

237 Victoria Street – Official Plan and Zoning By-law Amendment Application – Appeal Report

Date: August 31, 2023

To: Toronto and East York Community Council

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

Ward: 13 - Toronto Centre

Planning Application Number: 22 198781 STE 13 OZ

SUMMARY

On September 1, 2022, an Official Plan and Zoning By-law Amendment application for 237 Victoria Street was submitted to permit a 24-storey mixed-use building with 416 square metres of non-residential gross floor area on the first floor and 256 dwelling units above.

On June 19, 2023, the applicant appealed the application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

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

RECOMMENDATIONS

The Director, Community Planning, Toronto and East York District recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal to oppose the appeal made for current applications regarding the Official Plan Amendment and Zoning By-law Amendment respecting the lands at 237 Victoria Street and authorize the City Solicitor and appropriate staff 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 of the Official Plan Amendment and Zoning By-law Amendment in whole or in part, City Council direct the City Solicitor to request that the issuance of the final Order on the Official Plan Amendment and Zoning By-law Amendment be withheld until such time as the City Solicitor advises that:

a) the final form and content of the draft Official Plan and Zoning By-law Amendments are to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor;

b) the owner has, at its sole cost and expense:

i. submitted a revised Functional Servicing Report, Stormwater Management Report, and Hydrogeological Review, including the Foundation Drainage Report or addendums ("Engineering Reports"), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, or the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;

ii. secured the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure identified in the accepted engineering reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the accepted engineering reports, accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water; and

iii. ensured the implementation of the accepted Engineering Reports does not require changes to the proposed amending By-laws or any such required changes have been made to the proposed amending By-laws, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new or upgrades to existing municipal servicing infrastructure as may be required.

3. City Council authorize 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.

THE SITE

Description: The site is located mid-block. It is rectangular in shape, with a site area of 1,254 square metres with 35 metres of frontage on Victoria Street. Victoria Street lane is located at the rear of the site.

Existing Uses: The site is currently used as a surface parking lot.

THE APPLICATION

Description: 24-storey (79 metres, including mechanical penthouse) mixed-use building with 416 square metres of ground level retail space and 17,410 square metres of residential uses.

Density: 14.22 times the area of the lot.

Dwelling Units: 256 dwelling units, of which 34 (13%) are studio units, 129 (50%) are one-bedroom units, 65 (25%) are two-bedroom units, and 28 (11%) are three-bedroom units.

Access, Parking and Loading: 17 vehicle parking spaces, 292 bicycle parking spaces (231 long-term spaces, 26 short-term spaces, 35 electric vehicle bike spaces) and one loading space (type not specified) are proposed. The loading space would be accessed from the Victoria Street lane on the eastside of the subject property.

Additional Information: See Attachments 1, 5, 6 and 7 of this report for the Application Data Sheet, three-dimensional representation of the project in context and 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.

Reasons for Application

The Official Plan Amendment Application has been submitted to establish a new Site and Area Specific Policy which would permit a tall building on the site subject to an acceptable Block Plan.

The Zoning By-law Amendment Application has been submitted to amend City-wide Zoning By-law 569-2013 to permit an increase in the overall height and density on the site and to modify various performance standards such as those for setbacks and amenity space provisions.

Site Plan Control: A Site Plan Control application was submitted on September 1, 2022.

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, and shall conform to provincial plans.

Official Plan

The site is located on lands within the Downtown and Central Waterfront area and is designated Mixed Use Areas. See Attachment 3 of this report for the Official Plan Land Use Map. The City's Official Plan can be found here:

[Toronto Official Plan - March 2022 Office Consolidation \(Chapters 1-5 & Schedules 1-4\)](#)

Site and Area Specific Policy SASP 517

SASP 517 refers to tall building setbacks and separation distances in the Downtown Secondary Plan Area.

Downtown Plan

The site is within the Downtown and is designated Mixed Use Areas 1 - Growth. The Downtown Plan can be found here: [41 - Downtown Secondary Plan \(toronto.ca\)](#)

Zoning

The site is zoned Commercial Residential (CR4.0 (c2.0; r4.0) SS1 (x1320) in Zoning By-law 569-2013. This zoning category permits a wide array of uses including commercial, residential, and institutional uses. See Attachment 4 of this report for the existing Zoning By-law Map. Zoning By-law 569-2013 can be found here: <https://www.toronto.ca/city-government/planning-development/zoning-by-lawpreliminary-zoning-reviews/zoning-by-law-569-2013-2/>.

Airport Zoning Regulation - Helicopter Flight Path

The subject site is immediately below the Obstacle Limitation Surface for St. Michael's Hospital as identified in City By-law 1432-2017.

Design Guidelines

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

- Tall Building Design Guidelines;
- Downtown Tall Building Design Guidelines;
- Growing Up Guidelines Planning for Children in New Vertical Communities;
- Pet Friendly Design Guidelines; and
- Retail Design Manual.

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 Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendment, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the TGS. The TGS can be found here: <https://www.toronto.ca/city-government/planning-development/official-plan-guidelines/toronto-green-standard/>

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on January 12, 2023. Approximately 21 members of the public attended. At the meeting, City staff and the applicant's team gave presentations on the site and surrounding area, the existing planning framework and the proposed development. Following the presentations, City staff led a question and answer format meeting.

Issues and comments raised at the meeting and through written correspondence include:

- concern regarding wind impacts on the surrounding area
- wind impacts including impacts from helicopters on the building given the proximity to the helicopter flight path;
- how the retail space be subdivided and if it could be designed to accommodate multiple retail tenants;
- two comments in support of the proposal in its current form;
- need to maximize density to provide for rental and/or affordable housing;
- need for the north and south party walls to be re-designed to avoid a blank wall treatment;
- concern with shadow impacts on adjacent properties outdoor amenity areas; and
- concern that proposed tower setbacks would limit the development potential of adjacent properties.

COMMENTS

Provincial Policy Statement and Provincial Plans

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff have reviewed the proposal for consistency with the Provincial Policy Statement (2020) and conformity with the Growth Plan (2020) and find the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan.

Land Uses

The proposal provides an appropriate mix of uses on the site. The proposed residential and retail uses align with the Mixed Use Areas designation in the Official Plan and the Mixed Use Areas 1 designation in the Downtown Plan.

Built Form

City Planning staff have concerns with the proposed building massing and the proposed tower setbacks. The Tall Building Guidelines identify an appropriate standard for a tower setback from the side and rear lot lines of 12.5 metres. The proposed tower would have a north tower setback of 1.5 metres and a south tower setback of 2.8 metres. These reduced setbacks would create unacceptable light, view and privacy conditions should the adjacent sites, or an assembly of adjacent sites, seek to redevelop with tall buildings. The reduced setbacks has the potential to limit the development potential of these adjacent sites.

The proposed draft Zoning By-law which would permit the proposed development must ensure there will be no intrusion into the St. Michael's Hospital north helicopter flight path. An aeronautical assessment was submitted with the application. This assessment confirms the proposed building massing would not intrude, however, the assessment did not look at projections that would be permitted by the draft Zoning By-law. To date, the aeronautical assessment has not been confirmed by Toronto Buildings or from St. Michael's Hospital and /or their agent. The results of this review will further inform to what extent the draft Zoning By-law conforms with City By-law 1432-2017.

Shadow

The proposed development would shadow Dundas Square from 9:18 am to after 11:18 am on March and September 21. By providing required minimum tower setbacks (and or stepbacks at the appropriate levels), the shadow impacts on Dundas Square from the proposed development would be reduced.

Amenity Space

Zoning By-law 569-2013 requires a combined amenity space of 4.0 square metres per unit. The proposal includes 2.15 square metres of indoor amenity space and 2.08 square metres of outdoor amenity space per dwelling unit, resulting in a combined rate of 4.23 square metres of amenity space for each dwelling unit. The proposed indoor and outdoor amenity space conforms to the requirements of Zoning By-law 569-2013.

Wind

A Pedestrian Level Wind Study submitted with the application concludes that future wind conditions overall grade-level pedestrian wind-sensitive areas will be acceptable for the intended use. Additionally, the outdoor amenity space will be comfortable for the intended use without the need for mitigation.

Toronto Green Standard

The applicant is required to meet Tier 1 of the TGS, and 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. Should the proposal be approved in some form by the OLT, applicable performance measures for the Tier 1 development features would be secured in the site-specific Zoning By-laws and through the Site Plan Control application.

Streetscape

Transportation Services has identified the requirement to provide for a minimum 2.1 metre wide pedestrian clearway along Victoria Street. Additionally, a 6-metre wide sidewalk zone (curb to building face) has been provided. The 5th and 6th levels of the podium are proposed to cantilever over the sidewalk zone by approximately 2 metres which is not acceptable.

Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Survey plan was submitted by the Applicant. There are no existing trees on the subject land or within the right-of-way fronting the property. The applicant proposes zero tree plantings which is not acceptable to Urban Forestry. Submitted utility plans do not provide sufficient detail to determine if there are any potential utility conflicts if trees were to be proposed.

Traffic Impact, Access, Parking

The Transportation Impact Study submitted in support of the application proposes 17 parking spaces accessed by a dedicated parking elevator. The number of spaces meets the requirements of Zoning By-law 569-2013. Transportation Services supports the proposed supply of vehicle parking spaces, subject to the applicant demonstrating compliance with the accessible parking requirements, and conclude that traffic impacts will be acceptable.

A loading space of unspecified type is proposed adjacent to the laneway on the east side of the property. The loading space and associated staging area would be external to the building, with the third level of the building cantilevering over the space. Loading spaces should be internal to the building and as such the proposed location of the space is not acceptable. Transportation Services and Solid Waste Management staff have reviewed the proposal and confirmed that a Type G loading space is required.

Servicing

Engineering and Construction Services staff have reviewed the Functional Servicing and Stormwater Management Report and associated plans and require further revisions to the reports and drawings. In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and

Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Parkland

In accordance with Section 42 of the Planning Act, the owner is required to satisfy the parkland dedication requirement through a cash-in-lieu payment. As per Toronto Municipal Code Chapter 415-29, the value of the cash-in-lieu will be appraised by Corporate Real Estate Management. Payment will be required prior to the issuance of the first above-ground building permit.

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, City 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

Derek Waltho, Senior Planner, Tel. No. 416-392-0412, E-mail:
Derek.Waltho@toronto.ca

SIGNATURE

Oren Tamir
Acting Director,
Community Planning
Toronto and East York District

ATTACHMENTS

Attachment 1: Application Data Sheet
Attachment 2: Location Map
Attachment 3: Official Plan Land Use Map
Attachment 4: Existing Zoning By-law Map
Attachment 5: 3D Model of Proposal in Context Looking Northeast
Attachment 6: 3D Model of Proposal in Context Looking Southeast
Attachment 7: Site Plan

Attachment 1: Application Data Sheet

APPLICATION DATA SHEET

Municipal Address: 237 Victoria Street Date Received: September 1, 2022

Application Number: 22 198781 STE 13 OZ

Application Type: OPA & Rezoning

Project Description: A 24-storey building with 256 residential dwelling units and a total gross floor area of approximately 17,826 square metres, including 17,410 square metres of residential GFA and 416 square metres of at grade retail.

Applicant	Agent	Architect	Owner
Bousfields Inc.	Michael Bissett	IBI Group	Spire Properties Ltd.

EXISTING PLANNING CONTROLS

Official Plan Designation: Mixed Use Areas Site Specific Provision:

Zoning: CR 4.0 (c2.0;
r4.0) SS1 (x1320)

Heritage Designation:

Height Limit (m): 30 m

Site Plan Control Area: Yes

PROJECT INFORMATION

Site Area (sq m): 1,254 Frontage (m): 35 Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):				
Residential GFA (sq m):			17,410	17,410
Non-Residential GFA (sq m):			416	416
Total GFA (sq m):			17,826	17,826
Height - Storeys:			24	24
Height - Metres:			79	79

Lot Coverage Ratio (%)
0

Floor Space Index: 14.22

Floor Area Breakdown Above Grade (sq m) Below Grade (sq m)

Residential GFA: 17,410

Retail GFA: 416
 Office GFA:
 Industrial GFA:
 Institutional/Other GFA:

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			256	256
Other:				
Total Units:			256	256

Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:		34	129	65	28
Total Units:		34	129	65	28

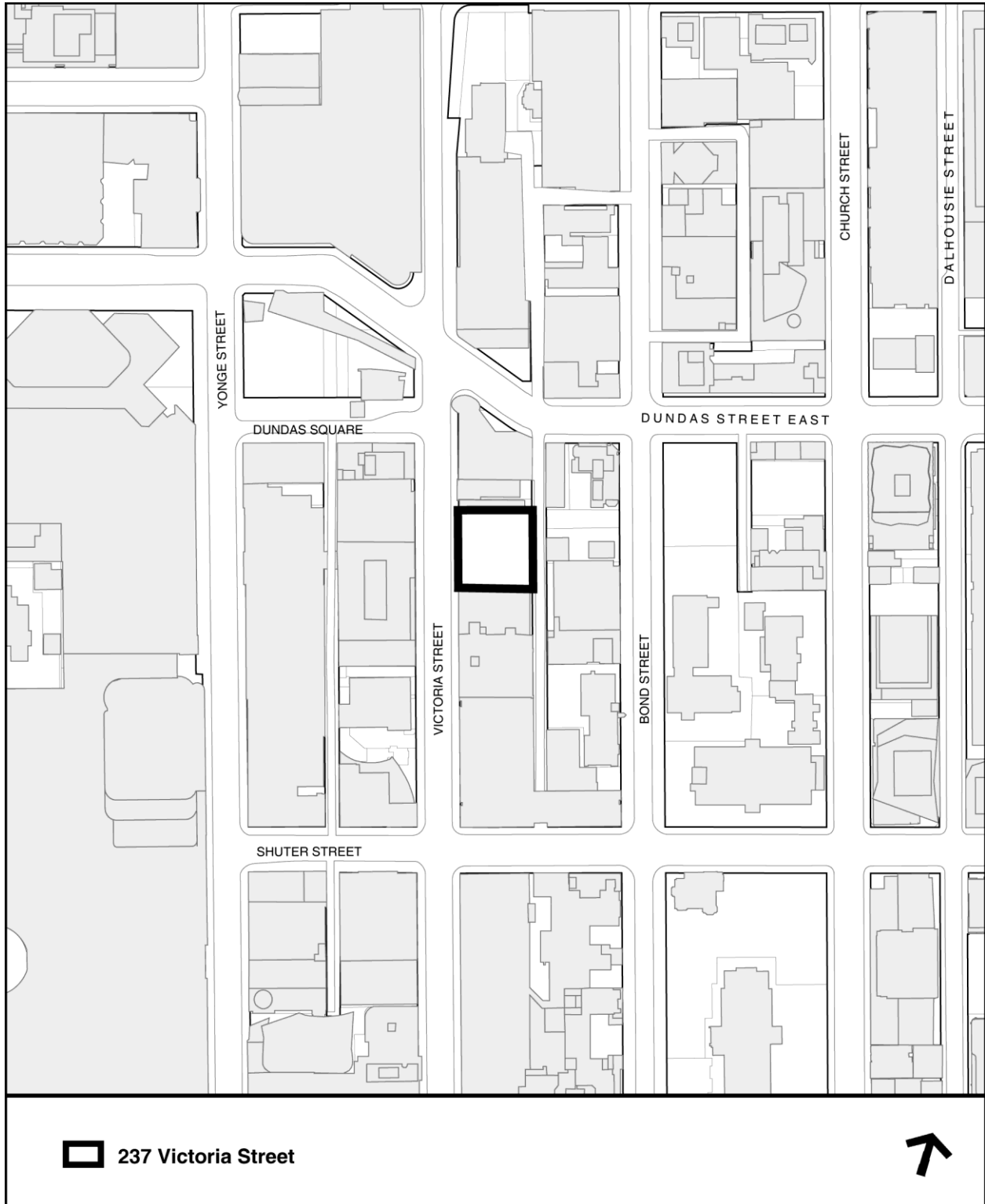
Parking and Loading

Parking Spaces: 17 Bicycle Parking Spaces: 231 Loading Docks: 1

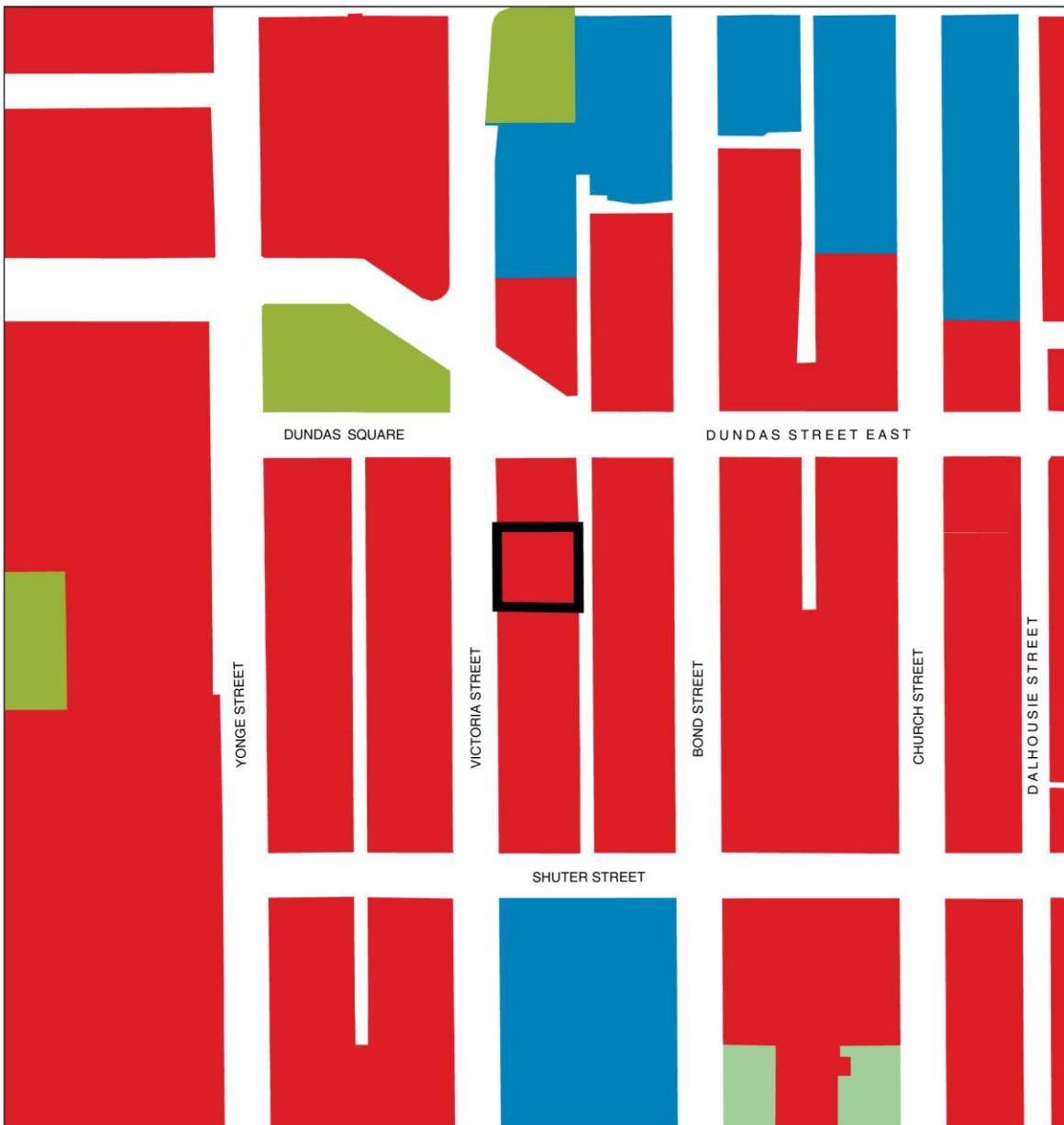
CONTACT:

Derek Waltho, Senior Planner
 416-392-0412
 Derek.Waltho@toronto.ca

Attachment 2: Location Map

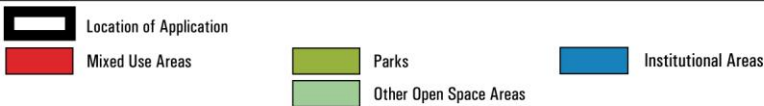


Attachment 3: Official Plan Land Use Map



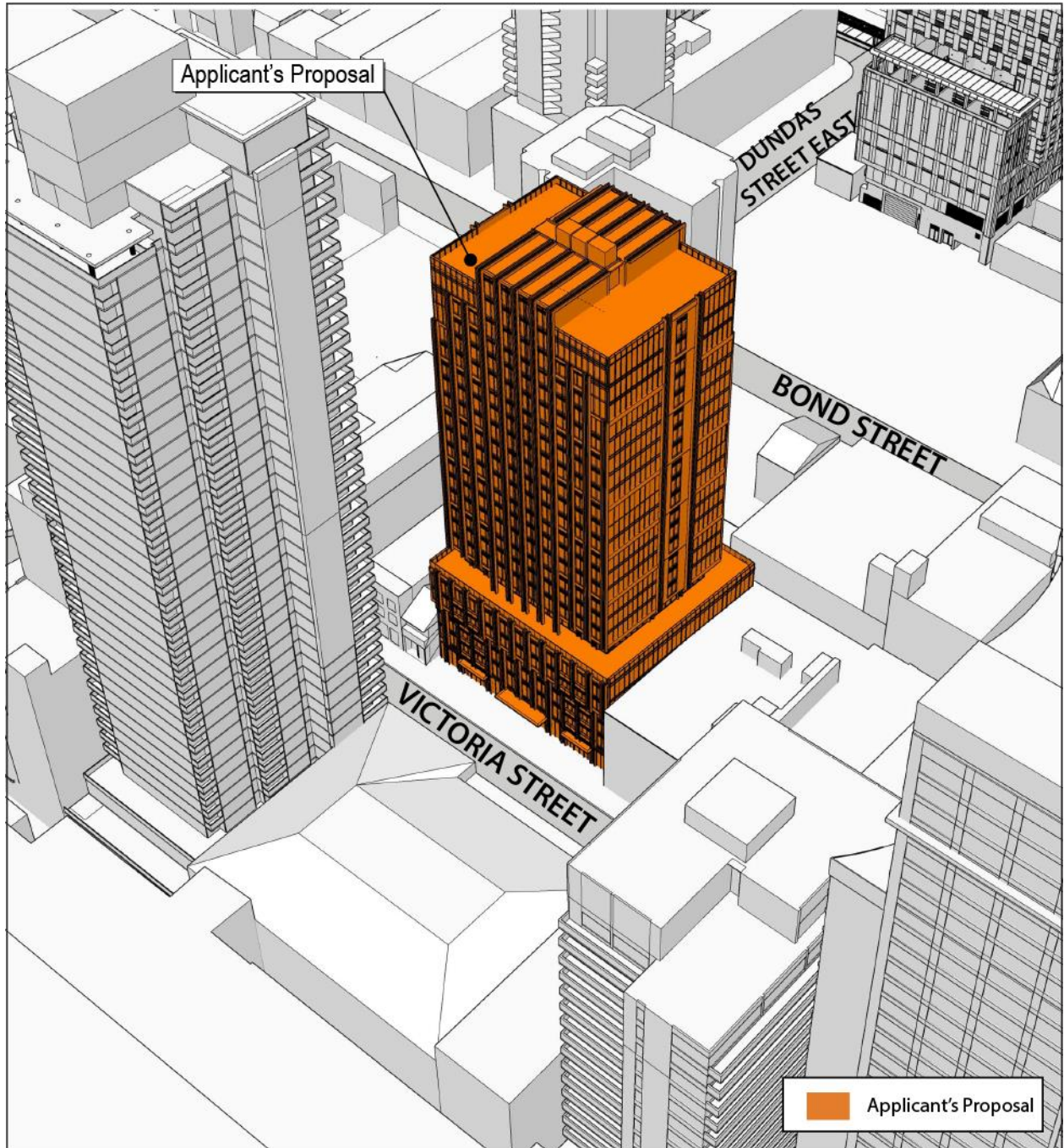
Official Plan Land Use Map #18

237 Victoria Street
File # 22 198781 STE 13 0Z



Not to Scale
 Extracted: 09/06/2022

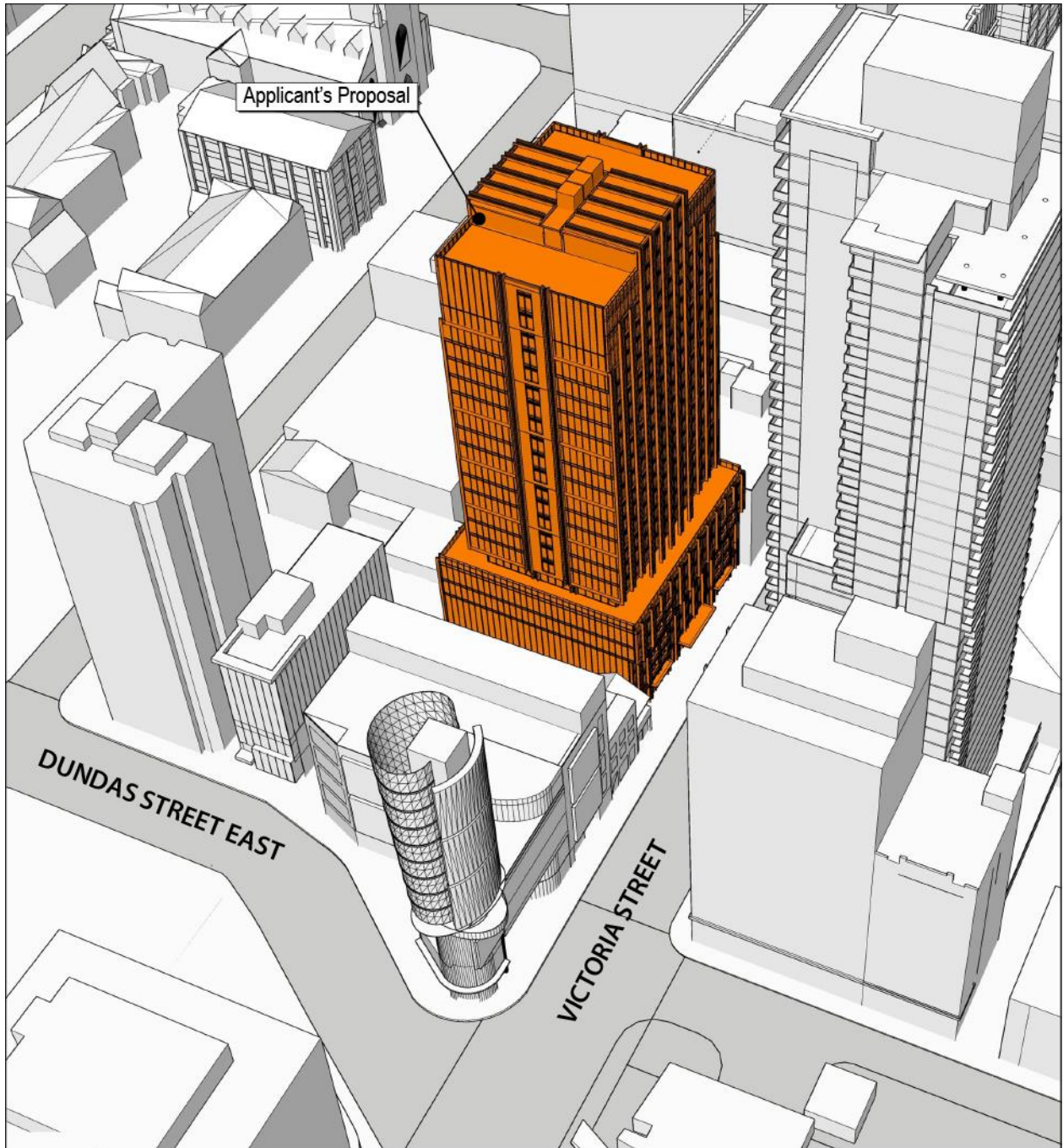
Attachment 5: 3D Model of Proposal in Context Looking Northeast



View of Applicant's Proposal Looking Northeast

↖
08/28/2023

Attachment 6: 3D Model of Proposal in Context Looking Southeast

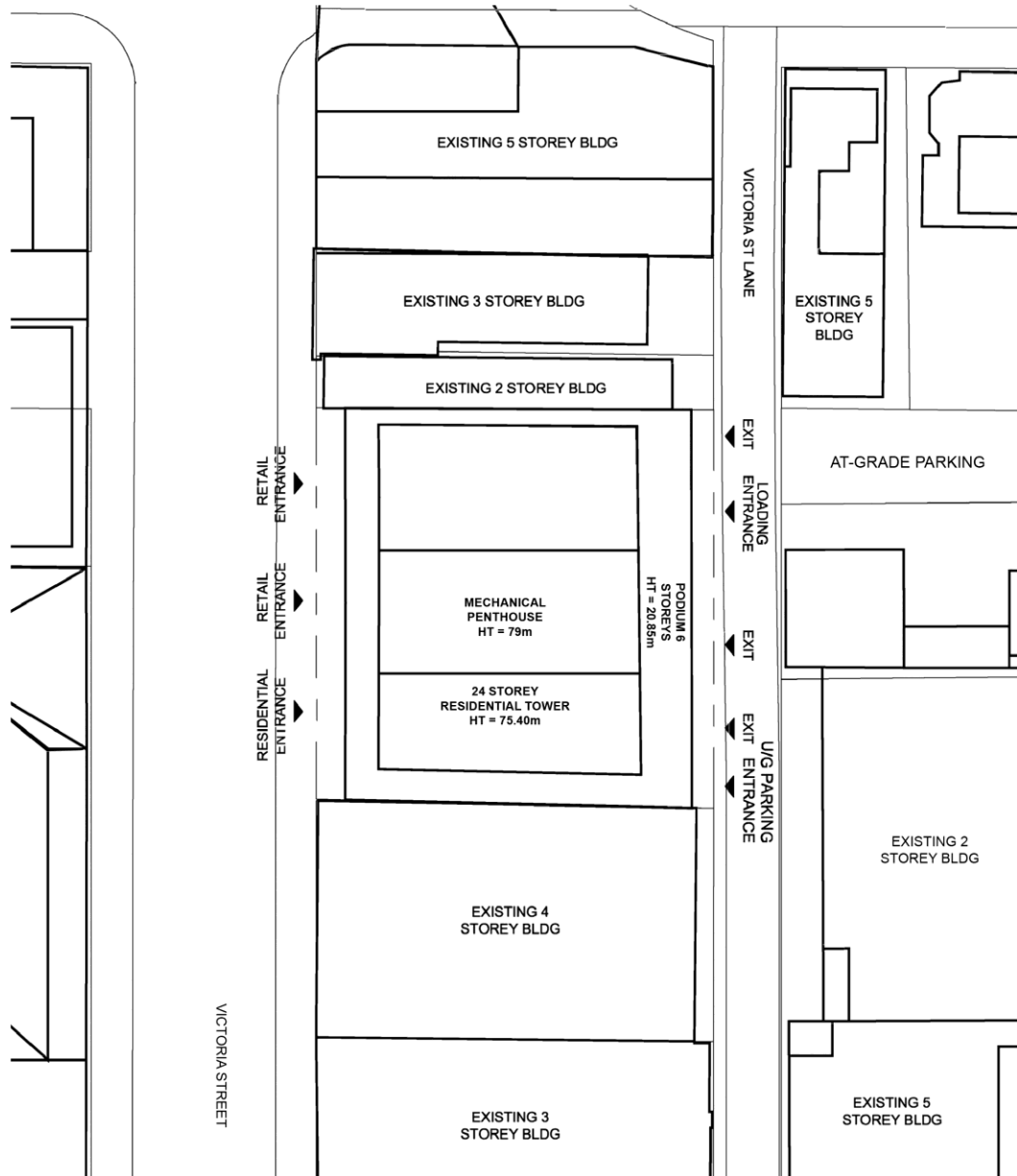


View of Applicant's Proposal Looking Southeast



08/28/2023

Attachment 7: Site Plan



Site Plan

