

## **294-298 Sherbourne Street – Official Plan Amendment, Zoning Amendment Applications – Request for Direction Report**

Date: January 31, 2022

To: Toronto and East York Community Council

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

Ward 13 - Toronto Centre

**Planning Application Number:** 21 178622 STE 13 OZ

### **SUMMARY**

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On July 2, 2021, Official Plan and Zoning By-law Amendment application were submitted to permit a 10-storey residential building within a protected *Neighbourhoods* land use designation and within a designated Heritage Conservation District at 294-298 Sherbourne Street. The Official Plan and Zoning By-law Amendment application were deemed complete on September 13, 2021.

On January 14, 2022, the applicant appealed the applications to the Ontario Land Tribunal (OLT) due to Council not making a decision within the 120-day time frame under the Planning Act.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues.

### **RECOMMENDATIONS**

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The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the Official Plan Amendment and Zoning By-law Amendment appeals for the lands at 294-298 Sherbourne Street and to continue discussions with the owner in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Order(s) be withheld until such time as the City Solicitor advises that:

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

b) The Ontario Land Tribunal has been advised by the City Solicitor that the Functional Servicing Report, Stormwater Management Report, Hydrogeological Report and Groundwater Report has been completed to the satisfaction of the Executive Director Engineering and Construction Services;

c) The owner has entered into the appropriate agreement(s) with the City for the design, construction and financial securities for any improvements to the municipal infrastructure, in connection with a Functional Servicing Report as accepted by the City's Executive Director Engineering and Construction Services should such Director determine that improvements to such infrastructure are required, to support the development, all to the satisfaction of the Executive Director of Engineering and Construction Services; and

3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

## **FINANCIAL IMPACT**

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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**

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There was no formal pre-application meeting held for this application. However, prior to the application staff informed the applicant's consultant that this was a *Neighbourhoods* land use designation where tall buildings were specifically prohibited by OPA 82 and hence Planning would likely issue a refusal. Heritage Planning staff also provided some initial comments given the proposal is located within the Garden District Heritage Conservation District. Despite this, an application for a tall building was submitted.

## **SITE AND SURROUNDING AREA**

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**Site Description and Dimensions:** The site is a rectangular lot with 30 m of frontage on Sherbourne Street and a rear laneway. The lot area is 1,274 m<sup>2</sup>.

**Existing Use on Site:** The site is presently vacant

### **Surrounding Uses:**

**North:** three storey heritage designated buildings

**South:** three storey heritage designated buildings

**East:** Sherbourne Street, and east of that a mix of generally three storey heritage designated buildings

**West:** public lane and west of that a mix of generally three storey heritage designated buildings

## THE APPLICATION

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### Description

**Height:** 10-storey (32.55 metres excluding mechanical, 36.55 metre including mechanical penthouse).

**Density:** Floor Space Index (FSI) of 4.1 times the area of the lot.

**Uses:** Student residence (not identified as being affiliated with an existing institutional use).

**Unit count:** 153 dwelling units consisting of 178 beds.

**Heritage:** The subject properties 294-298 Sherbourne Street are designated under Part V of the Ontario Heritage Act within the Garden District Heritage Conservation District. The property at 294 Sherbourne Street was included on the City's Heritage Register in 1992, when it contained the former John H. Thom House. The house has since been demolished, leaving the property vacant. The properties at 296-298 Sherbourne Street are also vacant.

### Additional Information

See Attachments: 1-5 of this report for a location map, Application Data sheet, three dimensional representations of the project in context, and a site plan of the proposal. The Application Data Sheet contains additional details on the proposal, including the site area and dimensions, floor area, unit breakdown, and parking counts.

Detailed project information, including all plans and reports submitted as part of the application, can be found on the City's Application Information Centre at:

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

### Reasons for Application

The proposal requires an amendment to the Official Plan to permit a 10-storey building in a *Neighbourhoods* land use designation. The *Neighbourhoods* designation does not permit such built form. The application proposes to amend the Official Plan from *Neighbourhoods* to *Apartment Neighbourhoods*. Additionally, the application proposes an Official Plan Amendment to Site and Area Specific Policy 461 (OPA 82) to permit a 10-storey student residence which would otherwise be explicitly prohibited in this area.

Amendments to the Zoning By-law are required to permit a student residence as well as amendments to height, building depth, gross floor area, and setbacks along with changes required to parking, loading and landscaping provisions among other requirements.

### **Site Plan Control**

The proposal is subject to Site Plan Control. A Site Plan Control application has been submitted.

## **POLICY CONSIDERATIONS**

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**Official Plan Designation:** *Neighbourhoods*. The site is also designated *Neighbourhoods* in the Downtown Plan, and is subject to Site and Area Specific Policy 461 - Garden District Site and Area Specific Policy (OPA 82).

**Zoning:** The site is subject to City-wide Zoning By-laws 438-86 and 569-2013. The site is zoned R 3 Z1.0 under By-law 438-86. Under By-law 569-2013 the site is zoned R (d1.0) (x865). Both By-laws permit residential uses with a maximum density of 1.0 times the area of the lot and a maximum building height of 12 m. Exception 865 in By-law 569-2013 refers to a number of Permissive and Restrictive Exceptions. Key provisions include: permissions for nursing home, retirement home and religious residence as well as parking requirements for assisted housing and rooming houses. (Refer to Attachment 4)

**Additional information:** See Attachment 6 for applicable policy documents.

## **COMMUNITY CONSULTATION**

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As of the date of the drafting of this report, a community consultation meeting has not been held. It is intended that a community consultation meeting will be held prior to any OLT Hearing. The community consultation will add more detailed commentary on the project.

## **COMMENTS**

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### **Provincial Framework**

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal is not consistent with the PPS and does not conform with the Growth Plan. 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 to provincial plans.

### **Land Use**

The development site is located in a *Neighbourhoods* designation in the Official Plan. The proposed built form is not permitted in the *Neighbourhoods* designation. The

applicant has submitted an OPA to re-designate the *Neighbourhoods* lands to *Apartment Neighbourhoods* to permit the proposed use and to amend OPA82 provisions to permit the proposed development.

It is noted that Official Plan policies and guidelines generally define tall buildings as buildings taller than the width of the adjacent right-of-way. OPA82 Policy 6.5 specifically defines Tall Buildings as any building taller than the right-of-way of the street on which they have frontage. In this proposal, the adjacent right-of-way is 20 m and the proposed tower is 36.55 m (including the mechanical), so the proposal would be defined as a tall building.

Official Plan policies, including OPA 82, emphasize the need to protect *Neighbourhoods*. The proposed re-designation of *Neighbourhoods* lands to *Apartment Neighbourhoods* does not protect the *Neighbourhoods* lands and more critically represents the loss of *Neighbourhoods* lands. This does not conform with Official Plan policies including Official Plan Policy 4.1.5 which specifically prohibits rezonings of Neighbourhood lands that are out of keeping with the character of the neighbourhood and OPA 82 which specifically prohibits tall buildings in this area.

### **Built Form**

The proposed development is in a podium/tower form with tower setbacks. The proposed building massing, including setbacks and stepbacks, is not acceptable and does not achieve the policies of the Official Plan, Downtown Plan, OPA 82 and the Tall Building Guidelines.

The submitted shadow studies show the proposed tower would shadow *Neighbourhood* lands on March and September 21 from 9:18 am to 4:18 pm and at 6:18 pm. Shadow studies were not provided for December and hence it is unclear if there is shadowing of Allan Gardens at the protected times specified by OPA 82.

The building would have units with primary windows facing all four directions (north, south, east or west). This orientation would allow overlook into *Neighbourhoods* designated lands on all four sides which impacts the privacy within those lands, this is exasperated by the failure to provide appropriate setbacks.

In this proposal, the tower would shadow the adjacent *Neighbourhoods* lands, as well as impacting privacy and views. The proposed light, view, privacy and overlook impacts are symptomatic of this application not conforming to those policies and guidelines which specifically require adjacency and transition issues be addressed in order to protect *Neighbourhoods*.

The proposal does not fit within the context, provide transition or provide built form tools such as setbacks and angular planes to protect adjacent *Neighbourhoods* from light, view, privacy and overlook issues as well as shadow impacts.

## **Built Form - Heritage**

The subject properties 294-298 Sherbourne Street are designated under Part V of the Ontario Heritage Act within the Garden District Heritage Conservation District. The property at 294 Sherbourne Street was included on the City's Heritage Register in 1992, when it contained the former John H. Thom House. The house has since been demolished, leaving the property vacant. The properties at 296-298 Sherbourne Street are also vacant.

The Garden District Heritage Conservation District is characterized by the predominance of low-rise residential housing that line its principal streets. Most of the buildings share commonalities with respect to height, massing and plan that contribute to a sense of coherence within the District. Designed in a variety of architectural styles from the 19th and early 20th centuries, these 2-3 storey house-form buildings are characterized by their generous setbacks accompanied by soft-landscaped front-yards and street canopy and spaces between buildings. These are notable features of the District that complement the landscaped setting of Allan Gardens to the north and Moss Park to the south. During the latter half of the 20th century the larger houses were often subdivided into smaller units and higher rise housing was introduced. Despite evidence of constant renewal and change, the District's high concentration of historic houses and historic landscape and streetscape patterns remain intact. This part of Sherbourne Street makes an important contribution to this character and sense of place.

The Garden District HCD Plan identifies Character Sub-Areas which reinforce the integrity of the District's cultural heritage value and establish a framework for the conservation and enhancement of the heritage attributes of the District. The subject properties are located within the Sherbourne Street character sub-area and identified as non-contributing properties within the Garden District HCD Plan. The Sherbourne Street character sub-area forms part of the neighbourhood component of the Garden District. It functions as the eastern edge of the District displaying a primarily residential streetscape character with house-form buildings and soft-landscaped front-yards. There are a few instances of apartment buildings ranging from 7 to 13 storeys and some vacant lots, however, the predominant historic residential streetscape character remains intact.

The subject properties are adjacent to contributing properties within the District on either side at 292 Sherbourne Street and 300 Sherbourne Street. The subject site is also adjacent to several properties listed on the City's Heritage Register, including 283, 291-295 and 300 Sherbourne Street. These adjacent properties are reflective of the District and contribute to the historic residential streetscape character of the Sherbourne Street character sub-area. These 2-3 storey house-form buildings, dating back to the late 1880's, feature finely detailed architecture, and generously setback front-yards with soft landscaping and street trees.

The application proposes to redevelop the existing vacant, non-contributing, properties at 294-298 Sherbourne Street within the Sherbourne Street Character Sub-Area of the Garden District HCD. Permission under Section 42 of the Ontario Heritage Act would be required to permit the construction of the proposal.

In its current form, the proposed development is inconsistent with the policies within the Garden District HCD Plan (including Sections 7.6 and 7.7) and does not conserve the cultural heritage values and attributes of the District and of the Sherbourne Street character sub-Area. The proposed tower set back, front-yard set back, landscaping and overall design of the podium base would diminish the character of the District and Sherbourne Street character sub-area and are not consistent with the policies of OPA 82.

It has not been demonstrated that the cultural heritage values and heritage attributes of the District and the adjacent protected heritage properties will be conserved through the proposed development. Therefore, the proposal has been determined to be inconsistent with the City's Official Plan heritage policies, the policy direction of the PPS, the heritage policies in the Growth Plan and does not have regard for section 2(d) of the Planning Act.

### **Public Realm**

The site has frontage on Sherbourne Street. The applicant is proposing a minimum 6.2 m Sherbourne Street pedestrian realm (building face to curb). This setback meets the general 6 m public realm standard generally applied in the Downtown, however, it does not meet the more specific and separate HCD requirements. Refer to Appendix 7 for applicable references.

The applicant has provided a qualitative pedestrian level wind study which concludes that the future wind conditions at all grade-level pedestrian sensitive areas is expected to be suitable for the anticipated use without mitigation. The report does caution that wind mitigation for the outdoor amenity area at the mechanical penthouse level may be needed which would be assessed as part of a subsequent site plan application. If the proposal were to proceed in its current form, a wind tunnel test would be required to better understand the impact to the public realm.

### **Housing - Unit Mix and Unit Sizes**

The Provincial Policy Statement and the Growth Plan 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. Additional applicable policy references are in Appendix 7.

The applicant is proposing 128 (84%) studio apartments and 25 (16%) two-bedroom units. The proposed unit mix reflects the proposed use as a student residence, but does not meet the specified unit mix of the Growing Up Guidelines and OPA 406. OPA 406 and the Guideline do not specifically address unit mix allocations for student residences.

## **Amenity Space**

The development proposal includes both indoor and outdoor amenity space. The proposal is for a total of 901 m<sup>2</sup> (5.8 m<sup>2</sup> per dwelling unit) of indoor, including below grade, amenity space and 213 m<sup>2</sup> (1.4m<sup>2</sup> per dwelling unit) of outdoor space for a total of 1115 m<sup>2</sup> (7.3 m<sup>2</sup> per dwelling unit). Although the proposed indoor amenity space includes below grade space, there is sufficient indoor amenity space above grade to meet requirements. Applicable policy references are in Appendix 7

## **Traffic Impact, Access, Parking and Loading**

A Transportation Impact Assessment was submitted with the application. The application proposes zero type G loading space which would typically be required. Instead the applicant proposes two smaller loading spaces accessed from the rear laneway. Trucks would enter in a forward motion and would reverse out into the lane.

Transportation Services has completed its review and has no concerns with the proposed two smaller spaces. However, they did comment that any implementing by-law must include a provision that zero residential parking spaces are required and two non-residential parking spaces are required. In addition, the loading space dimensions would need to be amended.

The proposal includes 154 below grade bicycle parking spaces with direct access to a dedicated ramp. As part of a zoning amendment application, this configuration and level of detail is acceptable, but may need to be modified as part of a subsequent site plan application.

## **Site Servicing**

The applicant submitted a Geotechnical study, Hydrogeological Assessment and Functional Servicing and Stormwater Management Reports. Engineering and Construction Services has completed its review and commented that the engineering reports need to be revised to address servicing issues. As a condition of development, it is therefore recommended that the owner be required to provide updated reports that are to staffs satisfaction and pay for and construct any improvements to the municipal infrastructure in connection with an approved Functional Servicing Report should such improvements be required to support the development.

## **Open Space/Parkland**

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

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The 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.

### **Urban Forestry**

A Tree Inventory and Preservation Plan Report was submitted by the applicant. The report indicates that there are nine trees on and within six metres of the subject site of which two are protected by City by-laws (one of which is considered a hazard tree and exempt from the replacement requirement). Eight of these nine trees will be required to be removed. The conceptual landscape plan submitted with the application proposes 4 street trees to be located within the right-of-way and 1 on-site retained tree. Urban Forestry has commented that they do not object to the approval of the tree removal applications but for a subsequent Site Plan application, they would require a revised Arborist report and revised landscape plans.

### **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. 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. In this application the proposed gross floor area is less than the threshold of 10,000 m<sup>2</sup> which is typically used as the basis for requiring Section 37 community benefits and as such staff are not seeking any Section 37 community benefits.

### **Further Issues**

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

### **Conclusion**

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan and HCD plan. Staff are of the opinion that the proposal is not consistent with the PPS (2020) policy direction specific to cultural heritage resources and the requirement to develop appropriate development standards through the Official Plan and does not conform with the Growth Plan (2020) for similar reasons. These provincial policies rely on the City to provide an intensification strategy where growth should take place; one of the fundamental elements of the Official Plan is

to direct growth to specified areas and to protect other areas (*Neighbourhoods* and HCDs) from development impacts. The City is on track to achieve its intensification targets and as such there is no need for intensification in an area specifically designated for protection through both the *Neighbourhoods* land use designation, OPA82 and the HCD designation. The proposal to amend the Official Plan to permit a tower development in an area designated for protection does not conform to the policy direction.

Therefore, for the reasons outlined in this report, it is staff's recommendation that staff be directed to attend the OLT hearing in opposition to the applicant's development proposal and application for Official Plan Amendments and Zoning By-law Amendments for the property at 294-298 Sherbourne Street.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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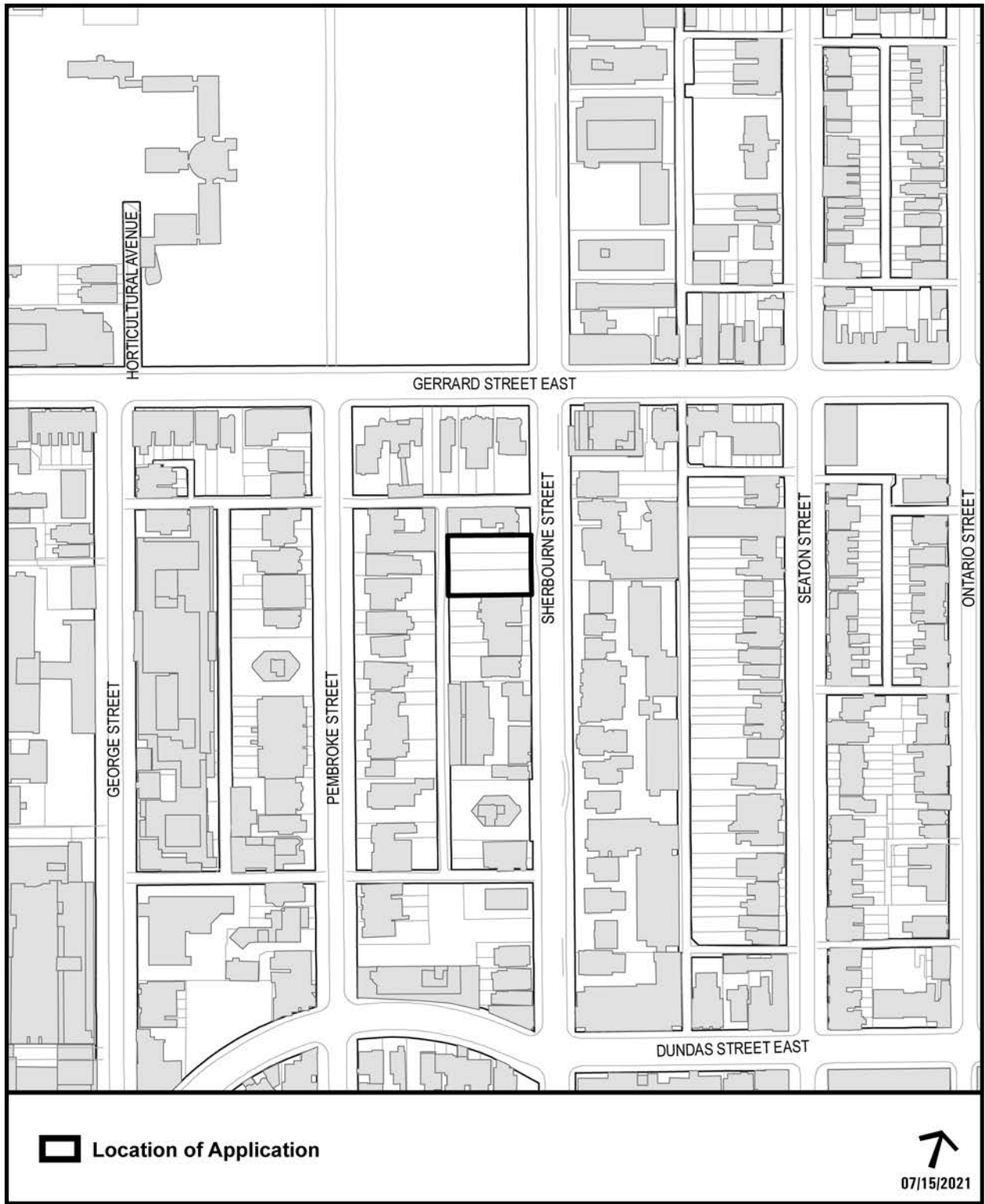
### **City of Toronto Data/Drawings**

- Attachment 1: Location Map
- Attachment 2: Application Data Sheet
- Attachment 3: Official Plan Land Use Map
- Attachment 4: Existing Zoning By-law Map
- Attachment 5: Planning Context
- Attachment 6: Policy Considerations

### **Applicant Submitted Drawings**

- Attachment 7: Site Plan
- Attachment 8: 3D Model of Proposal
- Attachment 9: North Elevation
- Attachment 10: South Elevation
- Attachment 11: West Elevation
- Attachment 12: East Elevation

Attachment 1: Location Map



## Attachment 2: Application Data Sheet

Municipal Address: 294 SHERBOURNE ST Date Received: July 2, 2021  
Application Number: 21 178622 STE 13 OZ  
Application Type: OPA / Rezoning, OPA & Rezoning  
Project Description: Official Plan and Zoning By-law amendment application to facilitate the development of the site for a 10-storey student residential building having a gross floor area of 5,250.60 square metres.

Applicant	Agent	Architect	Owner
BOUSFIELDS INC		Superkul Inc.	MPI SHERBOURNE INC

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods	Site Specific Provision:	
Zoning:	R3 Z1.0	Heritage Designation:	HCD
Height Limit (m):		Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m): 1,274 Frontage (m): 30 Depth (m): 42

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			891	891
Residential GFA (sq m):				
Non-Residential GFA (sq m):			5,250	5,250
Total GFA (sq m):			5,250	5,250
Height - Storeys:			10	10
Height - Metres:			37	37

Lot Coverage Ratio (%)	69.94	Floor Space Index:	4.12
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	5,250	
Retail GFA:		

Office GFA:  
 Industrial GFA:  
 Institutional/Other GFA:

**Residential Units by Tenure**

	Existing	Retained	Proposed	Total
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Rental:  
 Freehold:  
 Condominium:  
 Other:  
 Total Units:

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		128		25	
Total Units:		128		25	

**Parking and Loading**

Parking Spaces: 2      Bicycle Parking Spaces: 154      Loading Docks:

**CONTACT:**

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 416-392-0412  
 Derek.Waltho@toronto.ca

Attachment 3: Official Plan Land Use Map



294-298 Sherbourne Street

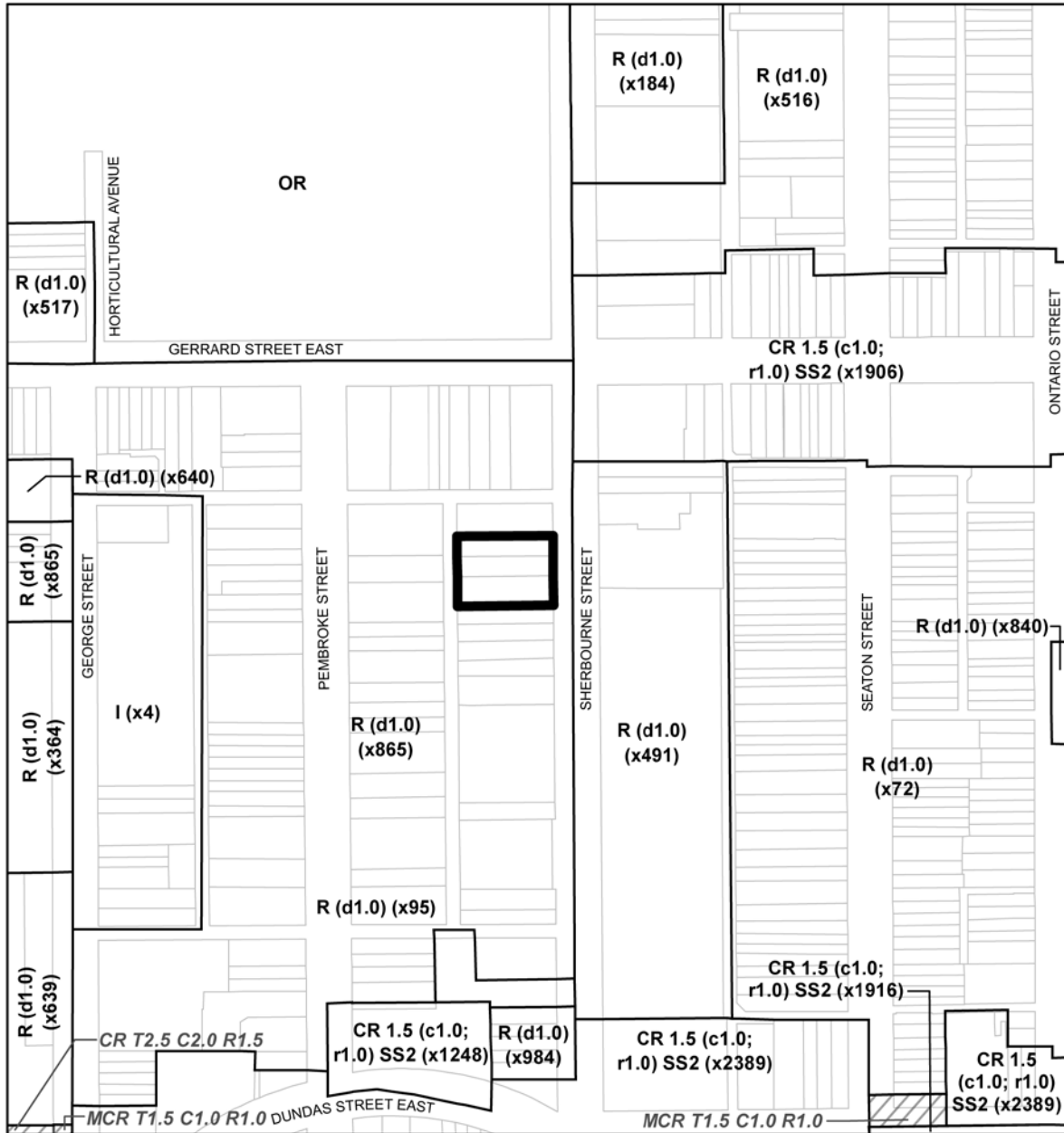
Official Plan Land Use Map

File # 21 178622 STE 13 0Z



↑  
Not to Scale  
07/22/2021

Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

294-298 Sherbourne Street

File # 21 178622 STE 13 0Z

Location of Application

R Residential  
CR Commercial Residential  
I Institutional  
OR Open Space Recreation

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

CR Mixed-Use District  
MCR Mixed-Use District



Not to Scale  
Extracted: 07/15/2021

Attachment 5: Planning Context



**TORONTO**  
Context Map

294-298 Sherbourne Street

File # 21 178622 STE 13 0Z

 Garden District HCD

Revisions to Land Use Map 18 from Official Plan Amendment #82

 Neighbourhoods

 Apartment Neighbourhoods

  
Not to Scale  
Extracted: 10/22/2021



## **Planning Act**

Section 2 of the Planning Act sets out matters of provincial interest which City Council shall have regard to in carrying out its responsibilities, including: the orderly development of safe and healthy communities; the adequate provision of employment opportunities; the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; the appropriate location of growth and development; the adequate provision and distribution of educational, health, social, cultural and recreational facilities; the resolution of planning conflicts involving public and private interests; and the promotion of a built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

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

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

## **The Provincial Policy Statement (2020)**

The Provincial Policy Statement (2020) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- the efficient use and management of land and infrastructure;
- ensuring the sufficient provision of housing to meet changing needs including affordable housing;
- ensuring opportunities for job creation;
- ensuring the appropriate transportation, water, sewer and other infrastructure is available to accommodate current and future needs; and
- protecting people, property and community resources by directing development away from natural or human-made hazards.

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.

While decisions of Council shall be consistent with the policies of the PPS, it is also important to note that the PPS recognizes and acknowledges the Official Plan as an important document for implementing many of 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."

## **Provincial Plans**

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

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

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) came into effect on August 28, 2020. This was an amendment to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan (2020) 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 (2020), establishes policies that require implementation through a Municipal Comprehensive Review (MCR), which is a requirement pursuant to Section 26 of the Planning Act.

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

- Directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, contribute to environmental sustainability and provide for a more compact built form and a vibrant public realm;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Achieving complete communities with access to a diverse range of housing options, protected employment zones, public service facilities, recreation and green space, and better connected 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 (2020), 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 (2020), 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 (2020). Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan (2020).

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

### **Toronto Official Plan**

The City of Toronto Official Plan (the "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.

The Official Plan contains policies related to building complete communities, heritage preservation, community services, transportation, and environmental stewardship. The Official Plan also provides for the use of Section 37 of the Planning Act to pass by-laws for increases in height and/or density not otherwise permitted by the Zoning By-law in return for the provision of community benefits in the form of capital facilities.

The site is designated *Neighbourhoods* as shown on Land Use Map 18. See Attachment 3 of this report for the Official Plan Land Use Map.

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

### **Official Plan Amendment 82 - Garden District Site and Area Specific Policy 461**

This site is within and subject to Official Plan Amendment 82 (OPA 82). The purpose of OPA 82 is to set the framework for new growth and development in the area while protecting those areas that should continue to remain stable. Key objectives include 2.1 which references the provision of a full range of housing in terms of form, tenure and affordability and 2.5 which states that height and density of development will be encouraged at appropriate locations taking into account massing to protect the public realm taking into consideration shadowing, skyview and separation distances.

The Garden District Site and Area Specific Policy can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/official-plan/>.

## **Official Plan Amendment 352 – Downtown Tall Building Setback Area**

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area. The purpose of OPA 352 is to establish the policy context for tall building setbacks and separation distances between tower portions of tall buildings Downtown. At the same meeting, City Council adopted area-specific Zoning By-laws 1106-2016 and 1107-2016, which provide the detailed performance standards for portions of buildings above 24 metres in height. This 24 metre threshold was subsequently increased to 36 metres by the OLT. As this proposal is for a 32.55 metre tall building, the by-laws do not apply. However, the policies of OPA 352 continue to apply.

The Official Plan Amendment can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.TE.18.7>

## **Official Plan Amendment 406 - The Downtown Plan**

Official Plan Amendment 406 (the Downtown Plan) was adopted by City Council May 22, 2018 and Approved by the Ministry June 5, 2019. OPA 406 includes amendments to Section 2.2.1 and Map 6 of the Official Plan, as well as a new Downtown Plan. It applies to all applications deemed complete after June 5, 2019. This application was deemed complete after June 5, 2019 and as such the plan is in full force and effect for this application.

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.

The Downtown Plan can be found here:

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

## **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. Policy 2.2.1.6 also refers to design guidelines to ensure new development respects context. Urban design guidelines are intended to provide a more detailed framework for built form and public improvements. This application was reviewed using the City-Wide Tall Building Design Guidelines, Downtown Tall Buildings: Vision and Supplementary Design Guidelines and Growing Up Draft Urban Design guidelines.

## **City-Wide Tall Building Design Guidelines**

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

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

## **Downtown Tall Buildings: Vision and Supplementary Design Guidelines**

This project is located within an area that is also subject to the Downtown Tall Buildings: Vision and Supplementary Design Guidelines. This document identifies where tall buildings belong Downtown, and establishes a framework to regulate their height, form and contextual relationship to their surroundings.

The Downtown Vision and Supplementary Design Guidelines should be used together with the city-wide Tall Building Design Guidelines to evaluate Downtown tall building proposals. The link to the guidelines is here:

<https://www.toronto.ca/wp-content/uploads/2018/03/9712-City-Planning-Downtown-Tall-Building-Web.pdf>.

## **Growing Up Draft Urban Design Guidelines**

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale.

The Guidelines can be found here: <https://www.toronto.ca/city-government/planning-development/planning-studies-initiatives/growing-up-planning-for-children-in-new-vertical-communities/>

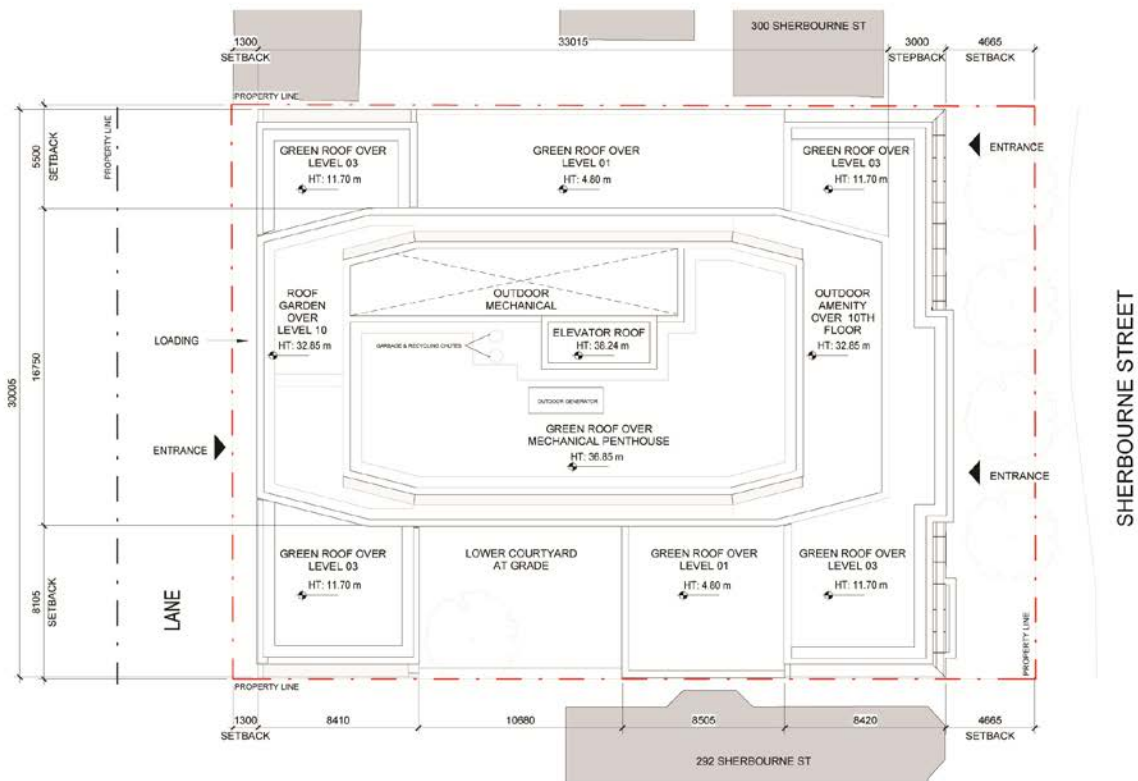
## **Garden District Heritage Conservation District**

In June 22, 2021 the OLT issued a verbal approval of the Garden District Heritage Conservation District (HCD) designation, plan and policies. This designation and plan provides for the protection, conservation and management of the District's heritage attributes and contributing properties so that the District's cultural heritage value is protected in the long term. Objectives of the HCD Plan include the objective to conserve the predominant scale and built form pattern in each character sub-area, while allowing for growth and changes as permitted in the City's Official Plan. The HCD Plan will also ensure new development and additions conserve and enhance the cultural heritage value of the District in general, as well as the character sub-area in which it is located, particularly with respect to scale, public realm and the general pattern of the built form as set out in the policies and guidelines of the Plan.

The cultural heritage value of the District consists of its historic, contextual, design, social and community values. The heritage attributes of the District include its built form, public realm and archaeological resources. Some of the key heritage attributes that express these cultural heritage values is the predominance of low-rise residential housing that line its principle streets. Most of the buildings share commonalities with respect to height, massing and plan that contribute to a sense of coherence within the District. Designed in a variety of architectural styles from the 19th and early 20th centuries, these houses are characterized by their generous setbacks accompanied by soft-landscaped front-yards and street canopy. These are notable features of the District that complement the landscaped setting of Allan Gardens to the north and Moss Park to the south. During the latter half of 20th century the larger houses were often subdivided into smaller units and higher rise housing was introduced. Although despite evidence of constant renewal and change, the District's high concentration of historic houses and historic landscape and streetscape patterns remain intact.

As of the date of drafting this report, the HCD plan in an AODA compliant format has not yet been uploaded to the City site. However, the background report can be found here: <https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-99123.pdf#:~:text=The%20overall%20objective%20of%20the%20Garden%20District%20HCD,its%20built%20form%2C%20public%20realm%20and%20archaeological%20resources.>

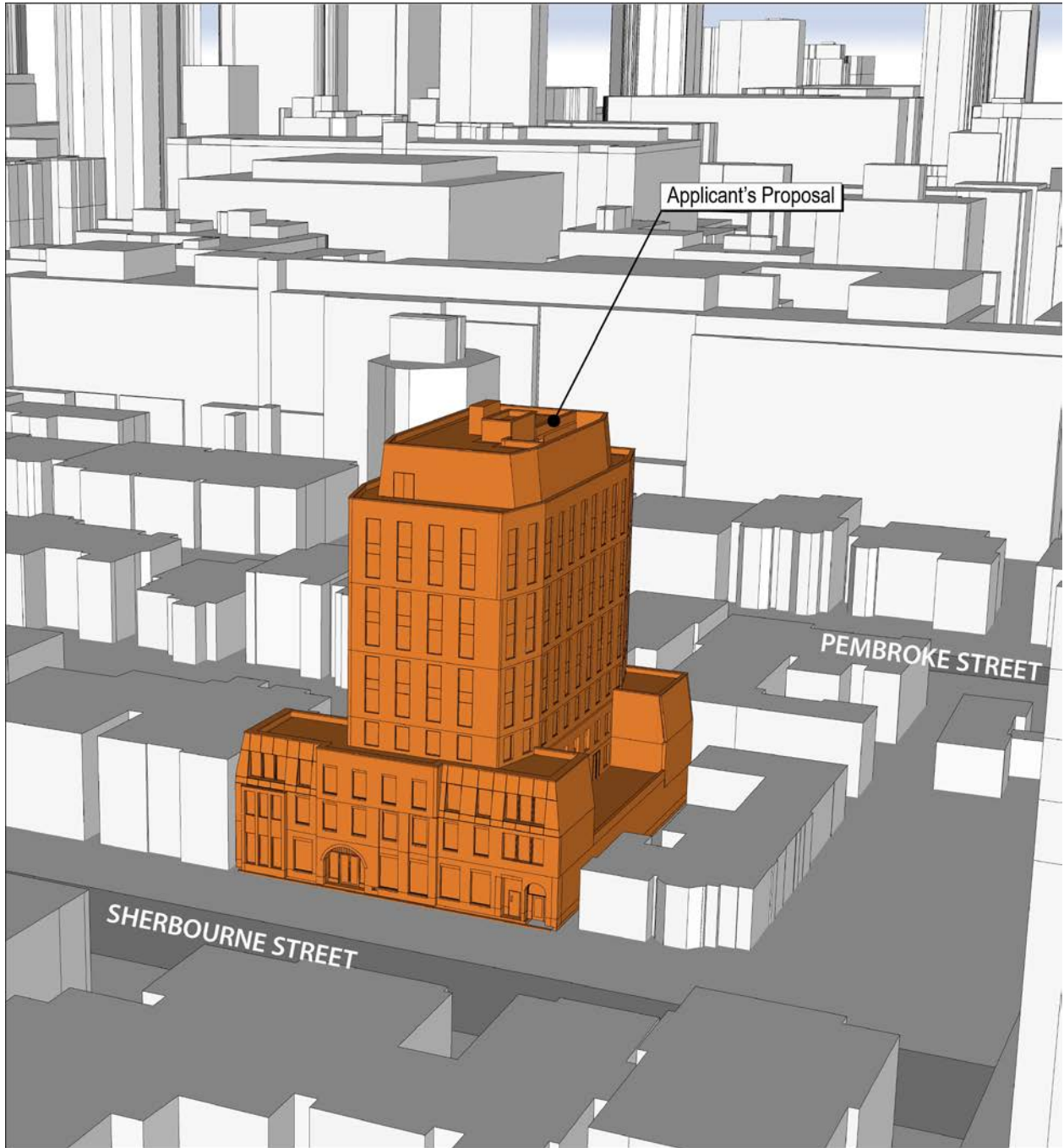
Attachment 7: Site Plan



Site Plan



Attachment 8: 3D Model of Proposal

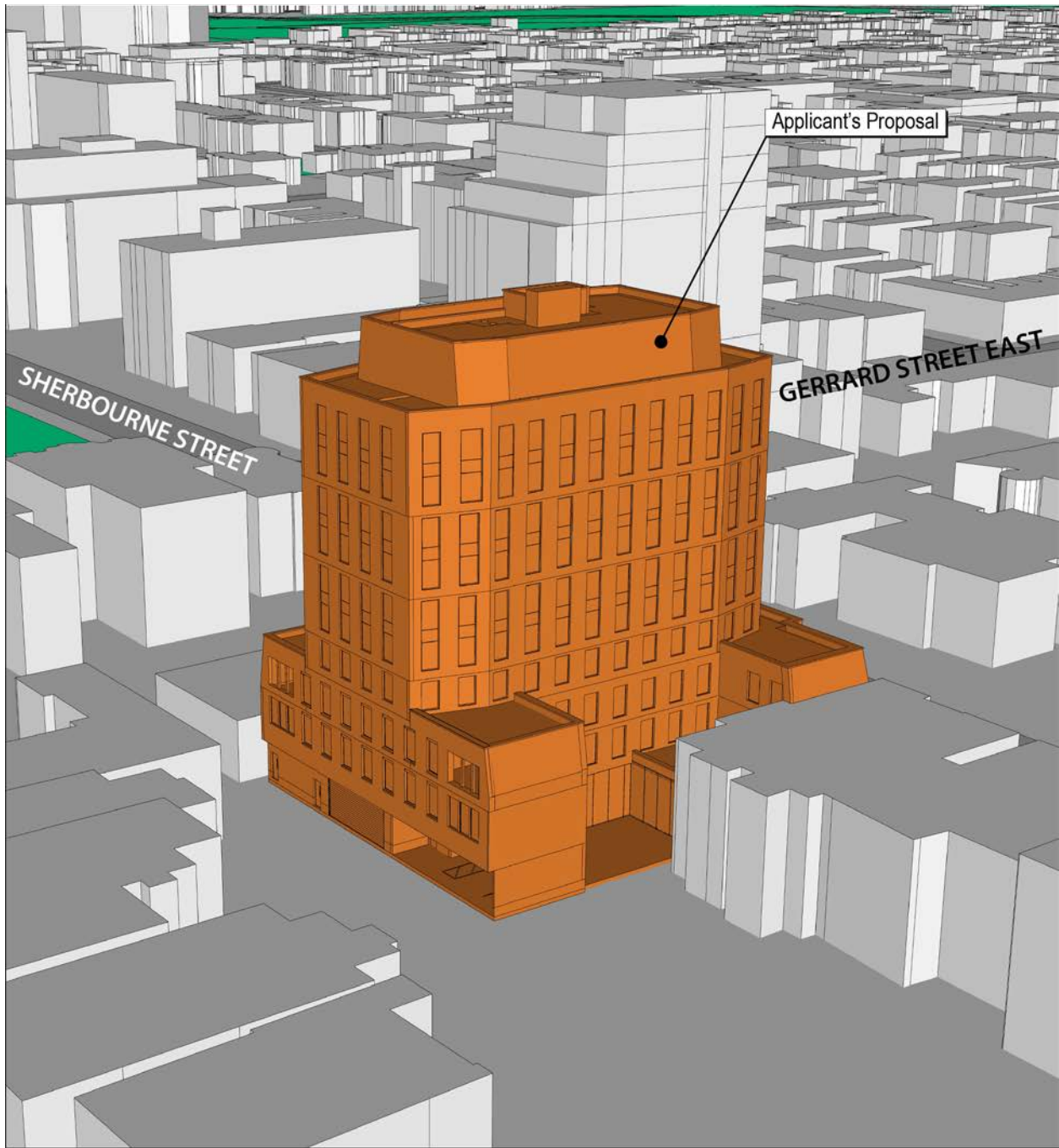


**View of Applicant's Proposal Looking Southwest**



07/20/2021

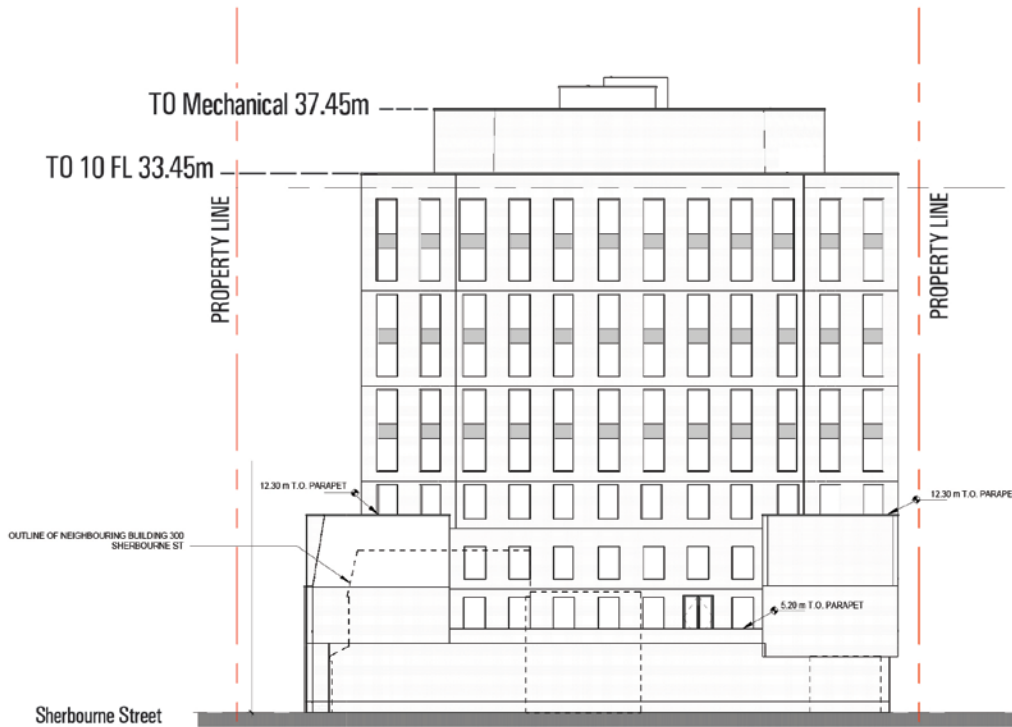




**View of Applicant's Proposal Looking Northeast**

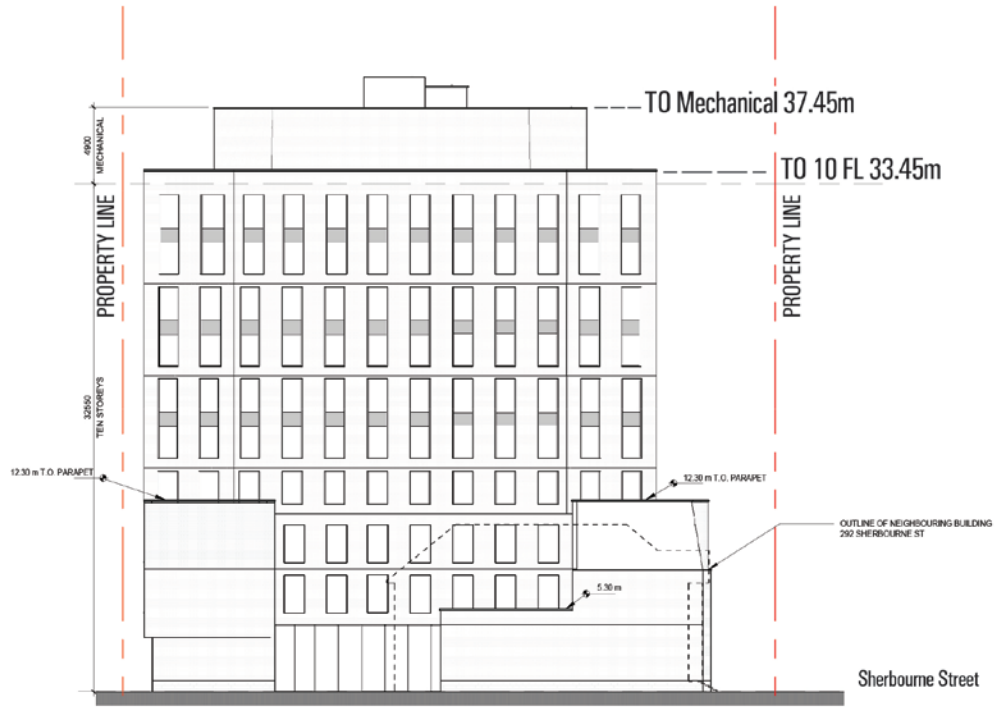
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Attachment 9: North Elevation



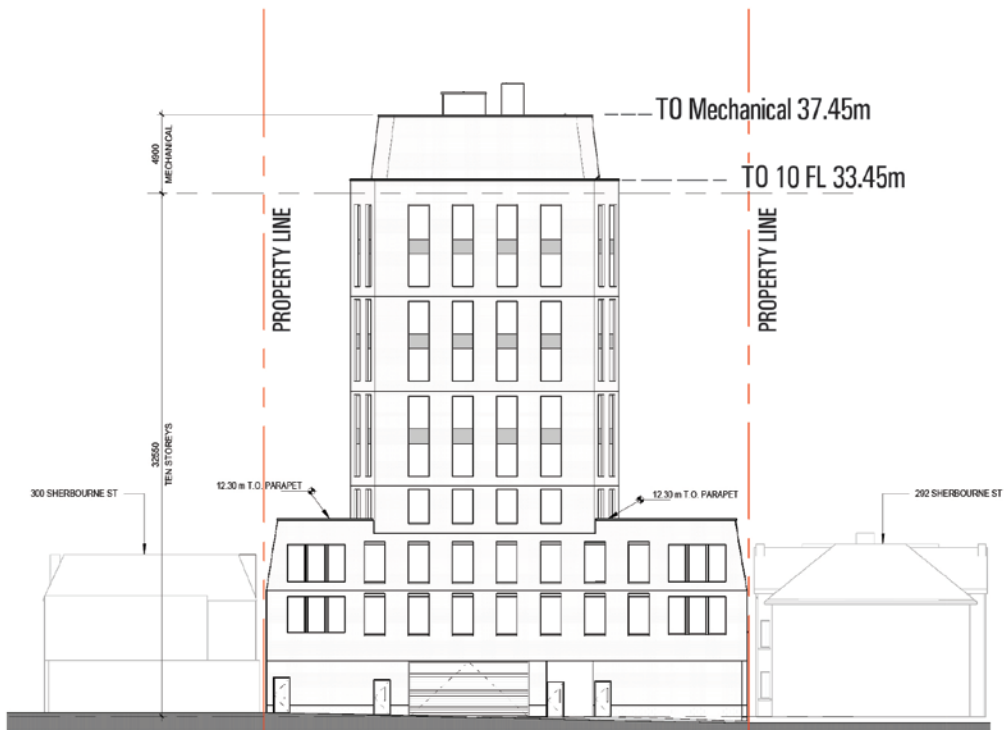
North Elevation

Attachment 10: South Elevation



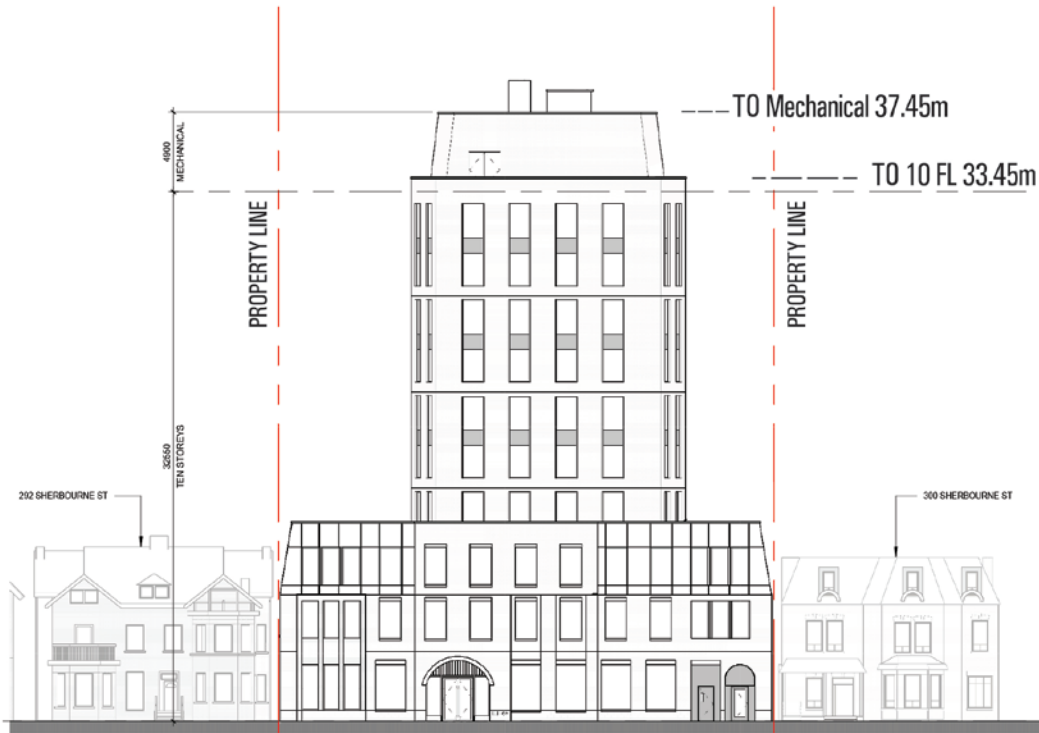
South Elevation

Attachment 11: West Elevation



West Elevation

Attachment 12: East Elevation



East Elevation