

## **505 University Avenue – Zoning By-law Amendment Application - Appeal Report**

Date: June 20, 2024

To: Toronto and East York Community Council

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

Ward: 11 - University-Rosedale

**Planning Application Number:** 22 198152 STE 11 OZ

**Related Application Number:** 24 118172 STE 11 OZ

### **SUMMARY**

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On August 31, 2022, a Zoning By-law Amendment application was submitted to permit a 64-storey mixed-use building with 25,700 square metres of non-residential gross floor area and 704 dwelling units. The designated heritage building at 505 University Avenue would be demolished, with some of its materials re-used in the construction of a new base building.

On October 25, 2023, the applicant appealed the Zoning By-law Amendment application to the Ontario Land Tribunal (OLT) due to Council not making a decision within the time frame in the Planning Act.

On February 23, 2024, an Official Plan Amendment application (File number 24 118172 STE 11 OZ) was submitted to enable development to not replace the existing non-residential gross floor area as required by the Downtown Plan. The Zoning By-law Amendment application was not updated or revised to remove the proposed non-residential gross floor area for office uses.

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

### **RECOMMENDATIONS**

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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 Zoning By-law Amendment appeal respecting the lands municipally known as 505 University Avenue 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 Zoning By-law Amendment appeal in whole or in part, City Council direct the City Solicitor to request that the issuance of any final Order be withheld until such time as the City Solicitor advises that:

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

b. the owner has at its sole cost and expense:

i. submitted a revised Functional Servicing and Stormwater Management Report, Servicing Report Groundwater Summary Form, and Hydrological Review Summary Form ("Engineering Reports"), to the satisfaction of 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; 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 infrastructure or upgrades to existing municipal servicing infrastructure as may be required.

3. City Council authorizes 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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At its meeting of February 6, 2024, City Council stated its intention to designate the property at 505 University Avenue under Part IV of the Ontario Heritage Act. Council's

decision is available here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.PH9.11>

At its meeting of May 22, 2024, City Council adopted a Consideration of Objection report from the Chief Planner and Executive Director, affirming its February 6, 2024 decision to designate the property at 505 University Avenue under Part IV, Section 29 of the Ontario Heritage Act, following consideration of a March 11, 2024 objection to the designation. City Council's decision may be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2024.CC18.21>

## THE SITE

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**Description:** The property is a corner site, rectangular in shape, with an area of 3,328 square metres, with 48 metres of frontage on University Avenue and 68.4 metres on Edward Street.

**Existing Uses:** A 20-storey office building with retail at grade, containing 22,115 square metres of non-residential gross floor area.

## THE APPLICATION

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**Description:** The Zoning By-law Amendment application is for a 64-storey (212.89 metres, including mechanical penthouse) mixed-use building with 600 square metres of ground level retail space, 25,100 square metres of office space, and 704 dwelling units.

The related Official Plan Amendment application proposes to remove the 25,100 square metres of office space and replace it with residential units.

**Density:** 21.65 times the area of the lot.

**Dwelling Units:** 704 dwelling units, of which 400 (57%) are one-bedroom units, 233 (33%) are two-bedroom units, and 71 (10%) are three-bedroom units. The subsequent Official Plan Amendment application did not update the number of dwelling units or the breakdown of unit type.

**Access, Parking and Loading:** 171 vehicle parking spaces, 814 bicycle parking spaces (685 long-term spaces, 129 short-term spaces) and four loading space (1 Type B, 2 Type C, 1 Type G) are proposed. Vehicle access would be from Edward Street on the east side of the proposed building.

**Additional Information:** See Attachments 1, 6, 7 and 8 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. <https://www.toronto.ca/505UniversityAve>

## **Reasons for Application**

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 August 31, 2022.

## **POLICY CONSIDERATIONS**

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### **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 designated Mixed Use Areas. See Attachment 3 of this report for the Official Plan Land Use Map.

The Official Plan protects the silhouette of City Hall when viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square as identified on Official Plan Maps 7a and 7b and within Official Plan Policies 3.1.6.44 and 3.1.6.45.

### **Downtown Plan**

The site is designated Mixed Use Areas 1 - Growth. The site is within the Health Sciences District. Development within the Health Science District is required to replace existing non-residential gross floor area.

### **Zoning**

The site is zoned Commercial Residential (CR7.8 (c4.5; r7.8) SS1 (x2197) in Zoning By-law 569-2013. This zoning category permits a wide array of uses including commercial, residential, and institutional uses. See Attachment 5 of this report for the existing Zoning By-law Map.

### **Airport Zoning Regulation - Helicopter Flight Path**

The subject site is adjacent to the Obstacle Limitation Surface for the Hospital for Sick Children helicopter flight path as identified in City By-law 1432-2017.

On January 6, 2024, the Province of Ontario issued a Ministerial Zoning Order to protect public health and safety by ensuring the safe operation of air ambulance services provided to St. Michael's Hospital and The Hospital for Sick Children. The subject site is adjacent to the Obstacle Limitation Surface for the Hospital for Sick Children helicopter

flight path as identified on the Protection Corridor Map (Map No. 345) from the Minister's Zoning Order.

## **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; 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**

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A virtual Community Consultation Meeting regarding the Zoning By-law Amendment application was hosted by City staff on January 18, 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:

- comments in support of the proposal in its current form;
- concern regarding sustainability, use of fossil fuels, how the building would be heated, and potential sewage odours;
- questions about whether TCHC residents will be given priority option to purchase proposed units and when the building will be completed and units available for sale;
- support of proposed parking/cycling provision and questions about whether there will be provision for electric charging stations; and
- concern that the building height may impact the helicopter flight path and concern with vibration impacts from helicopters.

## **COMMENTS**

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### **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).

The application would result in the demolition of a significant cultural heritage resource, it does not conserve the cultural heritage value of the building at 505 University Avenue, as such the proposal is not consistent with the Provincial Policy Statement and does not conform to the Growth Plan which require cultural heritage resources to be conserved.

### **Land Use**

As proposed in the Zoning By-law Amendment application there is an appropriate mix of uses on the site including replacing the entirety of the existing on-site office space with new on-site office space. The non-residential uses, along with the proposed residential space, would conform with the Mixed Use Areas designation in the Official Plan and continue to support the Health Sciences District in the Downtown.

The subsequent Official Plan Amendment application to not replace the existing non-residential gross floor area is the subject of a separate staff report. The Zoning By-law amendment application has not been revised to reflect the change in the mix of uses proposed in the Official Plan Amendment application.

### **Built Form**

The proposed building massing is not acceptable and does not achieve the policies of the Official Plan.

The Official Plan protects the silhouette of City Hall when viewed from the north side of Queen Street West along the edge of the eastern half of Nathan Phillips Square. The view study submitted with the application shows an intrusion into the protected silhouette of City Hall. At present, the proposed development has not addressed conformity with the City Hall View Corridor.

Tall buildings are to conserve the integrity of the cultural heritage values, attributes, character and three-dimensional form of an on-site heritage building and should not visually impede the setting of the heritage property. The proposed development would demolish the designated heritage building on-site.

An aeronautical assessment was submitted with the application. This assessment confirms the proposed building massing would not intrude. A revised Aeronautical

Assessment is required to confirm compliance with the requirements of Zoning By-law 1432-2017 and Ministerial Zoning Order 10/24 to ensure matters of public health and safety are addressed.

## **Heritage Conservation**

The subject property at 505 University Avenue contains a 20-storey office building, known as the Shell Oil Building that is individually designated under Part IV of the Ontario Heritage Act.

The Shell Oil Building (1958; 1966) has cultural heritage value as a representative example of a transitional office building from the post-World War II era designed in the Modern Classical style with the scale, materials and features inspired by and yet challenging the urban design guidelines established for University Avenue in the early 20th century. The Shell Oil Building is distinguished by its proportions, its emphasis on verticality with its slender stone fins rising from the second through the nineteenth floors between the openings on the principal (west) elevation fronting onto University Avenue, and the interplay of the Queenston limestone cladding with the regular rhythm of punched window openings across its west, north and south elevations.

Originally conceived as a 20-storey structure, the Shell Oil Building was constructed in two phases (13 storeys in 1958 and an additional 7 storeys in 1966) with this evolution of building height captured in the 13th-storey 'datum line' defined by regularly-spaced rectangular openings filled with decorative metal panels on the west, north and south elevations.

The value of the property is also linked to its association with the Toronto partnership of Marani & Morris (including its successor firms), recognized as "one of the leading architectural firms in the country". The firm was responsible for innumerable commercial buildings in Toronto during the post-World War II era, including five properties along University Avenue, with the adjacent heritage designated Maclean-Hunter Building (1961, 481 University Avenue).

Contextually, the Shell Oil Building is valued for its role in defining, maintaining and supporting the character of the University Avenue Precinct, one of Toronto's major streets and a significant ceremonial avenue that is home to a collection of significant buildings associated with important institutions in Toronto's history and constructed during the 20th century following the adoption of the University Avenue By-law (1931) that established guidelines directing the scale, materials and appearance of commercial and institutional buildings along the ceremonial boulevard leading to Queen's Park.

The Growth Plan indicates cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas and the PPS directs that significant built heritage resources shall be conserved. The City's Official Plan states properties on the City's Heritage Register will be conserved consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.

The Heritage Impact Assessment (HIA) prepared by GBCA Architects, identifies and concludes that the property at 505 University Avenue meets 7 of the 9 criteria prescribed by O. Reg 9/06 to determine cultural heritage value of a property under the Ontario Heritage Act.

Despite the conclusion in the submitted HIA, the application proposes to demolish the designated heritage building, and to commemorate it by re-using some of its materials in the construction of a new podium. The new podium design proposes to reinterpret some of the design intentions and architectural expression of the heritage building; this would change the proportions, scale, form and massing, as well as its width, location on the site and design of the ground level.

The proposed demolition of the designated heritage building is contrary to provincial policy and the City's Official Plan, which requires that significant cultural heritage resources and their heritage attributes be conserved. Its demolition and replacement with a podium design that results in a misleading and false sense of historical development, is also contrary to the Council-adopted Standards and Guidelines for the Conservation of Historic Places in Canada.

The application would result in the demolition of a significant cultural heritage resource, it does not conserve the cultural heritage value of the building at 505 University Avenue; is not consistent with the Provincial Policy Statement; does not conform to the Growth Plan; and does not conform to the City's Official Plan, all of which require cultural heritage resources to be conserved.

Permission under Section 34 of the Ontario Heritage Act would also be required to permit the demolition of a designated heritage property as proposed through this application. A Heritage Permit application under the Ontario Heritage Act has not been submitted.

## **Housing**

The Downtown Plan requires that a minimum of 15% of units are two-bedroom units, 10% of units are three bedroom units and an additional 15% of the units are two or three bedroom units or convertible units. The proposal meets the requirements for two and three bedroom units, however, the additional 15% of two and three bedroom units has not been provided and therefore does not conform to the Downtown Plan.

## **Noise**

An Environmental Noise Study submitted with the application identifies off-site noises from 124 Edward Street (University of Toronto) and 525 University Avenue. An update to the Noise Study in accordance with MECP guidelines will be required to determine the extent and mitigation requirements to address noise impacts and/or to conclude whether a Class 4 designation is required to ensure that the proposed sensitive uses at 505 University Avenue can be compatible with adjacent existing uses.



## **Streetscape**

The development proposes a 6-metre wide sidewalk zone (curb to building face) along Edward Street and 11.4 metres along University Avenue. Transportation Services has identified the requirement to realign both the University Avenue and Edward Street curbs to reconstruct the adjacent public rights-of-way to the City's current roadway design standards.

The proposed air exhaust, while on private property, is located within the public realm. This location needs to be revised to ensure the exhaust vent is not within the public realm.

## **Tree Preservation**

There are 8 existing City By-law protected trees within the University Avenue right-of-way fronting the property which will be required to be removed to accommodate the development. The applicant proposes zero tree plantings within the right-of-way, and four trees on site. The proposed tree removals and planting plan are not acceptable to the City and do not support natural environment or the public realm policies of the Official Plan.

## **Toronto Transit Commission**

The TTC requires the building to be setback a minimum of 3 metres from the subway tunnel. This setback is required to protect all existing below and above grade TTC infrastructure. Additional details are required to ensure that the proposed development is appropriately setback from TTC infrastructure.

## **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. At present, the applicant has not demonstrated that sufficient capacity is available to support the development. In the event that the OLT allows the 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.

## **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**

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## **SIGNATURE**

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Oren Tamir  
Director, Community Planning  
Toronto and East York District

## **ATTACHMENTS**

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

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Downtown Plan Land Use Map

Attachment 5: Existing Zoning By-law Map

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

Attachment 7: 3D Model of Proposal in Context Looking Southwest

Attachment 8: Site Plan

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

Municipal Address: 505 University Avenue Date Received: August 31, 2022  
Application Number: 22 198152 STE 11 OZ  
Application Type: Rezoning  
Project Description: A 64-storey mixed-use building.

Applicant	Architect	Owner
Goldberg Group	BDP Quadrangle	Cartareal Corporation

### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:	
Zoning:	CR 7.8 (c4.5; r7.8) SS1 (x2197)	Heritage Designation:	Yes
Height Limit (m):	76	Site Plan Control Area:	Yes

### PROJECT INFORMATION

Site Area (sq m):	3,328	Frontage (m):	48	Depth (m):	68
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Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):	2,215		2,215	2,215
Residential GFA (sq m):			46,683	46,683
Non-Residential GFA (sq m):	22,115		25,379	25,379
Total GFA (sq m):	22,115		72,062	72,062
Height - Storeys:	20		64	64
Height - Metres:	86		207	207

Lot Coverage Ratio (%)	66.56	Floor Space Index:	21.65
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Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	45,730	953

Retail GFA: 460  
 Office GFA: 24,919  
 Industrial GFA:  
 Institutional/Other GFA:

**Residential Units  
by Tenure**

	Existing	Retained	Proposed	Total
Rental:				
Freehold:				
Condominium:			704	704
Other:				
Total Units:			704	704

**Total Residential Units by Size**

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:					
Proposed:			400	233	71
Total Units:			400	233	71

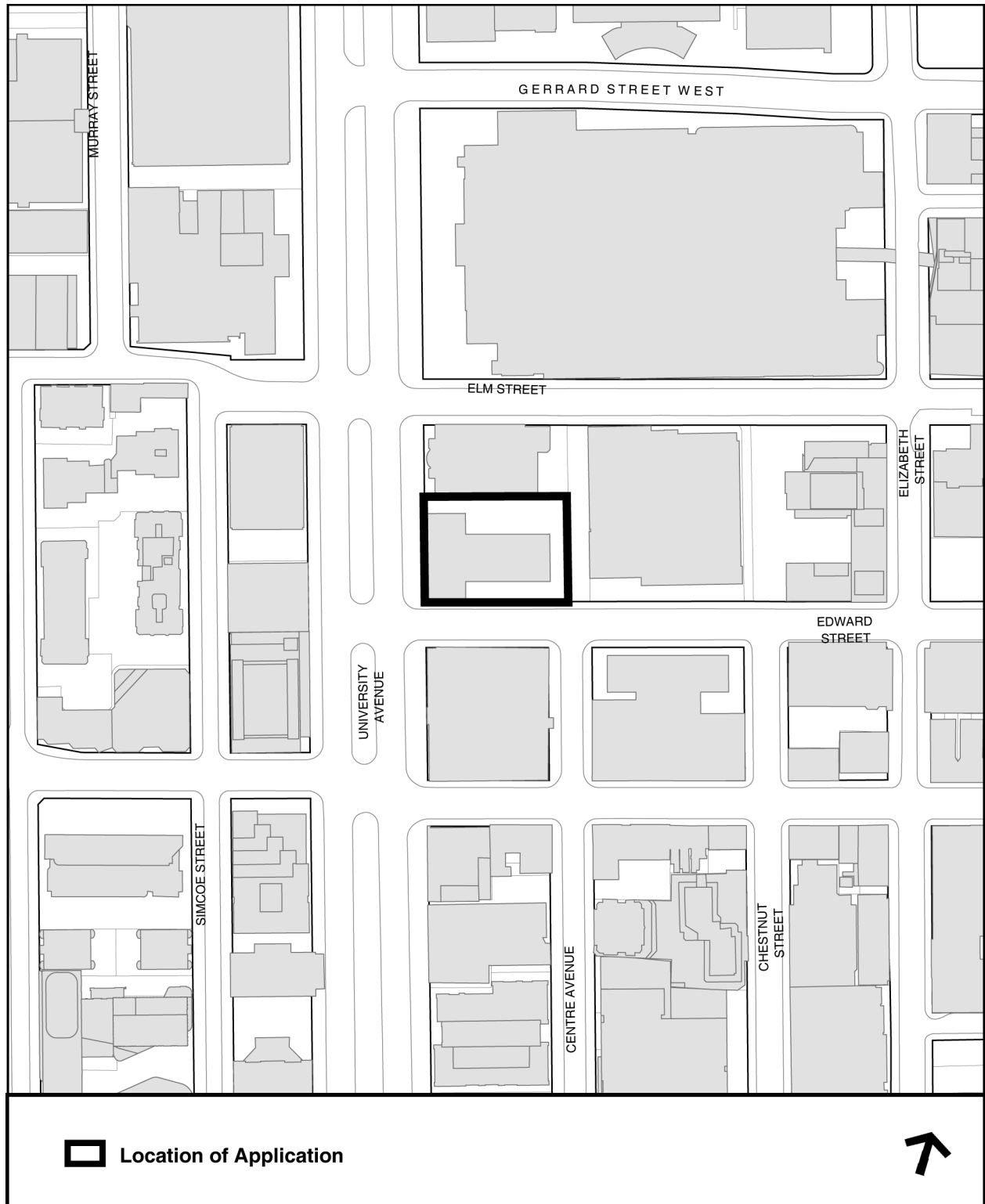
**Parking and Loading**

Parking Spaces: 171      Bicycle Parking Spaces: 814      Loading Docks: 4

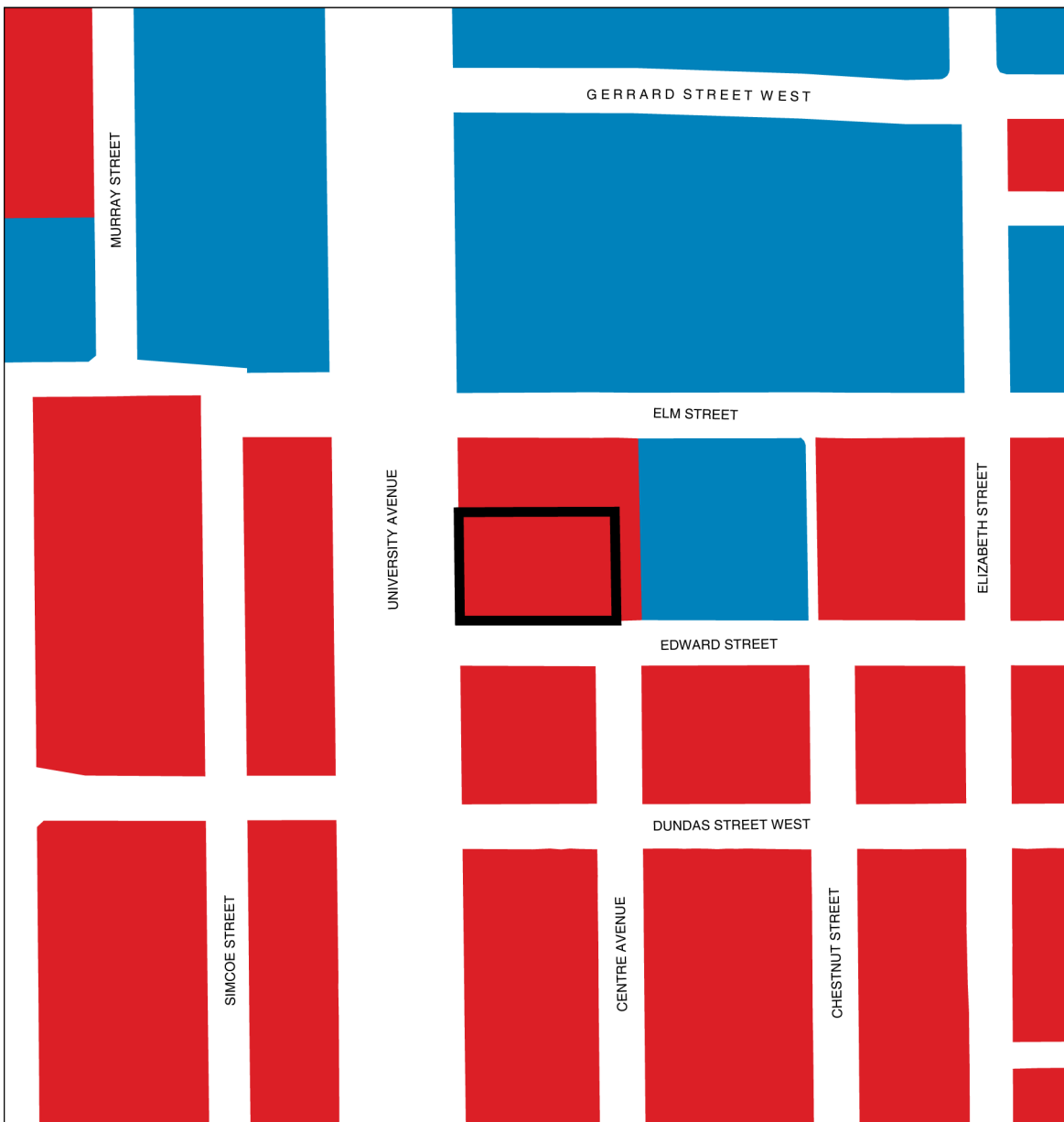
**CONTACT:**

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## Attachment 2: Location Map



# Attachment 3: Official Plan Land Use Map



Official Plan Land Use Map #18

505 University Avenue

File # 22 198152 STE 11 0Z



Location of Application

Mixed Use Areas

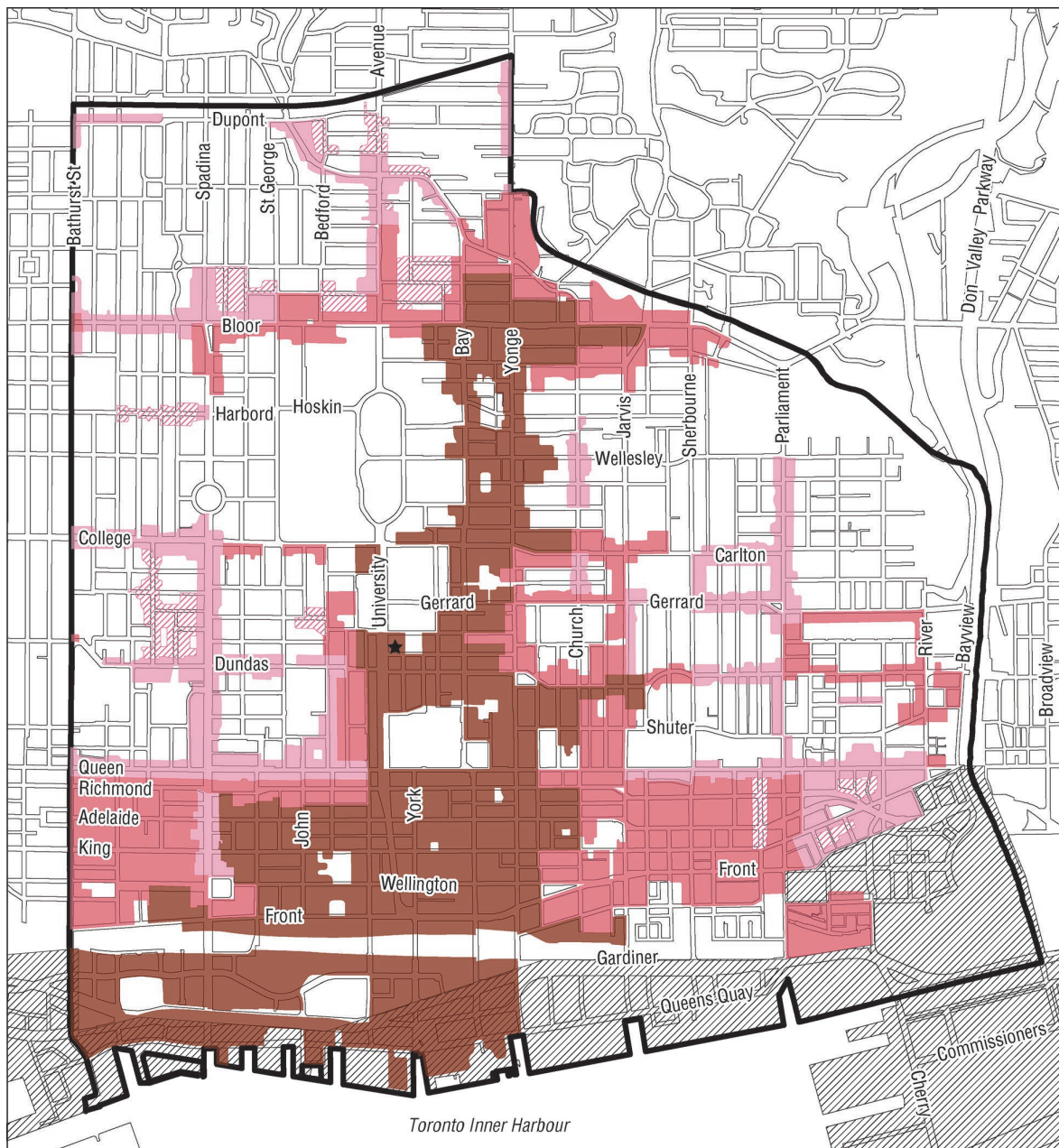


Institutional Areas



Not to Scale  
Extracted: 09/06/2022

## Attachment 4: Downtown Plan Land Use Map



**Toronto**  
Downtown Plan  
MAP 41-3 Mixed Use Areas

**505 University Avenue**

File #: 22 198152 STE 11 0Z

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



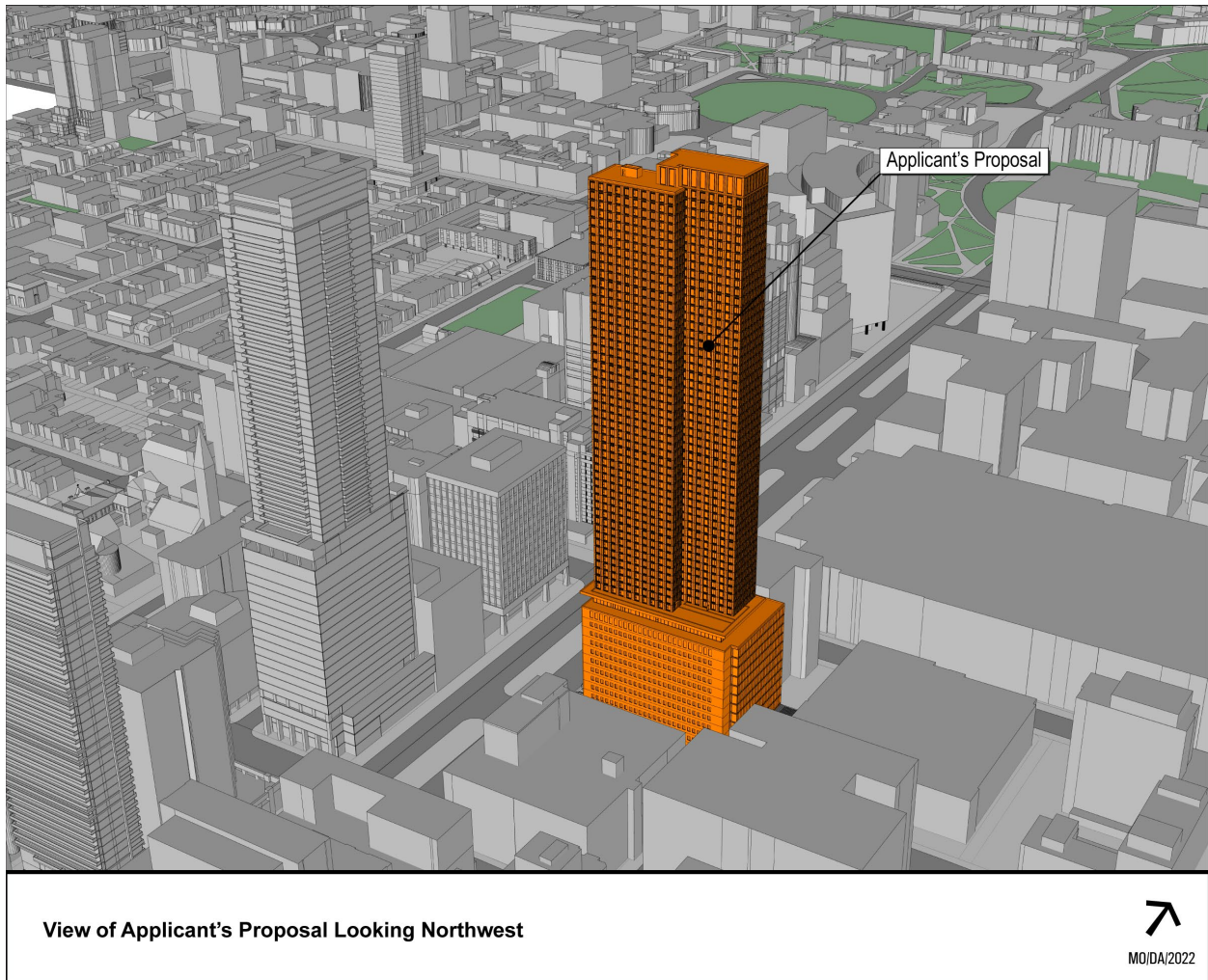
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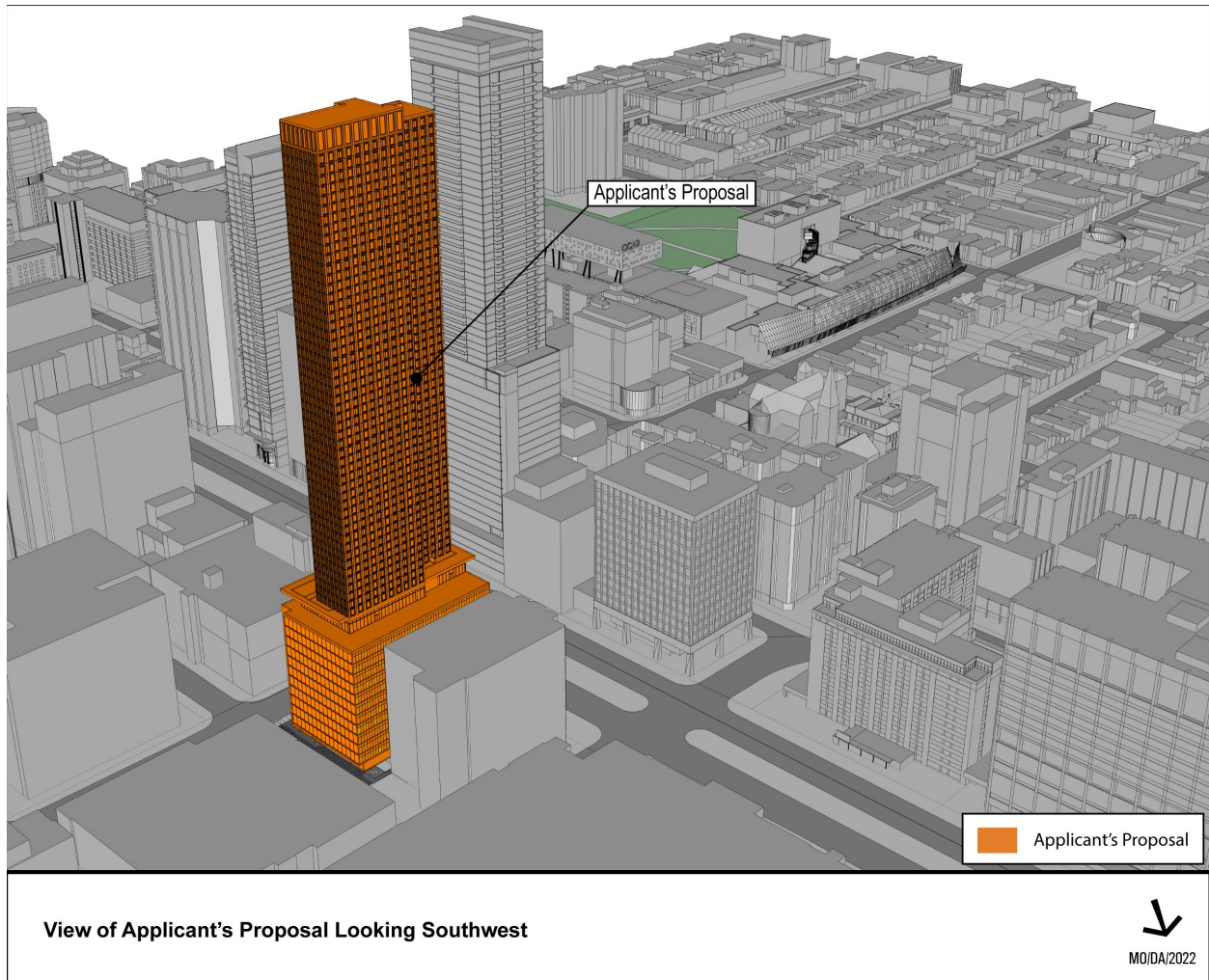
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## Attachment 6: 3D Model of Proposal in Context Looking Northwest



## Attachment 7: 3D Model of Proposal in Context Looking Southwest



## Attachment 8: Site Plan

