

Christie's Planning Study - City-initiated Secondary Plan and Zoning By-law - Technical Amendments

Date: June 17, 2022

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Ward: 3 - Etobicoke-Lakeshore

Planning Application Number: 19 183725 WET 03 OZ

SUMMARY

The Final Report for the Christie's Planning Study was adopted by City Council on May 5, 2021. The report recommended the adoption of the Christie's Secondary Plan, an area-specific Zoning By-law and Urban Design and Streetscape Guidelines. The Bills have been held back to allow for finalization of the Section 37 agreement. There are a number of required revisions to the area-specific Zoning By-law which have become apparent as the applicant began preparing more detailed drawings required for Site Plan Control and this report provides a summary of the proposed changes and brings forward the revised area-specific Zoning By-law. In addition, this report requests permission to allow tiebacks in the parkland which requires an additional policy be added to the Christie's Secondary Plan.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. City Council adopt the Zoning By-law Amendment revisions, included as Attachment 1 of this report.
2. City Council adopt the revision to the Christie's Secondary Plan (OPA 506), included as Attachment 2 to this report.
3. City Council approve the acceptance of on-site parkland dedication, subject to the owner transferring the parkland to the City free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be

subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.

4. Notwithstanding recommendation 7 adopted by City Council as part of Item PH22.1 at its meeting held July 5 and 6, 2021, City Council authorize the City Solicitor to submit bills to implement the foregoing upon adoption of these recommendations on the basis that the Zoning By-law provides that no building permit will issue until such time as the Section 37 agreement has been executed.

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

Christie's Planning Study

The Final Report for the Christie's Planning Study was adopted by City Council on May 5, 2021. The report recommended the adoption of the Christie's Secondary Plan, an area-specific Zoning By-law and Urban Design and Streetscape Guidelines. The recommended Secondary Plan establishes a comprehensive planning framework for the area and sets out the long-term vision for a complete community centred on transit investment, job creation and community services and facilities that will meet the needs of existing and future residents and workers.

The recommended Zoning By-law proposes permitted land uses, building heights, densities, building setbacks and stepbacks, parking rates and phasing requirements. holding provisions are included for each of the six phases that set out conditions that must be met prior to any development in each phase. Overall, the Zoning By-law permits a maximum of 585,000 square metres of residential gross floor area and a minimum of 113,900 square metres of non-residential gross floor area within the Secondary Plan area. The Final Report can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH22.1>

STUDY AREA AND CONTEXT

The Secondary Plan area is located at the northeast corner of Park Lawn Road and Lake Shore Boulevard West. The majority of the study area is comprised of the former Mr. Christie's cookie factory site and the Bank of Montreal bank site located at 2150 & 2194 Lake Shore Boulevard West and 23 Park Lawn Road which are privately owned.

In addition, the study area includes three City-owned parcels of land, including one parcel located on the east side of Park Lawn Road (between the rail corridor and the Gardiner Expressway), one parcel on the west side of Park Lawn Road south of the rail corridor, and the last parcel is on the north side of Lake Shore Boulevard West, east of Brookers Lane.

POLICY CONTEXT

The Policy Context related to the entire development of the Secondary Plan area is outlined in the Final Report referenced above. The proposed amendments to the Secondary Plan and Zoning By-law rely on the same planning framework and policy context.

COMMENTS

The lands will be built out through multiple phases and will include: a new GO Station and transit hub (integrating the new GO Station with TTC service); new streets; affordable housing; two new public parks (1.25 ha) and publicly accessible squares; employment, residential, commercial, retail, institutional uses; provision of a community recreation centre, two childcare centres, community agency space, a public library and space for two elementary schools. Approximately 7,500 new residential units will be contained within 15 tall buildings and multiple midrise buildings providing a range of housing options including diverse unit sizes, tenures and types, and affordable housing, estimated to be up to 1,500 units.

The recommended Zoning By-law proposes permitted land uses, building heights, densities, building setbacks and stepbacks, parking rates and phasing requirements. In addition, holding provisions are included for each of the six phases that set out conditions that must be met prior to any development in each phase. Overall, the Zoning By-law permits a maximum of 585,000 square metres of residential gross floor area and a minimum of 113,900 square metres of non-residential gross floor area within the Secondary Plan area.

Zoning By-law Revisions

City Council adopted the recommendations within the Final Report for the Christie's Planning Study on May 5, 2021. Since that time staff have been working to finalize the details of the Section 37 agreement and the owners have submitted a Site Plan Control application for Phase 1 of the development.

There are a number of revisions to the area-specific Zoning By-law which have become apparent as the applicant began preparing more detailed drawings required for Site Plan Control. Staff have reviewed the requested revisions and agree with the revisions.

The proposed revisions and the updated Diagrams 9 and 10 of the Zoning By-law can be found in Attachment 1. The recommended revisions to the Zoning By-law include:

- **Mechanical Penthouse Heights: Towers** - the current By-law allows a mechanical penthouse on a building taller than 60 storeys to be 10 metres in height only if the total area of the penthouse is less than 450 square metres. The revised By-law would remove the 450 square metre limitation and allow the mechanical penthouse to cover the entire roof area for towers in Phase 1. The removal of the size limitation allows for an architectural expression that staff have reviewed and believe is appropriate.
- **Mechanical Penthouse Heights: Midrise Buildings** - through the development of detailed drawings the HVAC requirements for the midrise buildings indicate that additional space is required to house mechanical equipment. The By-law currently limits a mechanical penthouse to 30% of the roof area. Staff are recommending that this permission be increased to 60%, 50% and 35% for the three midrise buildings (Buildings D1, C2 and C3, respectively) in Phase 1.
- **Window Washing Equipment** - the revised By-law allows window washing equipment to project over the permitted height of a building for buildings in Phase 1.
- **Podium heights** - the applicant has requested that some of the podiums that had a stepping of heights be simplified. In most cases the revised heights (in both metres and storeys) are between the existing permissions. However, in some instances the heights are substantially lower, and in two cases the heights are a total of 1 metre higher than what is currently permitted.
- **Building Stepbacks** - as the Zoning By-law was being developed, all stepbacks were set at 5 metres to provide the maximum mitigation of negative wind impacts throughout the site. City staff agreed that the 5 metre stepbacks could be reduced to no lower than 3 metres if a more detailed wind study could demonstrate that there were no negative wind impacts at the location of the reduced stepback. Staff have recently reviewed an updated wind study that shows that in three locations in Phase 1 the stepbacks can be reduced to 4.5, 4.0 and 3.0 metres without negative wind impacts. The revised By-law therefore shows reduced stepbacks in these locations.
- **Parking Space Dimensions** - the revisions to the By-law will allow 10% of the parking spaces that are obstructed on one side have a reduced width of 2.6 metres.

In addition to the built form revisions to the Zoning By-law there are two revisions that propose to change the timing of the Public Art Plan and of the conveyance of public facilities. Both of these changes have been reviewed and are recommended by City Planning and Legal staff.

- **Public Art Plan timing** - as currently drafted the By-law requires that a Public Art Plan and the associated financial security be submitted to the City prior to the lifting of the holding provision for each phase. Further discussion with staff have made it clear

that the Public Art Plan and all financial securities related to public art will be required prior to the lifting of the "h" for Phase 2. The Public Art Plan will include details on where the art will be located on the site, and the entire secured amount for the art will be secured at one time simplifying the process and allowing the art to be placed in a more flexible manner on the site.

- Conveyance of Public Facilities - as currently drafted the By-law requires that facilities to be secured through a Section 37 agreement be conveyed to the City at the time of the first condominium registration for each of the following phases of the development:
 - Child Care Centre #1 - Phase 2
 - Child Care Centre #2 - Phase 3
 - Community Agency Space - Phase 3
 - Toronto Public Library branch - Phase 4
 - Community Recreation Centre - Phase 5

The owners have requested that conveyance of each facility instead be required to occur within 60 days of condominium registration of the building in which the facility is located or, in the case of a non-residential or purpose-built rental building, within 60 days of first occupancy of the building. The proposed revision would also permit the Chief Planner and Executive Director, City Planning, in consultation with the appropriate City staff to consent to further extensions. As many parts of the development involve shared podiums with multiple towers, staff support this request as it will ensure that the City takes ownership of each facility at the appropriate time rather than before construction is substantially complete.

Tiebacks in Parkland

The owners have requested that tie-backs be permitted in the conveyed parkland in Phases 2 and 3. Tiebacks are a horizontal wire or rod that reinforce retaining walls for stability. In this case, as the development sites adjacent to the parkland are excavated tieback cables are anchored on one end to the excavation wall, and to a concrete block that will be anchored in the ground in the parkland. The cable is then destressed (cut) after the excavation is filled with the new building. This is a typical practice and Parks, Forestry and Recreation staff have agreed to this request. Such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management.

Secondary Plan Revisions

Policy 7.1 in the Christie's Secondary Plan states:

7.1. A minimum of 1.25 hectares of unencumbered parkland will be conveyed on Blocks 1-6 to serve both the anticipated future population as well as the broader community.

Given that tie-backs are recommended to be permitted in the parkland on the Christie's site, and that tiebacks are considered an encumbrance staff are proposing to amend the Secondary Plan to include a new Policy 7.2 which states:

7.2 Notwithstanding Policy 7.1, tiebacks are permitted in the parkland as deemed acceptable by the General Manager, Parks, Forestry & Recreation, and will be subject to the payment of compensation for this encumbrance to the City.

The numbers of each Policy in Section 7 of the Secondary Plan will then be re-numbered accordingly.

CONTACT

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SIGNATURE

Gregg Lintern, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Zoning By-law Amendments
Attachment 2: Secondary Plan Amendment

Attachment 1: Zoning By-law Amendments

The full draft By-law will be made available on or before the July 5, 2022 Planning and Housing Committee meeting and will contain the following amendments to the area-specific Zoning-By-law:

1. Add the following permission to all buildings in Phase 1:

"the following elements may project above the maximum permitted height: window washing equipment including building maintenance units."

2. Revise the height permission section for towers in Phase 1 as follows:

"despite regulation 40.5.40.10(8)(A), where a building has 60 or more storeys, equipment, structures or parts of a building listed in regulation 40.5.40.10 (4) located on the roof of the "tower" portion of a building may exceed the permitted maximum height for that building by 10.0 metres, *if the total area of all equipment, structures, or parts on the roof of the "tower" portion of the building cover no more than 450 square metres, measured horizontally.*" (remove the wording indicated in italics)

3. Add the following permission to all buildings in Phase 1:

"despite regulation 40.5.40.10.5(a) and (b) equipment, structures or part of a building as permitted by 40.5.40.10 (4) located on the roof may exceed 20% of the width of the building's main walls facing any street;"

4. Add the following permission to all Phases of development:

"despite regulation 200.5.1.10(2), a maximum of 10% of the required parking spaces for each Block shown on Diagram 6 of By-law # (to be inserted) that are obstructed on one side may have a minimum width of 2.6m;"

5. Add the following permission to the specified Phase 1 buildings:

"despite regulation 60.5.40.10.5(a) and (b) the total area of all equipment, structures or part of a building as permitted by 60.5.40.10 (4) located on the roof may collectively cover:

for the portion of the Building in Block 1A labelled HT60, ST13 and HT41, ST9 and HT47, ST10 and HT26, ST6 : 65% of the area of the roof;

for the portion of the Building on Block 1B labelled HT12, ST2 and HT23, ST6 and HT30, ST8 and HT12, ST2: 50% of the area of the roof;

for the portion of the Building on Block 1B labelled HT29, ST8 and HT39, ST11 and HT16, ST4: 35% of the area of the roof; and

despite regulation 40.5.40.10.5(a) and (b) the total area of all equipment, structures or part of a building as permitted by 40.5.40.10 (4) located to the roof may collectively cover:

for the portion of the Building in Block 1A labelled HT 209, ST 67 – 100% of the area of the roof; and

for the portion of the Building in Block 1B labelled HT 147, ST 46 – 100% of the area of the roof; and

all may exceed 20% of the width of the building's main walls facing any street;"

6. Remove the following holding provision from Section 16:

"(L) acceptance of a Public Art Plan, and provision of a financial security to secure the commission of public art on Blocks 1 6, to the satisfaction of the Chief Planner and Executive Director, City Planning;"

7. Add the following under the holding provisions for Phase 2, and re-number as required:

"(U) acceptance of a Public Art Plan, and provision of a financial security to secure the commission of public art on Blocks 1 6, to the satisfaction of the Chief Planner and Executive Director, City Planning;"

8. Revise the timing for the conveyance of public facilities as set out in Schedule A as follows:

"The owner shall design, construct, and convey freehold ownership to the City prior to 60 days after condominium registration of the building in which the [facility] is located or, in the case of a non-residential or purpose-built rental building, prior to 60 days after first occupancy of the building, or such later date as may be satisfactory to the Chief Planner in consultation with the Executive Director, CREM and the Chief Librarian, Executive Director, SDFA, General Manager, PFR, or General Manager, Children's Services, as the case may be."

9. Block Lines

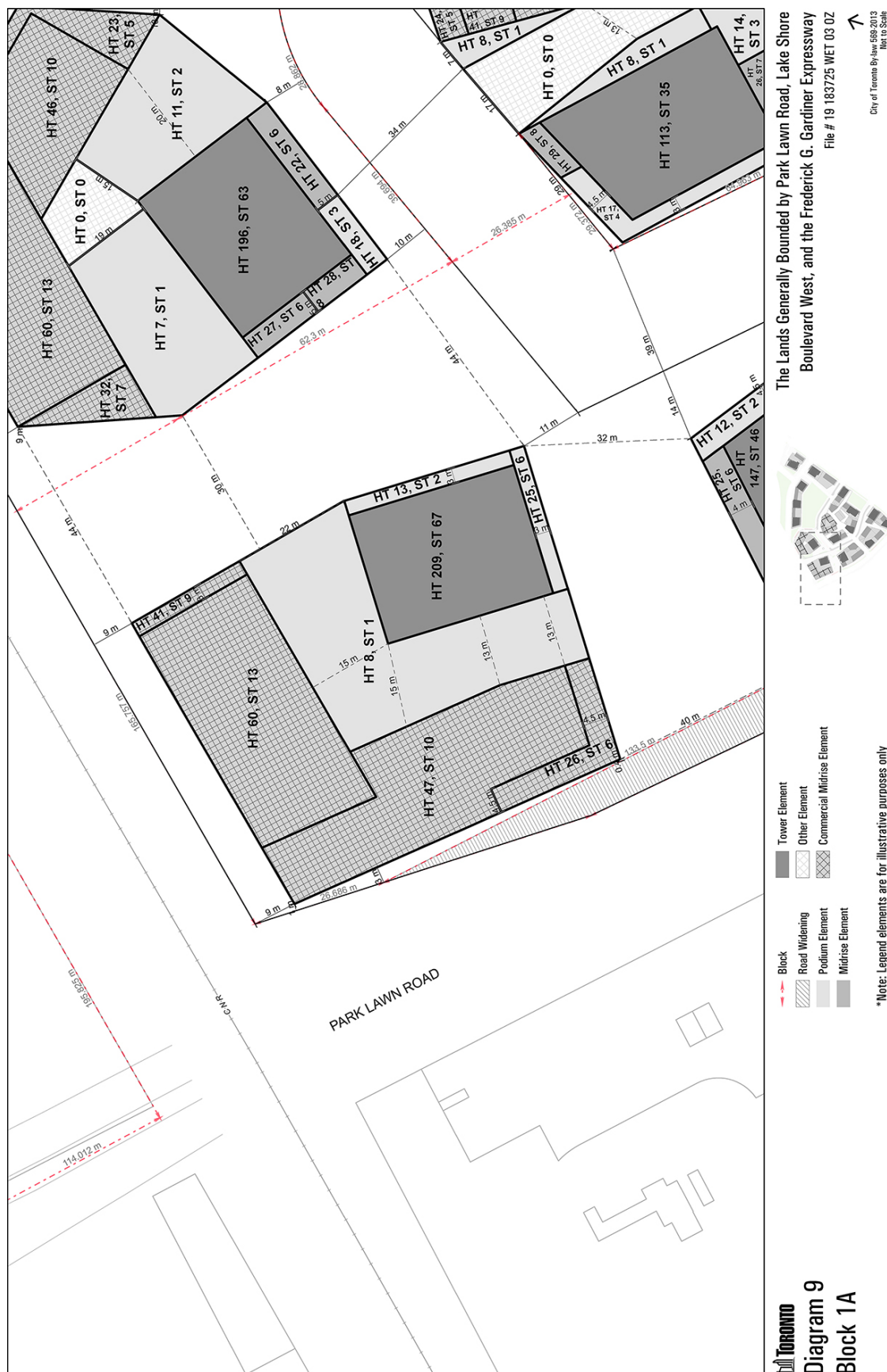
For the purpose of this exception, Blocks are lots and Block lines are lot lines.

10. Add the following to Schedule A of the Zoning By-law:

"Prior to the issuance of any building permit, the owner shall enter into an agreement to the satisfaction of the City Solicitor pursuant to Section 37 of the Planning Act as it read

on the day before section 1 of Schedule 17 to the COVID-19 Economic Recovery Act, 2020 came into force to secure the community benefits above."

11. Replace Diagrams 9 and 10 with the following Diagrams 9 and 10:





Attachment 2: Secondary Plan Amendment

Add in the following Policy to OPA 506 - 46 - Christie's Secondary Plan:

7.2 Notwithstanding Policy 7.1, tiebacks are permitted in the parkland as deemed acceptable by the General Manager, Parks, Forestry & Recreation, and will be subject to the payment of compensation for this encumbrance to the City.

The numbers of each Policy in Section 7 of the Secondary Plan will then be re-numbered accordingly.