

45 The Esplanade – Official Plan and Zoning By-law Amendment Applications – Appeal Report

Date: January 10, 2023

To: Toronto and East York Community Council

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

Ward: Ward 10 - Spadina-Fort York

Planning Application Number: 21 251957 STE 10 OZ

Related Application: 21 251956 STE 10 SA

SUMMARY

On December 29, 2021, Official Plan and Zoning By-law Amendment applications were submitted to permit a 36- and 35-storey mixed-use development containing 682 units, 8,042 square metres of hotel use, and 585 square metres of retail at-grade.

The applicant appealed the applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame prescribed in the *Planning Act*.

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

RECOMMENDATIONS

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 current applications regarding the Official Plan and Zoning By-law Amendment appeals for the lands at 45 The Esplanade and to continue discussions with the applicant 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 Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Official Plan Amendment is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

b) the final form and content of the draft Zoning By-law is to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;

3. City Council authorizes the City Solicitor and City staff to take any necessary steps 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 Preliminary Report was adopted by Toronto and East York Community Council on April 21, 2021 authorizing staff to conduct a community consultation meeting. The decision of the Toronto and East York Community Council can be found here: [Agenda Item History - 2022.TE32.26 \(toronto.ca\)](#)

THE SITE

Description: The site is irregularly shaped with a frontage of approximately 89 metres along The Esplanade and a total site area of 3,930 square metres.

Existing Use: A 9-storey hotel (15,846 square metres of GFA). The building was leased to the City of Toronto as a temporary shelter operated by Homes First Society who is funded by the City of Toronto; however, that lease ended December 31, 2022.

APPLICATION

Description: Two towers (35 and 36 storeys) sitting atop a 7-storey podium containing retail, hotel, and residential uses.

Density: 13.8 times the area of the lot.

Commercial GFA: 8,042 square metres of hotel space including 138 hotel rooms and 585 square metres of retail at-grade.

Dwelling Units: The proposed 682 dwelling units includes 388 one-bedroom (57%), 226 two-bedroom (33%), and 68 three-bedroom (10%) units.

Access, Parking and Loading: Access to loading and parking is from a laneway which is accessed off of Church Street and a shared driveway between 25 The Esplanade and 45 The Esplanade. Two hundred and ten parking spaces (165 residential, 45 commercial/visitor) are proposed below-grade.

Additional Information

See Attachments 1 through 4 of this report for the Application Data Sheet, a three-dimensional representation of the project in context, and a site plan of the proposal, respectively.

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:
<http://app.toronto.ca/AIC/index.do?folderRsn=eQ1o7sFJBKzzJLcAfwDQQQ%3D%3D>

Reasons for Application

The Official Plan Amendment application is required to amend policy 6.2.2 of the Downtown Plan to allow for less overall non-residential gross floor area than exists on the property today.

The Zoning By-law Amendment application proposes to amend Zoning By-law 569-2013 to vary performance standards including: gross floor area and floor space index; building height; tower separation and building setbacks.

Site Plan Control

A Site Plan Control application was submitted on December 29, 2021. The applicant referred the application to the OLT due to Council not making a decision within the time frame in the *Planning Act*.

POLICY CONSIDERATIONS

Provincial Land-Use Policies

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (PPS), and shall conform to provincial plans.

Official Plan Designation

The site is designated Mixed Use Areas in the Official Plan.

Downtown Plan

The subject site is located in Mixed Use Area 1 of the Downtown Plan. The site is also within the Financial District, which states that development within the Financial District will ensure no net loss of office and overall non-residential gross floor area (Policy 6.2.2).

Zoning

The site is zoned Commercial Residential CR 4.0 (c4.0, r2.5) SS1 (x2366) with a height limit of 36 metres for the majority of the site under City of Toronto By-law 569-2013.

Design Guidelines

The following design guidelines have been used in the evaluation of this application:

- St. Lawrence Neighbourhood Focused Area;
- Tall Building Design Guidelines;
- Growing Up Guidelines: Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines;
- Best Practices for Bird-Friendly Glass;
- Best Practices for Effective Lighting; and
- Toronto Accessibility Design Guidelines.

The City's Design Guidelines can be found here:

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

Toronto Green Standard

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. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

Due to the municipal elections, a community consultation meeting was not held prior to the applicant's appeal to the OLT. City Planning will hold a community consultation meeting on February 16, 2023.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. 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. The proposal does not conform with provincial policy as it relates to employment.

Official Plan Amendment

The proposed Official Plan Amendment (OPA) will permit the provision of less non-residential gross floor area (GFA) than is required under the Downtown Plan. The Downtown Plan ensures no net loss of office and overall non-residential GFA (Policy 6.2.2). The site when functioning as a hotel had a total non-residential GFA of 15,846 square metres. The development proposal would reduce this to 8,627 square metres, a 46% loss of non-residential GFA. The purpose of Downtown Plan was to ensure the Financial District's ability to accommodate future job growth and to protect the economic competitiveness of the city, region and province.

Land Use

The land uses proposed include residential, hotel, and retail at-grade. Hotel and retail uses are appropriate non-residential uses.

Dwelling Unit Mix

A total of 682 dwelling units are proposed, including 388 one-bedroom (57%), 226 two-bedroom (33%), and 68 three-bedroom (10%) units.

The unit mix meets the policy direction of the Official Plan to provide a full range of housing, and meets the unit mix objectives of the Growing Up Guidelines to provide a minimum of 15% two-bedroom and 10% three-bedroom units within new developments.

Built Form

City Planning staff have reviewed the proposed built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines.

The proposal does not conform to the Official Plan policies respecting massing, including setbacks, step backs, and tower separation distances. The proposal has not demonstrated how two tall buildings can be appropriately accommodated on the site.

The proposal is also located in The Esplanade Corridor as identified in the design guidelines for the St. Lawrence Neighbourhood. This is a prominent and important corridor in the Downtown and, as such, the proposal should be of high quality design. The guidelines state that new development along The Esplanade should create street walls which are rich with detail and are clad in a material which is sympathetic to the context. Materials such as brick, granite, terracotta limestone and other natural stones are encouraged. The primarily concrete cladding, precast panels and reflective glass of the proposed facade are not in keeping with the character of the area and are therefore discouraged.

Wind

A Pedestrian Level Wind Study prepared by Gradient Wind, dated December 13, 2021, shows that the wind conditions would be generally comfortable and acceptable throughout the year; however, the wind conditions in the common amenity terrace proposed on the 8th floor may be improved to ensure calm and acceptable wind conditions. Changes to built form and/or mitigation measures could improve this condition.

Shadow

A shadow study prepared by IBI Group shows that the proposed towers will shadow Berczy Park at 11:18 AM on March 21 and at 10:18 AM on September 21. This shadow could be eliminated with changes to the built form.

Parkland

In accordance with Chapter 415, Article III of the Toronto Municipal Code, Parks, Forestry and Recreation staff have determined that the applicant will be required to satisfy the parkland dedication requirement through cash-in-lieu

Streetscape

The proposed streetscape along The Esplanade includes a cantilever of the proposed building at the second storey to a depth of approximately 3 metres over the sidewalk zone. The streetscape does not appropriately fit within the surrounding existing or planned context, particularly in relation to the more recent development at 75 The Esplanade, which sits immediately east of the site. The sidewalk width should align with the neighbouring development of 75 The Esplanade, be free and clear of cantilevers overtop, and include a pedestrian clearly of 2.1 metres.

The proposal also includes a midblock connection on the east side of the site providing access to the Toronto Community Housing building to the south. This midblock connection is in keeping with the St. Lawrence Neighbourhood Urban Design Guidelines.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site have been reviewed by Engineering and Construction Services. A number of revisions and additional information are required.

Solid Waste

Solid Waste Management Services have reviewed the application and require further details and revisions be made to the architectural plans.

Transportation

Transportation Services staff has reviewed the Transportation Impact Study submitted in support of the application. Transportation Services generally accept the findings of the Transportation Impact Study; however, Transportation Services request that the proposal provide 3-5 publicly-accessible car-share spaces on the P1 level.

Currently, the hotel provides parking spaces to the building at 25 The Esplanade.

Indoor/Outdoor Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit, which equates to 2,728 square metres. The proposal includes 1,366 square metres of indoor amenity and 861 square metres of outdoor amenity space for a total of 2,227 square metres. The indoor amenity space is acceptable; however, the outdoor amenity space should be increased to be in compliance with the zoning by-law requirement. Additionally, the amenity space areas do not include areas designed for children and families nor amenity spaces for pets such as an outdoor off-leash area, pet wash station or pet relief area. These spaces improve the liveability of the development and should be provided.

Toronto Green Standard

The applicant is required to meet Tier 1 of Version 3 of the Toronto Green Standard (TGS), given the Site Plan submission in December of 2021. TGS version 4 came into effect in May of 2022 and requires improved building performance. This development is

encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and achieving net-zero emissions by 2040 or sooner.

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 deputations 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.

CONTACT

George Pantazis, Senior Planner
Tel. No. 416-392-3566
E-mail: George.Pantazis@toronto.ca

SIGNATURE

Carly Bowman, MScPI, MCIP, RPP
Acting Director, Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: 3D Model of Proposal in Context
Attachment 3: Location Map
Attachment 4: Site Plan
Attachment 5: Official Plan Land Use Map
Attachment 5A: Downtown Plan Map 41-2
Attachment 5B: Downtown Plan Map 41-3
Attachment 5C: Downtown Plan Map 41-5
Attachment 6: Zoning By-law 569-2013 Map

Attachment 1: Application Data Sheet

Municipal Address: 45 THE ESPLANADE Date Received: December 29, 2021

Application Number: 21 251957 STE 10 OZ

Application Type: OPA & Rezoning

Project Description: Official Plan and Zoning By-law Amendment to facilitate the redevelopment of the site for two 35 and 36-storey mixed-use buildings having a non-residential gross floor area of 8627 square metres, and a residential gross floor area of 45,407 square metres. 682 residential dwelling units are proposed.

Applicant	Agent	Architect	Owner
MATT YOUNG	IBI	IBI	SILVER HOTEL (VANCOUVER) LTD

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas

Zoning: CR 4.0 (c4.0,
r2.5) SS1 (x2366)

Height Limit (m): 36
metres

PROJECT INFORMATION

Site Area (sq m): 3,928 Frontage (m): 89 Depth (m): 57

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,400		2,317	2,317
Residential GFA (sq m):			45,407	45,407
Non-Residential GFA (sq m):	15,846		8,627	8,627
Total GFA (sq m):	15,846		54,034	54,034
Height - Storeys:	8		36	36
Height - Metres:	27		114	114

Lot Coverage Ratio (%) : 58.99 Floor Space Index: 13.76

Residential Units by Tenure	Existing	Retained	Proposed	Total
--------------------------------	----------	----------	----------	-------

Rental:

Freehold:		
Condominium:	682	682
Other:		
Total Units:	682	682

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			388	226	68
Total Units:			388	226	68

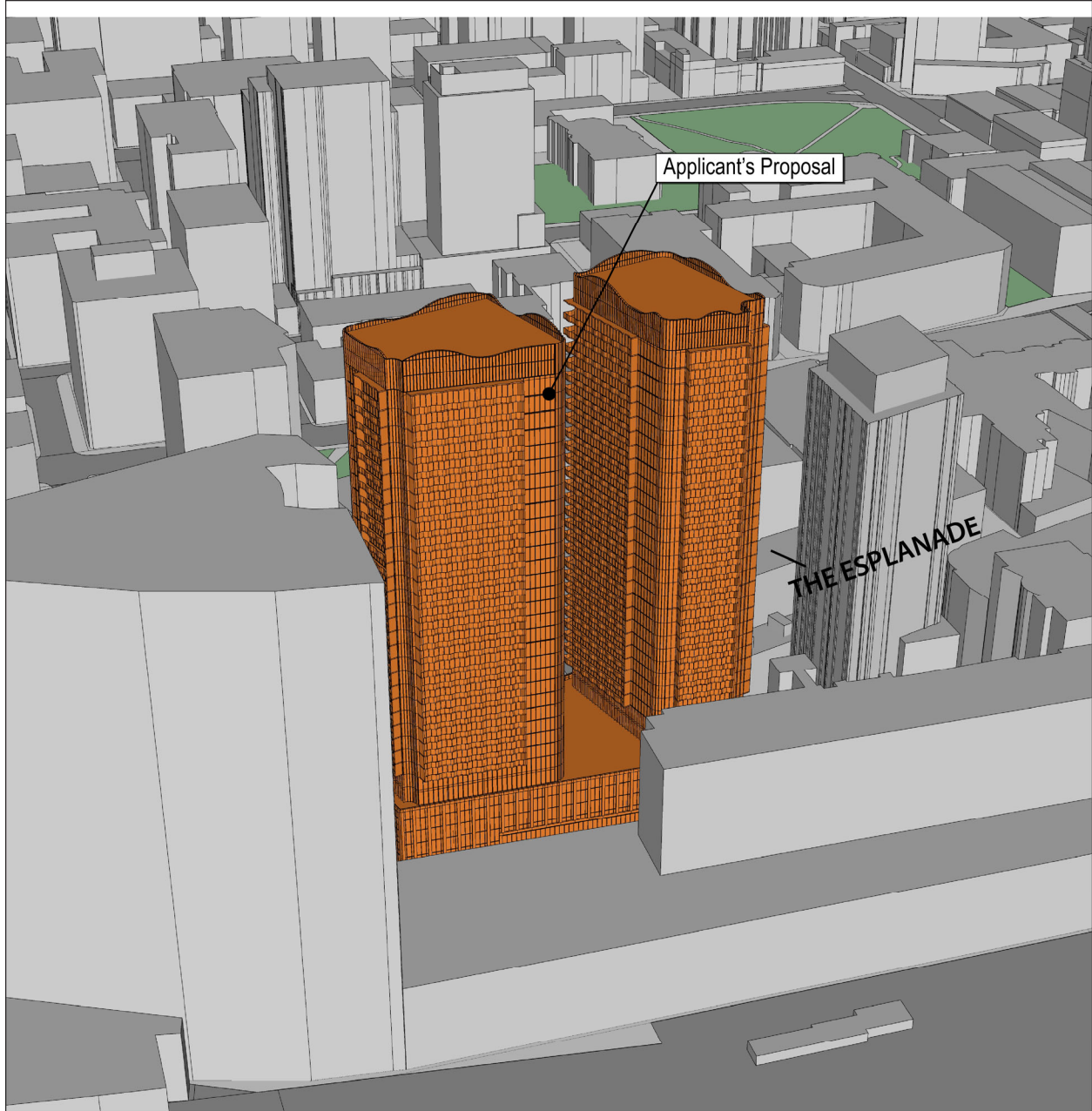
Parking and Loading

Parking Spaces:	210	Bicycle Parking Spaces:	618	Loading Docks:	2
-----------------	-----	-------------------------	-----	----------------	---

CONTACT:

George Pantazis, Senior Planner
(416) 392-3566
George.Pantazis@toronto.ca

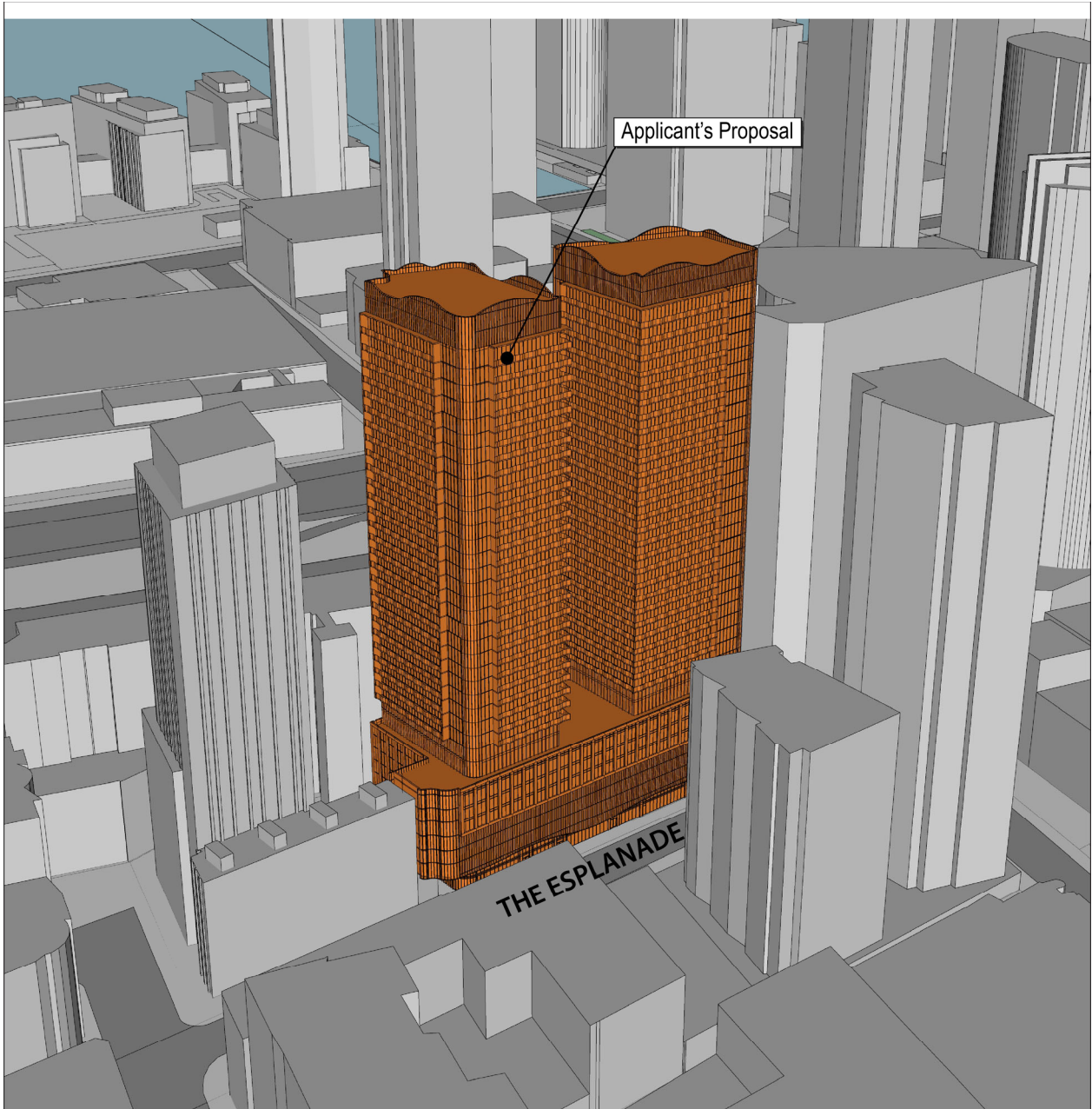
Attachment 2: 3D Model of Proposal in Context



View of Applicant's Proposal Looking North



03/22/2022



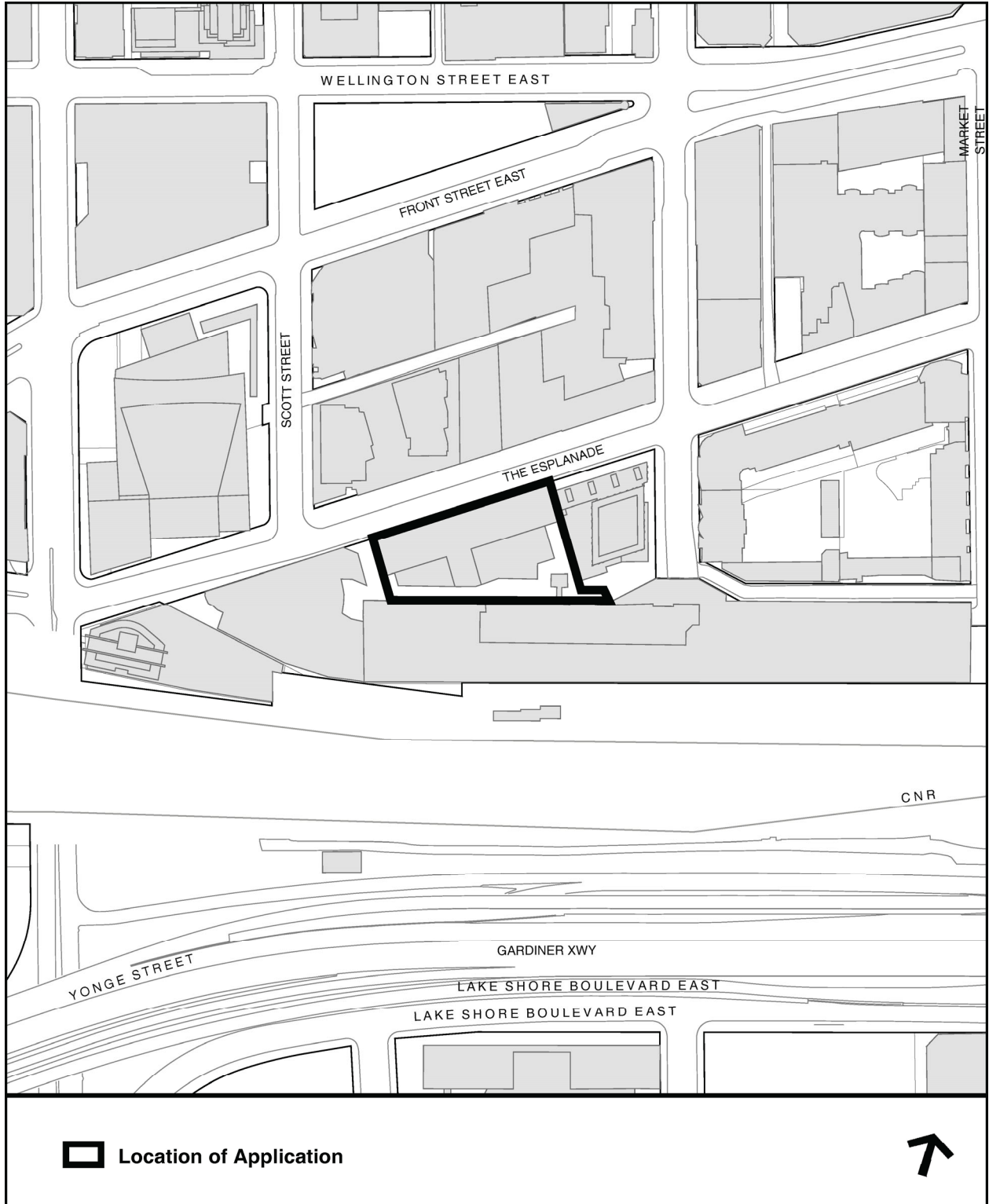
Applicant's Proposal

View of Applicant's Proposal Looking South



03/22/2022

Attachment 3: Location Map



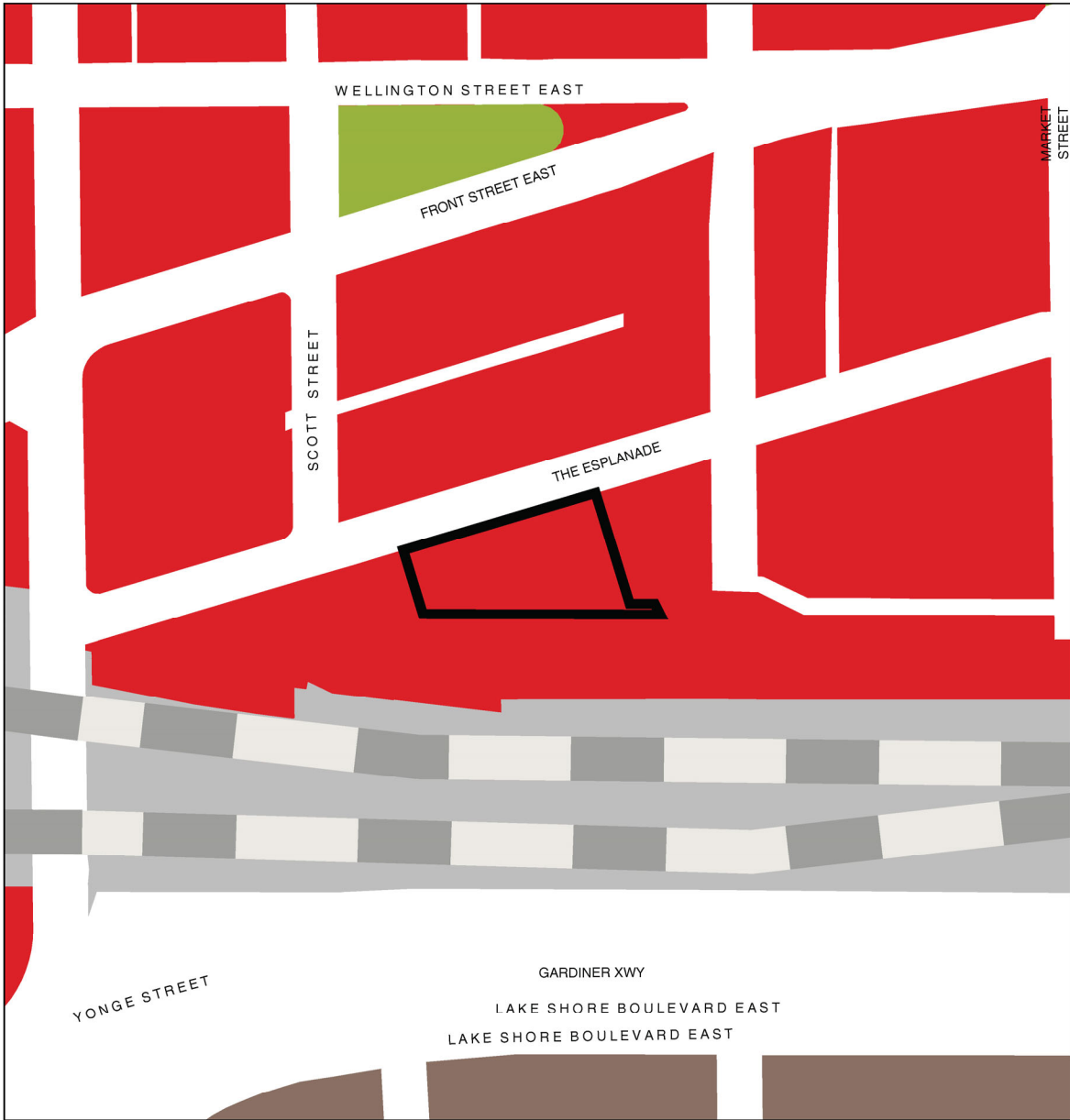
Attachment 4: Site Plan



Site Plan



Attachment 5: Official Plan Land Use Map



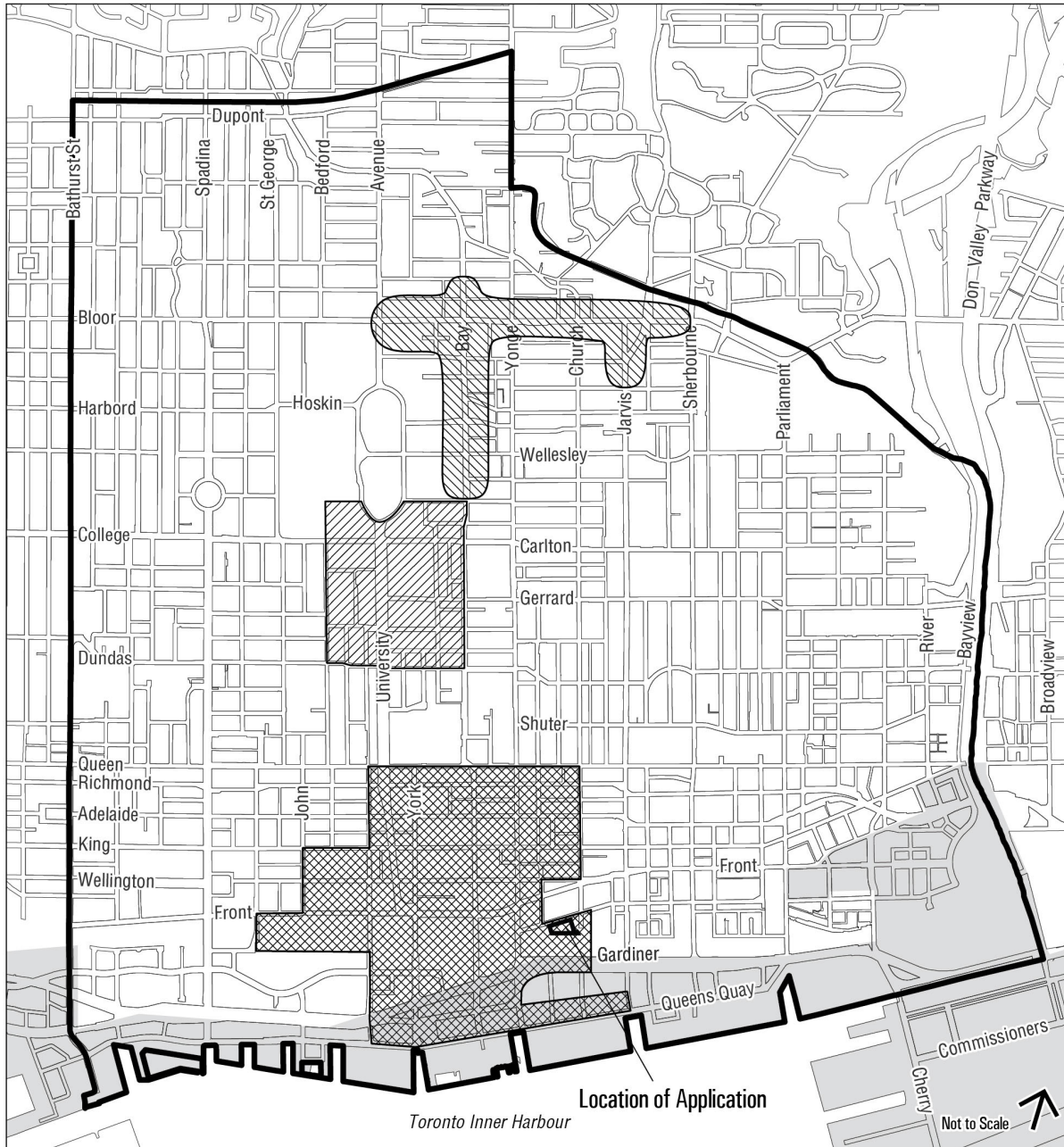
Official Plan Land Use Map #18

45 The Esplanade
File # 21 251957 STE 10 0Z

- Location of Application
- Mixed Use Areas
- Parks
- Regeneration Areas
- Utility Corridors

Not to Scale
 Extracted: 01/04/2022

Attachment 5A: Downtown Plan Map 41-2



Downtown Plan

MAP 41-2 Financial District, Health Sciences District, and Bloor-Bay Office Corridor

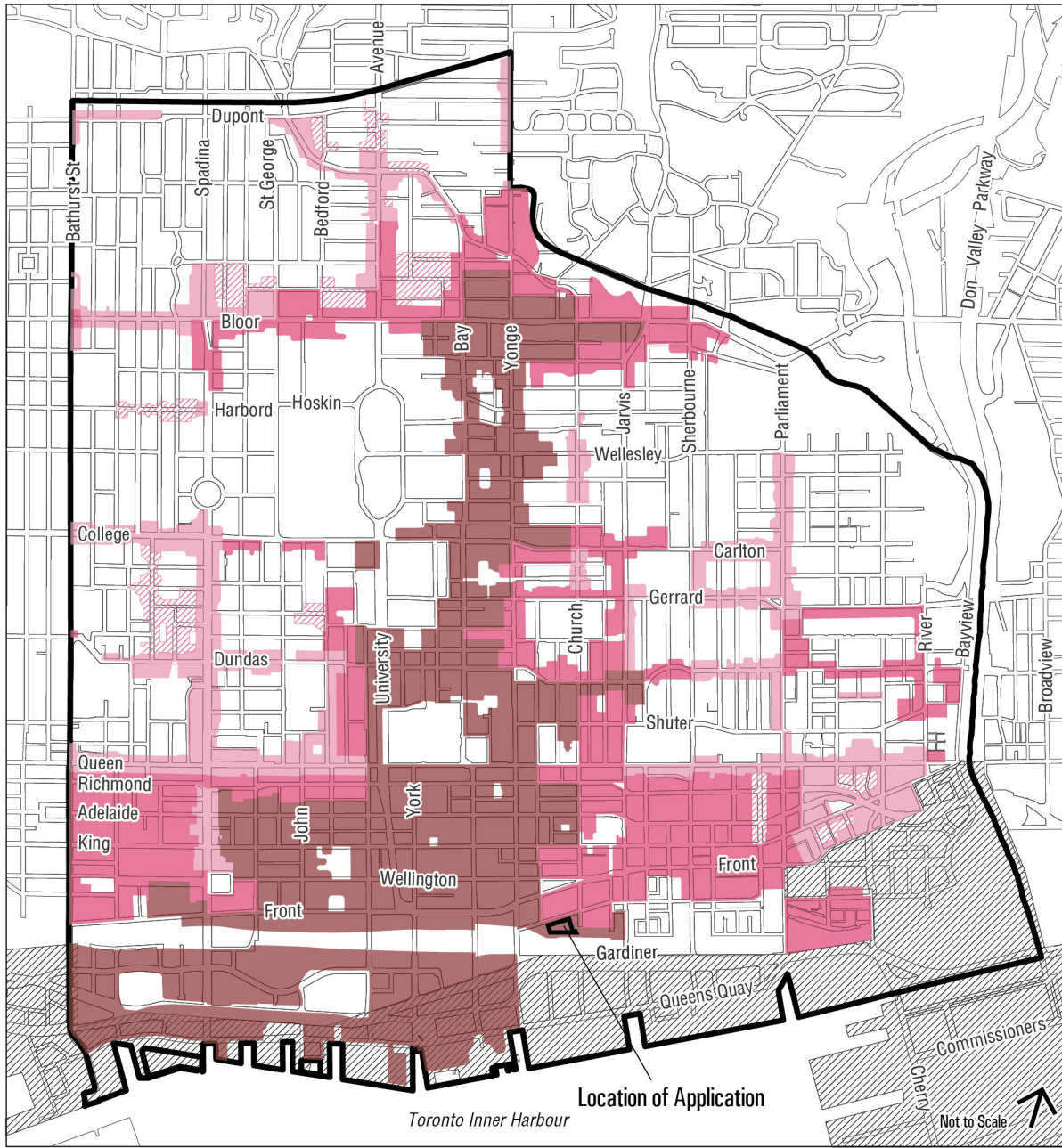
45 The Esplanade

File # 21 251957 STE 10 0Z

- Downtown Plan Boundary
- Financial District
- Health Sciences District
- Bloor-Bay Office Corridor
- Central Waterfront Secondary Plan

March 2022

Attachment 5B: Downtown Plan Map 41-3



45 The Esplanade

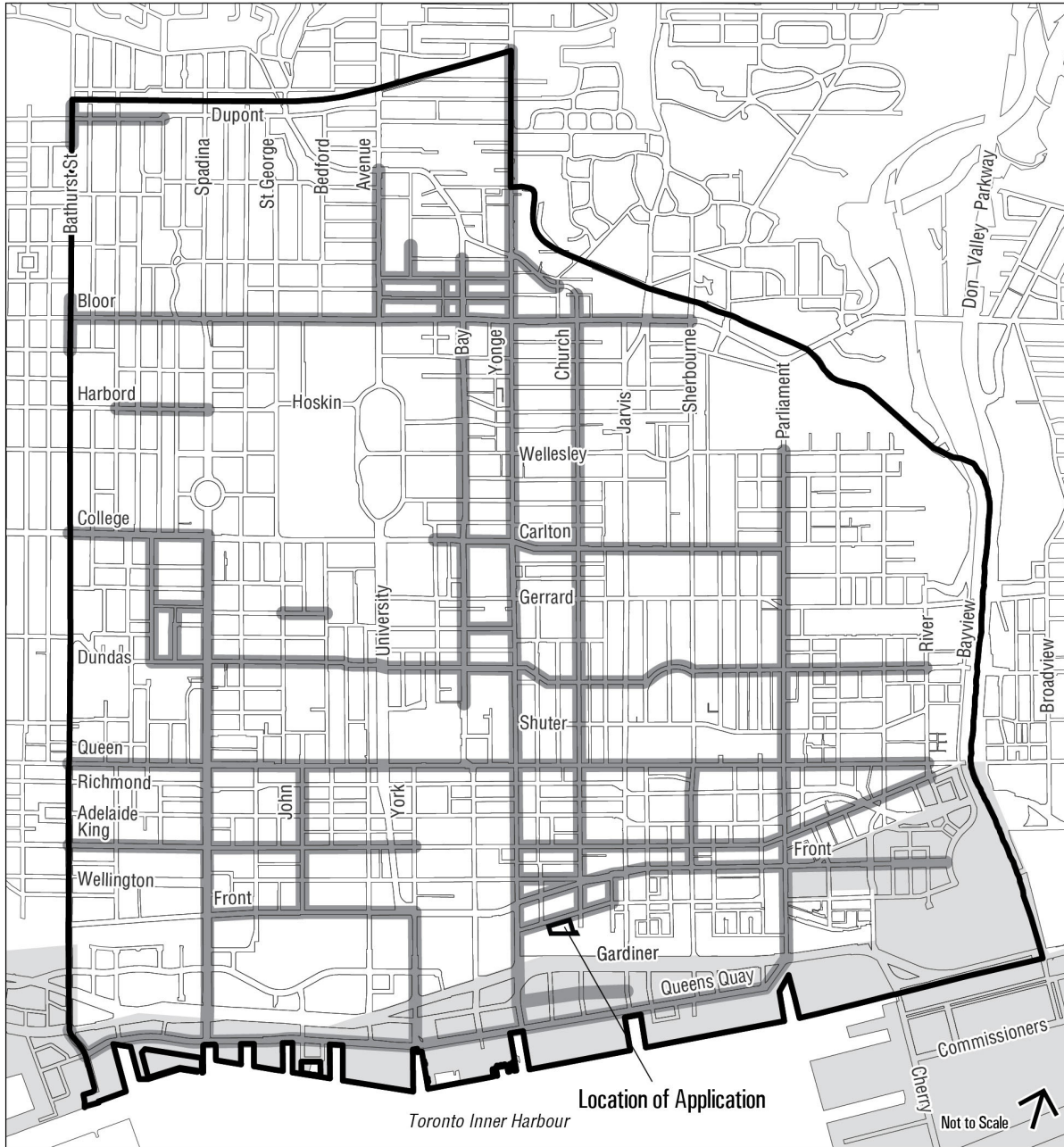
Downtown Plan

File # 21 251957 STE 10 OZ

MAP 41-3 Mixed Use Areas

- Downtown Plan Boundary
- Mixed Use Areas 1 - Growth
- Mixed Use Areas 2 - Intermediate
- Central Waterfront Secondary Plan
- Mixed Use Areas 3 - Main Street
- Mixed Use Areas 4 - Local

Attachment 5C: Downtown Plan Map 41-5



Downtown Plan

MAP 41-5 Priority Retail Streets

45 The Esplanade

File # 21 251957 STE 10 0Z

- Downtown Plan Boundary
- Central Waterfront Secondary Plan
- Priority Retail Streets

March 2022

