

20-26 Maitland Street - Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Applications – Request for Directions Report

Date: September 21, 2020

To: Toronto and East York Community Council or City Council

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

Planning Application Numbers: 19 240160 STE 13 OZ & 19 240163 STE 13 SA

SUMMARY

The Official Plan Amendment, Zoning By-law Amendment and Site Plan Control applications propose the redevelopment of the site at 20-26 Maitland Street with a 45-storey mixed use building. The proposal includes 527 residential condominium dwelling units and 275 square metres of retail space at grade.

The Official Plan Amendment and Zoning By-law Amendment application was deemed complete on October 23, 2019. The Site Plan Control Application was deemed complete on November 26, 2019. The Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications were appealed to the Local Planning Appeal Tribunal (the "LPAT") on March 14, 2020 due to the City's failure to make a decision within the prescribed time period set out in the Planning Act.

This report recommends that the City Solicitor, together with City Planning staff, and other appropriate City staff, attend the LPAT in opposition to the current proposal. As proposed, the application is not consistent with the Provincial Policy Statement (2020), does not conform to the Growth Plan (2020), and does not conform to the City's Official Plan.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor, together with City Planning staff and appropriate City Staff to attend the Local Planning Appeal Tribunal hearing to oppose the Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control applications in their current form.

2. City Council direct City Staff to continue discussions with the applicant in an attempt to resolve outstanding matters as identified in this report, including issues regarding appropriate transition to and coordination with adjacent properties.

3. In the event the Local Planning Appeal Tribunal allows the appeals of the Official Plan Amendment and Zoning By-law Amendment, in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its final Order on the Official Plan Amendment and Zoning By-law Amendment applications until:

a) the Official Plan and Zoning By-law Amendments are provided in a final form and with content satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor;

b) the owner and the City have agreed upon an appropriate Section 37 community benefit contribution to be provided by the owner to the City under the authority of Section 37 of the Planning Act, and such community benefit has been secured in a Section 37 agreement with the City that has been executed and registered on title to the property, all to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

c) the owner has addressed all outstanding issues identified by Engineering & Construction Services, Transportation Services, Solid Waste Management Services, Toronto Water, and Fire Services as outlined in the memo dated February 20, 2020 from Engineering and Construction Services relating to the Official Plan and Zoning By-law Amendments and Site Plan Control applications, including submitting a revised Functional Servicing Report, Storm Water Management Report and Hydro-geological Report, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;

d) the owner has entered into an agreement or agreements with the City securing the design and the provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or provision of new municipal infrastructure identified in the approved engineering reports referenced in paragraph (c) above, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, should it be determined that improvements or upgrades and/or new infrastructure are required to support the development;

e) the owner has submitted a revised Pedestrian Level Wind Study acceptable to, and to the satisfaction of, the Chief Planner and Executive Director, City Planning;

f) the owner has revised all plans and reports to show the location of Toronto Transit Commission infrastructure adjacent to the development site and ensure that a 3 metre clearance is maintained between the proposed development, including all below grade and above grade structures, to all Toronto Transit Commission infrastructure, all to the satisfaction of the Manager of Technical Review, Toronto Transit Commission, and the Chief Planner and Executive Director, City Planning;

g) the owner has withdrawn their appeal of Official Plan Amendment 183 - North Downtown Yonge Site and Area Specific Policy 382; and

h) the owner has withdrawn their appeal of Official Plan Amendment 231 with respect to office replacement policies.

4. In the event the Local Planning Appeal Tribunal allows the appeal of the Site Plan Control application, in whole or in part, City Council direct the City Solicitor to request the Local Planning Appeal Tribunal to withhold its final Order on the Site Plan Control application until:

a) the owner has revised the Site Plan to address all outstanding issues, including issues identified in the Engineering & Construction Services memo dated February 20, 2020, the revised Pedestrian Level Wind Study, and the revised plans and reports showing the location of the Toronto Transit Commission infrastructure, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, Chief Planner and Executive Director, City Planning, and the Manager of Technical Review, Toronto Transit Commission;

b) the owner and the City have entered into a Site Plan Agreement securing conditions of site plan approval, all to the satisfaction of the Chief Planner and Executive Director, City Planning;

c) the City Solicitor has advised the Tribunal in writing that all pre-approval conditions have been fulfilled by the owner.

5. City Council authorize City Planning staff to re-schedule the community consultation meeting for the application located at 20-26 Maitland Street together with the Ward Councillor prior to the LPAT hearing on the appealed applications.

6. City Council authorize the City Solicitor and appropriate City staff to take such necessary steps, as required, to implement City Council's decision.

FINANCIAL IMPACT

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

DECISION HISTORY

A pre-application meeting was held with the applicant on July 31, 2019 to discuss the proposed development concept and identify application requirements. Staff discussed the proposed built form transition, interface with adjacent lands, office replacement policies and other matters and identified the necessary supporting studies and materials for the application.

The current Official Plan Amendment and Zoning By-law Amendment application was submitted on October 23, 2019 and deemed complete as of that date. The Site Plan Control application was submitted on October 23, 2019 and deemed complete as of November 26, 2019.

A Preliminary Report on the applications was adopted by Toronto and East York Community Council on January 8, 2020 authorizing staff to conduct a community consultation meeting. The preliminary report can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE12.27>

ISSUE BACKGROUND

Proposal

This application proposes to amend the Official Plan and Zoning By-law for the property at 20-26 Maitland Street to permit the demolition and redevelopment of the existing 2.5-storey and 3-storey office buildings with a 45-storey, 138.7 metre (145 metres including mechanical penthouse) mixed use building.

The application proposes a maximum gross floor area of 36,010 square metres, resulting in a density of 12.96 times the area of the lot. The ground floor would contain retail uses totalling 275 square metres, five live/work units, and the residential lobby. The remaining 44 floors of the building would contain dwelling units and residential amenity space. In total, 527 residential condominium dwelling units are proposed,

including 38 studio (7%), 306 one-bedroom (58%), 124 two-bedroom (24%), and 59 three-bedroom (11%) units. Of the studio and one-bedroom units, 18 pairs of units would be provided with knock-out panels to facilitate the creation of two-bedroom units.

At the ground floor, the building would be set back 3.4 metres from the south property line along Maitland Street, 5.5 metres from the west property line, 0 metres from the north property line abutting the private lane, and 9.1 metres from the east property line. The remaining 2 floors of the 3-storey base building would continue these setbacks, with the exception of the north façade which would be set back 6.5 metres from the north property line. The tower portion of the building would be set back a minimum of 5.5 metres from the south property line, 12.5 metres from the west property line, 10.9 metres from the north property line, and 15.9 metres from the east property line. Balconies are proposed to project 1.6 metres along the east and west facades of the tower.

The main residential and commercial entrances are proposed to be from Maitland Street. Parking (126 spaces) would be located within two below-grade levels, with access provided from a ramp located at the northern edge of the site and accessed from a driveway along the eastern edge of the site connecting to Maitland Street and the adjacent private lane. Bicycle parking (533 spaces) is proposed at the ground and 2nd floor. One Type 'G' loading space and one Type 'C' loading space would be located within an enclosed area on the ground floor and accessed from the on-site private driveway.

Site and Surrounding Area

The site is located on the north side of Maitland Street, between Yonge Street and Church Street. It has an area of 2,778 square metres and is rectangular with 53.3 metres of frontage on Maitland Street and a depth of 52.5 metres.

At the time of application, the site contained a 2.5-storey converted house form building used for offices at 20 Maitland Street and a 3-storey office building at 26 Maitland Street. Both buildings were vacant and were subsequently demolished under previously-approved demolition permits in Spring 2020.

South: Maitland Street abuts the site. A 2-storey house form office building and 3-storey apartment building are located immediately across the street from the site. A 19-storey apartment building is located further along Maitland Street to the east. Nearer to the intersection of Maitland and Yonge Streets, there is a 17-storey apartment building and an under-construction mixed-use building consisting of 25-storey and 52-storey residential towers.

North: A private lane abuts the site and provides access to buildings fronting on Wellesley Street East. Across the lane is a 9-storey apartment building and 3-storey office building. Further east is an 8-storey institutional building. On the north side of Wellesley Street East there are a number of mixed use buildings ranging in height from

10 to 37 storeys. Access to Wellesley Station on the Yonge-University subway line is also located on the north side of Wellesley Street East.

East: A vacant 2.5-storey house form building is located immediately adjacent to the site. Further east are a 4-storey apartment building and 3-storey townhouses.

West: A Toronto Parking Authority (TPA) parking lot at 15 Wellesley Street East is located immediately west of the site. This property spans between Wellesley and Maitland Streets and is located directly above the Yonge Subway line. Further west of this parking lot is Maitland Terrace and 3 to 10 storey mixed use buildings fronting on Yonge Street.

POLICY CONSIDERATIONS

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 Planning Act

Section 1.1 of the Planning Act identifies the purposes of the Act including providing for a land use planning system led by provincial policy, integrating matters of provincial interest in provincial and municipal planning decision and recognizing the decision-making authority and accountability of municipal councils in planning.

Section 2 of the Act identifies matters of provincial interest to which a municipality shall have regard regarding carrying out its responsibilities under the Act. Amongst other matters this includes:

- the conservation of features of significant cultural, historical or archaeological interest;
- the supply, efficient use, and conservation of energy and water;
- the orderly development of safe and healthy communities;
- the adequate provision of employment opportunities;
- the protection of the financial and economic well being of the Province and its municipalities;
- the appropriate location of growth and development;
- the promotion of development that is designed to be sustainable, support public transit, and be oriented to pedestrians; and
- the promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive, and vibrant.

Decisions made by an approval authority must have regard for the Planning Act.

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;
- building strong, sustainable, and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- identify appropriate locations and promote opportunities for transit supportive development, accommodating a significant supply and range of housing options, including affordable housing, through intensification and redevelopment where it can be accommodated;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- encouraging a sense of place in communities, by promoting well-designed built form, and by conserving features that help define local character.

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

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

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

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.6 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."

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

Amendment no. 1 to the Growth Plan 2019 came into effect on August 28, 2020. This new amendment updates the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan 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, 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 builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

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

The Growth Plan 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 requires that, at the time of the next municipal comprehensive review (MCR), the City update its Official Plan to delineate MTSA boundaries and demonstrate how the MTSA's achieve appropriate densities.

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

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

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

Staff have reviewed the proposed development for consistency with the PPS (2020) and for conformity with the Growth Plan. The outcome of staff analysis and review are summarized in the Comments section of this Report.

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

This application has been reviewed against the policies of the City of Toronto Official Plan and Official Plan Amendments 352 (implementing By-laws 1106-2016 and 1107-2016), Official Plan Amendment 183, Official Plan Amendment 231 and Official Plan Amendment 406 as follows:

Chapter 2 – Shaping the City

Policy 2.2.1 Downtown: The Heart of Toronto

Policy 2.2.1 outlines the policies for development within the Downtown. The proposed development is located in the Downtown area as defined by Map 2 of the City of Toronto Official Plan. Although much of the growth is expected to occur in the Downtown, not all of the Downtown is considered a growth area. The Official Plan states that: "while we anticipate and want Downtown to accommodate growth, this growth will not be spread uniformly across the whole of Downtown."

Policy 2.2.1.3 c) and d) refers to the quality of the Downtown will be improved by enhancing existing parks and strengthening the range and quality of the social, health and community services located Downtown.

Policy 2.2.1.4 states that a full range of housing opportunities will be encouraged through residential intensification in the *Mixed Use Areas* of Downtown.

Chapter 3 – Building a Successful City

Policy 3.1.2 Built Form

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

Policy 3.1.2.2 requires new development to locate and organize vehicle parking and vehicular access, service areas and utilities to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces.

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.

Policy 3.1.3 Built Form – Tall Buildings

Policy 3.1.3 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.

Policy 3.2.1 Housing

Policy 3.2.1 provides policy direction with respect to housing. Policy 3.2.1.1 states a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes: social housing, shared and/or congregate-living housing arrangements.

Policy 3.2.3 Parks and Open Spaces

Policy 3.2.3 refers to the system of parks and open spaces. Policy 3.2.3.3 states the effects of development from adjacent properties, including additional shadows, will be minimized as necessary to preserve their utility.

Chapter 4 – Land Use Designations

Policy 4.5 Mixed Use Areas

The subject lands are designated *Mixed Use Areas* on Map 18 of the Official Plan. *Mixed Use Areas* are intended to provide a broad range of commercial, residential and institutional uses in single-use or mixed-use buildings. (Refer to Attachment 3)

Policy 4.5.2 c) states development within *Mixed Use Areas* will locate and mass new buildings to provide a transition between areas of different intensity and scale through means such as setbacks and/or stepping down of heights.

Policy 4.5.2 e) states development will frame the edges of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

Chapter 5 – Implementation

Policy 5.1.1 Height and/or Density Incentives

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

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 and in Policy 5.6.1.1 that policies should not be read in isolation. When more than one policy is relevant, all appropriate policies are to be considered in each situation.

Official Plan Amendment 406 - Downtown Plan

Official Plan Amendment 406 (the Downtown Plan) is now in-force and effect. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Secondary Plan. It applies to all applications deemed complete after June 5, 2019. The Plan – in conjunction with the associated infrastructure strategies that address water, energy, mobility, parks and public realm, and community services and facilities –provides a comprehensive and integrated policy framework to shape growth in Toronto's fast-growing Downtown over the next 25 years. It provides the City with a blueprint to align growth management with the provision of infrastructure, sustain liveability, achieve complete communities and ensure there is space for the economy to grow. The Plan area is generally bounded by Lake Ontario to the south, Bathurst Street to the west, the mid-town rail corridor and Rosedale Valley Road to the north and the Don River to the east.

Map 41-3-A designates the site as *Mixed Use Areas 1 - Growth*. Policy 6.22 states that not all sites can accommodate the maximum scale of development anticipated in the *Mixed Use Areas* while also supporting the livability of the development and neighbourhood and that development will be required to address specific site characteristics that may result in a lower-scale building. Policy 6.23 provides that development within *Mixed Use Areas 1* will include a diverse range of buildings typologies, including tall buildings, with height, scale and massing dependent on the site characteristics and supportive of intensification suitable for a downtown growth area. Policy 6.24 encourages development within *Mixed Use Areas 1* to provide a significant proportion of non-residential uses within new mixed-use developments.

Section 10 of the Downtown Plan seeks to enhance community services and facilities to support a diverse range of programs and services to support communities, contribute to quality of life and act as neighbour focal points where people gather, socialize and access services. Community Services and Facilities are essential to fostering complete communities.

The in-force Downtown Plan can be found at:

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

Official Plan Amendment 183 - North Downtown Yonge

City Council adopted the North Downtown Yonge Area Specific Policy 382, known as Official Plan Amendment (OPA) 183 at its meeting on November 13, 2013. The site is located within the Wellesley-Wood Character Area, as illustrated on Attachment 6. Parts of OPA 183 were approved by the Ontario Municipal Board (OMB) in a Phase I hearing and are in full force and effect, including the majority of the Wellesley-Wood Character Area policies and the area-wide policies. However, this site is subject to a site-specific appeal of the character area and area wide policies that has not yet been resolved. Other parts of OPA 183, including the policies related to the Historic Yonge Street HCD,

remain under appeal and will be addressed through a Phase II hearing, which is not yet scheduled.

Official Plan Amendment 231 - Office Replacement Policies

Official Plan Amendment 231 ("OPA 231"), adopted by City Council December 18, 2013, received approval by the Minister of Municipal Affairs and Housing on July 9, 2014, and remains partially under appeal before the Local Planning Appeal Tribunal. As an outcome of the Official Plan and Municipal Comprehensive Reviews, OPA 231 contains new economic policies and designations to stimulate office growth in the Downtown, Central Waterfront and Centres, and all other Mixed Use Areas, Regeneration Areas and Employment Areas and also contains new policies with respect to office replacement in transit-rich areas.

In force policies require the stimulation of transit-oriented office growth in the Downtown and within walking distance of existing and approved and funded higher order transit. Policies currently under appeal would require the promotion of new office development in Downtown Mixed Use Areas and within 500 metres of existing or approved and funded subway, light rapid transit or GO stations, and require an increase in office space on any site containing 1,000 square metres or more of existing office space where residential development is proposed.

The site contains over 1,000 square metres of existing office uses, is located within 500 metres of both Wellesley and College Subway Stations, and is subject to OPA 231. The applicant has appealed the office-replacement policies as they would apply to this site and proposes a site-specific Official Plan Amendment as part of this application to exempt the site from these policies.

The outcome of staff analysis and review of relevant Official Plan policies and designations, the Downtown Secondary plan policies, and the North Downtown Yonge Site and Area Specific policies are summarized in the Comments section of the Report.

Zoning

The site is zoned Residential R (d2.0) (x875) under the City's harmonized Zoning By-law 569-2013. This zoning designation permits a range of residential and associated uses, including apartment buildings. The current zoning permits a height of 30.0 metres, a maximum floor space index of 2.0 times the area of the lot, and specifies a number of required setbacks.

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/>

The site is also subject to former City of Toronto Zoning By-law 438-86, under which it is zoned Residential R3 Z2.0 (H30.0), which is substantially the same with respect to use, density, and height as the provisions under Zoning By-law 569-2013.

Design Guidelines

Official Plan Policy 5.3.2.1 states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. The following design guidelines have been used in the evaluation of this application:

- City-wide Tall Building Design Guidelines;
- Downtown Tall Buildings Vision and Supplementary Design Guidelines;
- North Downtown Yonge Urban Design Guidelines;
- Growing Up Urban Design Guidelines; and
- Pet Friendly Design Guidelines and Best Practices for New Multi-Unit Buildings.

The City's Design Guidelines may be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/design-guidelines/>

Reasons for Application

The Official Plan and Zoning By-law Amendment Application was submitted in order to permit an increase in the overall height and density on the site, introduce the opportunity for retail and service uses, and to modify various performance standards such as those for setbacks and parking. In addition, the office replacement policies contained in OPA 231 are proposed to be modified.

Site Plan Control

The application is subject to Site Plan Control. A Site Plan Control application was submitted and is under review concurrently with the Official Plan and Zoning By-law Amendment application. The applicant appealed the Site Plan Control application on March 14, 2020 due to the City's failure to render a decision within the specified timeframe.

Application Submission

The following plans, reports and studies were submitted in support of the application:

- Topographical Survey
- Architectural Plans

- 3-D Computer Massing Model
- Landscape Plans
- Sun/Shadow Study
- Planning and Urban Design Rationale including a Complete Community Assessment
- Public Consultation Strategy
- Transportation Impact Study
- Heritage Impact Assessment
- Archaeological Assessment
- Functional Servicing and Stormwater Management Report
- Geotechnical Report
- Geohydrology Assessment
- Mechanical Design Brief
- Pedestrian Level Wind Study
- Noise and Vibration Feasibility Study
- Arborist Report
- Toronto Green Standard Checklist
- Energy Strategy and Energy Modelling Report
- Construction Management Plan

These documents can be viewed through the Application Information Centre (AIC) here: <https://www.toronto.ca/city-government/planning-development/application-information-centre>

Agency Circulation

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 will be used to formulate appropriate Official Plan amendments, Zoning By-law standards and conditions of Site Plan Control approval, should the Local Planning Appeal Tribunal approve the applications

COMMENTS

Planning Act

Staff are of the opinion that the application does not have regard to relevant matters of provincial interest, including sections 2 h), j), k) and r). These sections speak to the orderly development of safe and healthy communities, the adequate provision of a full range of housing, including affordable housing, the adequate provision of employment opportunities, 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, as amended by Amendment no. 1.

Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the Provincial Policy Statement (2020) and the Growth Plan, including Amendment no. 1. 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 of the policies of the Plans.

Staff have determined that the proposal is not consistent with the Provincial Policy Statement and does not conform with the Growth Plan for the following reasons:

Provincial Policy Statement

The key Provincial Policy Statement (PPS) policies applicable to this development include:

- Policy 1.1.1 b) which refers to healthy communities accommodating an appropriate affordable and market-based range and mix of residential types and employment uses to meet long-term needs;
- Policy 1.1.1 g) states the need to ensure that necessary infrastructure and public service facilities are available to meet current and projected needs;
- Policy 1.1.3.3 requires planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment;
- Policy 1.1.3.6 states that new development within designated growth areas should have a compact form, mix of uses and densities;
- Policy 1.3.1 d) encourages compact mixed-use development that incorporates compatible employment uses;
- Policy 1.3.1 e) requires that the necessary infrastructure is provided to support current and projected needs; and
- Policy 1.4.3 references an appropriate range and mix of housing options and densities and in a) establishing minimum targets for affordable to low and moderate income households and in f) establishing development standards for residential intensification.

The proposed development represents intensification in an identified designated Growth Area, being the Downtown as identified in the City of Toronto Official Plan. The

inconsistency with the policies of the PPS concern the form of development, the proposed mix of uses on the site, and the unresolved site servicing matters identified to date.

Policies 1.1.1 b), 1.1.3.6, 1.3.1 d), and 1.4.3 of the PPS encourage the creation of healthy communities through developments that include a mix of housing types, including affordable housing, and employment uses to support long-term needs. In addition, the existing office space on-site is not proposed to be replaced within the new development. Policies 1.1.1 g) and 1.3.1 e) require that the necessary infrastructure is in place to support both current and projected needs. Staff have identified a number of issues with the site servicing as proposed in the submitted reports and studies that have not been resolved to date.

Furthermore, Policy 4.7 of the PPS states that the Official Plan is the most important vehicle for implementing the PPS and as such the proposals adherence to Official Plan policies is key. As discussed below, staff are of the opinion that the proposed development does not conform to the applicable Official Plan policies and guidelines.

As a result of the above noted matters, staff are of the opinion that the development, as currently proposed, does not conform to the direction provided by the PPS.

Growth Plan

Staff have identified the key Growth Plan policies applicable to this development as being:

- Policy 1.2.1 which refers to the achievement of complete communities, providing flexibility to capitalize on new economic and employment opportunities, the efficient use of land, a range and mix of housing options, including affordable housing, to serve all sizes, incomes and ages of households;
- Policy 2.2.1.4 a) refers to complete communities that feature a diverse mix of land uses including residential and employment uses;
- Policy 2.2.1.4 c) refers to the achievement of complete communities that provide a diverse range and mix of housing options, including affordable housing, to accommodate the needs of all household sizes and incomes;
- Policy 2.2.1.4 e) which provides for a more compact built form and a vibrant public realm, including public open spaces;
- Policy 2.2.2.3 b) which refers to the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas.
- Policy 2.2.2.3 f) which refers to implementation through official plan policies and designations and other supporting documents;
- Policy 2.2.5.3 states that retail and office uses will be directed to locations that support active transportation and have existing or planned transit; and
- Policy 2.2.6.3 which refers to multi-unit residential developments to incorporate a mix of unit sizes and incomes.

In implementing these policies, Growth Plan Policy 5.2.5.6 states municipalities are to develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. As such, the City's Official Plan and design guidelines have a particular relevance for assessing Growth Plan conformity.

As with the PPS, the development site is located in an Urban Growth Centre which is identified as an intensification area. Intensification on the subject site may be appropriate; however, the proposed development must conform to the applicable Growth Plan policies. The Growth Plan envisions the creation of complete communities, which include a diverse range of housing options, including affordable housing. The proposed development does not currently propose the inclusion of affordable housing.

While the proposed development includes setbacks and landscaping adjacent to the public realm, no additional public open space has been proposed. Policy 2.2.1.4 e) encourages the creation of a vibrant public realm, including public open spaces, and staff are of the opinion that the site is of a sufficient size that additional public open space could be provided.

As described further below, staff are of the opinion that the proposed 45-storey tower does not adequately transition down to the adjacent 3 to 4 storey buildings along the north side of Maitland Street, which are not anticipated to experience significant intensification, as required by Policy 2.2.2.3 b). Furthermore, the removal of all existing office space on-site does not support the objective of Policy 2.2.5.3 to direct office uses to locations that have existing transit.

In the opinion of City Planning, the proposed development, Official Plan Amendment, Zoning By-law Amendments, and Site Plan Control applications, in their current form, do not conform with the policy direction of the Growth Plan for the Greater Golden Horseshoe.

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 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 site is within the Urban Growth Centre 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 urban growth centres in the City at a rate of 400 ppl/jobs per hectare to help achieve this overall population. The City is presently on track to meet these overall 2041 Growth Plan 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 Urban Growth Centre 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 the growth and growth in density of the Urban Growth Centre.

Table 1: Downtown Toronto Urban Growth Centre

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	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 Urban Growth Centre 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 built (see Profile Toronto: 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 Urban Growth Centre 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 Urban Growth Centre density target of the Growth Plan for the Greater Golden Horseshoe (2020). 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 Urban Growth Centre. The density target is to be measured across the whole of the Downtown Urban Growth Centre (Policy 5.2.5.4 of Growth Plan).

Land Use

The site is designated *Mixed Use Areas* in the City of Toronto Official Plan. Policy 4.5.1 of the Official Plan states that *Mixed Use Areas* are made up of a broad range of commercial, residential and institutional uses, in single use or mixed use buildings. The text of Section 4.5 of the Official Plan clarifies that not all *Mixed Use Areas* will experience the same scale or intensity of development. The proposed land use is primarily residential with retail at grade which conforms with the *Mixed Use Area* policy for permitted land uses. Although the proposed land use would be permitted, the built form must respond to the existing and planned built form context and minimize impacts.

Policy 3.5.1.9 in OPA 231 would require an increase in office space on any site containing 1,000 square metres or more of existing office space where residential development is proposed. The site previously contained approximately 3,000 square metres of office space between the two buildings at 20 and 26 Maitland Street. Given the proximity of the site to Wellesley Station, staff are of the opinion that the lack of office replacement in this location is unacceptable and does not conform to the official plan.

Density, Height and Massing

The existing planning framework was analysed in respect to the proposed overall height of the building. The PPS indicates the Official Plan is the most important vehicle for the implementation of the provincial document. The Growth Plan requires municipalities to develop a strategy that identifies the appropriate type and scale of development and transition of built form to adjacent areas. The Official Plan recognizes *Mixed Use Areas* within the Downtown as areas where intensification is encouraged. Further guidance as to implement this direction is provided by Secondary Plans and Site and Area Specific Policies to reflect the unique local context. For the subject site, OPA 406 - The Downtown Plan and OPA 183 - North Downtown Yonge SASP provide this additional guidance and the proposal's conformity to these policies will be evaluated below.

The built form policies contained in Section 3.1.2 of the Official Plan require that new development be located and organized to fit with its existing and planned context. Policy 3.1.2.3(a) specifies that the massing of a new development will frame adjacent streets and open spaces in a manner that respects the street proportion. Furthermore, Policy 3.1.2.3(c) requires that appropriate transitions in scale are created to achieve the objectives of the Official Plan. Staff are of the opinion that the proposed development is of a scale that exceeds that of the existing and planned context and would not fit harmoniously into its surroundings. In addition, the transition provided from the proposed 45-storey tower to the adjacent low-rise buildings is inappropriate.

Tall buildings can be desirable if located and massed in an appropriate manner that does not overwhelm adjacent streets and neighbourhoods. To do so, Policy 3.1.3.2

requires that tall buildings demonstrate that they meet the overall built form principles of the Official Plan and appropriately relate to the surrounding context. Staff are of the opinion that the proposed development does not adequately achieve these objectives.

In OPA 406 the site is designated *Mixed Use Areas 1 – Growth*, which is anticipated as accommodating the highest levels of intensification. However, Policy 6.22 states that not all sites can accommodate the maximum scale of development while still supporting the livability of the development and neighbourhood. Development is required to address specific site characteristics and context which may result in a lower-scale building. Policy 6.23 also states that *Mixed Use Areas 1* will contain a diverse range of building typologies with height, scale and massing dependent on site characteristics.

In addition, Policies 9.22 and 9.24 of OPA 406 require development to provide adequate built form transition to distinguish areas of different intensity and planned contexts. In this instance, the lands designated as *Apartment Neighbourhoods* immediately to the east are not anticipated to have an intensity or scale at the same level as the subject site. As a result, the transition in scale between these areas is critical. Policy 9.25 provides that appropriate transition between tall to low-rise built form is best achieved through application of a separation distance, the stepping down of heights, and an angular plane.

Within the immediate vicinity of the proposed development, there are examples of a diverse range of building heights and typologies that demonstrate this range of development potential and built form transition. Along Wellesley Street East, to the north of the site, there are towers ranging from 10 to 37 storeys in height that better respond to their immediate context. For example, by locating low-rise townhouses adjacent to areas of lower scale or by siting the taller tower adjacent to another building of similar or lower height. To the south of the site, along Yonge Street, an under construction development consisting of 25 and 52 storey residential towers employs a similar approach, by locating the 25-storey tower adjacent to the neighbouring 17-storey tower on Maitland Street.

While the proposed 4-storey podium generally aligns with the adjacent built form context, the proposed 45-storey tower does not adequately step down in height or conform to an angular plane to achieve an appropriate transition to adjacent lower-scale development. Staff are of the opinion that a 45-storey tower in this location would be inappropriate. A reduction in height would be necessary to achieve a more appropriate transition to adjacent properties and would better fit the existing and planned context along Maitland Street. Expanding the site to the west to locate a taller tower closer to Yonge Street may also assist in achieving an acceptable transition.

The North Downtown Yonge SASP as implemented by OPA 183 identifies the site as being located within the Wellesley Wood Character Area, which is characterized as a primarily stable area consisting of "tower in the park" apartment buildings. This area is seen as providing a transition in scale from Yonge Street to the adjacent main street

Mixed Use Areas to the east in the Church Street Character Area. Given the heights of existing and approved buildings along Yonge Street in the vicinity of the site, the proposed height of 45-storeys does not provide an appropriate transition in scale to the lower building heights along Church Street.

In addition, Section 6.4 of the SASP contains area-wide policies related to urban design. Policy 6.4.2 requires development be massed to fit harmoniously with its surroundings through the use of setbacks, step backs, height restrictions, or angular planes to achieve appropriate transition. As noted above, staff are of the opinion that the proposed development does not adequately use these techniques to provide a massing that fits within its context. A building with reduced height may be more appropriate to achieve transition to the adjacent *Apartment Neighbourhood* areas within the Wellesley Wood Character Area

Lastly, the Tall Building Design Guidelines and Downtown Tall Buildings Vision and Supplementary Design Guidelines provide further guidance as to how tall buildings should be located and massed. Appropriate fit and transition is to be achieved through the use of setbacks, step backs, and angular planes and other built form relationships. Tower floorplates are recommended to be limited to 750 square metres to reduce the impact of the tower on sky view and to limit additional shadow impact. The proposed tower incorporates a floorplate of 850 square metres, exceeding the guidelines. As noted previously, staff are of the opinion that the proposed tower does not sufficiently provide transition to the adjacent low-rise development and the proposed development is not in keeping with the vision articulated in the guidelines for streets such as Maitland Street.

Given the physical height context of the surrounding area, and the policy framework on planned building heights, staff are of the opinion that the proposed density, height, and massing does not adequately respond to the existing and planned context of Maitland Street and provides an inappropriate transition between areas of different intensity. Should Council provide appropriate direction, staff will continue to work with the applicant to achieving a building height and massing that better achieves a compatible relationship with the built form context.

Shadow Impact

A Shadow Study was submitted in support of the proposal. The study assessed the proposal's shadow impacts on the surrounding areas on the 21st day of March, June, September and December between the hours of 9:18 am to 6:18 pm. Staff have reviewed the shadow study and identified locations in the vicinity of the site where net new shadows would be introduced: Paul Kane Parkette would experience net new shadow at 2:18 pm on March 21st and September 21st; the north side of Wellesley Street East would experience net new shadowing between 10:18 and 3:18 on March 21st and September 21st; and the Toronto Parking Authority lot at 15 Wellesley Street

East (identified as a potential open space in the North Downtown Yonge SASP) would experience net new shadow from 10:18 to 12:18 on March 21st and September 21st and 9:18 to 12:18 on June 21st. Official Plan Policies 3.1.2.3 and 3.2.3.2 and North Downtown Yonge SASP Policy 6.A encourage new developments to adequately limit net new shadowing on parks, open spaces, and the public realm to preserve their utility. Should Council direct, staff will continue to work with the applicant to refine the proposed built form to adequately mitigate shadow impacts.

Pedestrian Wind Impact

A Pedestrian Level Wind Study was submitted. The report indicated wind velocity levels will be suitable for the intended uses along the abutting public realm and outdoor amenity areas. Although staff have no concerns with the findings of the report, a revised pedestrian wind assessment will be required, should the application be approved in a revised form.

Traffic Impact, Access, Parking and Loading

Vehicular and loading access is proposed via a driveway from Maitland Street at the southeast corner of the site. The Urban Transportation Considerations report concludes that the location of the driveway is appropriate and Transportation Services staff concur with this finding. A secondary access is also proposed to the private laneway running east-west along the north edge of the site. Further documentation will be required to demonstrate that the applicant has permission to utilize this laneway.

The supplied vehicle manoeuvring diagrams (VMD) are required to be revised to demonstrate that trucks will not conflict with the existing on-street paid-parking spaces located on the south side of Maitland Street while entering and exiting the site and that no on-street parking spaces are required to be removed to accommodate the truck manoeuvring.

The Urban Transportation Considerations report concluded traffic impacts generated by the proposed development will not significantly increase the existing traffic volume in the surrounding area. Modifications are proposed to the lane markings on Wellesley Street East at the intersection with Maitland Terrace to ensure an adequate level of service is maintained. Transportation Services staff generally accepts the findings of the report, but will require further review of the proposed functional plan and site access, should the development be approved in some form.

The proposal includes an overall parking supply of 126 parking spaces consisting of 81 residential parking spaces, 2 car-share spaces and 43 for residential visitors. No parking supply is proposed for the retail use. The parking spaces are proposed to be provided within two levels of below grade parking that is accessed from the north-south internal driveway located on the east side of the site. Transportation Services staff have

reviewed the proposed parking supply and justification and accept the recommended residential and non-residential parking standards. These standards will be secured in the site-specific zoning by-law, should the development be approved in some form.

The TTC has also provided comments on the application as the development is located within the 60-metre Development Review Zone of the Line 1 (Yonge-University) Subway and is in close proximity to the subway tunnel and infrastructure. The TTC has indicated that the plans do not clearly show the relevant dimensions and that a 3 metre clearance is required between the building, including all below grade and above grade structures, to all TTC infrastructure. This requirement is recommended to be included as a legal convenience in a Section 37 Agreement. Further TTC Technical Review will also be required prior to the conditions of approval of the Site Plan Control application being finalized.

Site Servicing

The applicant submitted a Functional Servicing and Stormwater Management Report, Geotechnical Report, Geohydrology Assessment, Servicing and Public Utilities Plan, Site Grading Plan, and an Erosion and Sediment Control Plan. Engineering and Construction Services has reviewed the plans and reports and advises that a number of issues have been identified. Specifically, staff do not agree with the assumptions made by the applicant's consultants with respect to servicing issues including the existing stormwater flows, the proposed overall discharge rates to the combined sewer, and the existing and proposed groundwater discharge rates. Further investigations and revisions to the plans and reports will be required to confirm these, and other servicing related issues. Should the LPAT approved the applications in some form, staff recommend that the final order be withheld until these issues are resolved to the satisfaction of Engineering and Construction Services.

Housing Issues

The Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe acknowledge the importance of providing a full range of housing and identify affordable housing as a matter of Provincial interest. The provision of affordable, secure and diverse housing stock to meet housing needs for a wide range of people throughout their life cycle is essential to the creation of complete communities.

Further to this policy direction, Official Plan Policy 3.2.1.1 states that a full range of housing, in terms of form, tenure and affordability will be provided and maintained to meet the current and future needs of residents. A full range of housing includes affordable rental housing and shared and/or congregate-living housing. Downtown Policy 2.2.1.1 c) also refers to the provision of a full range of housing opportunities. OPA 406 Policy 11.1 states that to achieve a balanced mix of unit types and mixes, developments containing more than 80 units will include:

- a minimum 15% of the total number of units as 2-bedrooms;
- a minimum 10% of the units as 3 bedrooms; and
- an additional 15% of the units will be 2 and/or 3 bedroom units or units that can be converted to 2 and 3 bedroom units through the use of accessible or adaptable design measures.

The applicant is proposing a total of 527 residential condominium units, of which a unit breakdown of 38 (7%) studio units, 306 (58%) one-bedroom, 124 (24%) two-bedroom and 59 (11%) three bedroom units is proposed. Of the studio and one-bedroom units, 18 are proposed to be equipped with knock-out panels between them to provide the opportunity for conversion to two-bedroom units.

The provision of 124 (23.5%) two-bedroom units and 59 (11.2%) three-bedroom units supports the unit mix objectives of the Growing Up guidelines. However, only five (0.9%) two-bedroom units (the five proposed live-work units) are larger than 87 m², and only 15 (2.8%) three-bedroom units are approximately or larger than 100 m². Neither the proposed two-bedroom units nor the proposed three-bedroom units adequately support the unit size objectives of the Growing Up guidelines.

Given the central location of the subject lands and their proximity to higher-order transit, there is a significant public interest in including affordable housing units within the proposed development. Should the proposal be revised, staff encourage the applicant to consider the City's Open Door Affordable Housing program, which provides incentives for the creation of new affordable housing beyond those required by the Official Plan.

Open Space/Parkland

Parks are essential to making Toronto an attractive place to live, work, and visit. They offer a broad range of outdoor leisure and recreation opportunities, transportation routes, and places for residents to interact with nature and with each other. Public parks and open spaces perform a variety of critical functions that improve and maintain our city's health including helping mitigate the effects of climate change. In the context of a rapidly growing city, it is imperative to enhance and expand the amount of public parkland provided to residents and visitors alike.

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the city. The 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 acquisition 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 non-

residential component of this proposal is subject to a 2% parkland dedication while the residential component is subject to a cap of 10% 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.

Heritage

A Heritage Impact Assessment (HIA) was submitted in support of the application. Staff have reviewed the HIA and determined that the proposal would have minimal heritage impact on the adjacent listed heritage properties at 36 Maitland Street and 37 Maitland Street. Should the application be revised, staff will consider the context created by these adjacent heritage properties to ensure the base building design and materials are compatible.

Tree Preservation

There are 20 trees on or within 6 metres of the site. The proposal contemplates the removal of all trees on the site and within the municipal right of way. An Arborist Report and a Tree Protection Plan were submitted in support of the application. Urban Forestry staff reviewed the submitted documentation and does not object in principal to the proposed applications. The owner will need to ensure the proposal conforms to the City's Tree By-laws should this application be approved in some form. In addition, revisions will be required to the landscaping and site servicing plans prior to any approval.

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 the Site Plan Agreement. 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.

Community Services Assessment

Community Services and Facilities (CS&F) are an essential part of vibrant, strong and complete communities. CS&F are the lands, buildings and structures for the provision of programs and services provided or subsidized by the City or other public agencies,

boards and commissions, such as recreation, libraries, childcare, schools, public health, human services, cultural services and employment services.

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

Staff have identified that the proposed development would contribute to increased pressure on local CS&F. As a result, a number of priorities have been identified for improvements to local facilities and/or services, including: the replacement and augmentation of the John Innes Community Centre; the relocation/expansion of the Parliament library branch; and new child care facilities and/or capital improvements to existing child care facilities. Should the application be approved in some form, staff will seek to secure these improvements and/or funding to implement the improvements through a Section 37 agreement, as noted below.

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. The proposed development meets the threshold for the provision of community benefits.

Community benefits are specific capital facilities (or cash contributions for specific capital facilities) and can include a range of benefits as identified by Official Plan Policy 5.1.1.6. The community benefits must bear a reasonable planning relationship to the proposed development. Discussions with the applicant concerning Section 37 benefits have not occurred to date as there has been no agreement reached on appropriate development for the site. However, if the application were to be approved by the LPAT in some form, Section 37 benefits should be secured in accordance with applicable policies and guidelines. As noted previously, potential benefits may include: the provision or funding of affordable housing, funding contributions towards the replacement and augmentation of John Innes Community Centre; funding contributions towards the relocation/expansion of the Parliament library branch; and/or funding contributions for new child care facilities and/or capital improvements to existing child care facilities.

Adjacent Toronto Parking Authority Lands

The site is located adjacent to the existing Toronto Parking Authority (TPA) parking lot at 15 Wellesley Street East. Previously, the opportunity for a comprehensive

development of these lands and the subject site had been explored. City staff held a pre-application Community Consultation meeting on April 4, 2017 to obtain community input on the proposal. Subsequent to that meeting, the applicant elected to pursue development solely on the subject site at 20-26 Maitland Street.

Community Consultation

As of the date of this report, a community consultation meeting has not been held, due in part to limitations imposed by Covid-19. Staff intend to hold a community consultation meeting prior to any LPAT Hearing. The feedback received through community consultation will provide additional detailed commentary on the project and assist in identifying additional concerns.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan, as amended by Amendment no. 1, and the Toronto Official Plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) and conflicts with the Growth Plan. Further, the proposal is not in keeping with the intent of the Toronto Official Plan, particularly as it relates to policies respecting built form and transition to areas of a lower intensity existing and planned context. The proposal is also not in keeping with area specific policies in OPA 406 - The Downtown Plan and OPA 183 - North Downtown Yonge Site and Area Specific Policy.

Staff recommend that City Council direct the City Solicitor, and appropriate City Staff, to attend the Local Planning Appeal Tribunal (the "LPAT") to oppose the application in its current form. Staff also recommend that City Council direct City Planning and other appropriate staff to continue discussions with the applicant to resolve the identified issues and achieve a more appropriate proposal for the site. Should the proposal be approved in some form, staff recommend that the final LPAT order be withheld to ensure outstanding technical matters are satisfied.

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 Data/Drawings

- Attachment 1: Application Data Sheet
- Attachment 2: Location Map
- Attachment 3: Official Plan Land Use Map
- Attachment 4: SASP 382 Map
- Attachment 5: Existing Zoning By-law Map

Applicant Submitted Drawings

- Attachment 6: Site Plan
- Attachment 7: 3D Model of Proposal
- Attachment 8: South Elevation
- Attachment 9: West Elevation
- Attachment 10: North Elevation
- Attachment 11: East Elevation

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 20 MAITLAND ST **Date Received:** October 23, 2019

Application Number: 19 240160 STE 13 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan/Zoning By-law Amendment application to facilitate the development of the site for a 45 storey (144.9 m, mechanical penthouse inclusive) mixed-use building containing 275 square metres of non-residential floor area and 527 residential dwelling units.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		Quadrangle Architects	MAITLAND RESIDENCES CORP.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision: North Downtown Yonge SASP 382

Zoning: R (d2.0) (x875) Heritage Designation:
Height Limit (m): 30 Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq m): 2,778 Frontage (m): 53 Depth (m): 52

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	987		1,580	1,580
Residential GFA (sq m):	328		35,735	35,735
Non-Residential GFA (sq m):	2,566		275	275
Total GFA (sq m):	2,894		36,010	36,010
Height - Storeys:	3		45	45
Height - Metres:			139	139

Lot Coverage Ratio (%) 56.88 Floor Space Index: 12.96

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	35,270	465
Retail GFA:	275	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			527	527
Other:				
Total Units:			527	527

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		38	306	124	59
Total Units:		38	306	124	59

Parking and Loading

Parking Spaces:	126	Bicycle Parking Spaces:	533	Loading Docks:	2
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CONTACT:

Matthew Zentner, Planner
 (416) 397-4648
 Matthew.Zentner@toronto.ca



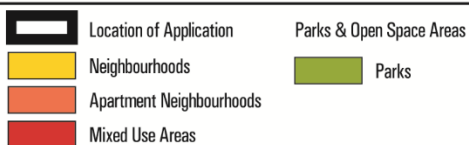
Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

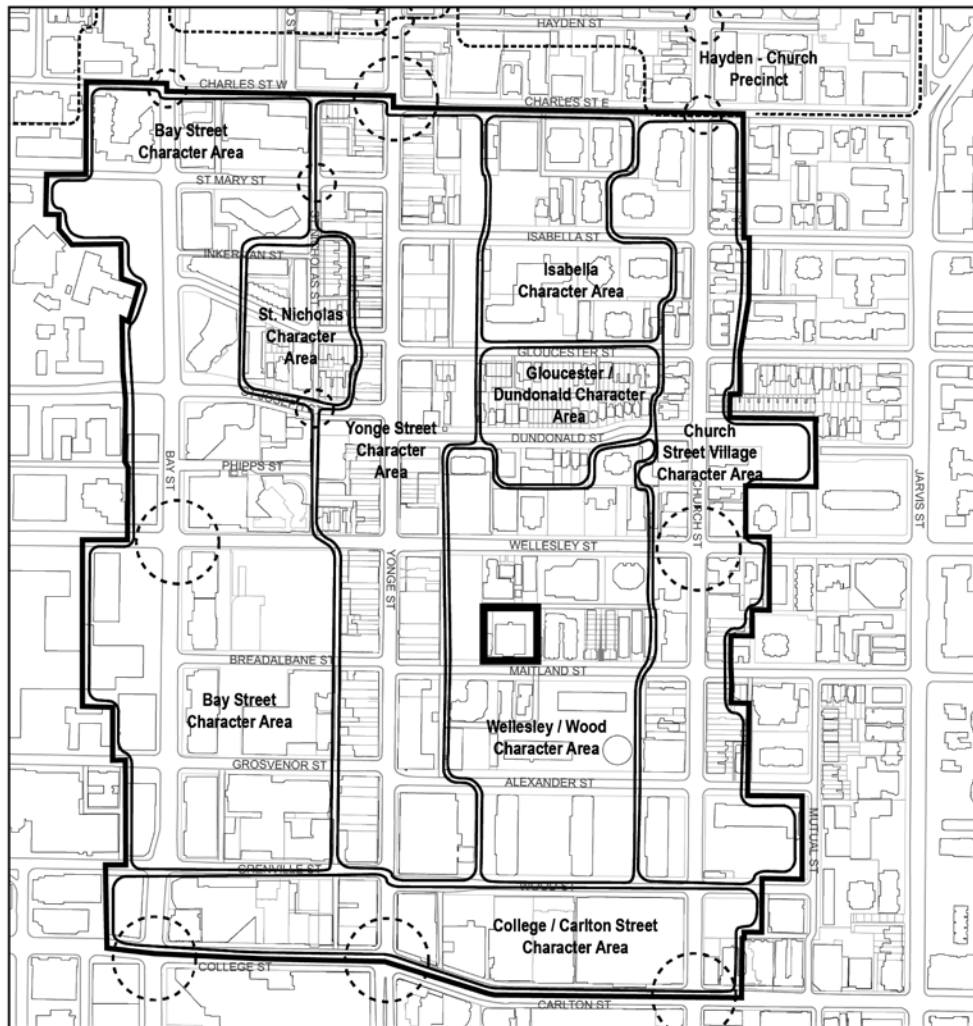
20-26 Maitland Street

File # 19 240160 STE 13 02



↑
Not to Scale
11/07/2019

Attachment 4: SASP 382 Map



Toronto City Planning
 Official Plan Amendment #183
 Map 1: Character Areas

North Downtown Yonge
 Planning Framework Study
 File # 11 247686

— Character Areas ○ Area-Wide Gateway - - - Sub-Area Gateway

↑
 Not to Scale
 08/22/2013

OPA 183 Character Areas

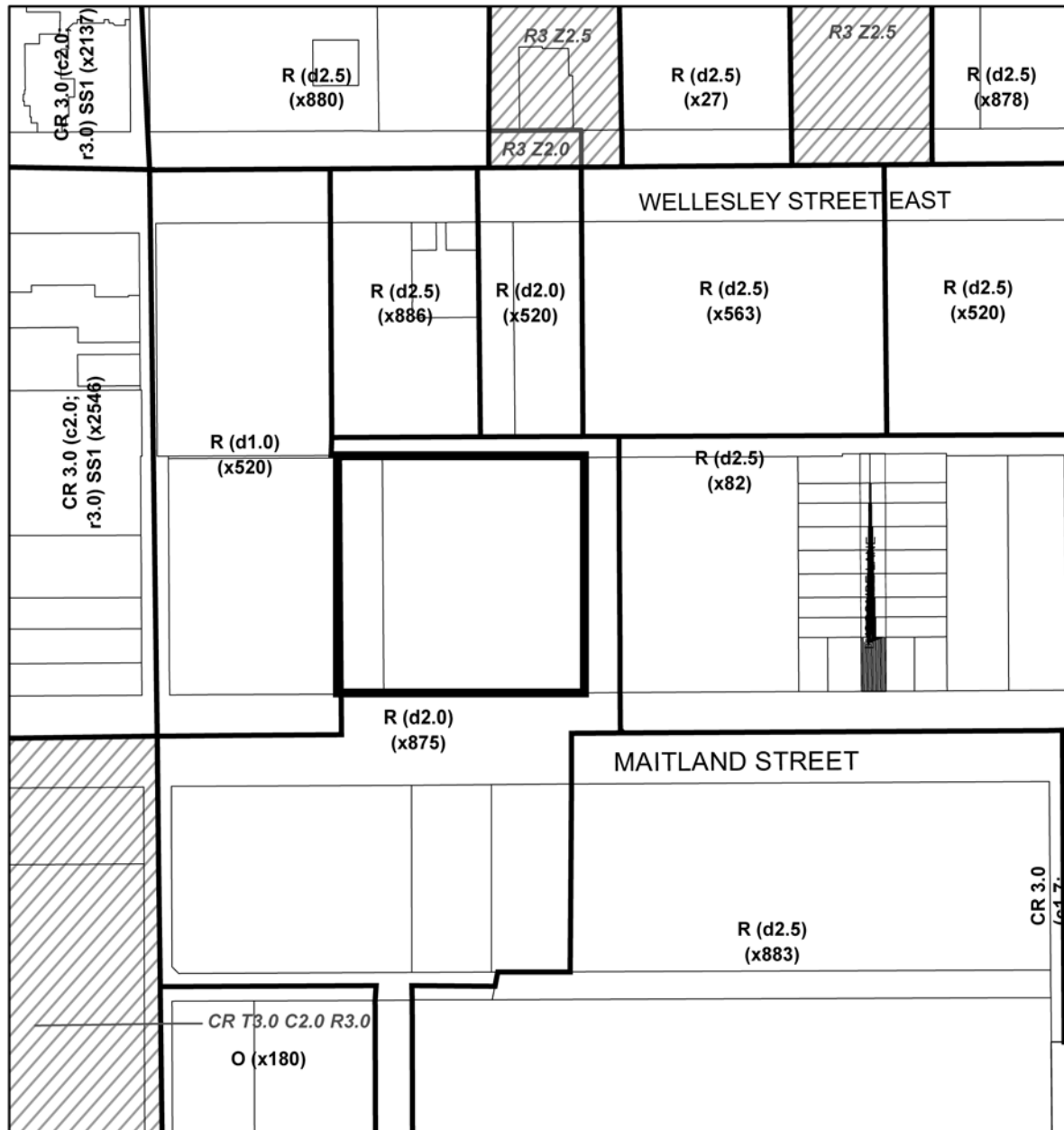
 Location of Application

Not to Scale
 11/12/2018

20-26 Maitland Street

File # 19 240160 STE 13 0Z

Attachment 5: Existing Zoning By-law Map



Zoning By-law 569-2013

20-26 Maitland Street

File # 19 240160 STE 13 02



Location of Application

R Residential **CR** Commercial Residential
O Open Space



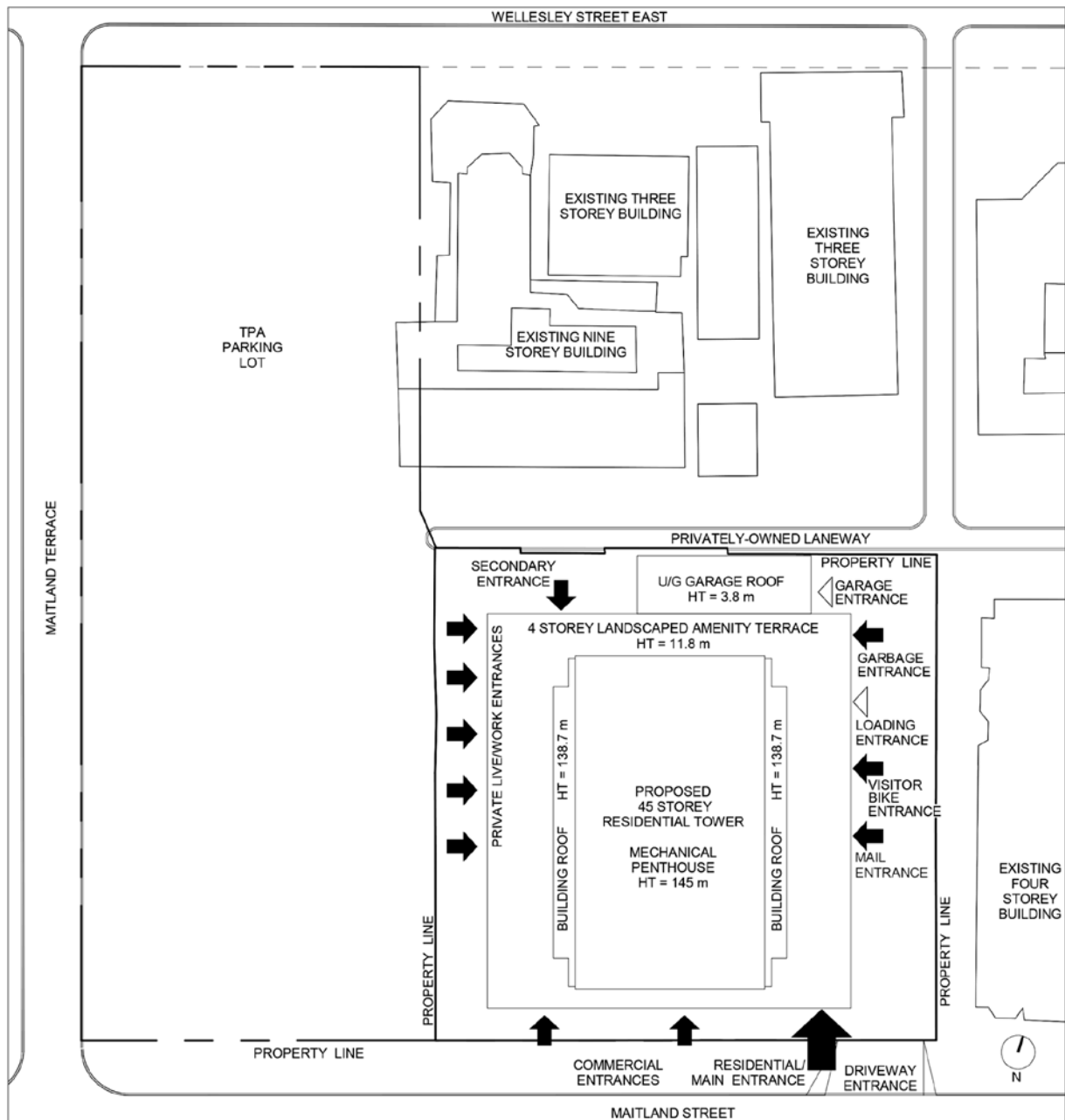
See Former City of Toronto By-law No. 438-86

R3 Residential District
CR Mixed-Use District



Not to Scale
Extracted: 11/07/2019

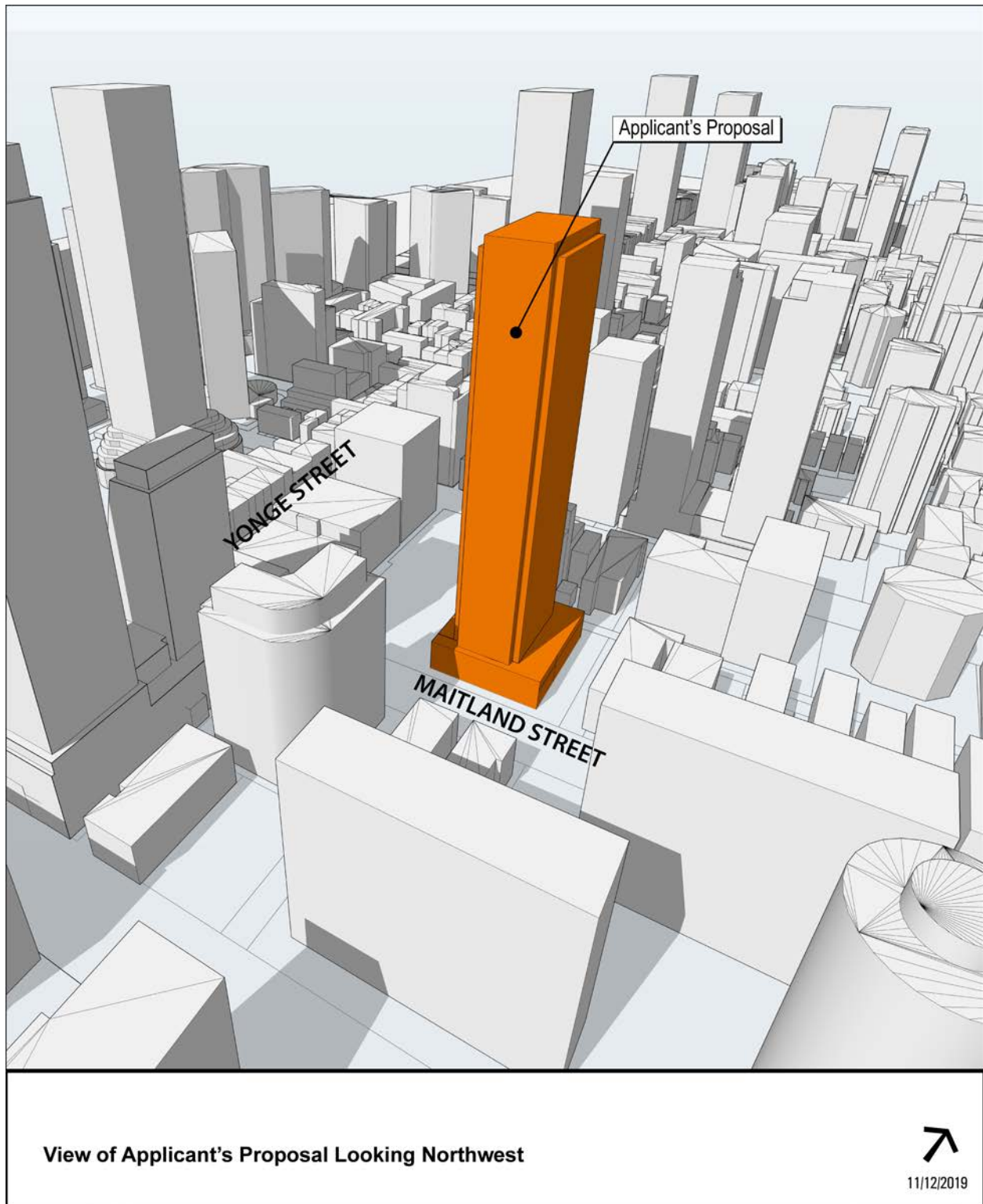
Attachment 6: Site Plan



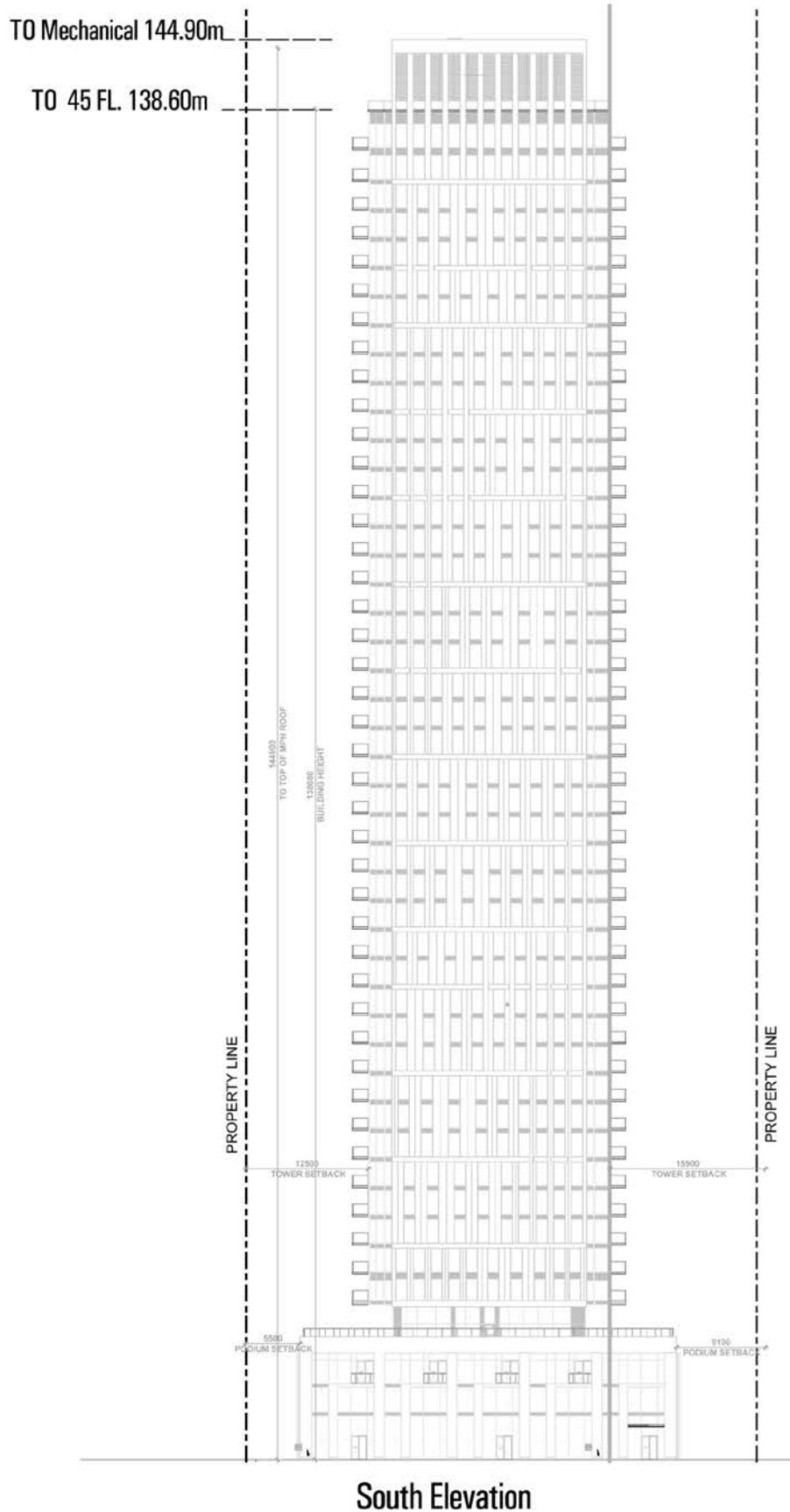
Site Plan



Attachment 7: 3D Model of Proposal



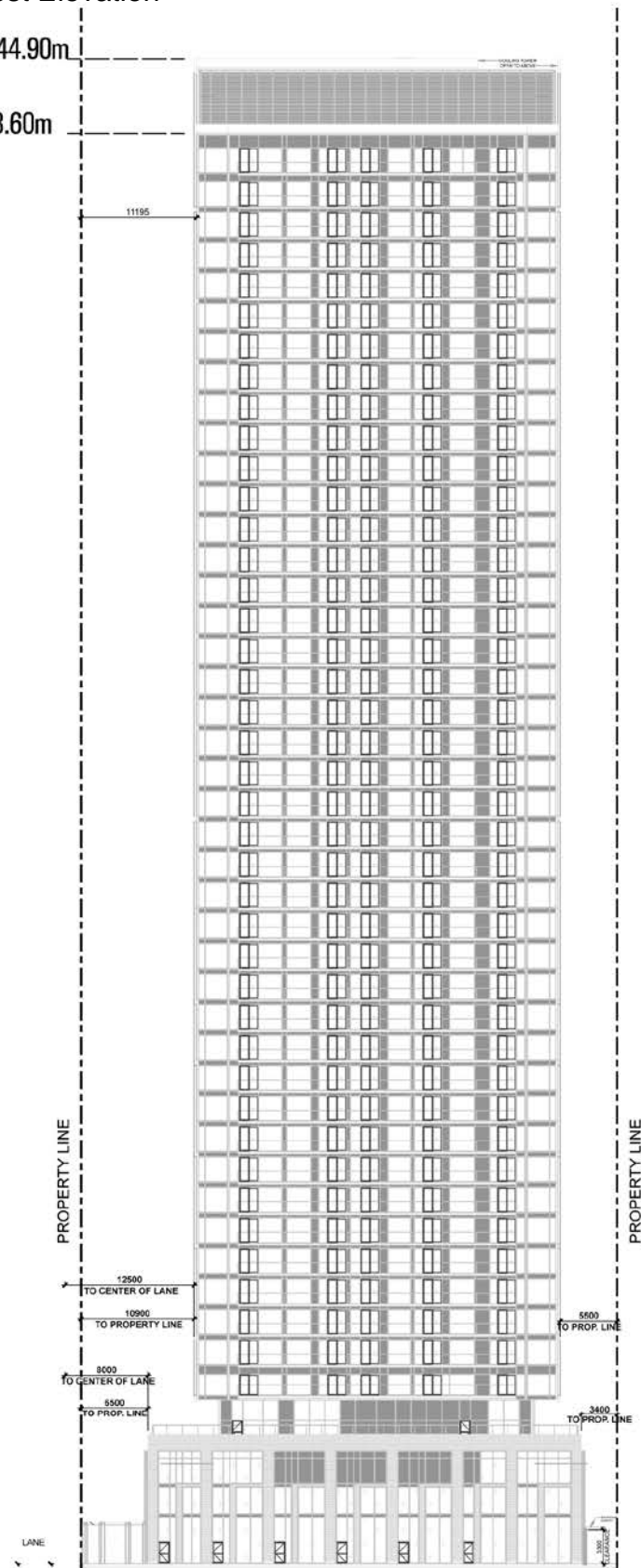
Attachment 8: South Elevation



Attachment 9: West Elevation

TO Mechanical 144.90m

TO 45 FL. 138.60m

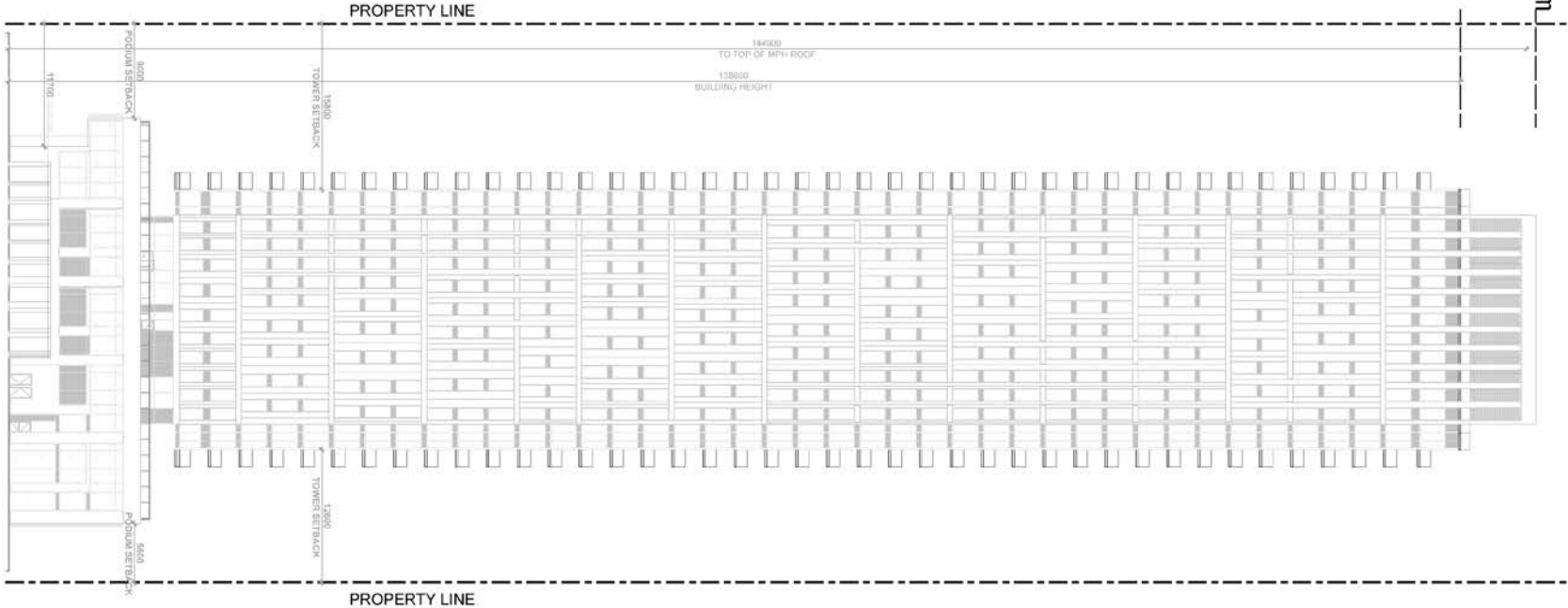


West Elevation

Attachment 10: North Elevation

T0 Mechanical 144.90m

T0 45 FL. 138.60m

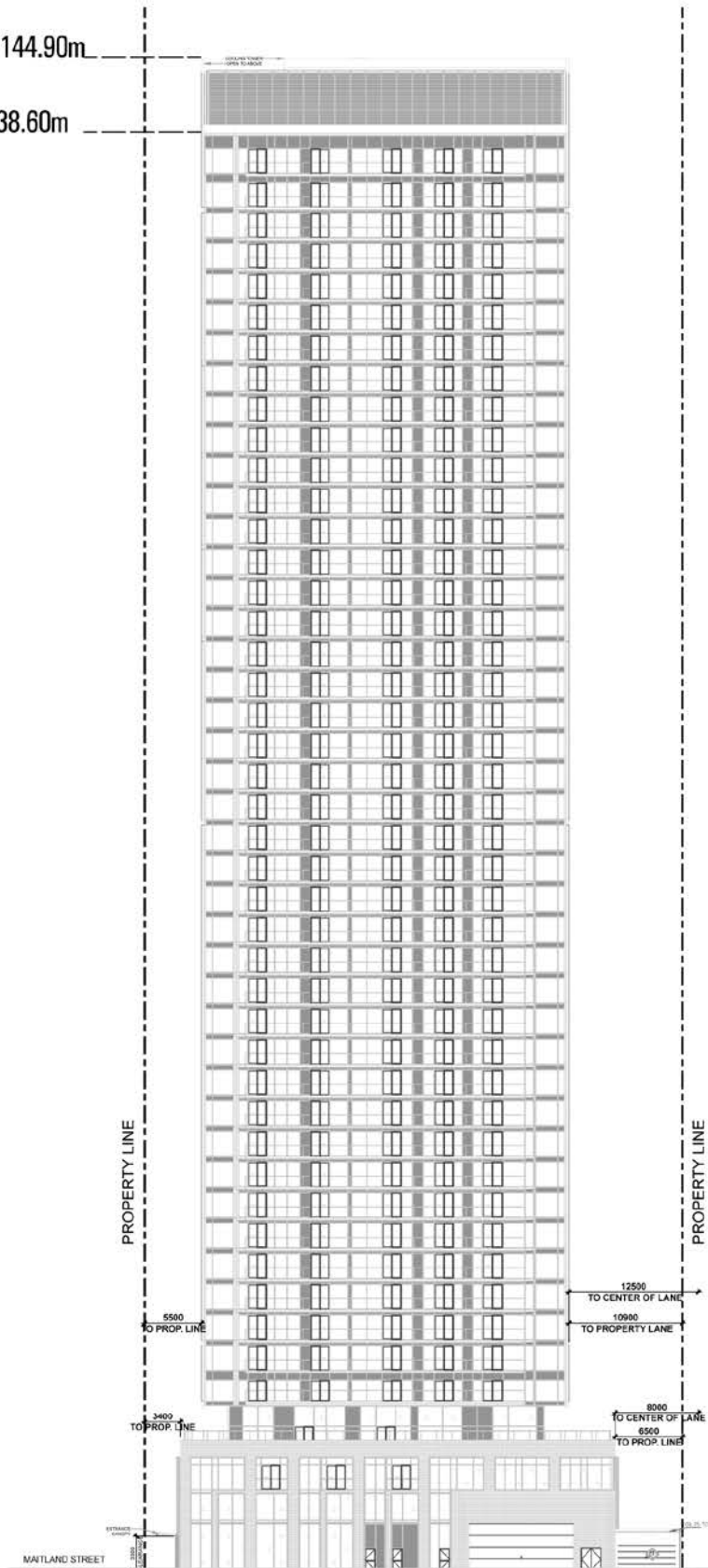


North Elevation

Attachment 11: East Elevation

TO Mechanical 144.90m

TO 45 FL. 138.60m



East Elevation