives of the HCD Plan and therefore, staff are supportive of the proposal.

Staff are supportive of the proposal to alter the properties at 178 Front Street East (including 176 Front Street East) and 33 Sherbourne Street to allow for their incorporation into a new residential building. The proposal conserves the onsite and adjacent heritage properties consistent with the City's Official Plan and the Provincial Policy framework and satisfies the objectives of the St. Lawrence Neighbourhood HCD Plan.

Shadow Impact

This application has been reviewed against the Official Plan policies, Secondary Plan policies, planning studies and design guidelines described in the Issue Background Section of the Report. Policy 3.1.2.3 e) of the Official Plan states new development will be massed to fit harmoniously and limit its impact on streets, parks, open spaces and properties by adequately limiting any resulting shadowing of neighbouring streets and open spaces, having regard to the varied nature of such areas.

In the KPSP, Policy 3.2 f) states buildings will be massed to provide proportional relationships and be designed to minimize shadow impacts on streets, parks open spaces.

Guideline 1.4 of the Tall Building Guidelines refer to maintaining access to sunlight for surrounding streets, parks and open space.

Shadow Studies were submitted in support of the application, showing net new shadows cast on March 21, June 21, and September 21. The proposal will cast shadows on the surrounding streets and sidewalks, and private amenity spaces of the neighbouring properties to the north between 9:18 am to 6:18 pm. A future park secured as part of the LPAT settled application at 254-266 King Street East, 427-435 Adelaide Street East and 157 Princess Street, northeast of the subject site will experience incremental shadows between 2:18 pm to 4:18 pm from March 21st to September 21st.

Wind Impact

The Pedestrian Wind Study and addendums were submitted in support of the application. The study indicates the surrounding public realm and the outdoor amenity spaces will experience wind conditions suitable for the intended uses. The study recommended mitigation measures such as recessed entrances at grade and a

combination of porous trellises and guardrails on the outdoor amenity areas to improve pedestrian and occupant wind comfort.

Policy 3.1.2.3 e) of the Official Plan indicates new development will be massed and limit its impact on neighbouring streets, parks, open spaces and properties by adequately limiting uncomfortable wind conditions on neighbouring streets, properties and open spaces, having regard for the varied nature of such areas. Policy 3.2 f) of the KPSP indicates buildings be designed to minimize wind impacts on streets, parks or open spaces. Guideline 2.4 of the Tall Building Guidelines indicates publicly accessible open spaces should be located and designed to maximize safety, comfort and amenity by protecting such spaces from wind. Guideline 2.5 indicates private amenity areas be protected from pedestrian-level wind. Guidelines 3.2.1, 3.2.2, 3.2.3 and 4.3 indicates towers be organized, oriented, sited and articulated to minimize negative wind conditions.

Staff reviewed the Wind Study and addendums and are satisfied with the assessment provided in the documentation. The study and addendums recommended trellises and guardrails be implemented on the outdoor amenity areas on the 11th storey to improve wind comfort from strolling to standing during the summer season. The detailed mitigation measures to improve pedestrian and occupant wind comfort will be identified and secured through the site plan review process.

Traffic Impact, Vehicular and Loading Access

A Transportation Impact Study was submitted in support of the application.

Policy 3.1.2.2 of the Official Plan directs new development to locate and organize 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. Guideline 2.3 of the Tall Building Guidelines provides direction for loading and servicing components of a tall building be located away from the public realm and to consolidate such components if possible.

The vehicular and loading access to the development is proposed on Abbey Lane north of the site, and accessed from Sherbourne Street to the west and Princess Street to the east. A Type 'G' loading space and a Type 'C' loading space are proposed within the site to service both the residential and commercial components. The existing garbage bins that are placed along Abbey Lane is anticipated to be removed as part of this development. Transportation Services staff reviewed the Transportation Impact Study and addendum and concurs with its conclusions.

Vehicular Parking

The proposal provides a total of 91 spaces consisting of 65 spaces for residents and 26 for commercial and residential visitor uses. The Transportation Impact Study submitted provided an analysis on the reduction of parking spaces from the Zoning By-law standard. Transportation Services staff reviewed the documentation and supports the number of vehicular parking spaces.

As part of the approval, Transportation Services staff request the amending Zoning By-laws secure the minimum 91 parking spaces.

Bicycle Parking

The proposal provides a total of 446 spaces consisting of 396 residential long term spaces, 44 residential short term all within the second storey of the development. The total of number of bicycle parking spaces required for the increase in density meets the Zoning By-law standard.

Streetscape

Policy 3.1.2.5 of the Official Plan indicates new development will provide amenity for adjacent streets and open spaces to make these areas attractive, interesting, comfortable and functional for pedestrians. Guideline 4.1 of the Tall Building Guidelines indicates the streetscape and landscape elements shall support safe and comfortable pedestrian movement, and provide sustainable streetscape and landscape design. Guideline 4.2 indicates where existing conditions do not allow for a 6 metre wide pedestrian zone, alternative solutions be considered as part of redevelopment.

In the KPSP, policy 3.2 a) states new buildings will be located along front property lines to define and form edges along streets.

The proposal results with a Sherbourne Street sidewalk width of 3 metres along the section of the existing building at 33 Sherbourne Street, which tapers southerly and expands to 5.5 metres at the street intersection. Along Front Street East, the pedestrian sidewalk's width is 2 metres along the section of the existing building at 178 Front Street East, and tapers westerly and expands to 7 metres at the street intersection. City Planning Staff are satisfied with the proposed pedestrian sidewalk given its existing conditions, which includes the incorporation of the heritage buildings on site. The pedestrian sidewalk intersection of Sherbourne Street and Front Street East is further improved with the proposal's retail entrance at the corner inset from the overall base building mass, resulting in additional space for the east of pedestrian movement.

Front Street Promenade

This section of Front Street East between Sherbourne Street and Princess Street has an existing pedestrian sidewalk with of 2 metres. This proposal will improve on the pedestrian sidewalk along Front Street East by eliminating the existing curbs and increasing the pedestrian sidewalk width from 2 metres to a maximum of 7 metres. Staff acknowledge the siting of the building at 178 Front Street East will remain in-situ. In order to ensure the conservation of the building at 178 Front Street East and increase the width of the pedestrian sidewalk, staff will be undertaking extending the curb on the north side further south in order to extend the pedestrian sidewalk. The extension of the curb to provide for a wider pedestrian walkway on this section of Front Street East will be addressed in the site plan approval process.

Abbey Lane

The subject site abuts Abbey Lane to the north, a city-owned public laneway. Development on the site does not require conveyances to improve Abbey Lane as it is already functions as a standard 6 metre wide city laneway. In addressing community concern with the traffic and loading movement on the laneway, the base building is setback an additional 1.3 metres after a depth of 18.3 metres from Sherbourne Street in order to increase the usable width of Abbey Lane to approximately 7.5 metres.

Servicing and Stormwater Management

A Functional Servicing and Stormwater Management report was submitted in support of the application. The development is to connect to both the existing 300 mm watermains on Front Street East and Sherbourne Street, and to the existing 375 mm combined sewer on Front Street East. Various components will be implemented to meet the Wet Weather Flow Management Guidelines including connection to the existing 600 mm stormsewer on Front Street East, a stormwater detention tank on-site, and the implementation of the green roof and other pervious surfaces. Engineering and Construction Services staff reviewed the documentation and are satisfied there is sufficient capacity to service the proposed development and that it will meet the City's stormwater management criteria.

Hydrogeological Impacts

A Geotechnical Investigation report and Hydrogeological Investigation report were submitted in support of the application. The reports indicated the temporary and permanent discharge may be required during construction. Engineering and Construction Services and Toronto Water staff have reviewed the documentation and have no objections to the approval of the application.

Parkland

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

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The residential component of this proposal is subject to a cap of 10% parkland dedication while the non-residential component is subject to a 2% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. The appraisal will be conducted upon the submission of an application for the first above grade building permit and is valid for six months. Payment will be required prior to the issuance of the first above grade permit.

Archaeological Assessment

A Stage 1 Archaeological Assessment was submitted in support of the application. The Assessment indicated there are no archaeological concerns with the site. Staff agrees with the conditions expressed in the Assessment and advises both the appropriate authorities be notified in the event deeply buried archaeological remains are encountered during construction.

Tree Preservation

There are no trees on or within 6 metres of the subject site. The Landscape Plans submitted in support of the application shows the planting of six trees, three each along the Sherbourne Street and Front Street East frontages. Staff has reviewed the documentation and have no concerns with the proposed tree plantings, with the details and financial security for the plantings be addressed through the site plan approval process.

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 will be secured through the Zoning By-law process include automobile infrastructure, cycling infrastructure and storage and collection of recycling and organic waste.

Design Review Panel

The original proposal was considered by the Design Review Panel ("DRP") on June 20, 2019, where the Panel voted unanimously in support. The Panel considered the proposed materiality are appropriate for the area, and that the integration of the heritage properties on the site were important in ensuring there is a layering in history for the area. Moving forward, the Panel suggested the following items be explored:

- Offset development from the heritage buildings;
- Ensure there is tower separation of 12.5 metres to lot lines;
- Reconsider the articulation of the base building in contrast to the design of the tower;
- Relocate the residential lobby entrance from Sherbourne Street to Front Street East;
- Increase the amount of brick in the tower to improve thermal performance and heritage integration.

The minutes of the DRP can be accessed here: <https://www.toronto.ca/wp-content/uploads/2019/10/97e1-UrbanDesign-DesignReviewPanel-MtgMinutes-20June2019.pdf>

Section 37

The Official Plan contains policies pertaining to the provision of community benefits in exchange for increases in height and/or density pursuant to Section 37 of the Planning Act. While the proposed development exceeds the height and density limits of the existing Zoning By-law, the application is consistent with the objectives and policies of the Official Plan, and thus constitutes good planning.

The community benefits recommended to be secured in the Section 37 Agreement are as follows:

1. A cash contribution towards capital facilities, to be determined by the Chief Planner and Executive Director, City Planning, in consultation with the Ward Councillor.

The following matters are also recommended to be secured in the Section 37 Agreement as a legal convenience to support development:

1. The Owner shall construct and maintain the development in accordance with Tier 1 performance measures of the Toronto Green Standard, as adopted by Toronto City Council at its meeting held on October 26 and 27, 2009 through the adoption of item PG32.3 of the Planning and Growth Committee, and as updated by Toronto City Council at its meeting held on December 5, 6 and 7, 2017 through the adoption of item PG23.9 of the Planning and Growth Committee, and as may be further amended by City Council from time to time.
2. The conservation of the existing on-site buildings at 33 Sherbourne Street and 178 Front Street East.
3. The owner shall pay and construct the extension of the curb on Front Street East in order to increase the pedestrian walkway right-of-way.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2019), the Toronto Official Plan and the KPSP. Staff are of the opinion that the proposal is consistent with the PPS (2020) and does not conflict with the Growth Plan (2019). Furthermore, the proposal is in keeping with the intent of the Toronto Official Plan, particularly as it relates to heritage conservation, and a built form that is appropriate for the existing and planned context. Staff worked with the applicant and the community to address and resolve the following key concerns: heritage conservation; traffic conflicts on Abbey Lane; and tower separation distances from existing tall buildings. It is noted that the majority of community feedback do not support the mass and the height of the proposed building. Staff is of the opinion the overall built form of

the proposal is acceptable on the site. Staff recommend that Council support approval of the application.

CONTACT

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SIGNATURE

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

ATTACHMENTS

- Attachment 1: Application Data Sheet
- Attachment 2: 3D Model of Proposal in Context Looking Northeast
- Attachment 3: 3D Model of Proposal in Context Looking Southwest
- Attachment 4: Location Map
- Attachment 5: Official Plan Land Use Map
- Attachment 6: King-Parliament Secondary Plan Land Use Map
- Attachment 7: King-Parliament Secondary Plan Areas of Special Identity
- Attachment 8: Existing Zoning By-law Map
- Attachment 9: Draft Zoning By-law Amendment to 438-86
- Attachment 10: Draft Zoning By-law Amendment to 569-2013
- Attachment 11: Site Plan
- Attachment 12: North Elevation
- Attachment 13: East Elevation
- Attachment 14: South Elevation
- Attachment 15: West Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 176-178 Front St. E. Date Received: March 12, 2019
& 33 Sherbourne St.

Application Number: 19 124407 STE 13 OZ

Application Type: Rezoning

Project Description: Revised Zoning By-law Amendment to permit a 38-storey building consisting of a 2-storey base building and a 35-storey tower with an overall height of 129.3m (including mechanical penthouse). The application proposes 439 residential units and 1,370.5 sq.m. of retail uses. A total of 91 vehicle parking spaces will be provided in 3 levels of underground parking.

Applicant	Agent	Architect	Owner
Front-Sherbourne Developments Inc.		Giannone Petricone Associates	Jet Transportation Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation:	Regeneration Areas	Site Specific Provision:
Zoning:	CRE (x73)	Heritage Designation:
Height Limit (m):	30	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 1,907 Frontage (m): 51 Depth (m): 38

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	1,024		1,674	1,674
Residential GFA (sq m):			28,542	28,542
Non-Residential GFA (sq m):	2,570		1,383	1,383
Total GFA (sq m):	2,570		29,926	29,926
Height - Storeys:	3		38	38
Height - Metres:			121	121

Lot Coverage Ratio (%): 87.77 Floor Space Index: 15.69

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	28,469	73
Retail GFA:	1,383	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			439	439
Other:				
Total Units:			439	439

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		43	282	69	45
Total Units:		43	282	69	45

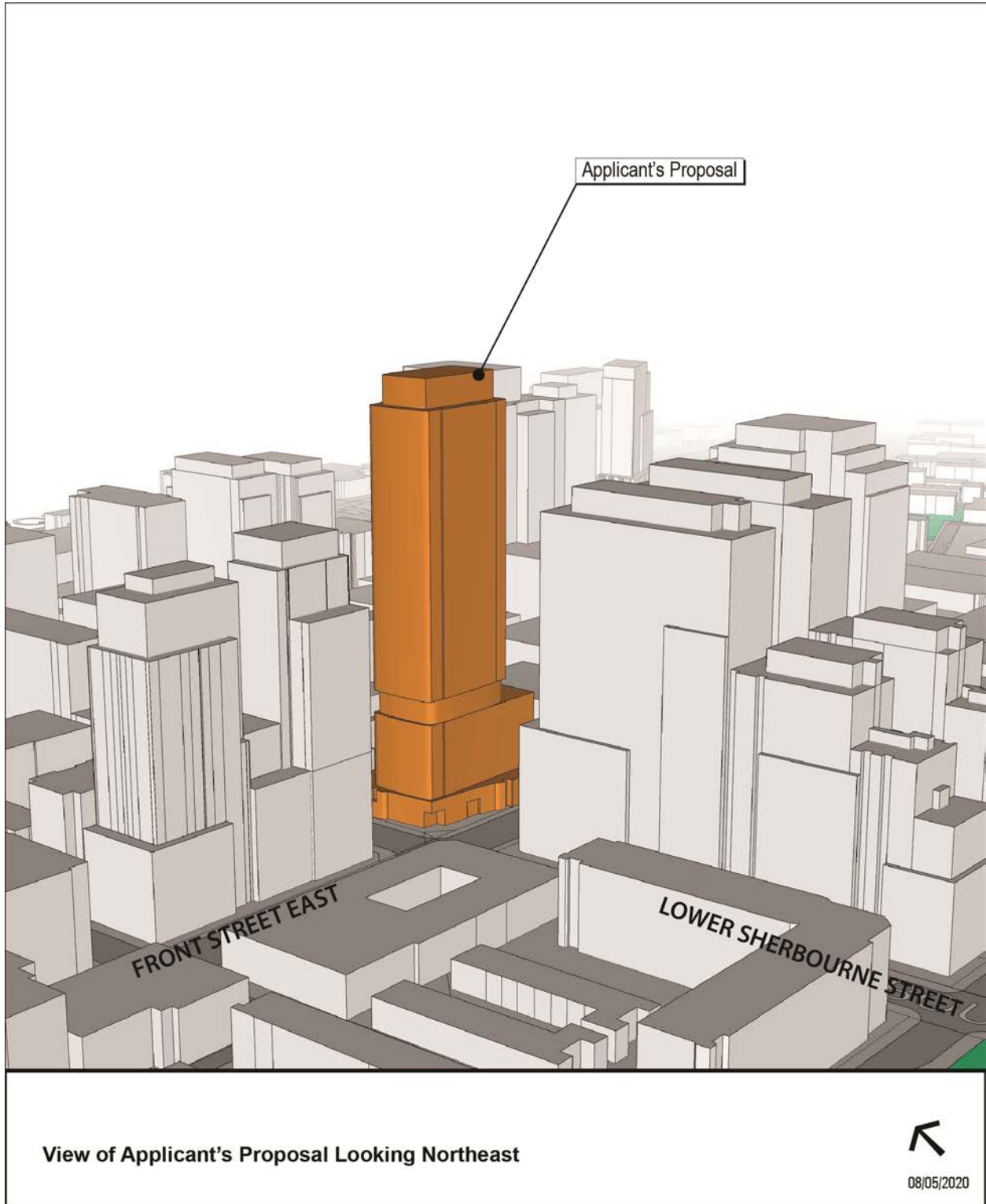
Parking and Loading

Parking Spaces:	91	Bicycle Parking Spaces:	446	Loading Docks:	2
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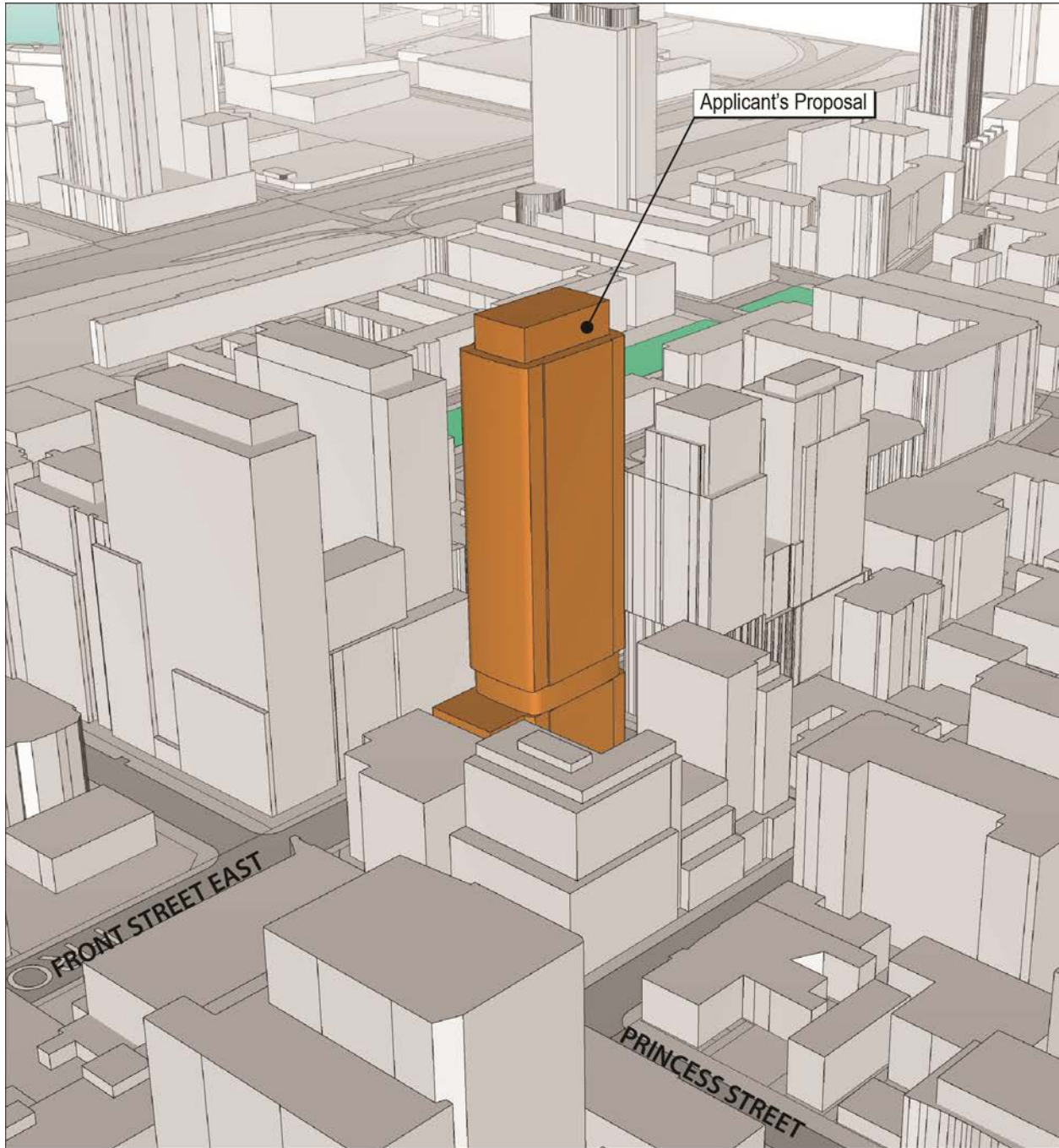
CONTACT:

Henry Tang, Senior Planner, Community Planning
(416) 392-7572
Henry.Tang@toronto.ca

Attachment 2: 3D Model of Proposal in Context Looking Northeast



Attachment 3: 3D Model of Proposal in Context Looking Southwest

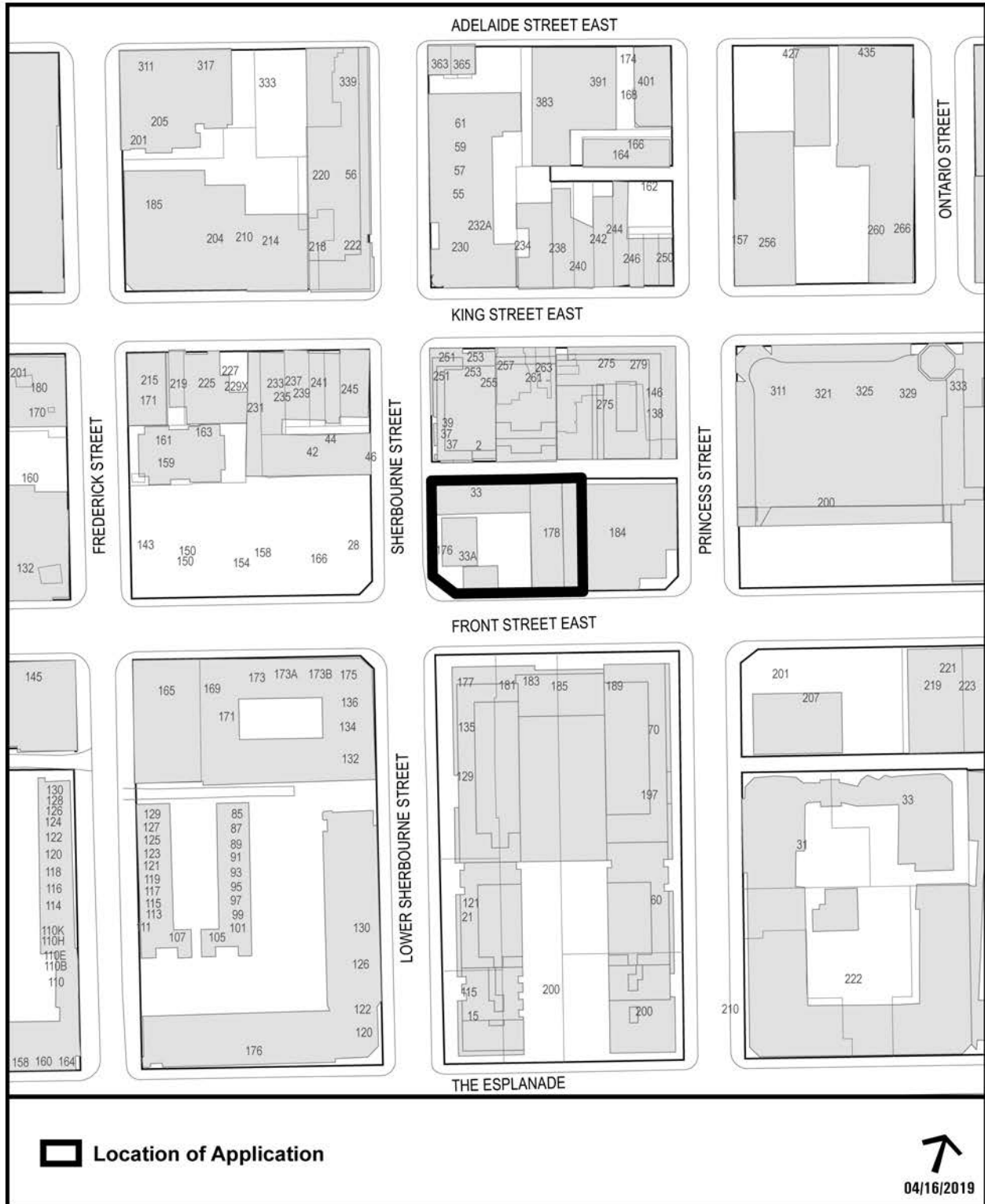


View of Applicant's Proposal Looking Southwest

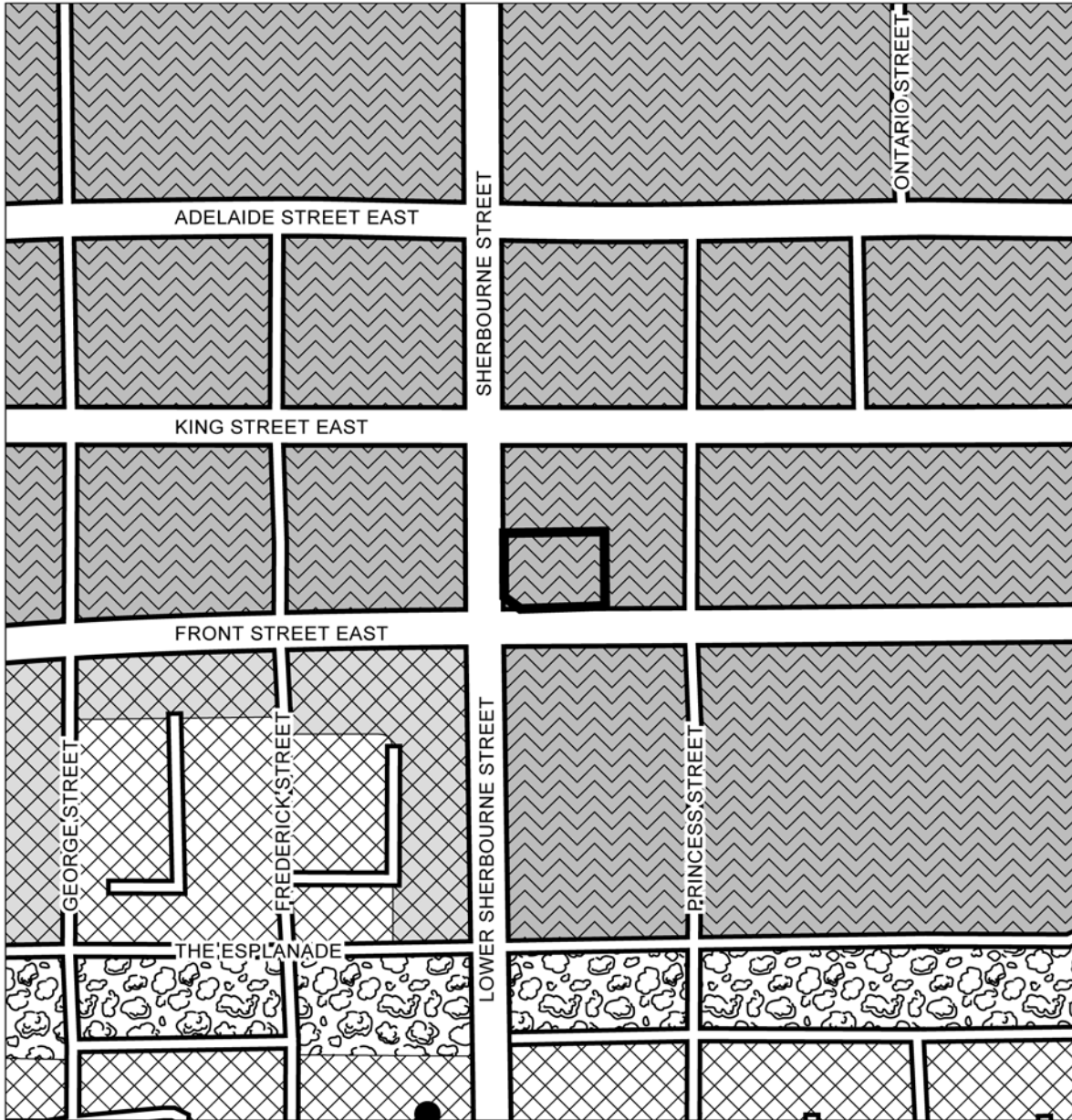


08/05/2020

Attachment 4: Location Map









Attachment 5: Official Plan Land Use Map



Official Plan Land Use Map #18

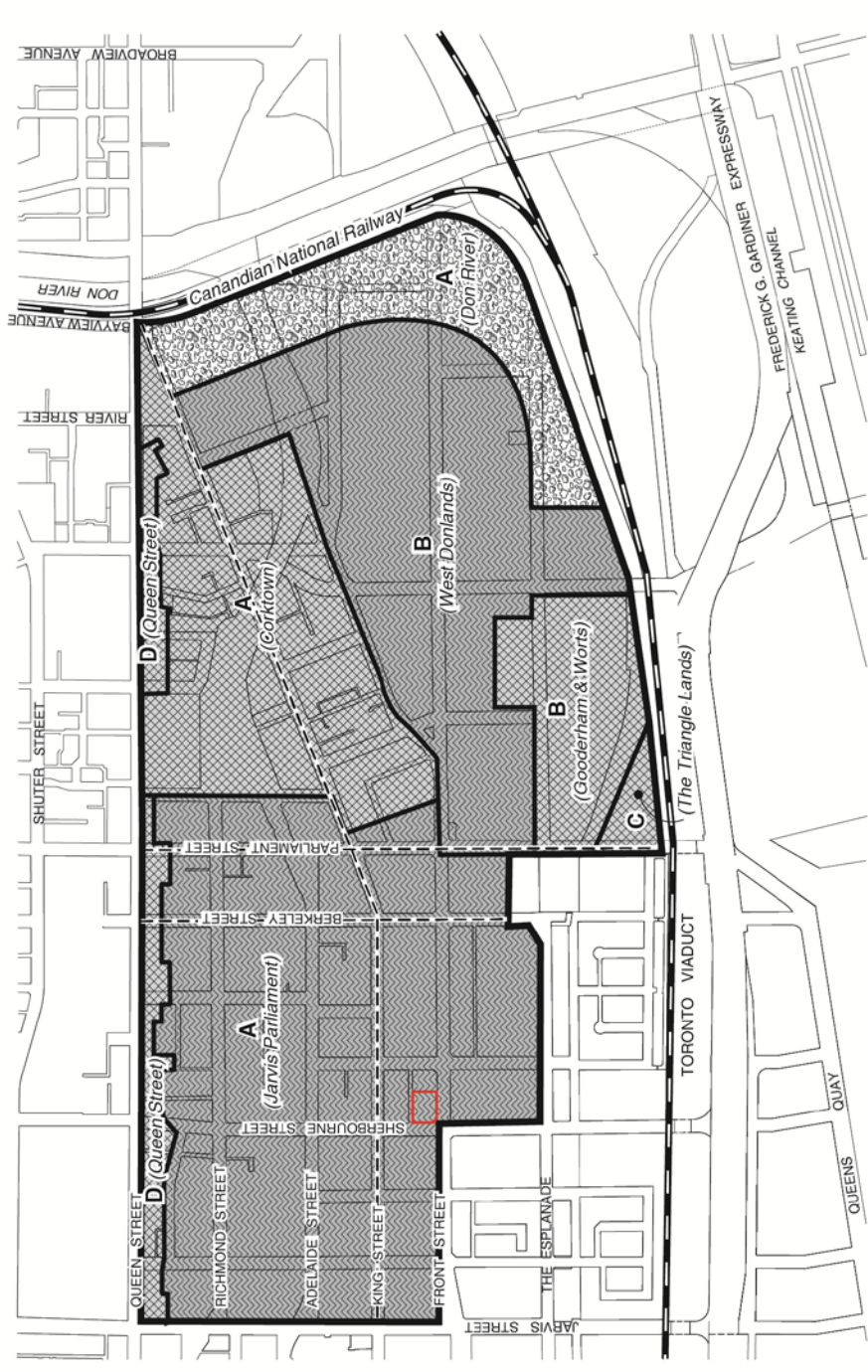
33 Sherbourne Street and
176 & 178 Front Street East
File # 19 124407 STE 13 0Z

- | | | | |
|---|--------------------------|---|--------------------------|
|  | Location of Application |  | Parks & Open Space Areas |
|  | Apartment Neighbourhoods |  | Parks |
|  | Mixed Use Areas | | |
|  | Regeneration Areas | | |



Not to Scale
04/16/2019

Attachment 6: King-Parliament Secondary Plan Land Use Map



- Secondary Plan Boundary
- ▨ Regeneration Areas
- ▧ Mixed Use Areas
- ▩ Parks and Open Space Areas
- - - Special Streets
- Location of Application

King-Parliament Secondary Plan

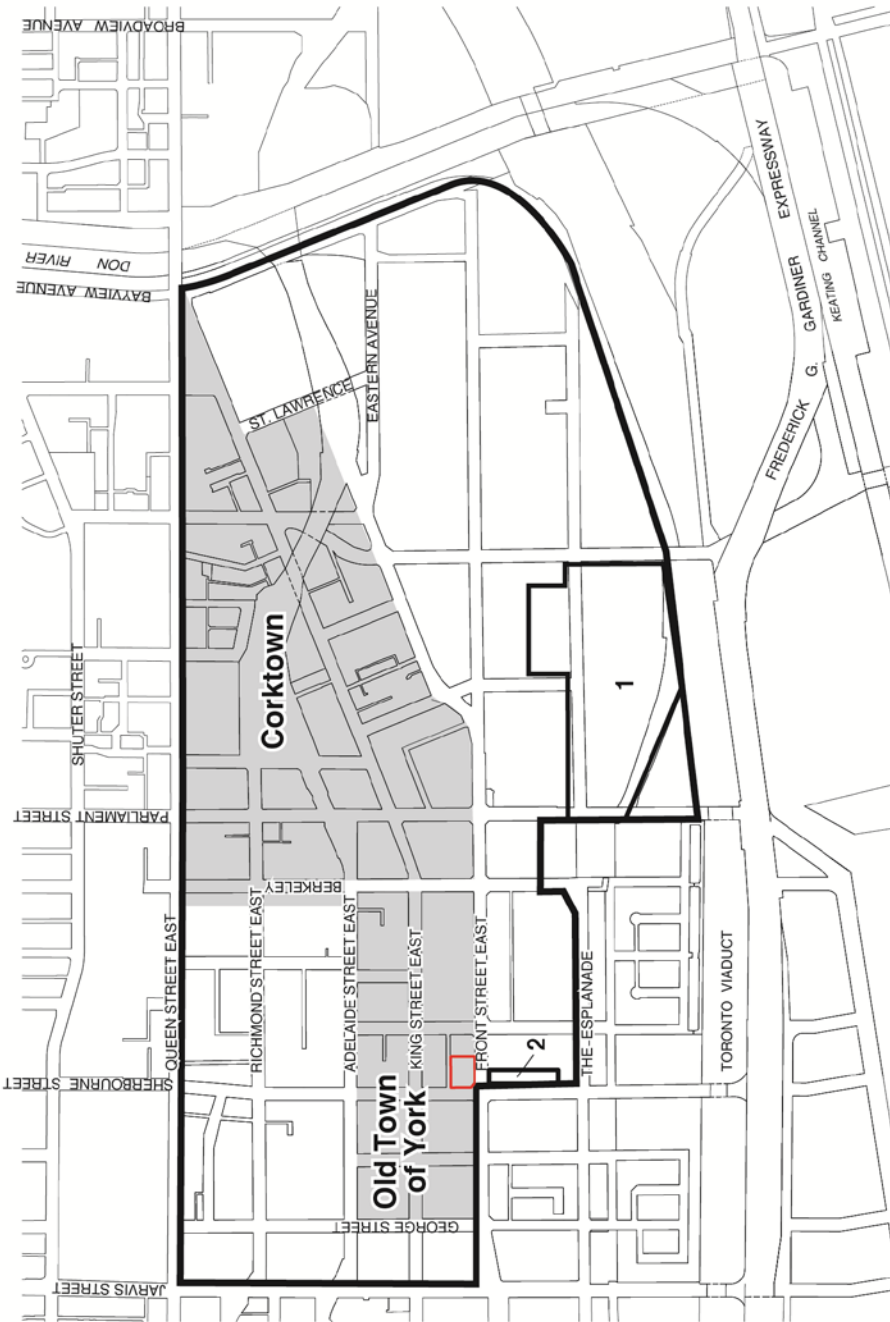
176-178 Front Street East and 33 Sherbourne Street





MAP 15-1 Land Use Plan

Not to Scale
07/29/2020

File # 19 124407 STE 13 0Z

Attachment 7: King-Parliament Secondary Plan Areas of Special Identity



-  Secondary Plan Boundary
-  Areas of Special Identity
-  1 Site and Area Specific Policies
-  Location of Application

King-Parliament Secondary Plan

176-178 Front Street East and 33 Sherbourne Street

MAP 15-3 Areas of Special Identity

Not to Scale
07/29/2020

File # 19 124407 STE 13 0Z



Attachment 8: Existing Zoning By-law



Zoning By-law 569-2013

176-178 Front Street East and 33 Sherbourne Street

File # 19 124407 STE 13 0Z

-  Location of Application
-  Residential
-  Commercial Residential
-  Commercial Employment
-  Mixed-Use District
-  RA



See Former City of Toronto By-law No. 438-86

- CR Mixed-Use District
- RA Mixed-Use District



Not to Scale
Extracted: 07/28/2020

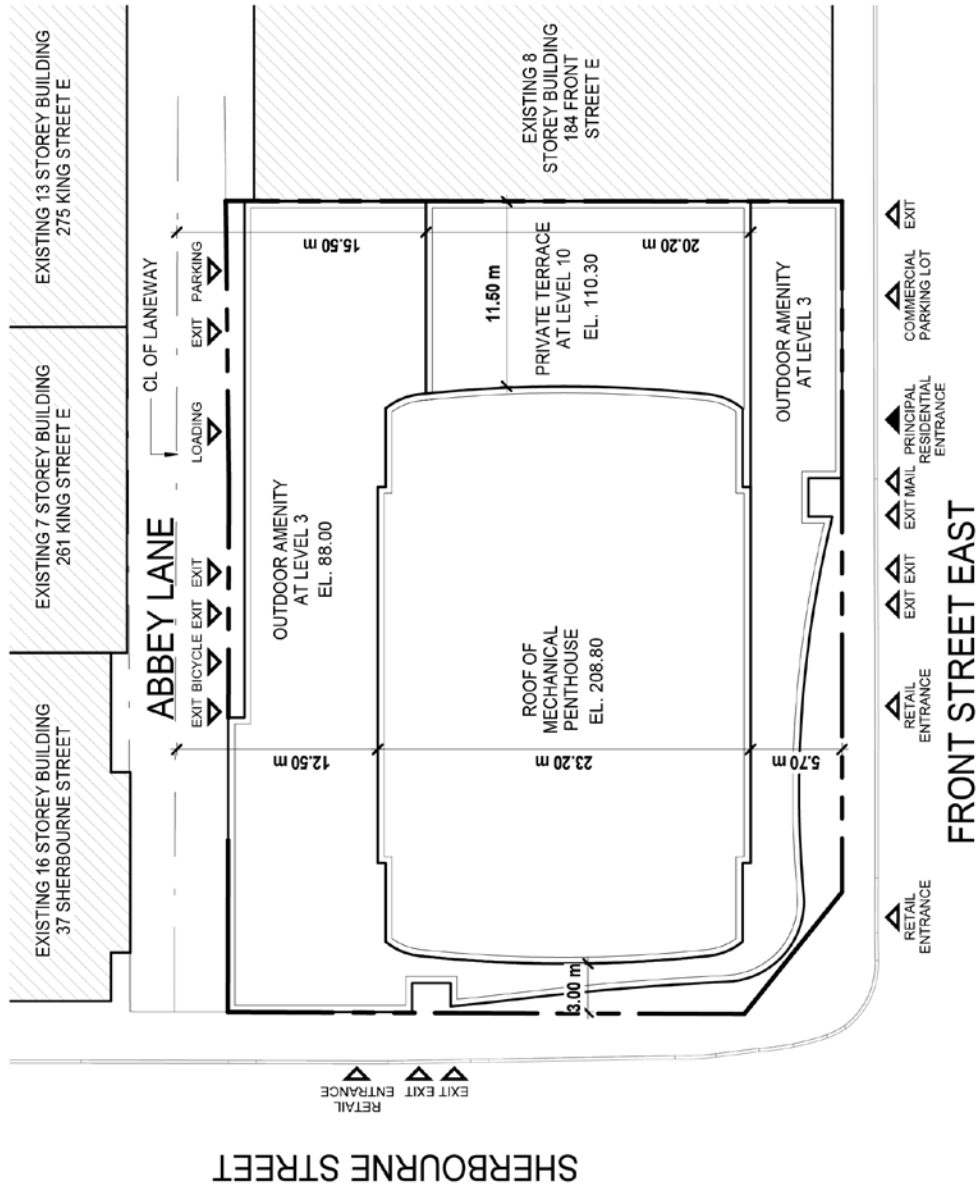
Attachment 9: Draft Zoning By-law Amendment to 438-86

~ The draft By-law will be made available on or before the September 16, 2020 Toronto and East York Community Council Meeting ~

Attachment 10: Draft Zoning By-law Amendment to 569-2013

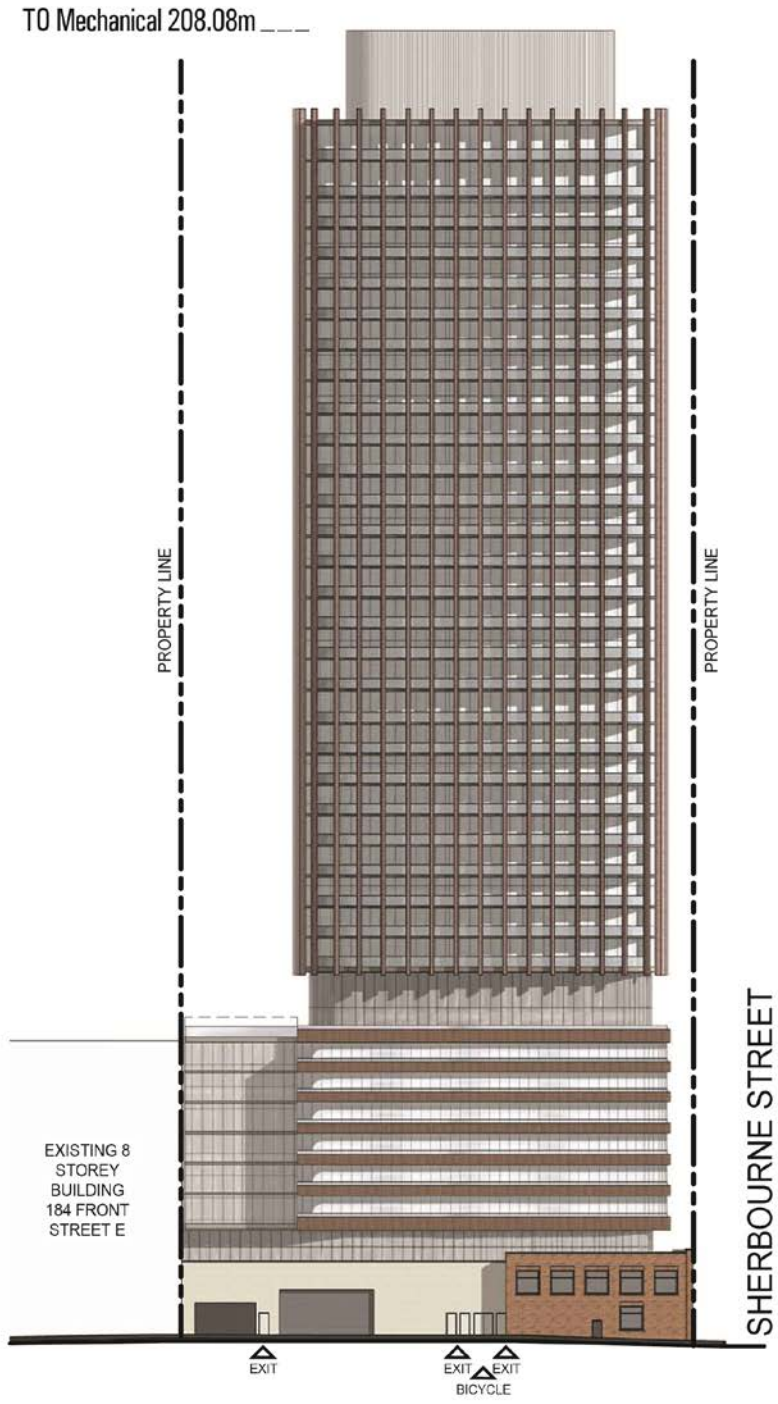
~ The draft By-law will be made available on or before the September 16, 2020 Toronto and East York Community Council Meeting ~

Attachment 11: Site Plan



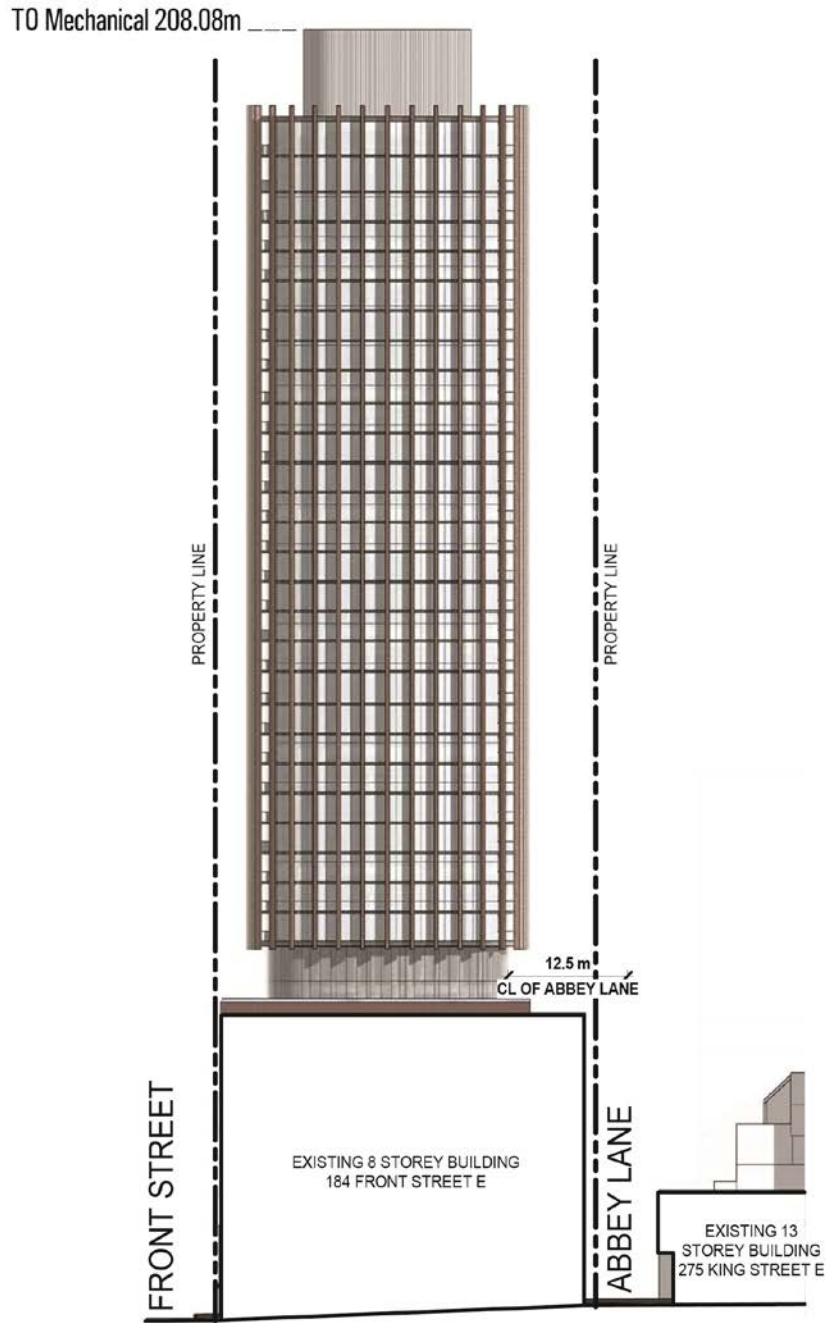
Site Plan

Attachment 12: North Elevation



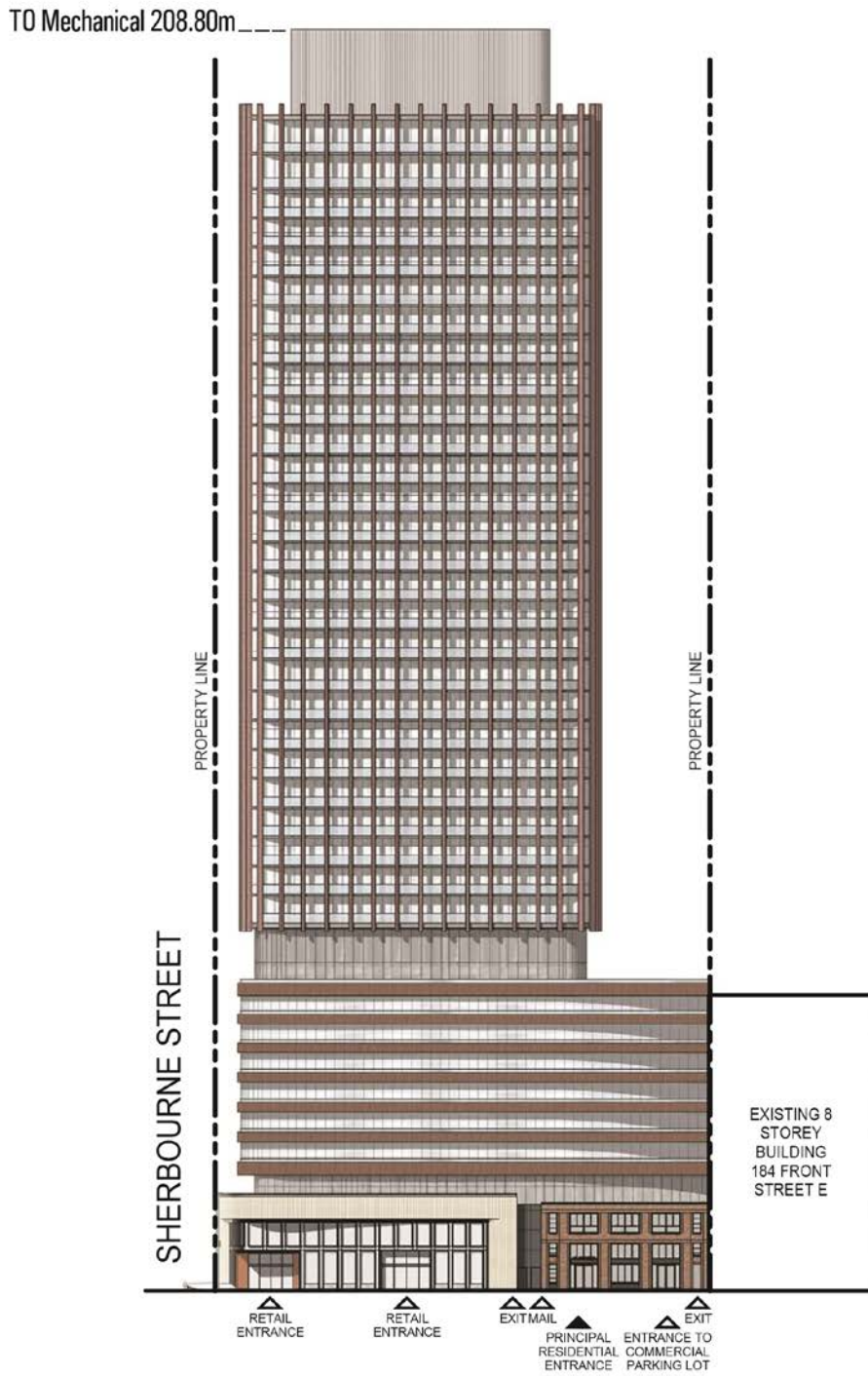
North Elevation

Attachment 13: East Elevation



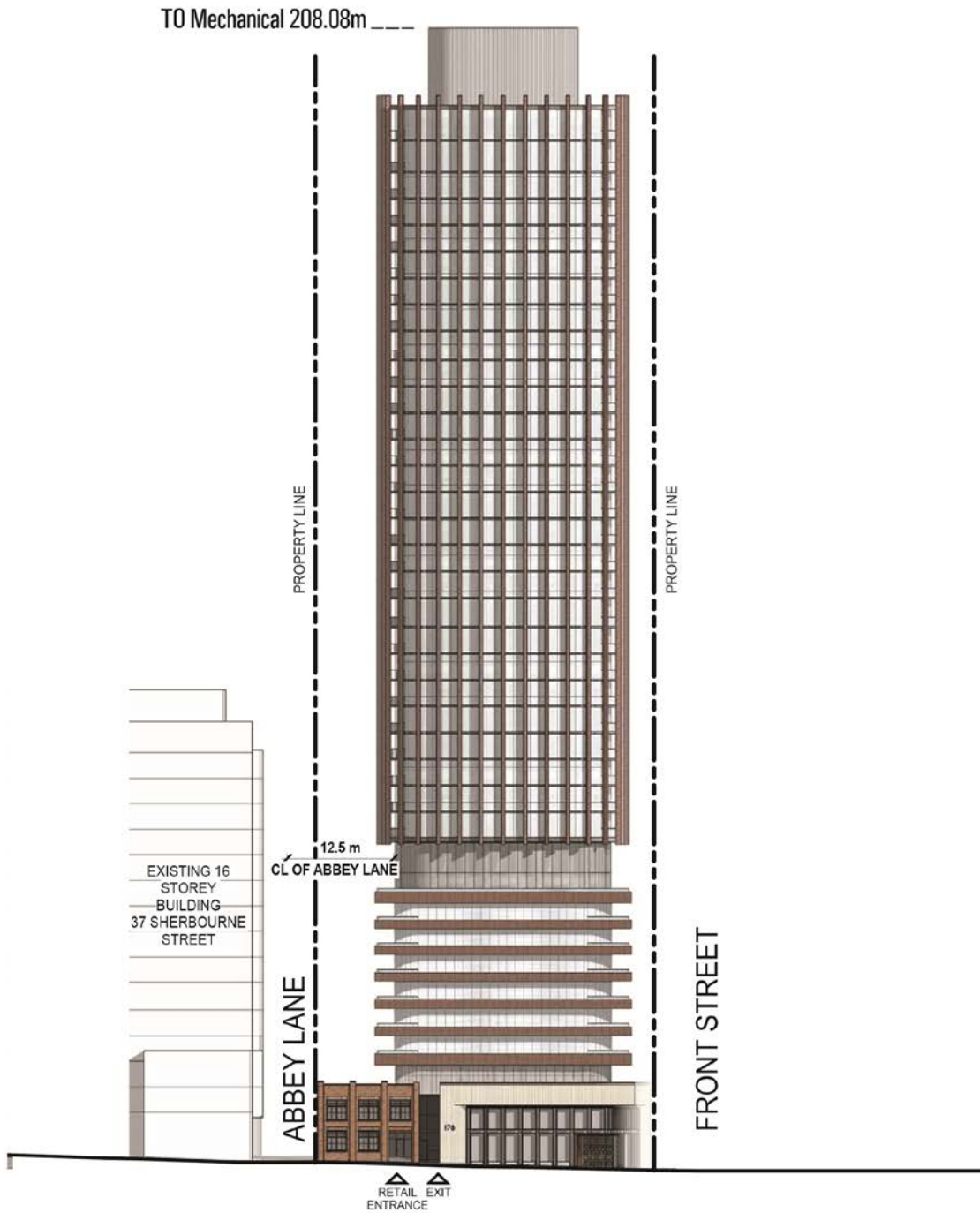
East Elevation

Attachment 14: South Elevation



South Elevation

Attachment 15: West Elevation



West Elevation