



## STAFF REPORT ACTION REQUIRED

### 100 Wellesley Street East - Zoning By-law Amendment and Rental Housing Demolition & Conversion Applications - Preliminary Report

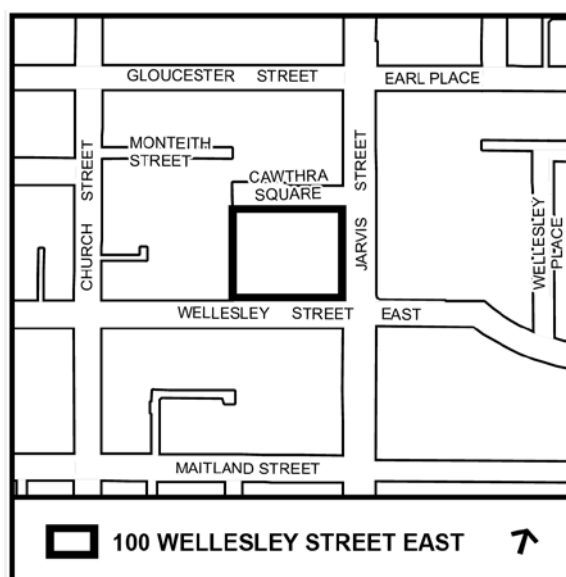
<b>Date:</b>	October 27, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	17 198670 STE 27 OZ & 17 198686 STE 27 RH

#### SUMMARY

This application proposes to construct a 10-storey (36 metres, including mechanical penthouse) infill building along Jarvis Street in a 'U' shape extending along Wellesley Street East to the south and Cawthra Square to the north. Along Wellesley Street East, the building steps down to a 7-storey building to the west and along Cawthra Square the addition steps down to a 6-storey addition to the west. The existing 28-storey rental apartment building containing 427 rental units on the site will be retained. The proposed infill building would be integrated and connected into the existing rental apartment building on site.

The proposed infill would require the demolition of 3 existing rental units and reconfiguration of another 23 units. It is also proposed to develop 8 3-storey townhouses along Cawthra Square, immediately east of Barbara Hall Park. In total, 128 new rental residential units are proposed.

An application for Rental Housing Demolition and Conversion under Section 111 of the *City of Toronto Act* (Chapter 667 of the Municipal Code) has been submitted and will be reviewed concurrently with the Zoning By-law Amendment application.



The proposal as submitted represents over-development of the site and is not supportable in its current form.

This report provides preliminary information on the above-noted applications and seeks Community Council's directions on further processing of the applications and on the community consultation process.

City staff will work with the applicant to achieve an acceptable form of development on this site.

A final report and public meeting under the *Planning Act* is anticipated for the second quarter of 2018 provided the applicant submits all the required information in a timely manner.

## **RECOMMENDATIONS**

---

### **The City Planning Division recommends that:**

1. Staff be directed to schedule a community consultation meeting for the lands at 100 Wellesley Street East together with the Ward Councillor.
2. Notice for the community consultation meeting be given to landowners and residents within 120 metres of the site.
3. Notice for the public meeting under the Planning Act be given according to the regulations of the Planning Act.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **Pre-Application Consultation**

Pre-application consultations meetings were held with the applicant on April 18, 2016 and October 24, 2016, to discuss complete application submission requirements and staff concerns regarding the proposed development related to the scale of intensification, building heights, massing and separation distances.

The application was submitted on July 14, 2017. Some revisions to the proposal were made following the pre-application meetings; however, the changes were not substantially different from what was presented originally.

## **ISSUE BACKGROUND**

### **Proposal**

The applicant has submitted a Zoning By-law Amendment application and Rental Housing Demolition application to develop a new 10-storey infill building along Jarvis Street in a 'U' shape extending along Wellesley Street East to the south and Cawthra Square to the north. Along Wellesley Street East, the 10-storey building steps down to 7-storeys to the west and

along Cawthra Square the 10-storey building steps down to 6-storeys to the west. The infill building would be integrated into the existing 28-storey residential apartment building. At the northwest corner of the site, along Cawthra Square, it is proposed to construct 8 3-storey townhouse units.

The following chart summarizes the development statistics. See Attachment 9: Application Data Sheet for more information.

Category	Proposed Development
Site Area	6,595.6 square metres
Building Height	10-storeys (36 metres, including mechanical)
Gross Floor Area <ul style="list-style-type: none"> <li>Existing</li> <li>Proposed</li> <li>Total</li> </ul>	29,702 square metres 12,086 square metres 41,788 square metres
Floor Space Index	6.3
Number of Dwelling Units <ul style="list-style-type: none"> <li>Existing</li> <li>Proposed</li> <li>Existing Units to be Renovated</li> <li>Units to be Demolished</li> </ul>	427 128 23 3
Vehicle Parking	408
Loading	1 – Type G and 1 – Type C
Bicycle Parking <ul style="list-style-type: none"> <li>Residential</li> <li>Visitor</li> <li>Total</li> </ul>	316 13 329
Residential Amenity <ul style="list-style-type: none"> <li>Indoor</li> <li>Outdoor</li> </ul>	759 square metres (1.4 square metres per unit) 1,150 square metres (2 square metres per unit)

## Site and Surrounding Area

The site is rectangular in shape and measures approximately 6,590 square metres. The site slopes down gradually towards Wellesley Street East. The site is currently occupied by an existing 28-storey rental residential building containing 427 units. According to the information provided by the applicant, the unit mix and rent classification for all existing rental units were as follows:

- 63 bachelor units: all 63 units had high-end rents;
- 267 one-bedroom units: 256 units with mid-range rents and 11 units with high-end rents; and
- 106 two-bedroom units: 95 unit with mid-range rents and 11 with high-end rents

At the time of application, all but six of the existing rental units were occupied by tenants.

The entrance to the existing below-grade parking garage and main entrance to the building are accessed from Wellesley Street. There is a secondary entrance accessed from Cawthra Square. Garbage pick-up and loading occur in this area as well.

Surrounding uses and buildings near the site include:

- North: Across Cawthra Square are 2.5-storey and 3-storey detached and semi-detached brick residential houses. At the northwest corner of Wellesley Street East and Cawthra Square is the G.H. Gooderham House, a Part IV-heritage designated 3-storey Victorian mansion. Further north along Jarvis Street, south of Gloucester Street, are detached Victorian mansions that are listed or designated on the City's Heritage Register.
- South: Across Wellesley Street East at the southwest corner of Wellesley Street East and Jarvis Street is a 15-storey mixed-use building with retail uses at grade. Further west are 7-storey and 9-storey residential apartment buildings at 91 and 85 Wellesley Street East. At the southeast corner of Wellesley Street East and Jarvis Street is the Jarvis Collegiate Institute at 487 Jarvis Street, which is a heritage-listed building.
- East: Across Jarvis Street is an existing Petro-Canada gas station. North of the gas station, is a 3-storey, Part IV-heritage designated, Victorian mansion currently occupied by 'The Keg Mansion' restaurant and parking lot. The adjacent property at 519 Jarvis Street is another Part IV designated 3-storey Victorian mansion.
- West: To the west is a 8-storey apartment building at 88 Wellesley Street East. The building is setback 6.8 metres from Wellesley Street East and 6.8 metres from the east property line (adjacent to the site). Further west at 80 Wellesley Street East is a 13-storey apartment building that is setback roughly 6.5 metres from Wellesley Street East. At the northeast corner of Church Street and Wellesley Street East is a 3-storey mixed-use building with a 1-storey addition to the north side containing retail uses. The buildings at 68-70 Wellesley Street East are heritage-listed.

## **Provincial Policy Statement and Provincial Plans**

The Provincial Policy Statement (2014) 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 and wise use and management of land and infrastructure over the long term in order to minimize impacts on air, water and other resources;
- Protection of the natural and built environment;
- Building strong, sustainable and resilient communities that enhance health and social well-being by ensuring opportunities exist locally for employment;
- Residential development promoting a mix of housing; recreation, parks and open space; and transportation choices that increase the use of active transportation and transit; and
- Encouraging a sense of place in communities, by promoting well-designed built form and by conserving features that help define local character.

The City of Toronto uses the PPS to guide its official plan and to inform decisions on other planning and development matters. The PPS is issued under Section 3 of the Planning Act and all decisions of Council affecting land use planning matters "shall be consistent with" the Provincial Policy Statement.

The Growth Plan for the Greater Golden Horseshoe (2017) provides a strategic framework for managing growth in the Greater Golden Horseshoe region including:

- Setting minimum density targets within settlement areas and related policies directing municipalities to make more efficient use of land, resources and infrastructure to reduce sprawl, cultivate a culture of conservation and promote compact built form and better-designed communities with high quality built form and an attractive and vibrant public realm established through site design and urban design standards;
- Directing municipalities to engage in an integrated approach to infrastructure planning and investment optimization as part of the land use planning process;
- Building complete communities with a diverse range of housing options, public service facilities , recreation and green space that better connect transit to where people live and work;
- Retaining viable employment lands and encouraging municipalities to develop employment strategies to attract and retain jobs;
- 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.

Like other provincial plans, the Growth Plan for the Greater Golden Horseshoe (2017) builds upon the policy foundation provided by the Provincial Policy Statement (2014) and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise. All decisions by Council affecting land use planning matters are required by the *Planning Act*, to conform, or not conflict, as the case may be, with the Growth Plan.

Staff will review the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan**

The Official Plan designates the subject site as *Apartment Neighbourhoods* and locates it within the *Downtown and Central Waterfront*, as shown on Map 2, the Urban Structure map of the Official Plan. Lands to the north across Cawthra Square and on the east side of Jarvis Street are designated *Neighbourhoods*.

*Apartment Neighbourhoods* are comprised of apartment buildings and parks, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. This designation does not anticipate significant growth within these areas, however compatible infill development may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. The Plan includes criteria that direct the form and quality of development in this land use designation.

## **Apartment Neighbourhood Policies**

The Official Plan criteria to evaluate development in *Apartment Neighbourhoods* is set out in Policy 4.2.2 and Policy 4.2.3.

Policy 4.2.2 states that: "Development in *Apartment Neighbourhoods* will contribute to the quality of life by:

- a. locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of the Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*;
- b. locating and massing new buildings so as to adequately limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the spring and fall equinoxes;
- c. locating and massing new buildings to frame the edge of streets and parks with good proportion and maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces;
- d. including sufficient off-street motor vehicle and bicycle parking for residents and visitors;
- e. locating and screening service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences;
- f. providing indoor and outdoor recreation space for building residents in every significant multi-unit residential development;
- g. providing ground floor uses that enhance the safety, amenity and animation of adjacent streets and open spaces; and
- h. providing buildings that conform to the principles of universal design, and wherever possible contain units that are accessible or adaptable for persons with physical disabilities."

Policy 4.2.3 states that: "Significant growth is generally not intended within *Apartment Neighbourhoods*. However, compatible infill development that may be permitted on a site containing an existing apartment building that has sufficient underutilized space to accommodate one or more new buildings while providing good quality of life for both new and existing residents. Infill development that may be permitted on a site containing an existing apartment building will:

- a. meet the development criteria set out in Section 4.2.2 for apartments;
- b. maintain an appropriate level of residential amenity on the site;
- c. provide existing residents with access to the community benefits where additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of the Plan;
- d. maintain adequate sunlight, privacy and areas of landscaped open space for both new and existing residents;
- e. organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
- f. front onto and provide pedestrian entrances from an adjacent public street wherever possible;
- g. provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking appropriately screened;
- h. preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
- i. consolidate loading, servicing and delivery facilities; and
- j. preserve or provide adequate alternative on-site recreational space for residents."

### **Healthy Neighbourhood Policies**

The Healthy Neighbourhoods policies of the Official Plan (Policy 2.3.1.2) identify that development in *Apartment Neighbourhoods* that are adjacent or close to *Neighbourhoods* will:

- a. be compatible with those *Neighbourhoods*;
- b. provide a gradual transition of scale and density, as necessary to achieve the objectives of the Plan through stepping down of buildings towards and setbacks from those *Neighbourhoods*;
- c. maintain adequate light and privacy for residents in those *Neighbourhoods*; and
- d. attenuate resulting traffic and parking impacts on adjacent neighbourhood streets so as not to significantly diminish the residential amenity of those *Neighbourhoods*.

### **Built Form Policies**

The development criteria in the *Apartment Neighbourhoods* and Healthy Neighbourhood policies are supplemented by additional development criteria in the Official Plan's Built Form policies, including policies that specifically address tall buildings. The Built Form policies, contained in Section 3.1.2 of the Official Plan emphasize the importance of ensuring that new development fits within its existing and/or planned context, while limiting impacts on neighbouring streets,

parks and open spaces. New buildings are required to provide appropriate massing and transition in scale that will respect the character of the surrounding area.

The Built Form policies (Policy 3.1.2) identify the importance of urban design as a fundamental element of City building. They require that new development:

- be located and organized to fit with its existing and/or planned context;
- frame and support adjacent streets, parks and open spaces;
- locate and organize vehicular and service areas in such a way to minimize their impact and to improve the safety and attractiveness of adjacent streets, parks and open spaces;
- be massed and its exterior façade be designed to fit harmoniously into its existing and/or planned context and to limit its impact by, among other things, creating appropriate transitions in scale as well as adequately limiting the resulting shadowing and wind conditions on neighbouring streets, properties and open spaces;
- be massed to define edges of streets, parks and open spaces;
- provide amenity for adjacent streets and open spaces for pedestrians; and
- provide indoor and outdoor amenity space for residents.

Policies of Section 3.1.3 also makes it clear that Tall buildings come with larger civic responsibilities and obligations than other buildings. To ensure that tall buildings fit within their existing and/or planned context and limit local impacts, additional built form principles will be applied to the location and design of tall buildings.

### **Heritage Policies**

Section 3.1.5 provides policies regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect.

Policy 3.1.5 (4) states that properties on the Heritage Register will be *conserved* and maintained consistent with the *Standards and Guidelines for the Conservation of Historic Places in Canada*. Policy 3.1.5(5) states that proposed development "on or adjacent to, a property on the Heritage Register will ensure that the integrity of the heritage property's cultural heritage value and attributes will be retained". Policy 3.1.5(26) requires that "new construction on, or adjacent to, a property on the Heritage Register will be designed to conserve the cultural heritage values, attributes and character of that property and to mitigate visual and physical impact on it."

The following heritage properties are adjacent to the site and are on the City's Heritage Register:

<b>Address</b>	<b>Status</b>	<b>By-law</b>
95 Wellesley Street East	Part IV	201-88
487 Jarvis Street	Listed	N/A
515 Jarvis Street	Part IV	464-75, 932-2002
519 Jarvis Street	Part IV	412-00, 908-2002
504 Jarvis Street	Part IV	228-76



## **Housing Policies**

The Official Plan also contains policies addressing the need to preserve and increase the City's supply of rental and affordable housing. Policy 3.2.1 of the Official Plan includes housing policies that encourage the provision of a full range of housing in terms of form, tenure and affordability. The Plan states that "the existing stock of housing will be maintained and replenished. New housing supply will be encouraged through intensification and infill that is consistent with this Plan."

Policy 3.2.1.5 states that for significant new development on sites containing six or more rental units, where existing rental units will be maintained, the existing units which have affordable and mid range rents will be secured as rental housing and any needed improvements and renovations to the existing rental housing may also be secured without the pass-through of such costs to tenants. The Official Plan indicates that Section 37 agreements may be used to secure any needed improvements to the existing rental building.

## **Parkland Acquisition and Tree Preservation Policies**

The Official Plan includes policies for parkland acquisition as well as criteria for the location and configuration of parks. In addition, Section 3.4 of the Official Plan contains policies that discourage tree removal and promote increasing the tree canopy coverage in the City.

## **Official Plan Amendment No. 320**

As part of the City's ongoing Official Plan Five Year Review, City Council adopted Official Plan Amendment No. 320 on December 10, 2015. OPA 320 strengthens and refines the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods and to allow limited infill on underutilized apartment sites in *Apartment Neighbourhoods*.

The Minister of Municipal Affairs and Housing approved and modified OPA 320 on July 4, 2016. The Ministry received 57 appeals to OPA 320 and it has been appealed in its entirety. This applicant has obtained party status at the Ontario Municipal Board hearing for OPA 320. These policies although not determinative, inform Staff's position on the proposal and represent City Council's adopted policy on appropriate built form.

Of particular relevance are the proposed amendments to the *Apartment Neighbourhood* Policies 3 to 5 of the Official Plan:

3. Significant growth is not intended within developed *Apartment Neighbourhoods*. However, compatible infill development may be permitted on a site with one or more existing apartment buildings for the purpose of improving the existing site conditions by:
  - a. locating new buildings to proportionally frame the edge of new and existing streets, parks and landscaped open spaces;
  - b. consolidating, and if necessary relocating parking and servicing areas where they are not visible from streets, parks and landscaped open spaces;
  - c. providing grade-related dwellings at the edge of public streets, parks and landscaped open spaces; and

- d. improving upon the quality of landscaped open space and outdoor amenity space for new and existing residents.
4. Compatible infill development may be permitted on a site containing one or more existing apartment buildings that has sufficient underutilized space to accommodate one or more new building(s) while improving site conditions and providing good quality of life for both new and existing residents including: maintaining or replacing and improving indoor and outdoor amenity space and landscaped open space, maintaining adequate sunlight and privacy for residential units, maintaining sunlight on outdoor amenity space and landscaped open space, and improving pedestrian access to the buildings from public sidewalks and through the site. Infill development, including additions to an existing apartment building, that may be permitted on a site containing one or more existing apartment building(s) will:
- a. meet the development criteria set out in Section 4.2.2;
  - b. respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and not create high-rise additions to existing apartment building(s) on the site;
  - c. maintain separation distances between buildings on and adjacent to the site so as to achieve adequate sunlight and privacy;
  - d. maintain or replace and improve indoor and outdoor residential amenities on the site, including, wherever possible, equipping and managing indoor and outdoor amenity space to encourage use by residents;
  - e. provide all residents, including existing residents with access to the community benefits where the additional height and/or density is permitted and community benefits are provided pursuant to Section 5.1.1 of this Plan;
  - f. provide privacy, areas of landscaped open space, and maintain adequate sunlight to units, on outdoor amenity spaces and on open spaces, for both new and existing residents;
  - g. organize development on the site to frame streets, parks and open spaces in good proportion, provide adequate sky views from the public realm, and create safe and comfortable open spaces;
  - h. front onto and provide pedestrian entrances from an adjacent public street wherever possible, and provide a generous pedestrian realm adjacent to public streets;
  - i. promote in the lower floors of midrise and tall apartment buildings grade related units with front gardens, stoops and porches that take direct access from public sidewalks, accessible open spaces and park edges;
  - j. provide adequate on-site, below grade, shared vehicular parking for both new and existing development, with any surface parking and access to underground parking appropriately screened from the public realm and adjacent residences;
  - k. preserve and/or replace important landscape features and walkways and create such features where they did not previously exist;
  - l. consolidate and integrate loading, servicing and delivery facilities, and parking ramps within the building wherever possible;
  - m. minimize curb cuts, encourage shared loading, parking access and ramps;

- n. improve waste storage and waste diversion facilities including enclosure of outdoor waste storage areas, to improve aesthetics, health and safety and waste diversion rates. Waste storage areas should be enclosed within a building, where possible;
- o. provide renovations and retrofits wherever necessary to extend the life of the existing buildings to be retained; and
- p. improve energy and water efficiency in existing buildings through renovations, retrofits and changes to management practices.

Any application for infill development on a site containing one or more existing apartment building(s) will be considered in the context of these criteria, and other relevant policies of this Plan. A discussion of how the development implements these criteria should be included in the Planning Rationale Report accompanying the application.

5. On larger sites which have the opportunity for more than one new building, a framework of additional public streets, shared driveways, new parkland and shared open space may be required to create infill development that meets the objectives of this Plan.

### **TOcore: Planning Downtown**

TOcore: Planning Downtown is an inter-divisional study, led by City Planning, which is updating the planning framework for Downtown and developing a series of infrastructure strategies to support implementation. TOcore is a response to the rapid intensification of Downtown that is placing pressure on physical and social infrastructure assets and occurring in a pattern and at an intensity that threatens to jeopardize the quality of life in the city centre and the economic role that the Downtown plays for the entire city. TOcore's purpose is to ensure growth positively contributes to Toronto's Downtown as a great place to live, work, learn, play and invest by determining: a) how future growth will be accommodated and shaped, and b) what physical and social infrastructure will be needed, where it will go and how it will be secured. The study area is 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.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Downtown Plan is being developed to serve as a blueprint for future growth and infrastructure in the heart of Toronto over the next 25 years. It will provide detailed direction on the appropriate scale and location of future growth. It will also link this growth with infrastructure provision to ensure the creation of 'Complete Communities', addressing the requirements under the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2017). A series of infrastructure strategies for transportation, parks and public realm, community services and facilities, water and energy are in development as part of this review.

On October 5-7, 2016, City Council adopted Official Plan Amendment (OPA) 352 – Downtown Tall Building Setback Area (currently under appeal). 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 (also under appeal), which provide the detailed performance standards for portions of buildings above 24 metres in height.

At its meeting on October 2-4, 2017, City Council considered the Proposed Downtown Plan and directed Staff to undertake stakeholder and public consultation on that document and its proposed policies, leading to a recommendations report and an amendment to Toronto's Official Plan in the second quarter of 2018. Additionally, Council directed Staff to consider the policies contained within the Proposed Downtown Plan in the review of all development applications within the Downtown going forward:

6. City Council request City Planning staff to consider the Proposed Downtown Plan policies, in Attachment 1 to the report (August 18, 2017) from the Chief Planner and Executive Director, City Planning, during the evaluation of current and future development applications in the Downtown Plan area and continue to refine the policies in consultation with stakeholders and the community.

More information on Council direction pertaining to TOcore can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PG22.1>. Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## Site Plan Control

The proposed development is subject to Site Plan Control. An application for Site Plan approval has yet to be submitted.

## Tenure/Unit Type

The applicant has advised that the proposed 128 new residential units would be rental in tenure.

The proposal contains the following unit breakdown:

Unit Count					
Existing 100 Wellesley Street East	Type	Existing Rental Units	Rental Units to be Renovated	New Rental Units	Overall Total
	Studio	53		1	54
	1B/1B+D	268			268
	2B/2B+D	106	23		103
	3B				0
	<b>Total</b>	<b>427</b>			<b>425</b>
Proposed Development	Type	Existing Rental Units	Rental Units to be Renovated	New Rental Units	Overall Total
	1B/1B+D			12	12
	2B/2B+D			81	81
	2B Townhouse			5	5
	3B			21	21
	3B Townhouse			8	8
				<b>127</b>	<b>127</b>
<b>Combined Total</b>					<b>552</b>

## **Zoning**

The former City of Toronto General Zoning By-law 438-86, as amended, currently zones the subject site R3 Z2.5 with a maximum permitted height of 30 metres and a maximum density of 2.5 times the area of the lot. The R3 zone permits a range of residential uses and non-residential uses are limited. Institutional and office uses are not permitted.

The site is also subject to a number of permissive and restrictive exceptions. Of particular relevance to this application, Section 12(2)260 requires a 44 degree angular plane measured from the base height of 16 metres from both Wellesley Street East and Jarvis Street.

Under Zoning By-law 569-2013, the site is zoned R (Residential) with a maximum permitted height of 30 metres and a maximum permitted density of 2.5 times the area of the lot. The R zone permits a wide range of residential uses including dwelling units in apartment and mixed-use buildings, as well as detached and semi-detached dwellings, townhouses, duplexes, triplexes and fourplexes and apartment buildings.

In 1967, site-specific By-law 1967-0378 was passed by the Ontario Municipal Board to allow the construction of the existing 28-storey residential apartment building. The By-law contains specific provisions related to a maximum gross floor area, a minimum landscaped area that must be provided and maintained on the lot, and the number of parking spaces.

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

In May 2013, Toronto City Council adopted the updated city-wide Tall Building Design Guidelines and directed City Planning staff to use these Guidelines in the evaluation of all new and current 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 city-wide Guidelines are available at: <http://www.toronto.ca/planning/tallbuildingdesign.htm>

The Guidelines provides policy direction for tall buildings on issues such as building placement and orientation, entrances, heritage conservation, massing of base buildings, setbacks, tower floor plates, separation distances, pedestrian realm considerations and sustainable design and transition. The guidelines ensure that tall buildings fit within their context and minimize their impacts. The guiding performance standards will be used in the review of the proposed new towers on the site.

## **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 (adopted by City Council in July 2012 and consolidated with the city-wide Tall Building Design Guidelines May 2013). 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 new and current Downtown tall building proposals. The Downtown Tall Buildings Guidelines are available at <http://www.toronto.ca/planning/tallbuildingstudy.htm#guidelines>

## **Rental Housing Demolition and Conversion By-law**

Section 111 of the *City of Toronto Act, 2006* authorizes City Council to regulate the demolition and conversion of residential rental properties in the City. Chapter 667 of the City's Municipal Code, the Rental Housing Demolition and Conversion By-law, implements Section 111. The By-law prohibits the demolition or conversion of rental housing units in buildings containing six or more residential units, of which at least one unit is rental, without obtaining a permit from the City and requires a decision by either City Council or the Chief Planner.

Council may refuse an application, or approve the demolition with conditions that must be satisfied before a demolition permit is issued. These conditions implement the City's Official Plan policies protecting rental housing. Council approval of demolition under Section 33 of the *Planning Act* may also be required where six or more residential units are proposed for demolition before the Chief Building Official can issue a permit for demolition under the *Building Code Act*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition or conversion, City Council typically considers both applications at the same time. Unlike *Planning Act* applications, decisions made by City Council under By-law 885-2007 are not appealable to the Ontario Municipal Board.

An application for a Section 111 permit pursuant to Chapter 667 of the City of Toronto Municipal Code has also been filed. A Housing Issues Report was submitted with the application and is currently under review for consistency with the Official Plan. Three existing rental units would be demolished and 23 units would be renovated as part of the proposal. As per Chapter 667-14, a tenant consultation meeting shall be held to review the impact of the proposal on tenants of the residential rental property and matters under Section 111.

## **Reasons for the Applications**

The application proposes a 10-storey building with a maximum height of 36 metres and a density of 6.3 times the area of the lot. A Zoning By-law Amendment is required to permit the increase in density and to address parking, setback, landscaping requirements in both By-laws. Other areas of non-compliance may be identified as a result of the zoning review currently being undertaken by Toronto Building staff.

The application proposes to demolish 3 existing rental dwelling units. A Rental Demolition Permit pursuant to Chapter 667 of the City of Toronto Municipal Code is required to permit this demolition as the subject lands contain six or more residential units.

## **Application Submission**

The following reports/studies were submitted with the application:

- Architectural and Landscape Plans;
- Planning Justification Rationale;
- Public Consultation Strategy;
- Shadow Study;
- Arborist Report;
- Tree Preservation Plan;
- Functional Servicing Report;
- Transportation Impact Assessment;
- Pedestrian Wind Study;
- Geotechnical Investigation;
- Hydrogeological Site Investigation;
- Toronto Green Standard Checklist;
- Housing Issues Report;
- Community Services and Facilities Study; and
- A Rental Housing Demolition and Conversion Application and Screening Form.

A Notification of Incomplete Application issued on August 17, 2017 identifies that a Heritage Impact Assessment is required for a complete application submission. A Heritage Impact Assessment was submitted on October 12, 2017 and a Notice of Complete Application was subsequently issued on October 19, 2017.

### **Issues to be resolved**

Staff have noted numerous concerns and significant issues to be resolved, both cited below in this report and during the pre-application consultation meetings with the applicant. The proposed development represents a significant amount of intensification for this apartment neighbourhood and major changes are necessary to address the outlined concerns. Planning staff are of the opinion that the proposal represents over-development and that the infill development will have negative effects on the existing residents. The proposal provides insufficient separation and facing distances, results in a loss of open space and trees and causes new incremental shadow impacts on *Neighbourhoods*. Staff will work with the applicant to address the issues identified in this report, and others that may come up as part of the review process to arrive at an acceptable proposal.

### **Tall Building Separation**

The materials submitted in support of the development refer to the proposed 10-storey infill building as a mid-rise addition. The City's Official Plan Policy 3.1.3 defines tall buildings as those whose height is greater than the width of the adjacent road allowance. The width of the Jarvis Street, Wellesley Street East, and Cawthra Square road allowances are 25 metres, 23 metres, and 15 metres respectively. At a proposed height of 36 metres, along Jarvis Street and extending westwards at decreasing heights, the proposed development represents tall building development and should therefore be subject to the tall building policies of the Official Plan and the Tall Building Guidelines. OPA 352, the Downtown Tall Building Setbacks, states that if more than one tall building is proposed on a site a minimum 25-metre separation is required from building face to building face, excluding balconies.

Staff find that the proposal does not provide adequate separation distances, resulting in privacy and overlook concerns for both the existing and new tenants.

Policy 4b) of OPA 320 indicates that infill development will "respect the scale, including height and massing, of the existing apartment building(s) on and adjacent to the site, and not create high-rise additions to existing apartment building(s) on site." The connecting of a 10-storey building to the existing 28-storey building does not conform to the intent of this policy and creates insufficient separation distances.

On the north side, the addition steps down to transition to the west towards Barbara Hall Park to a height of 6-storeys (20 metres). The properties on the north side of Cawthra Square are designated *Neighbourhoods* in the City's Official Plan. Section 2.3.1, Policy 3a) and Policy 4.2.2 b) of the Official Plan requires new development to provide a gradual transition of scale and density towards *Neighbourhoods* and to limit shadow impacts. While the proposed addition on the north side does step down, there is a considerable amount of massing and height at the corner, directly adjacent to the *Neighbourhoods* resulting in new incremental shadowing.

### **Parkland Dedication**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Parks, Recreation and Forestry staff have identified that on-site parkland dedication of approximately 528 square metres is required. Currently, the proposed development does not show any on-site parkland dedication. Parks, Recreation and Forestry staff will work with the applicant to identify the appropriate park shape and location.

### **Tree Preservation**

In support of the proposed development, the applicant submitted an Arborist Report and a Tree Preservation Plan. The development proposes the removal of tree nos. 6, 7, 10 to 12, 14 to 26 and 29 inclusive, and the retention of tree nos. 1 to 3, 27 and 28 (see Attachment 8: Tree Preservation Plan). The proposal requires removal of significant trees, which does not conform to the intent of the Official Plan policies, Section 3.4 – The Natural Environment, which promotes tree protection and increasing the City's tree canopy. Revisions to the proposal are necessary in order to enhance tree protection on the proposed development site.

### **Rental Housing**

The application for Rental Housing Demolition and Conversion will be assessed under the requirements of the *Planning Act*, the *City of Toronto Act*, Official Plan policies relating to rental housing, and Chapter 667 of the Toronto Municipal Code. A meeting with the tenants will be held at a future date.

City staff will continue to work with the applicant to develop an acceptable Tenant Relocation and Assistance Plan for affected tenants, Tenant Consultation Plan and Construction Mitigation Strategy to be implemented should this application be approved.



**Sun/Shadow**

The shadow study submitted in support of the application needs to be revised and is currently unacceptable. Maintaining appropriate separation distances between buildings on and adjacent to the site helps to achieve adequate sunlight for both existing and proposed units. The shadow study shows that new incremental shadows are cast on existing units on the south facing side of the building, the existing and newly created open spaces on site, and the *Neighbourhoods* to the north and east.

**Heritage**

The proposed development at 100 Wellesley Street East is adjacent to a number of properties on the City's Heritage Register including a listed property at 487 Jarvis Street and four Part IV designated properties at 95 Wellesley Street East, 515 Jarvis Street, 519 Jarvis Street and 504 Jarvis Street. The applicant submitted a Heritage Impact Assessment (HIA) on October 12, 2017 which is currently under review by Heritage Preservation Services Staff.

**Driveway Access and Site Circulation**

Transportation Services objects to the additional 4.0 m wide access off Wellesley Street East, located approximately 20 m east of the existing access, as the new access will result in an additional conflict point with the pedestrians, bicycle and vehicular traffic. Transportation Services requires the new 4.0 m wide access to be removed and requires the re-design of the internal circulation and pick-up/drop off area.

**Amenity Space**

Official Plan Policy 3.1.2(6) requires that development provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development. Further, the Policies of OPA 320 state that infill development should improve upon the quality of open space and outdoor amenity space for the new and existing residents. The existing building contains 322 square metres of indoor amenity space (0.8 square metres/per unit) and 830 square metres of outdoor amenity space (2 square metres/per unit). Presently, the standard Zoning By-law requirement for indoor and outdoor residential amenity space is 2 square metres of both indoor and outdoor space per unit. The proposal proposes a total of 2 square metres per unit of residential outdoor amenity space and 1.4 square metres per unit of indoor amenity space is proposed. The proposed indoor and outdoor amenity spaces are intended to serve both new and existing residents. While it is recognized that the proposal increases the overall supply of indoor amenity space, opportunities to provide additional indoor amenity space should be explored by the applicant.

**Additional Issues**

Additional issues may be identified through the review of the application, agency comments and the community consultation process.

## **CONCLUSION**

The proposal, as submitted, does not conform to the intent of the Official Plan, and represents an over-development of the site and is not supportable. Staff will work with the applicant to address the issues identified in this report and others that may come up through the review process in order to arrive at an acceptable level and form of development on this site.

## **CONTACT**

Kate Goslett, Planner

Tel. No. 416-395-7105

E-mail: [Kate.Goslett@toronto.ca](mailto:Kate.Goslett@toronto.ca)

## **SIGNATURE**

---

Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

(P:\2017\Cluster B\pIn\TEYCC\23365136063.doc) - vc

## **ATTACHMENTS**

Attachment 1: Site Plan

Attachment 2: North Elevation

Attachment 3: South Elevation

Attachment 4: East Elevation

Attachment 5: West Elevation

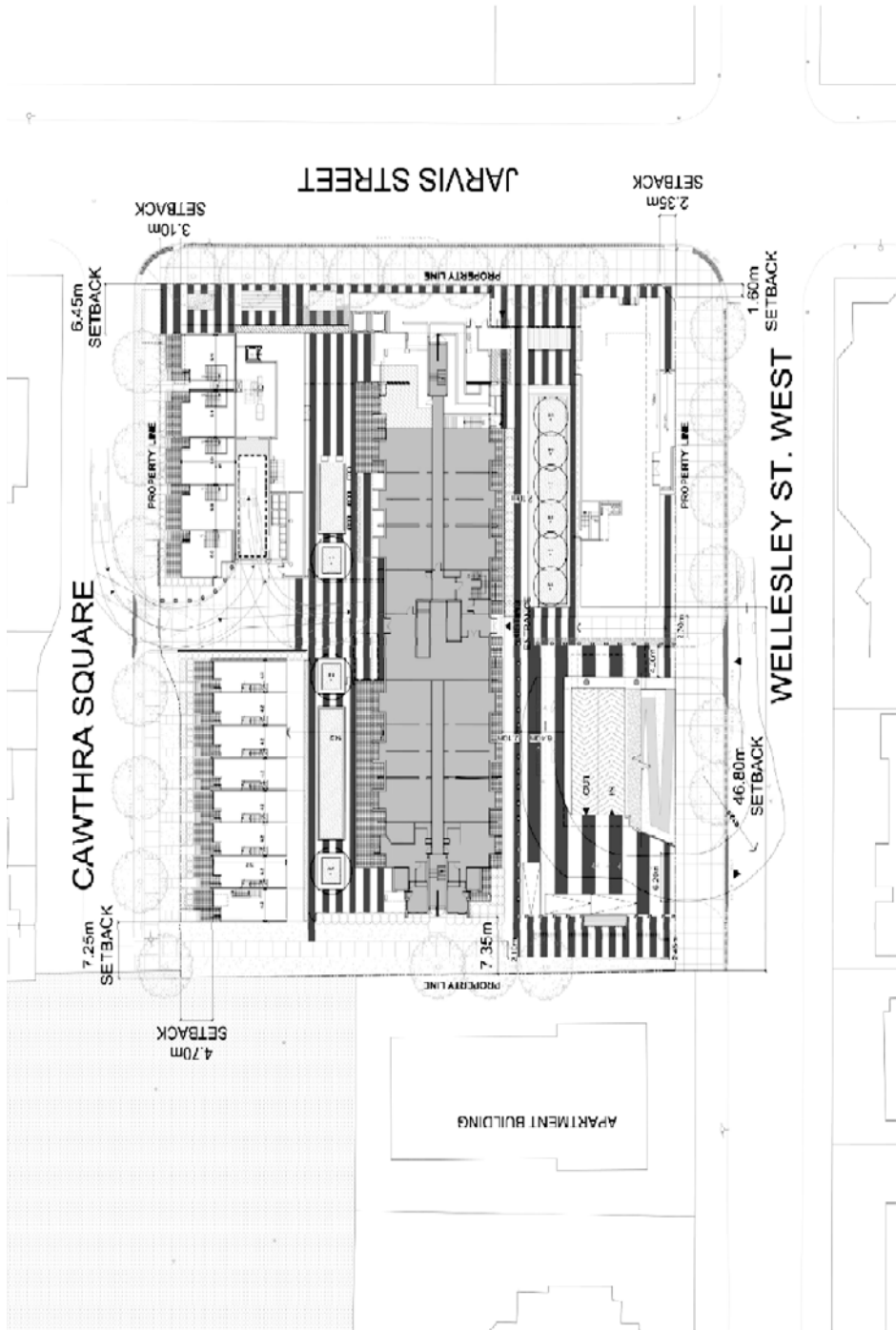
Attachment 6: Existing Zoning

Attachment 7: Official Plan

Attachment 8: Tree Preservation Plan

Attachment 9: Application Data Sheet

## Attachment 1: Site Plan



### Site Plan

Applicant's Submitted Drawing

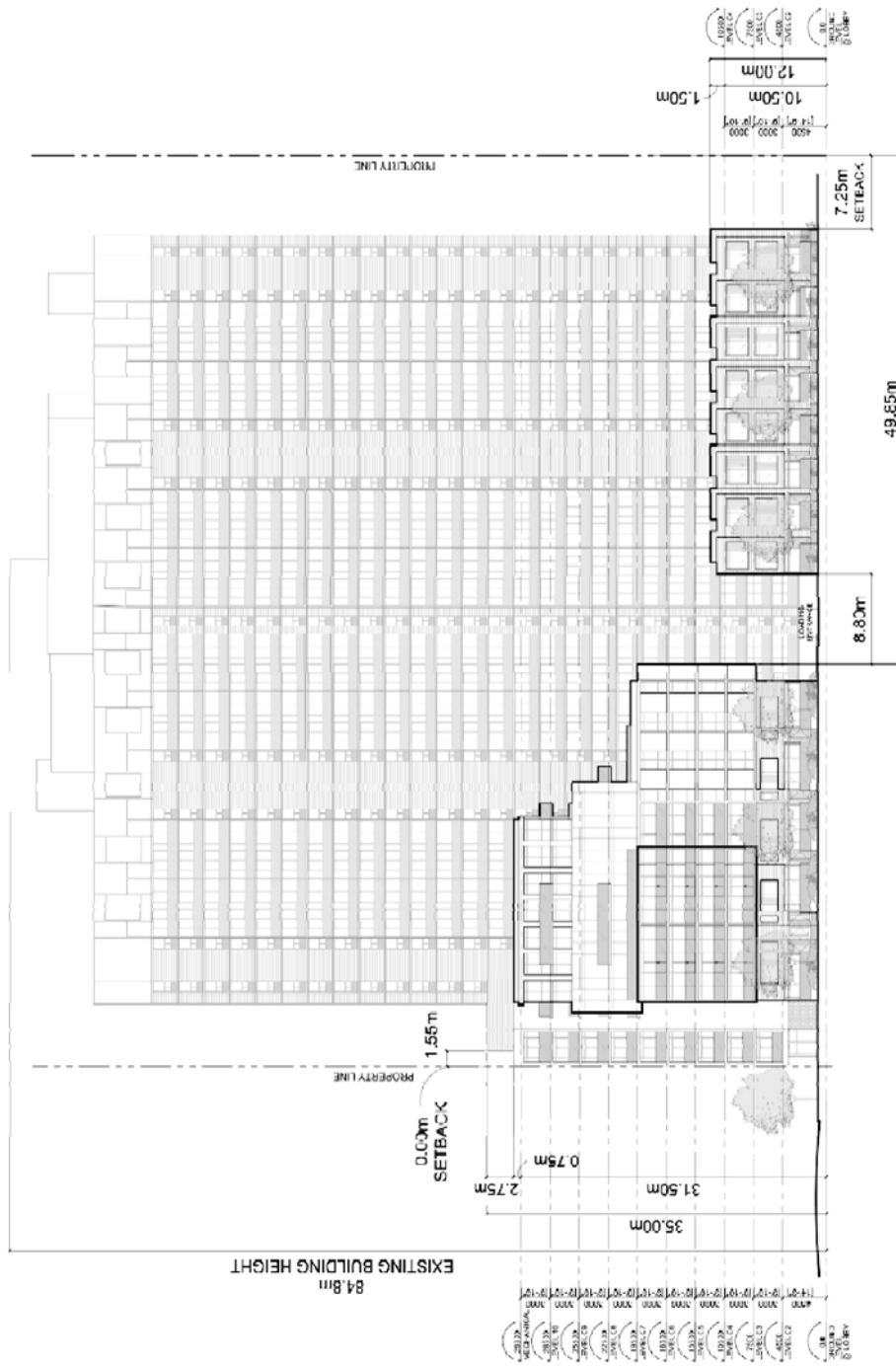
Not to Scale  
08/09/17



100 Wellesley Street East

File # 17\_198670 STE 27 0Z

## Attachment 2: North Elevation



### North Elevations

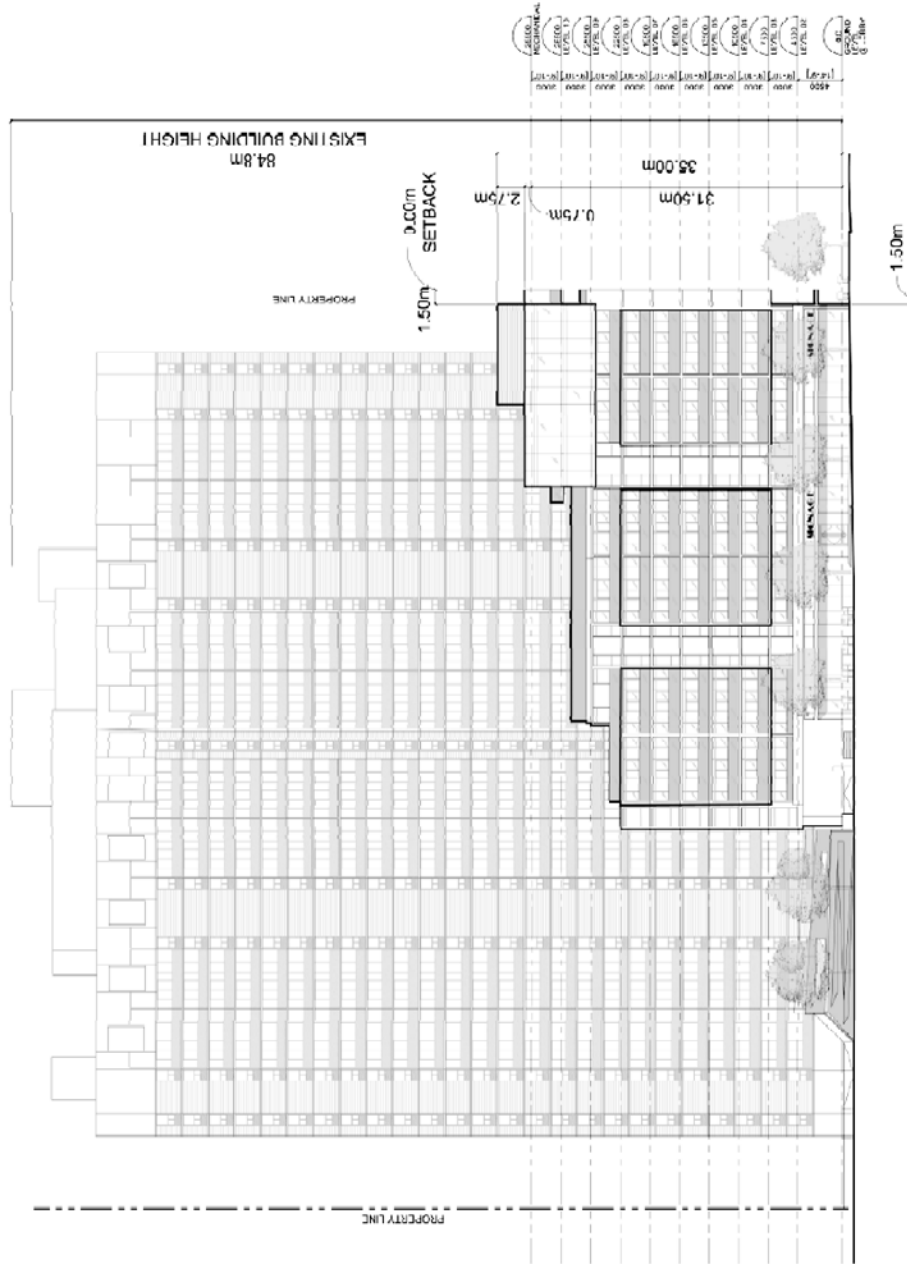
Applicant's Submitted Drawing

Not to Scale  
08/09/17

### 100 Wellesley Street East

File # 17\_198670 STE 27 02

### Attachment 3: South Elevation



### South Elevations

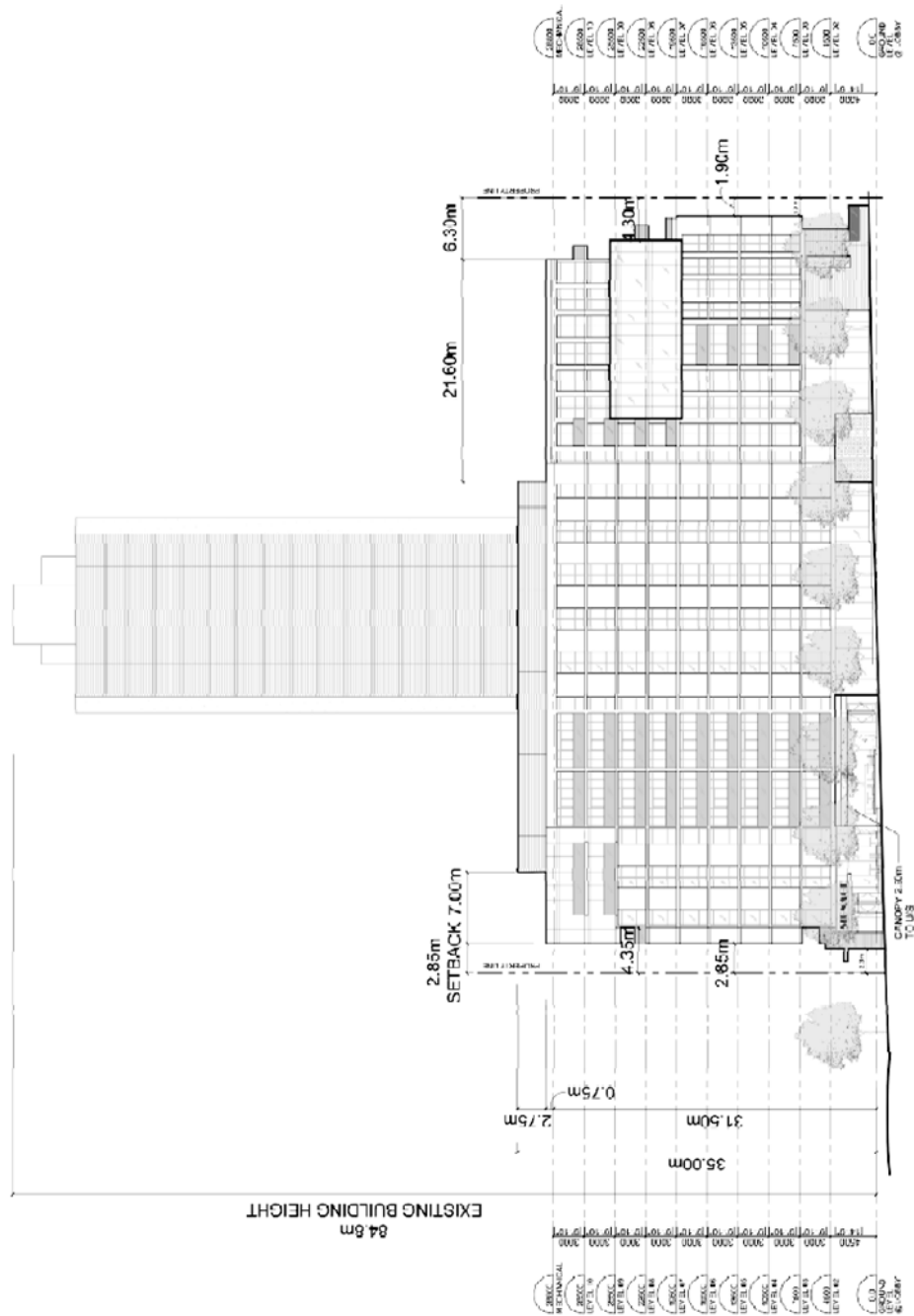
Applicant's Submitted Drawing

Not to Scale  
08/09/17

### 100 Wellesley Street East

File # 17\_198670 STE 27 02

Attachment 4: East Elevation



East Elevations

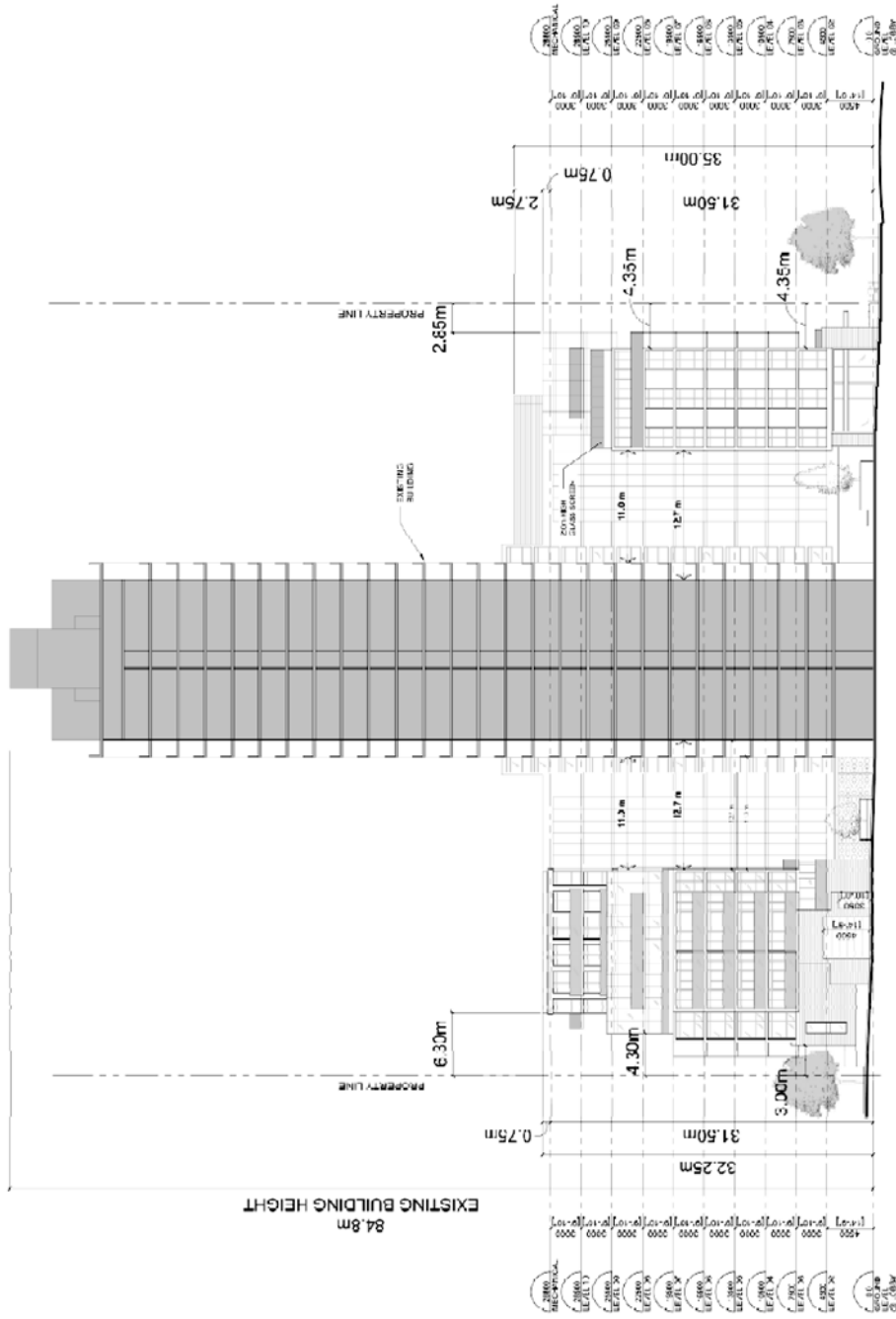
Applicant's Submitted Drawing

Not to Scale  
08/09/17

100 Wellesley Street East

File # 17\_198670 STE 27 02

## Attachment 5: West Elevation



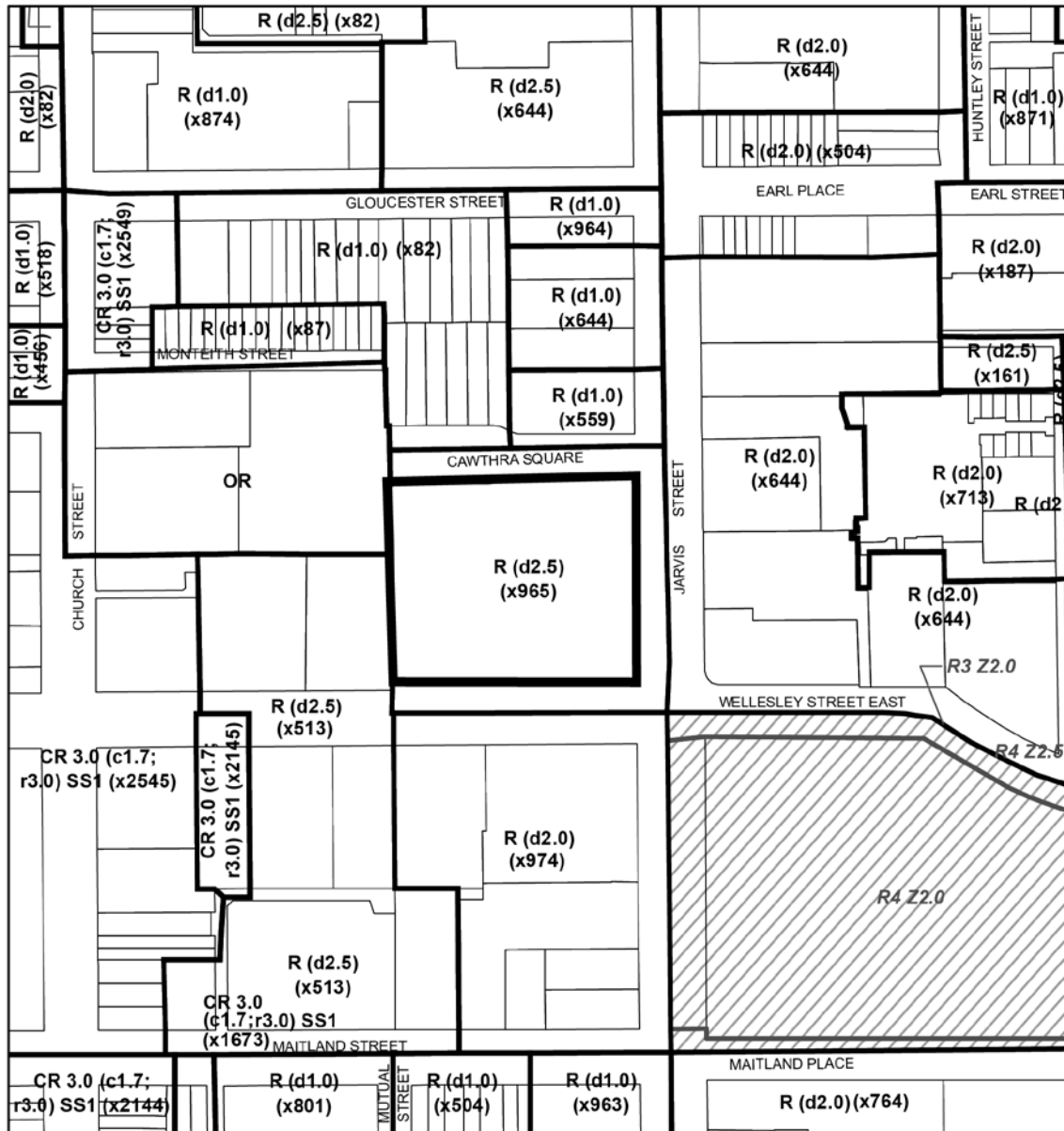
100 Wellesley Street East

West Elevations  
Applicant's Submitted Drawing

Not to Scale  
08/09/17

File # 17\_198670 STE 27 02

## Attachment 6: Existing Zoning



Zoning By-Law No. 569-2013

100 Wellesley Street East

File # 17 198670 STE 27 02



Location of Application

R Residential CR Commercial Residential  
OR Open Space Recreation



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

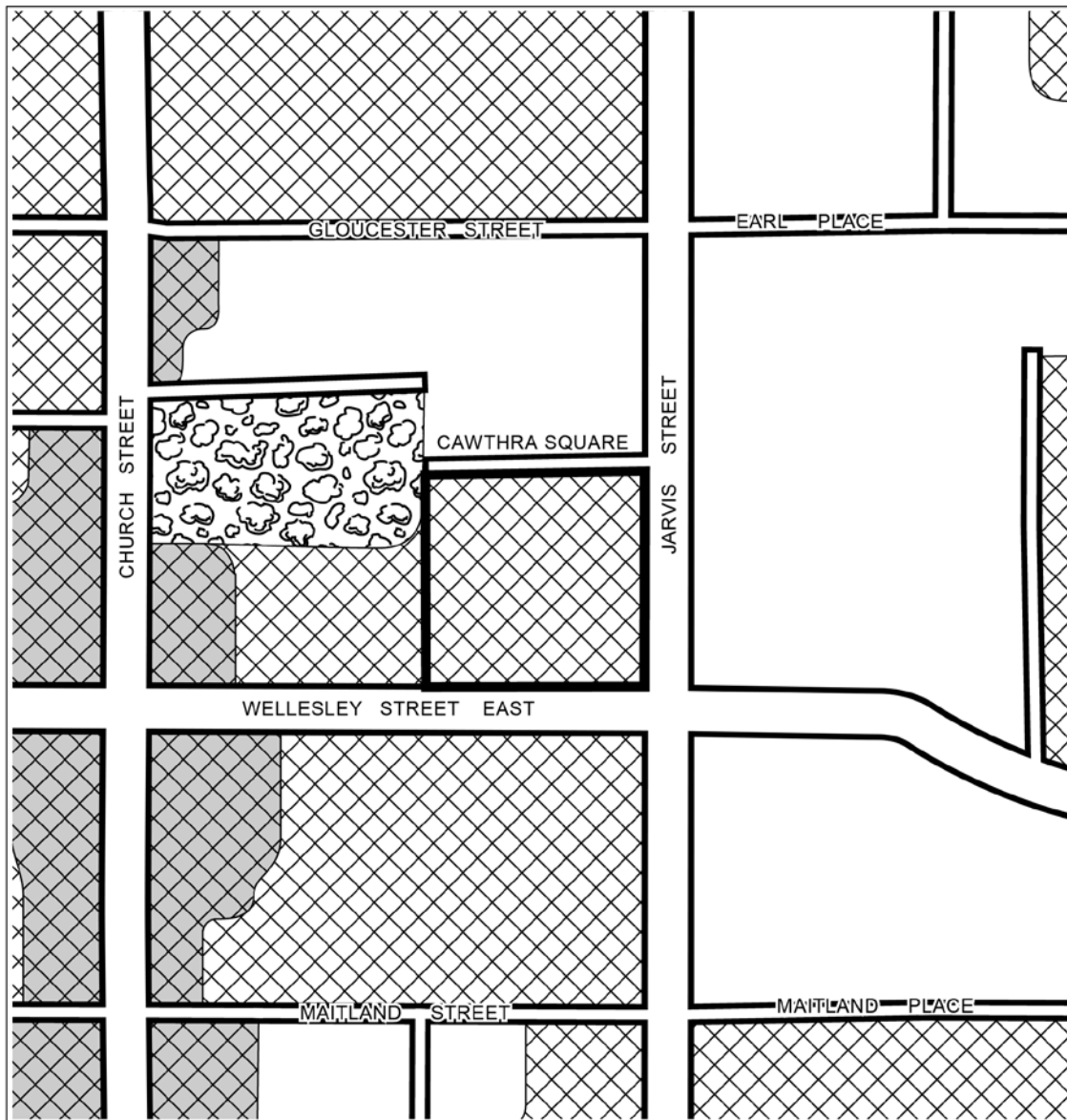
R3 Residential District  
R4 Residential District



Not to Scale  
Extracted: 08/09/2017



## Attachment 7: Official Plan



**Toronto** City Planning  
Official Plan

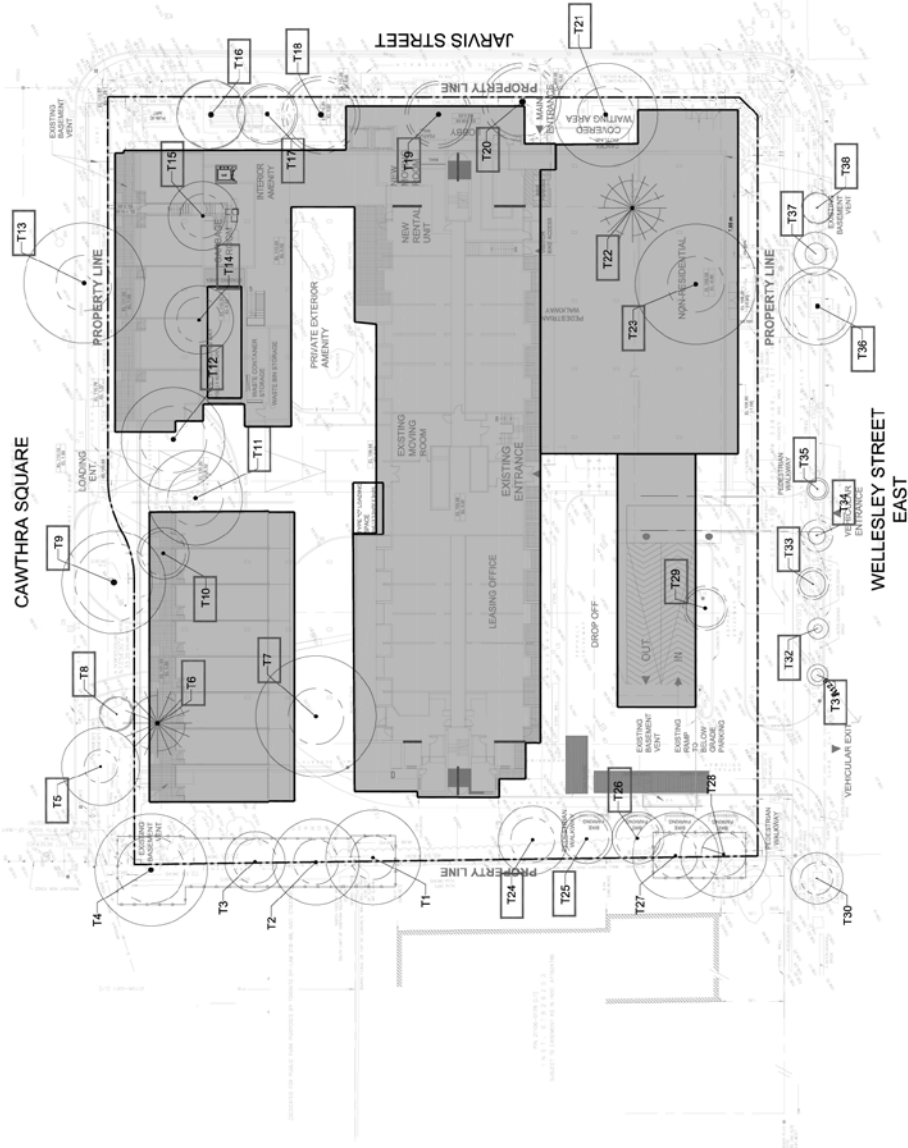
100 Wellesley Street East

File # 17\_198670 STE 27 02



↑  
Not to Scale  
08/14/2017

## Attachment 8: Tree Preservation Plan



### Tree Preservation Plan

Applicant's Submitted Drawing

Not to Scale  
10/12/17



100 Wellesley Street East

File # 17\_198670 STE 27 02

## Attachment 9: Application Data Sheet

Application Type	Rezoning	Application Number:	17 198670 STE 27 OZ
Details	Rezoning, Standard	Application Date:	July 14, 2017
Municipal Address:	100 WELLESLEY ST E		
Location Description:	PLAN 570 LOTS 2-4,15-17 PT LOTS 1,18-20 **GRID S2708		
Project Description:	Zoning By-law Amendment to facilitate proposal to retain the existing 28-storey rental apartment building (427 units) and construct a new 10-storey mixed-use building (36 metres, including mechanical penthouse) along the Jarvis Street frontage and the easterly portions of Wellesley Street and Cawthra Square. The proposal consists of 128 new rental units, 11,629.0 square metres RGFA, and 458 sq. m. office/retail uses. No additional parking is proposed (existing parking garage to serve both existing and proposed buildings).		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
CAPREIT LIMITED PARTNERSHIP	DAYNA GILBERT	CORE ARCHITECTS INC	3414493 CANADA INC

### PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	R (d2.5) (x965)	Historical Status:
Height Limit (m):	30	Site Plan Control Area:

### PROJECT INFORMATION

Site Area (sq. m):	6595.64	Height:	Storeys:	28 (existing); 10 (proposed)
Frontage (m):	88.3		Metres:	84.8 (existing); 36 (proposed)
Depth (m):	72.5			
Total Ground Floor Area (sq. m):	2670.6			<b>Total</b>
Total Residential GFA (sq. m):	41330.8		Parking Spaces:	408
Total Non-Residential GFA (sq. m):	458		Loading Docks	2
Total GFA (sq. m):	41788.8			
Lot Coverage Ratio (%):	40.5			
Floor Space Index:	6.33			

### DWELLING UNITS

### FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:	Rental		<b>Above Grade</b>	<b>Below Grade</b>
Rooms:	0	Residential GFA (sq. m):	41330.8	0
Bachelor:	54	Retail GFA (sq. m):	458	0
1 Bedroom:	280	Office GFA (sq. m):	0	0
2 Bedroom:	189	Industrial GFA (sq. m):	0	0
3 + Bedroom:	29	Institutional/Other GFA (sq. m):	0	0
Total Units:	552			

<b>CONTACT:</b>	<b>PLANNER NAME:</b>	Kate Goslett, Planner
	<b>TELEPHONE:</b>	416-395-7105