

**64-66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane - Official Plan Amendment, Zoning Amendment and Rental Housing Demolition Applications - Request for Direction Report**

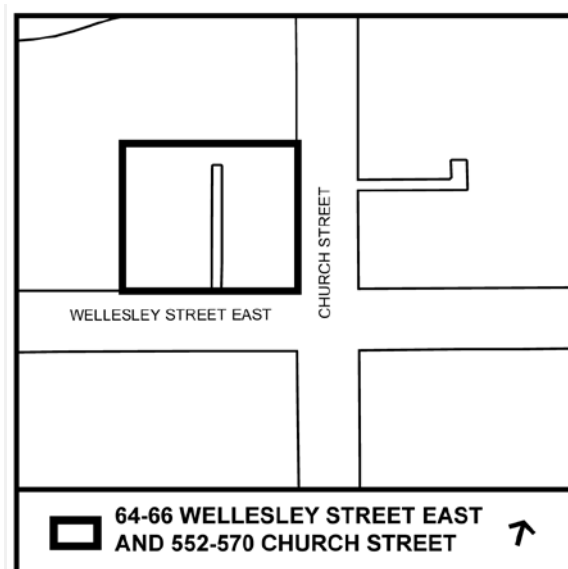
<b>Date:</b>	April 24, 2018
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	17 210131 STE 27 OZ & 17 210154 STE 27 RH

**SUMMARY**

On November 30, 2017, the applicant appealed Council's refusal of an Official Plan and Zoning By-law Amendment application for a 43-storey (162 metres including mechanical penthouse) mixed-use building at 66 Wellesley Street East, 552-570 Church Street and a City-owned public lane to the Local Planning Appeal Tribunal (LPAT). An LPAT pre-hearing has been scheduled for June 28, 2018 (PL171473).

On February 16, 2018, the applicant submitted a revised proposal which involved the expansion of the site to include the property at 64 Wellesley Street East.

The revised proposal is a 39-storey (142 metres including mechanical penthouse) mixed-use building. A total of 442 residential units, 4,900 square metres of retail, 140 parking spaces, and 487 bicycle parking spaces are proposed.



The purpose of this report is to seek direction from City Council with respect to the revised proposal and seeks direction to oppose the application at the LPAT hearing and resume discussions with the applicant to resolve the issues identified in this report.

The height and massing of the revised proposal do not conform to the policies of the Official Plan; do not fit within the existing and planned context of the Church Street Village Character Area; and, do not adequately address the public realm, including nearby streets, parks, and open spaces.

An application for Rental Housing Demolition under Chapter 667 of the Municipal Code has been filed to permit the demolition of 6 existing rental units located at 552-554 Church Street and 59 existing rental units located at 64 Wellesley Street East. The applicant has proposed to replace the units within the proposed building. The applicant has also proposed to create a tenant relocation and assistance plan to provide an opportunity for the tenants to return to the replacement units.

Staff recommend that Council defer its decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code pursuant to Section 111 of the *City of Toronto Act*, as the proposed development is not supported by Planning staff. Council's decision under this statute is not appealable to the LPAT. Following the LPAT decision on the Official Plan and Zoning By-law Amendment appeals, the Section 111 permit application will return to Council for consideration, if necessary.

## **RECOMMENDATIONS**

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

1. City Council direct the City Solicitor, together with the appropriate staff, to attend the Local Planning Appeal Tribunal hearing to continue to oppose the applicant's appeal respecting the Official Plan and Zoning By-law Amendment application (File No. 17 210131 STE 27 OZ) for 64-66 Wellesley Street East and 552-570 Church Street and the City-owned public lane for the reasons contained in the report (April 24, 2018) from the Acting Director, Community Planning, Toronto and East York District.
2. City Council authorize the City Solicitor and appropriate staff to seek revisions to the applications and continue discussions with the applicant in an attempt to resolve issues outlined in this report regarding 64-66 Wellesley Street East and 552-570 Church Street and the City-owned public lane, to the satisfaction of the Chief Planner and Executive Director, City Planning and to report back to City Council on the outcome of discussions, if necessary.

3. City Council require that, in the event the Local Planning Appeal Tribunal approves the Zoning By-law Amendment and the Official Plan Amendment application, in whole or in part, an on-site parkland dedication pursuant to Section 42 of the Planning Act be conveyed to the City, as described and set out in this report, to the satisfaction the General Manger, Parks, Forestry and Recreation.
4. City Council defer making a decision on Rental Housing Demolition application No. 17 210154 STE 27 RH under Chapter 667 of the Toronto Municipal Code to demolish 65 existing residential rental dwelling units at 64-66 Wellesley Street East and 552-570 Church Street and instruct staff to report on the Section 111 application to Toronto and East York Community Council at such time as an LPAT decision has been issued regarding any appeals on the Official Plan and Zoning By-law Amendment application for 64-66 Wellesley Street East and 552-570 Church Street and the City-owned public lane, if necessary.
5. In the event that the Local Planning Appeal Tribunal allows the appeal in whole or in part, City Council direct the City Solicitor to request the LPAT to withhold the issuance of any Order(s) on the Official Plan and Zoning By-law Amendment appeal for the subject lands until such time as:
  - a. The owner has provided a satisfactory Functional Servicing Report to the satisfaction of Chief Engineer and Executive Director, Engineering and Construction Services;
  - b. The owner has satisfied the Toronto Green Standard – Tier 1 requirements to the satisfaction of the Chief Planner and Executive Director, City Planning;
  - c. City Council has dealt with the Rental Housing Demolition application No. 17 210154 STE 27 RH under Chapter 667 of the Toronto Municipal Code to demolish 65 existing rental dwelling units at 64-66 Wellesley Street East and 552-570 Church Street;
  - d. The Local Planning Appeal Tribunal has been advised by the City Solicitor that the final form and content of the draft by-laws are satisfactory to the City Solicitor and the Chief Planner and Executive Director, City Planning, in consultation with the Chief Engineer and Executive Director, Engineering and Construction Services; and amongst other matters include:
    - i. securing replacement rental dwelling units and rents, tenant relocation and assistance and any other rental housing related matters at least in conformity with Housing Policy 3.2.1.6 of the Official Plan, and the owner has entered into and registered a Section 37 Agreement with the City incorporating such

- replacement rental dwelling units, securing rents, tenant relocation and assistance, any other rental housing related matters and other section 37 matters, all to the satisfaction of the City Solicitor; and
- ii. the requirement for appropriate matters, services and facilities to be provided by the owner at its expense pursuant to section 37 of the *Planning Act* and any other matters necessary to support the development; and
  - e. The Local Planning Appeal Tribunal has been advised by the City Solicitor that a Section 37 Agreement satisfactory to the Chief Planner and Executive Director, City Planning and the City Solicitor, has been executed and registered to the satisfaction of the City Solicitor.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

On November 14, 2017, Toronto and East York Community Council adopted the Refusal Report (November 8, 2017) from the Acting Director, Community Planning, Toronto East York District and City Council on December 8, 2017 adopted the Supplementary Report (December 1, 2017) from Chief Planner and Executive Director, City Planning.

Link to Refusal Report:

<https://www.toronto.ca/legdocs/mmis/2017/te/bgrd/backgroundfile-108858.pdf>

Link to Supplementary Report:

<https://www.toronto.ca/legdocs/mmis/2017/cc/bgrd/backgroundfile-109705.pdf>

### **ISSUE BACKGROUND**

#### **Revised Proposal**

The revised proposal is for a 39-storey (134 metres, plus an 8-metre mechanical penthouse) mixed-use building with commercial and retail uses on the first two floors (4,900 square metres) and residential uses above, including 442 residential units at 64-66 Wellesley Street East and 552-570 Church Street. The overall density proposed is 14.7 times the area of the site.

The proposed base building along Church Street and Wellesley Street East has an overall height of 4 storeys (22 metres), with 1- and 2-storey elements along the Church Street frontage. The ground floor uses would consist of the residential lobby, retail and a 320 square metre "community flex space". The second storey would be exclusively retail space, which is proposed to contain a grocery store use. The indoor and outdoor amenity space would be provided on the 3<sup>rd</sup> and 5<sup>th</sup> floors.

The lower portion of the tower would terrace upward from Church Street and the north property line with 8-, 13-, and 19-storey elements. The upper portion of the tower element of the building would be situated on the west side of the site and would be set back 27 metres from Church Street, between 1.7-5.8 metres from Wellesley Street East, 7.5 from the west property line, and 11.7 metres from the north property line. The tower floor plate from level 20 to level 39 would be 880 square metres, excluding wrap-around balconies.

A total of 140 parking spaces are proposed in a three-level below-grade parking garage. All vehicles would access the site from a single consolidated driveway from Wellesley Street East. A total of 487 bicycle parking spaces are proposed, including 424 spaces for residents and 63 spaces for visitors.

The applicant proposes to demolish all buildings on site.

The Rental Demolition and Conversion Application proposes the demolition of the 6 existing rental units located at 552-554 Church Street and 59 existing rental units located at 64 Wellesley Street East. The 65 rental replacement units would be located on the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> floors.

The proposed base building is setback from the property line between 3.4 metres to 6.4 metres on Church Street and 4.8 metres to 7.3 metres on Wellesley Street East. The proposal is to remove and replace the four existing trees along Wellesley Street East.

The following table summarizes the development statistics relative to the original and revised proposal. See Attachment 13: Application Data Sheet for more information.

<b>Category</b>	<b>Original Proposal</b>	<b>Revised Proposal</b>
Site Area	1,989 square metres	3,029 square metres
Building Height	43 storeys (162 metres including mechanical)	39 storeys (142 metres including mechanical)
Ground Floor Area Height	7 metres	7.95 metres
Base Building Height	23 metres (4 storeys)	22 metres (4 storeys)
Base Building Setbacks		
- South	0 metres	0-2.5 metres
- West	0 metres	0 metres
- North	0 metres	0 metres
- East	0-1.7 metres	0-3.0 metres
Floor Plate Sizes	750-1000 square metres	880-1,585 metres
Gross Floor Area		
- Residential	34,550 square metres	39,550 square metres
- Non-Residential	1,450 square metres	4,900 square metres
Total	36,000 square metres	44,450 square metres
Floor Space Index	18	14.7
<b>Category</b>	<b>Original Proposal</b>	<b>Revised Proposal</b>
Number of Dwelling Units		
- Studio	50 (11%)	81 (18%)
- 1 Bedroom	236 (55%)	229 (52%)
- 2 Bedroom	102 (24%)	86 (20%)
- 3 Bedroom	42 (10%)	46 (10%)
Total	430	442
Replacement Residential Rental Units	6	65
Community Flex Space	260 square metres	320 square metres
Tower Stepbacks		
- South	3 to 10.9 metres	1.7 to 5.8 metres
- West	5.5 metres	7.5 metres
- North	5.25 to 10 metres	11.7 metres
- East	3.8 to 12.3 metres	27 metres
Vehicle Parking		
- Residential	92	94
- Visitors/Commercial	35	46
Total	127	140
Bicycle Parking		
- Residential Occupants	387	424
- Residential Visitors	43	63
Total	430	487

Residential Amenity Space		
- Indoor	860 square metres (2 square metres per unit)	900 square metres (2 square metres per unit)
- Outdoor	399 square metres (0.9 square metres per unit)	530 square metres (0.8 square metres per unit)

### Site and Surrounding Area

The site is located in the Church-Wellesley Village neighbourhood at the northwest corner of Church Street and Wellesley Street East, and includes a city-owned public lane which is fully within the site. The properties are also located in the Church Wellesley Village Business Improvement Area.

The site is rectangular in shape and has a total area of 3,029 square metres with frontage along Church Street of 50.5 metres and 60.3 metres on Wellesley Street East. The site includes 4 properties which front onto Church Street and 2 properties which front onto Wellesley Street East (See Figure 2). A public lane bisects the site running north along the rear of the Church Street properties.

The table below describes the existing building on the site.	Description	Rental Units
dress		
64 Wellesley St. E.	5-storey mixed-use building	59
66 Wellesley St. E.	4-storey commercial building	0
Public Lane		
552-554 Church St.	3-1/2 storey mixed-use building	6
556-560 Church St.	2-storey commercial building	0
564-568 Church St.	2-storey commercial building	0
570 Church St.	Vacant	0

The surrounding uses are as follows:

**North:** To the immediate north of the site is the Beer Store at 572 Church Street. A development application has been submitted to construct a 16-storey mixed-use building on this site (Application No. 17 179441 STE 27 OZ). Further north is a 2-storey commercial building at the corner of Church Street and Dundonald Street known as Progress Place (576 Church Street) and a 5-storey apartment building along Dundonald Street known as Dundonald Arms Apartments (49 Dundonald Street). To the northwest of the site is a 17-storey residential apartment building known as The Alexandra (41 Dundonald Street). Further north on the west side of Church Street is a row of converted residential buildings containing a mix of restaurant, retail and residential uses. On the east side of Church Street, there is an existing 4-storey commercial building at 557 Church Street.

**East:** At the northeast corner of Church Street and Wellesley Street East, are two 3-storey heritage properties listed in the City's Heritage Register containing retail uses at grade at 68-78 Wellesley Street East. To the northeast of the site is a 3-storey Part IV designated heritage property which is occupied by the 519 Church Street community hub and Barbara Hall Park (formerly known as Cawthra Square Park). Further east along Wellesley Street East are residential apartment buildings ranging in heights from 3-storeys to 28-storeys at the northwest corner of Wellesley Street East and Jarvis Street.

**South:** Across Wellesley Street East, at the southwest corner of Church Street and Wellesley Street East is a 5-storey Mixed Used building with retail on the ground floor. Adjacent to this site to the west is a 9-storey residential apartment building at 55 Wellesley Street East and an 8-storey Sunnybrook Hospital Orthopedic Hospital. On the east side of Church Street, on the south side of Wellesley Street East, is a 4-storey brick building with retail and commercial uses at the ground level. Further east, on the south side of



Wellesley Street East, is a recently Ontario Municipal Board approved 28-storey building at 81 Wellesley Street East (File no. 13 225676 STE 27 OZ) and two mid-rise buildings at 9 and 7-storeys at 85 and 91 Wellesley Street East.

West: Immediately west of the site is the Part IV designated heritage property at 56 Wellesley Street East known as Paul Kane House and in front is the Paul Kane House Parkette. Further west, fronting Wellesley Street East is a 37-storey mixed-use building (50 Wellesley Street East) and a 35-storey mixed-use building (40 Wellesley Street East) that are currently under construction (File nos. 05 212275 STE 27 OZ & 14 159828 STE 27 OZ).

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

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

The Provincial Policy Statement (2014) (the "PPS") provides policy direction province-wide on land use planning and development to promote strong communities, a strong economy, and a clean and healthy environment. It includes policies on key issues that affect communities, such as:

- The efficient 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 provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The PPS supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

The PPS is issued under section 3 of the *Planning Act* and all decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the PPS. Comments, submissions or advice affecting a planning matter that are provided by Council shall also be consistent with the PPS.

The PPS is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation.

The PPS recognizes and acknowledges the Official Plan as an important document for implementing the policies within the PPS. Policy 4.7 of the PPS states that, "The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans."

The Growth Plan for the Greater Golden Horseshoe (2017) (the "Growth Plan") provides a strategic framework for managing growth and environmental protection in the Greater Golden Horseshoe ("GGH") region, of which the City forms an integral part, including:

- Establishing minimum density targets within strategic growth 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.

The Growth Plan builds upon the policy foundation provided by the PPS and provides more specific land use planning policies to address issues facing the GGH region. The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

In accordance with section 3 of the Planning Act all decisions of Council in respect of the exercise of any authority that affects a planning matter shall conform with the Growth Plan. Comments, submissions or advice affecting a planning matter that are provided by Council shall also conform with the Growth Plan.

### **City of Toronto Act, 2006**

Section 111 of the *City of Toronto Act, 2006* authorizes 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 6 or more residential units, of which at least one unit is rental, without obtaining a permit from the City which 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 Section 3.2.1 of the City's Official Plan policies for the protection of 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, 1992*.

Where an application for rezoning triggers an application under Chapter 667 for rental demolition, City Council typically considers both applications at the same time where there are six or more rental units affected. Unlike *Planning Act* applications, decisions made by City Council under Chapter 667 are not appealable to the LPAT.

On August 2, 2017, the applicant applied for a permit to demolish six rental housing units at 552-554 Church Street. One of the six rental dwelling units was occupied at the date of application according to the housing issues report which was submitted with the application.

On February 16, 2018, the applicant applied for a permit to demolish 59 rental housing units at 64 Wellesley Street East.

If the application were to proceed on any basis, a tenant consultation meeting would be required to review the impact of the proposal on tenants of the residential rental units, as per Chapter 667-14.

## Toronto Official Plan

The Official Plan places the site within the *Downtown and Central Waterfront* on Map 2 "Urban Structure". The commentary section for Section 2.2.1, Downtown: the Heart of the City, identifies that the Downtown offers opportunities for substantial employment and residential growth, but the growth will not be spread uniformly across the whole of Downtown. Rather, it is expected that the physical setting of many areas will remain unchanged and that design guidelines specific to districts of historic or distinct character will be developed and applied to ensure that new development respects the context of such districts in terms of the development's fit with existing streets, setbacks, and heights and relationship to landmark buildings (refer to Policy 2.2.1.6). In this case, the North Downtown Yonge Street Urban Design Guidelines have been adopted to implement Policy 2.2.1.6.

In Chapter Three – Building a Successful City, Policy 3.1.1, Public Realm promotes quality architecture, landscape and urban design and construction that ensures that new development enhances the quality of the public realm.

In the commentary section of Section 3.1.2, Built Form, it identifies that most of the City's future development will be infill and redevelopment sites and, as such, will need to fit in, respect and improve the character of the surrounding area. It also states that developments must be conceived not only in terms of the individual building site and program, but also in terms of how that site, building and its facades fit within the existing and/or planned context of the neighbourhood. New developments generally should locate buildings parallel to the street (Policy 3.1.2.1(a)). Each new building should promote and achieve the overall objectives of the Official Plan.

The 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.

The properties at 66 Wellesley Street East and 552-570 Church Street are designated *Mixed Use Areas* on Map 18 – Land Use Plan in the Official Plan and are subject to Policy 4.5. The property at 64 Wellesley Street East is designated *Apartment Neighbourhoods* and is subject to Policy 4.2. The *Mixed Use Areas* designation permits a range of residential, commercial and institutional uses, whereas the *Apartment Neighbourhoods* designation permits apartment buildings, local institutions, cultural and recreational facilities, and small-scale retail, service and office uses that serve the needs of area residents. Significant growth is generally not intended within developed *Apartment Neighbourhoods*. The portion of the site designated *Apartment Neighbourhoods* is proposed to be redesignated *Mixed Use Areas* as part of the Official Plan Amendment application.

Development in *Mixed Use Areas* is subject to a number of development criteria including: locate and mass new buildings to provide a transition between areas of different development intensity and scale; provide appropriate setbacks and/or stepping down of heights, particularly towards lower scale *Neighbourhoods*; locate and mass new buildings so as to adequately limit shadow impacts on adjacent *Neighbourhoods* particularly during the spring and fall equinoxes; provide good site access and circulation and an adequate supply of parking for residents and visitors; provide an attractive, comfortable and safe pedestrian environment; locate and screen service areas, ramps and garbage storage to minimize the impact on adjacent streets and residences; and provide indoor and outdoor recreation space for building residents in every significant multi-unit residential development.

The preamble to the Healthy Neighbourhoods policies of the Official Plan, Section 2.3.1, states that "a cornerstone policy is to ensure that new development in our neighbourhoods respects the existing physical character of the area, reinforcing the stability of the neighbourhood".

Policy 2.3.1.1 states that "*Neighbourhoods* and *Apartment Neighbourhoods* are considered to be physically stable areas and that development within *Neighbourhoods* and *Apartment Neighbourhoods* will be consistent with this objective and will respect and reinforce the existing physical character of buildings, streetscapes and open space patterns in these areas."

Further, Policy 2.3.1.3 states that intensification of land adjacent to neighbourhoods will be carefully controlled so that neighbourhoods are protected from negative impact. The Policy goes on: where significant intensification of land adjacent to a *Neighbourhood* or *Apartment Neighbourhood* is proposed, Council will determine, at the earliest point in the process, whether or not a Secondary Plan, area specific zoning by-law or area specific policy will be created in consultation with the local community following an Avenue Study, or area based study.

Section 4.2.2 of the Official Plan, Development Criteria in *Apartment Neighbourhoods* 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 this 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 windconditions 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 very 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.

Section 3.1.5 provides polices regarding heritage conservation, which were recently updated through Official Plan Amendment No. 199 that is now in force and effect. 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. Similarly, with regard to Heritage Conservation Districts (HCDs), Policy 3.1.5(32) states that the impact of new development within or *adjacent* to HCDs is to be "assessed to ensure that the *integrity* of the district's heritage values, attributes, and character are *conserved*."

Section 3.2.1 of the Official Plan includes policies that encourage the provision of a full range of housing, in terms of form, tenure and affordability, and the protection of rental housing units.

Rental housing replacement Policy 3.2.1(6) states that new development that would result in the loss of six or more rental housing units will not be approved unless all rental housing units have rents exceeding mid-range rents at the time of application, or in cases where planning approvals (other than site plan) are sought, the following is secured:

- at least the same number, size and type of rental housing units are replaced and maintained with similar rents to those in effect at the time the redevelopment application was made;

- for a period of at least 10 years, rents for replacement units will be the rent at first occupancy, increased annually by not more than the Provincial Rent Increase Guideline or a similar guideline as Council may approve from time to time; and
- an acceptable tenant relocation and assistance plan addressing the right to return to occupy one of the replacement rental units at similar rent, the provision of alternative accommodation at similar rent and other assistance to lessen the hardship of relocation.

As discussed above in the proposal section of this report, 65 residential rental dwelling units are sought to be demolished and replaced within the new building. An application under Chapter 667 of the City of Toronto Municipal code is required as discussed below in the Rental Housing Demolition section and is being reviewed by staff.

Policy 3 of Section 5.3.1 of the Official Plan discourages amendments to the Official Plan that are not consistent with its general intent. Any development permitted under an amendment to this Plan is to be compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies of this Plan. When considering a site specific amendment to this Plan, at the earliest point in the process, the planning review will examine whether the application should be considered within the immediate planning context or whether a broader review and possible area specific policy or general policy change are appropriate.

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

As part of the City's ongoing Official Plan Five Year Review, Council adopted Official Plan Amendment No. 320 (OPA 320) on December 10, 2015 to strengthen and refine the Healthy Neighbourhoods, *Neighbourhoods* and *Apartment Neighbourhoods* policies to support Council's goals to protect and enhance existing neighbourhoods, allow limited infill on underutilized *Apartment Neighbourhoods* sites and implement the City's Tower Renewal Program.

The Minister of Municipal Affairs approved and modified OPA 320 on July 4, 2016, and this decision has been appealed in part. On December 13, 2017 the Ontario Municipal Board issued an Order partially approving OPA 320 and brought into force new Policies 10 and 12 in Section 2.3.1, Healthy Neighbourhoods and Site and Area Specific Policy No. 464 in Chapter 7. Other portions of OPA 320 remain under appeal, and these appealed policies as approved and modified by the Minister are relevant and represent Council's policy decisions, but they are not in effect. More information regarding OPA 320 can be found here:

[www.toronto.ca/OPreview/neighbourhoods](http://www.toronto.ca/OPreview/neighbourhoods).

Policy 2 of OPA 320, states "*Apartment Neighbourhoods* are residential areas with higher density than *Neighbourhoods* and are considered to be physically stable. Development in *Apartment Neighbourhoods* will be consistent with this objective and will respect the criteria contained in Policies 4.2.2 and other relevant sections of this Plan."

### **Official Plan Amendment No. 352**

Official Plan Amendment 352 ("OPA 352"), which applies to tall buildings in the Downtown, was adopted by City Council on October 5-7, 2016. Policies under OPA 352 are implemented by Zoning By-laws By-law Nos. 1106-2016 and 1107-2016, enacted on November 9, 2016. OPA 352 is currently under appeal and not in force and effect; however, the policies inform staff's position on the proposal, reflect the Tall Building Guidelines, and represent City Council-adopted policy on appropriate built form.

OPA 352 and the implementing Zoning By-laws include the following minimum standards for tower setbacks and separation distances between towers:

- minimum tower setback of 3.0 metres from a lot line that abuts a street; and
- 12.5 metres to a lot line which neither abuts a street, nor a public lane.

Policy B(i) of OPA 352 indicates that tall building development will provide setbacks from the lot line to the building face of the tower. The tower setbacks will ensure that individual tall buildings within a block and the cumulative effect of multiple tall buildings within a block contribute to building strong and healthy communities by fitting in with the existing and/or planned context.

Providing adequate space between towers within the block will:

- a. enhance the ability to provide a high-quality, comfortable public realm;
- b. protect development potential of other sites within the block;
- c. provide access to sunlight on surrounding streets, parks, open spaces, school yards, and other public or civic properties;
- d. provide access to natural light and a reasonable level of privacy for occupants of tall buildings;
- e. provide pedestrian-level views of the sky between towers particularly as experienced from adjacent streets, parks and open spaces, and views between towers for occupants of tall buildings; and
- f. limit the impacts of uncomfortable wind conditions on streets, parks, open spaces and surrounding properties.



Further, Policy B(ii) of OPA 352 states that not every site in the Downtown can accommodate a tall building and that proposed tall buildings that do not meet the intent of Policy B(i) present a significant concern for building strong healthy communities in the Downtown and as such those sites are not considered suitable for tall building development.

### **North Downtown Yonge Street Planning Framework and Site and Area Specific Policy 382**

At its meeting of October 8-9, 2013, City Council adopted Official Plan Amendment 183 ("OPA 183") also known as the North Downtown Yonge Area Specific Policy 382 ("SASP 382"). Council also approved the North Downtown Yonge Urban Design Guidelines for the area generally bounded by Charles Street, Bay Street, Church Street and College/Carlton Street. The Applicant did not appeal OPA 183.

SASP 382 provides direction as to how development should respond to its historic main street context, reinforcing a pedestrian friendly micro-climate and retail uses along the street. SASP 382 represents the most recent thinking and examination of the planning framework and principles for the area. It should be noted that parts of OPA 183, including SASP 382, remain under appeal and that the Phase II hearing, which is not scheduled, will deal with outstanding matters and will follow the hearing for the Historic Yonge Street HCD By-law hearing. The following is a summary of policies that were approved by the Ontario Municipal Board in the Phase I hearing and are in full force and effect and apply to the site.

The properties at 66 Wellesley Street East and 552-570 Church Street are located within the Church Street Village Character Area (see Attachment 10: OPA 183 (SASP 382) Map 1: Character Areas) which runs north-south along Church Street from Charles Street East at the north and Alexander Street at the south. The Character Area is made up of existing *Mixed Use Areas* designated lands, *Apartment Neighbourhoods* lands and several pockets of areas designated as *Neighbourhoods*.

Section 5.7, Church Street Village Character Area, as identified in SASP 382, states that the area is regarded as a stable area that should experience limited growth, both along Church Street and in the residential areas abutting and surrounding it. Development and redevelopment should reinforce the core village area as a low to mid-rise pedestrian oriented main street with street related retail uses and narrow retail frontages subject to angular plane provisions for portions of this Character Area. The 519 Church Street community hub and Barbara Hall Park should be protected from no new net shadow impacts from development and redevelopment.

The following policies of SASP 382 apply to the Church Street Village Character Area and are relevant for the purpose of evaluating this application.

Policies:

- 5.7.1 The only development/redevelopment permitted within the *Mixed Use Areas* and *Apartment Neighbourhoods* designated areas of this Character Area will be sensitive low-scale infill that:
- a. respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of this Character Area;
  - b. maintains the prevailing patterns of landscaped open space;
  - c. respects and reinforces the preservation and enhancement of existing private amenity space; and
  - d. respects and reinforces the fine grain retail at grade (where permitted) and the low-rise scale of existing development.
- 5.7.2 Development/redevelopment located within this Character Area between Wood Street and Charles Street East must ensure that no part of any building is located above the angular plane drawn from the Church Street lot line, commencing at a height of 16 metres above the street level, and then angling upwards at an angle of 44 degrees away from Church Street over the site.
- 5.7.3 Development/redevelopment will cast no new net shadow on the parkland forming part of 519 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21st and September 21st.
- 5.7.4 Development/redevelopment must require store frontage widths at grade along Church Street to be consistent with the average width of at grade retail that is currently found within 2 blocks to the north and south of a given site along either side of Church Street in the North Downtown Yonge Area.
- 5.7.5 Where a tall building is proposed close to areas designated *Neighbourhoods*, the tower portion of the tall building will be set back a minimum of 20 metres, excluding balconies from any such abutting property line.

The property at 64 Wellesley Street East is located within the Wellesley Wood Character Area which consists of the area east of the Yonge Street Character Area and west of the Church Street Village Character area, generally between Dundonald Street and Wood Street. The Character Area is made up of existing *Mixed Use Areas* and *Apartment Neighbourhoods* designated lands.

Section 5.6, Wellesley Wood Character Area, as identified in SASP 382, states that the area designated *Apartment Neighbourhoods* is a primarily stable area consisting of "tower in the park" apartment buildings. The *Apartment Neighbourhoods* area provides a transition to the low-rise *Neighbourhoods* area to the north and the *Mixed Use Areas* to the east, south and west. The portion of the Wellesley Wood Character Area designated *Mixed Use Areas* to the west of the site is the location of a transit node at the Wellesley subway station and may be appropriate for limited infill growth.

The following policies of SASP 382 apply to the Wellesley Wood Character Area and are relevant for the purpose of evaluating this application.

Policies:

5.6.1 The only development/redevelopment permitted within the *Apartment Neighbourhoods* designated areas of this Character Area will be sensitive low-rise infill that:

- a. respects and reinforces the general physical character, pattern, scale, massing, setbacks [and heritage value] (under appeal) of the area;
- b. maintains the prevailing patterns of landscaped open space; and makes best efforts to preserve and enhance existing private amenity space.

5.6.2 Where a tall building is proposed close to the Gloucester/Dundonald Character Area, the tower portion of the tall building will be set back a minimum of 20 metres, excluding balconies, from any such abutting property line.

The words "and heritage value" in Policy 5.6.1 (a) and 5.7.1 (a) of SASP 382 are currently under appeal.

There are also area-wide policies in SASP 382 related to heritage, parks and open space and the public realm that have been considered when reviewing this application, some of which remain under appeal.

### **North Downtown Yonge Urban Design Guidelines**

The properties at 66 Wellesley Street East and 552-570 Church Street are located within the Church Street Village Character Area of the North Downtown Yonge Urban Design Guidelines. The area is characterized with a "Main Street" feel, with a built form context of generally three-storeys in height with retail at-grade and rental apartments and offices above. The Guidelines reinforce that Church Street is a priority retail street, as identified in the Downtown Tall Building Guidelines. The policies of SASP 382 apply to this area and the Guidelines state that the Church Street Village Character Area will maintain the existing 44 degree angular plane, as outlined in Zoning By-law 438-86, measured from 16 metres above the Church Street property lines. Further, the Guidelines state that for properties along Church Street, between Hayden Street and Alexander Street, the existing

height limits in the Zoning By-law shall be respected. Given the existing low-rise context and the number of heritage properties in the area, the Guidelines indicate that new development should be low-scale mid-rise buildings that adhere to the following design directions:

- The materials used in the façade of new low-rise developments or the base of the mid-rise buildings will conform to the prevailing materials of adjacent existing heritage properties;
- Mid-rise buildings will have strategic setbacks from the base buildings to maintain the existing pedestrian scale and create architectural interest;
- Base building should be no less than three storeys and no taller than four storeys to reinforce the prevailing low-rise main street character;
- Building frontages facing onto Church Street should create a continuous streetwall;
- New developments along Church Street should have a setback from the front property line to allow for enhanced streetscape design and wider sidewalks;
- Active uses at-grade and above-grade, cafes, patios and spill-out zones are strongly encouraged to enhance the Church Street Village Character;
- The scale of retail uses and articulation of shop fronts should be consistent with the prevailing scale and character of retail shops;
- Seasonal patios within the public right-of-way and adjacent to the curb zone are encouraged, wherever possible; and
- The main frontage of the retail use at-grade should be covered with a high percentage of permeable materials to allow for interaction, safety and vitality of the street life.

The property at 64 Wellesley Street East is located within the Wellesley Wood Character Area of the North Downtown Yonge Urban Design Guidelines. The area is predominantly comprised of mid-rise and "tower in the park" style buildings with slab style floor plates. A unique characteristic of the area is the built form and open space configuration, which results in large separation distances from adjacent properties and porosity through the block. The open spaces on these blocks are valuable and contribute to the quality of life for residents. Properties in this area are within walking distance of the Yonge line subway stations and may have the potential for infill development which is appropriate for the scale of the Character Area. Potential future developments in this Character Area shall have appropriate height transitions from the heights found in the peaks and transition heights of the Yonge Street Character Area.

Infill developments on these blocks shall:

- Protect the low-rise built form, heritage buildings and human pedestrian scale;
- Maintain the open space network, by identifying sites that can complement and enhance the existing public open spaces;

Additionally:

- The height of new developments should create a height transition from Yonge Street to the midrise built form along Church Street;
- There shall be a compatible relationship of potential new developments to the street right-of-way, immediate context, existing heritage buildings, nearby parks and open spaces and *Neighbourhoods*;
- The streetscape should provide strong street edges with tree planting, minimum paved sidewalk width and be in conformity with the City of Toronto Streetscape Manual; and
- Shadows will be minimized on designated *Neighbourhoods* such as the Gloucester /Dundonald Character Area.

Section 2 of the Guidelines indicates that "one of the most important assets of Yonge Street is its intact heritage properties, resources and streetscapes." The Guidelines state that "special attention should also be given to non-listed, non-designated existing buildings (contemporary or old), which carry notable architectural design and landmark characteristics." The properties comprising the site are outside of the area that was studied as part of the Historic Yonge Street Heritage Conservation District. However, the Guidelines contain Figure 2, which identifies the listed and designated heritage buildings in North Downtown Yonge, as well as buildings of heritage interest. Both properties at 64 Wellesley Street East and 552 Church Street are identified in the Figure 2 of the Guidelines as having potential to be included in the City of Toronto Heritage Inventory. Further information about the potential heritage properties on the site is provided in the 'Heritage Preservation' section of this report.

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

In May 2013, City Council adopted updated City-wide Tall Building Design Guidelines and directed City Planning staff to use them in the evaluation of development applications for tall buildings. The Guidelines establish a unified set of performance measures to ensure that tall buildings fit within their context and minimize their local impacts.

Policy 5.3.2.1 - Implementation Plans and Strategies for City-Building of the Official Plan states that Guidelines will be adopted to advance the vision, objectives, and policies of the Plan. Urban Design guidelines specifically are intended "to provide a more detailed framework for built form and public improvements in growth areas." The Tall Building Design Guidelines serve this policy intent, helping to implement Chapter 3.1 The Built Environment and other policies within the Plan related to the design and development of tall buildings in Toronto.

The site 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 specific Downtown streets that are most suitable for tall building development, establishes a height range along these streets and provides a set of supplementary Downtown specific design guidelines which address Downtown built form and context.

Wellesley Street East is identified as a High Street with a height range of 62-107 metres (20-35 storeys) with a Tower-Base Form. Church Street is not identified as a High Street and does not specify a height range for this location.

The Downtown Vision and Supplementary Design Guidelines should be used together with the City-wide Tall Building Design Buildings to evaluate tall building proposals in the Downtown.

The Tall Building Guidelines implement the Official Plan Policies regarding fit and transition in scale; sunlight and sky view; the pedestrian realm and street animation, including publicly accessibly open space; servicing, access and parking; base building height, first floor height, and scale and separation distances between buildings. Specifically, the Tall Building Guidelines indicate that the height of a base building should match the existing streetwall context, a minimum tower separation of 25 metres should be achieved, with each adjacent site responsible for providing a 12.5 metre setback, and the placement of the tower on the base should achieve appropriate tower setbacks.

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

In July 2017, Toronto City Council adopted the Growing Up Draft Urban Design Guidelines, and directed City Planning staff to apply the "Growing Up Guidelines" in the evaluation of new and under review multi-unit residential development proposals. The objective of the Growing Up Draft Urban Design Guidelines is that developments deliver tangible outcomes to increase liveability for larger households, including families with children at the neighbourhood, building and unit scale. Section 3 of the Guidelines identifies ideal unit sizes to ensure their functionality and the percentage of two and three-bedroom units. The floorplans submitted with the revised proposal do not show the bedroom types or layouts on the plans; therefore, staff are unable to determine how to proposal meets the objectives of the Growing Up Guidelines.

The Guidelines are available at:  
<https://www.toronto.ca/city-government/planningdevelopment/planning-studies-initiatives/growing-up-planning-for-children-in-new-verticalcommunities/>

## **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 the east.

Building on Downtown's existing planning framework and drawing on best practices within City Planning Division, the Proposed 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 PPS and the Growth Plan. 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.

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 with the Proposed Downtown Plan in the review of all development applications within the Downtown going forward.

Map 41-3, Mixed Use Areas, of the new Proposed Downtown Plan designates 66 Wellesley Street East and 552-570 Church Street as Mixed Use Area 3 – Main Street. The Plan states that the existing and planned context will include buildings up to a mid-rise scale and modest levels of intensification are anticipated. The *Apartment Neighbourhoods* designation of 64 Wellesley Street East is not proposed to be changed.

Policy 9.13 states that "tall buildings will not be permitted on:

- sites that have a planned context that does not contemplate tall buildings;
- sites within *Neighbourhoods, Mixed Use Areas 3* and *Mixed Use Areas 4*;
- where the size and/or configuration of the site limits the ability to achieve transition on the site adjacent to *Parks and Open Spaces, Neighbourhoods, Mixed Use Areas 3* and *Mixed Use Areas 4* and/or lower scale areas.

Policy 9.15 states that "mixed-use and residential buildings will have a maximum floorplate size of 750 square metres above the base building. Increases to the 750 square metre floorplate size may be considered when it has been demonstrated to the City's satisfaction that the impacts of the larger floorplate, including but not necessarily limited to pedestrian comfort including shadow and wind impacts, sky-view, and transition, can be mitigated."

With respect to shadows, Policy 9.17 states that "development will minimize shadows to preserve the utility of sidewalks, parks, open spaces, natural areas, child care centres, playgrounds, institutional open spaces, private open spaces, outdoor amenity spaces and POPS." Policies 9.18 states that development will not cast net-new shadows as measured from March 21<sup>st</sup> to September 21<sup>st</sup> from 10:18 a.m – 4:18 p.m. on Parks and Open Spaces indicated on Map 41-13. The 519 community hub and Barbara Hall Park is designated as Parks and Open Space on Map 41-13.

The Proposed Downtown Plan will be considered at the May 1, 2018 meeting of the Planning and Growth Management Committee.

Further background information can be found at [www.toronto.ca/tocore](http://www.toronto.ca/tocore).

## **Zoning**

The properties at 66 Wellesley Street East and 552-570 Church Street are zoned CR T3.0 C2.0 R3.0 in Zoning By-law 438-86, which permits a mix of commercial and residential uses. The maximum permitted height is 18 metres with a base height at the lot line being 16 metres and a 44 degree angular plane applied from Church Street (Section 12(2)260)). The maximum permitted density is 3 times the lot area. Non-residential gross floor area may not exceed 1.7 times the lot area, but may be exceeded by 0.3 times provided it is used for the purpose of street-related retail and service uses (Section 12(2)131). Other site specific permissions and exceptions from Section 12(2)132 and 12(2)259 also apply.

The property at 64 Wellesley Street East is zoned R3 Z2.5 in Zoning By-law 438-86, which permits primarily residential uses. The maximum permitted height is 30 metres and the maximum permitted density is 2.5 times the lot area. Other site specific permissions and exceptions from Section 12(1) 434, 12(1) 232, and 12(2)132 also apply.



On May 9, 2013, City Council enacted city-wide Zoning By-law 569-2013. *Planning Act* applications submitted after May 9, 2013, are subject to the new Zoning By-law. The properties at 66 Wellesley Street East and 552-570 Church Street are zoned CR 3.0 (c1.7 r3.0) SS1 (x2545) and 64 Wellesley Street East is zoned R (d2.5) (x878) in Zoning By-law 569-2013 (see to Attachment 12 – Zoning Map). The CR and R zones permit a range of uses similar to the former designations under Zoning By-law 438-86. The (x2545) and (x878) provisions indicate site specific permissions and exceptions that are carried over from Zoning By-law 438-86. Unlike Zoning By-law 438-86, in Zoning By-law 569-2013, the angular plane provision applies to the property at 66 Wellesley Street East, as well as the properties fronting Church Street.

### **Site Plan Control**

The lands are subject to Site Plan Control. An application for Site Plan Control has not been submitted to date.

### **Reasons for Application**

The proposal requires an amendment to the land use designations for the site under the City's in-force Official Plan. The application proposes to redesignate 64 Wellesley Street East from *Apartment Neighbourhoods* to *Mixed Use Areas*, identified on Official Plan Map 18 – Land Use Plan.

The proposal also requires an Official Plan amendment to SASP 382. SASP 382 states new development in the Church Street Village Character Area shall conform to the low scale of existing development, whereas the revised proposal is for a 39-storey building, which does not conform to the low scale character of the area. The application also proposes to amend the policies of SASP 382 related to the angular plane from Church Street and the shadowing of the 519 Church Street community hub and Barbara Hall Park.

The proposal requires an amendment to the Zoning By-law for: an increase in building height and density; penetration of the 44 degree angular plane from Church Street and Wellesley Street (66 Wellesley Street East); reduction of the outdoor amenity space requirements; reduction in parking space rates; and other development standards that will require site specific zoning provisions.

A Section 111 Permit application is required pursuant to Chapter 667 of the City of Toronto Municipal Code because the subject lands contain six or more residential dwelling units, of which at least one is rental.

### **COMMENTS**

This section provides an overview of planning considerations used in the evaluation of the proposed rezoning. The comments draw on input from City and agency staff, technical studies, applicable planning policies and guidelines, and an analysis of the proposed development, surrounding context and historical context.

## Provincial Policy Statement and Provincial Plans

The proposal has been reviewed and evaluated against the *Planning Act*, PPS and the Growth Plan. Staff have determined that the proposal does not have regard to the matters of provincial interest under the *Planning Act*, is not consistent with the PPS and does not conform with the Growth Plan.

Section 2(r) of the *Planning Act* states that municipalities, shall have regard to, among other matters, matters of provincial interest such as,

- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant.

The proposed development has been reviewed against the relevant and applicable policies of the Official Plan and design guidelines, as described in this report, and staff have determined that the proposed development does not have regard to relevant matters of provincial interest in section 2 of the *Planning Act*. The proposed built form is not designed to fit within its context and does not adequately limit its impacts on neighbouring properties.

Policy 4.7 of the PPS directs that the Official Plan is the most important vehicle for implementation of the PPS. The City has further implemented this requirement, in this area of the City, through the adoption of SASP 382 which identifies areas where substantial growth can occur and also areas where growth should be more modest. This is discussed further in this report under "Height, Massing, and Density". The Official Plan, design guidelines and applicable zoning provide direction on the appropriate scale, massing, height and separation distances between buildings for this site. As the proposed development has not addressed the policy direction in the Official Plan and its supporting documents, the proposal is not consistent with the PPS.

Policy 2.2.3(2) of the Growth Plan establishes that a minimum density target of 400 residents and jobs combined per hectare will be achieved by 2031 in the Downtown Urban Growth Centre ("UGC"). Currently, the Downtown UGC is on track to exceed this density target. The Growth Plan target density is the average for the entire Downtown UGC area, and it is not for any one particular area within Downtown. The proposed development is not required to meet or contribute to the minimum density target for the Downtown UGC. However, the Plan also recognizes in Section 5.2.4 that development is permitted beyond the minimum density targets provided that the type and scale of built form is contextually appropriate.

In planning to achieve the minimum intensification and density targets in the Growth Plan, municipalities are directed by Policy 5.2.5.6 to develop and implement urban design and site design Official Plan policies and other supporting documents that direct the development of a high quality public realm and compact built form. The City has implemented this requirement through the adoption of a number of policies and guidelines including SASP 382 for North Downtown Yonge, OPA 352 for tall buildings in the Downtown, the North Downtown Yonge Urban Design Guidelines, and the Tall Building Design Guidelines.

In this instance, the built form is not contextually appropriate and fails to meet the City's Official Plan policies and design guidelines for tall buildings and appropriate built form.

## **Land Use**

This application has been reviewed against the policies of the Toronto Official Plan as a whole, including SASP 382, and the relevant design guidelines described in the Issue Background Section of this report.

The site is currently designated *Mixed Use Areas* and *Apartment Neighbourhoods* in the Official Plan (see Attachment 9: Official Plan). The Official Plan Amendment application proposes to re-designate the site so that it is entirely *Mixed Use Areas*, amends SASP 382 to permit a 39-storey tower, and amends Policy 5.7.4 of SASP to allow 3.75 hours of incremental shadow on the 519 community hub, which includes Barbara Hall Park. The proposed land use designation and proposed amendments to SASP 382 are not appropriate.

*Mixed Use Areas* are intended to achieve a multitude of planning objectives by combining a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. Although *Mixed Use Areas* will absorb most of the anticipated increase in retail, office and service uses in the City, not all *Mixed Use Areas* will experience the same scale or intensity of development.

The properties at 552-570 Church Street and 66 Wellesley Street East are located in *Mixed Use Areas*, which is defined as a special character area in SASP 382 and is characterized by its low to mid rise scale, including many house form structures, and is not an area that is intended to provide the high density form of development with a significant mix of uses as envisioned for *Mixed Use Areas* in other areas of the Downtown, such as the *Financial District*.

The property at 64 Wellesley Street East is located within the *Apartment Neighbourhoods* designation in the Official Plan as well as the planning policy framework recently established through SASP 382. The policies of 2.3.1 of the Official Plan and the policies of OPA 320 classify areas designated as *Apartment Neighbourhoods* as physically stable areas and development in these areas will be consistent with this objective and will

respect the criteria contained in Policies 4.2.2 and the other relevant sections of the Official Plan.

The policies of SASP 382 represent the most recent planning framework for the area and are in-force and effect following Ontario Municipal Board approval. SASP 382 identifies low to mid-rise building as the appropriate built form for the Church Street Character Area. Additionally, Section 5.7 of SASP 382, states that the area is regarded as a stable area that should experience limited growth, both along Church Street and in the residential areas abutting and surrounding it.

Policy 5.7.3 of SASP 382 states that new development will cast no new net shadow on the parkland forming part of 519 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21<sup>st</sup> and September 21<sup>st</sup>. The proposal to allow 3.75 hours of incremental shadow during these hours is unacceptable and contrary to the policy direction established by SASP 382. The Tall Building Guidelines, Downtown Tall Building Guidelines and the Urban Design Guidelines for North Downtown Yonge identify parks as shadow sensitive areas that should be protected from incremental shadowing to improve the usability and enjoyment of parks.

The proposal to re-designate the entire site to *Mixed Use Areas* for a site-specific proposal to permit a 39-storey mixed-use building does not meet the intent of the Official Plan Healthy Neighbourhood Policies of Section 2.3.1 of the Official Plan, the OMB-approved built form policies established for North Downtown Yonge through SASP 382, the emerging policy direction in the Proposed Downtown Plan, the Council-adopted policies of OPA 320 (under appeal), including the relevant design guidelines.

### **Rental Housing Demolition**

An application for Rental Housing Demolition under Chapter 667 of the Municipal Code has been filed to permit the demolition of rental dwelling units on the site.

The Housing Issues Report submitted with the Rental Housing Demolition application indicated that the site contains 6 rental units located at 552-554 Church Street and 59 rental units located at 64 Wellesley Street East.

A City Council decision would be required for the Rental Housing Demolition application under Chapter 667 of the Municipal Code. Official Plan Policy 3.2.1.6 also applies to the proposed development.

The applicant has proposed to replace the rental dwelling units that would be demolished with units of similar size, type, and rents to those at the time the redevelopment application was made. A Tenant Relocation and Assistance Plan has been proposed to be developed in consultation with City staff.

Rental dwelling replacement units have been illustrated on the third, fourth and fifth levels of the proposed building. The configuration of some units within the corners of the floor plate on levels two and three would result in reduced usable floor areas resulting from long corridors within units. The layout of these units should be reconfigured or enlarged to achieve a faithful usable floor area replacement for these units. Furnished floor plans must be supplied by the applicant to demonstrate the usability of these and all rental replacement units as requested under the Rental Housing Demolition application.

Staff recommend that, if required, a Council decision on the application for Rental Housing Demolition under Chapter 667 of the Municipal Code be deferred, given the application for an Official Plan Amendment and Zoning By-law Amendment is not supported by Planning staff.

### **City-Owned Laneway**

The subject site is bisected by a City-owned public lane which has an approximate width of 2.4 metres and is 42.7 metres long. The lane extends northward from Wellesley Street East, terminating at the rear of the property at 570 Church Street. The proposal assumes development on top of the public lane and, as presented, is fully contingent on the closure and sale of the public lane. No permission has been granted, nor requested from City Council for the closure and sale of the public lane. If the required approval is not granted by City Council, the proposal will have to be substantially revised to protect the public lane. Furthermore, if the lane is not closed, the owner will be required to convey a 1.78 metre strip of land, on each side of the existing lane, to the City for widening purposes, in order to satisfy the Official Plan (Policy 2.2.3(c)) requirement of a 6 metre wide lane.

### **Height, Massing, and Density**

This application has been reviewed against the Official Plan policies, SASP 382, and relevant design guidelines described in the Issue Background Section of the Report.

The proposed height at 39-storeys is unacceptable. The proposal does not contribute to and reinforce the overall City structure and does not fit with the existing and/or planned context and should be refused. The proposal is not good planning and does not conform with built form policy and practice leading to a significant overdevelopment that would negatively impact the Church-Wellesley neighbourhood.

The site is located partly in the Church Street Village Character Area and partly in the Wellesley Wood Character Area of SASP 382 where the policies specify that the only development permitted in *Mixed Use Areas* and *Apartment Neighbourhoods* is to be sensitive low-scale infill that respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of the area. With respect to the policies of the Church Street Village Character Area of SASP 382, the proposed tall building is taller and larger in scale than the anticipated built form of low to mid-rise buildings.

The proposal to incorporate the property at 64 Wellesley Street East, which is in the Wellesley Wood Character Area, does not meet the intent of the in-force healthy neighbourhood policies of Section 2.3.1 and 4.2.2 of the Official Plan, does not meet the intent of the policies of OPA 320 (under appeal) and does not meet the policies of SASP 382.

The proposed building does not conform to the angular plane as set out in the in-force Official Plan policies for the Church Street Village Character Area and the existing zoning (see Attachment 8 – Angular Plane). Policy 5.7.2 of SASP 382 requires a base height of 16 metres and a 44 degree angular plane applied from Church Street. The intent of applying an angular plane is to maintain the character of the area and to maximize sunlight exposure on the public realm. The tower, starting from the 3<sup>rd</sup> storey, penetrates the angular plane established from the Church Street frontage, resulting in significant new incremental shadows on the 519 Church Street community hub, Barbara Hall Park and the sidewalks on Church Street.

The Tall Building Guidelines indicate that a minimum first floor height of 4.5 metres, however, the Guidelines and the emerging policy in the Proposed Downtown Plan indicate that floor-to-floor heights should consider the scale of surrounding ground floor heights. Further, the North Downtown Yonge Urban Design Guidelines state that the scale of the retail uses and articulation of shop fronts should be consistent with the prevailing scale and character of retail shops. The proposed mixed-use building has a ground floor height of 7.95 metres, which exceeds the ground floor heights of surrounding buildings and is unacceptable.

The height of the proposed base building is 22 metres, which exceeds the 16 metre base building height, established by the angular plane policies of SASP 382 (Policy 5.7.2) and reinforced in the North Downtown Yonge Urban Design Guidelines (see Attachment 8 – Angular Plane). Appropriate streetwall heights are determined by the predominant scale of the existing buildings on the street. In instances where buildings are permitted to be higher than the streetwall, a minimum setback will be imposed so that the higher portion does not overwhelm the street wall and pedestrian scale.

The massing of the proposal is not acceptable, particularly with respect to the size and placement of the lower tower portion from levels 5 to 19. The floorplates range from approximately 1,585 square metres on floors 6-8 to 880 square metres on floors 22-39. The tower floorplates are not consistent with the recommended size set out in the Tall Building Guidelines and the emerging policy direction in the Proposed Downtown Plan, especially within the lower tower portion of the building which would typically be considered part of the tower as it is located above the base building. The oversized floorplates (above the recommended 750 square metres) cause negative impact with regard to shadowing on surrounding streets, open spaces, and properties, sky view from surrounding streets, and overall scale of the building. In addition to the large floor plate sizes, wrap-around balconies on the tower further increase the perceived bulk of the building and the shadow cast onto the surrounding area.

The proposed height and massing of the building result in a development that is too dense. At 14.7 times the area of the lot, the proposed scale and density is greater than existing and planned densities in the Church Street Village Character Area.

In order to provide a suitable degree of privacy, sky view and daylight on the public realm and neighbouring properties, the Tall Building Guidelines, OPA 352 and Zoning By-law Nos. 1106-2016 and 1107-2016, state that a setback of 12.5 metres should be provided from the tower to adjacent property lines. The proposed tower is setback at varying distances to the property lines and overall provides insufficient tower separation distances. The uppermost section of the tower is setback 7.5 metres from the west property line and 11.7 metres from the northern property line, which is insufficient. The setbacks of the lower portions of the building range from 4.0-6.9 metres on the west side and 5.6-10.1 metres on the north side. These setbacks do not provide an appropriate interface with Paul Kane House Parkette to the west or the proposed tower development at 572 Church Street to the north.

The Tall Building Design Guidelines recommend placing towers away from streets, parks, open space, and neighbouring properties to reduce visual and physical impacts of the tower and allow the base building to be the primary defining element for the site and the adjacent public realm. The Guidelines recommend stepping back the tower a minimum of 3 metres from the face of the building along the street, and in some cases beyond 3 metres, for tall buildings to fit harmoniously within an existing context. On Wellesley Street East, the southwest corner of the tower is setback 1.7 metres from the base building, which is unacceptable. The proposed tower should have a minimum stepback of 3 metres to remove the overall massing from Wellesley Street East.

The proposed building does not provide appropriate tower separation distances, setbacks, or stepbacks required for tall buildings in the Official Plan, Tall Building Guidelines and Supplementary Downtown Tall Building Guidelines. Additionally, the proposed tall building results in significant new incremental shadows on the *Neighbourhoods* to the north, the 519 Church Street community hub, Barbara Hall Park and Paul Kane House Parkette.

### **Sun, Shadow**

The proposed new net shadows are unacceptable. Official Plan policies 3.1.2(3) and 4.5(2)(d) state that new development should be located and massed to limit shadowing on neighbouring streets, properties and open spaces, neighbouring parks and adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. Additionally, the Supplementary Downtown Tall Buildings Design Guidelines state that every effort will be made to design and orient tall buildings to minimize their shadow impact on all publicly accessible parks, open spaces, natural areas and other shadow sensitive areas.

The site is located across the street from Barbara Hall Park (formerly known as Cawthra Square Park), a 7,167 m<sup>2</sup> park that contains a playground, dog-off-leash-area, pathways, and other passive recreation (see Attachment 11: OPA 183 (SASP 382) Map 1: Character Areas). In support of the application, a Shadow Study was prepared by Bousfields Inc. The study shows that the proposed building will shadow the 519 community hub and Barbara Hall Park on March 21<sup>st</sup> and September 21<sup>st</sup> from approximately 1:30 PM until 5:15 PM.

Section 5.7, Church Street Village Character Area, of SASP 382 states that "the 519 Church Street community hub and surrounding park should be protected from new net shadow impacts of development and redevelopment." Further, Policy 5.7.3 of SASP 382 states "development/redevelopment will cast no new net shadow on the parkland forming part of 519 Church Street community hub for a period of 6 hours generally between the hours of 10:00 AM and 4:00 PM on March 21<sup>st</sup> and September 21<sup>st</sup>." Both of these policies are in full force and effect and were contested and settled as part of the Phase 1 OMB hearing for OPA 183. The new incremental shadow on 519 Church Street community hub and Barbara Hall Park does not conform to the policies in SASP 382 and the emerging policy direction in the Proposed Downtown Plan and are unacceptable. Additionally, Parks, Forestry and Recreation staff have indicated they do not support additional shadowing on the 519 Church Street community hub and Barbara Hall Park.

Policy 6.2.8 of SASP 183 states that development will minimize shadows on public parks, by location and massing, to preserve or improve the utility of such spaces in both a functional and qualitative sense. The proposal casts new incremental shadows on Paul Kane House Parkette from sunrise in March and September until approximately 11:30 AM.

On March 21<sup>st</sup> and September 21<sup>st</sup>, the proposal casts new incremental shadows on the low-rise *Neighbourhoods* on the north side of Dundonald Street between the hours of 9:18 AM and 12:18 PM, and on the low-rise *Neighbourhoods* north of Barbara Hall Park between the hours of 2:18 PM and 4:18 PM. Policy 4.5.2(d) of the Official Plan states that development will be located and massed so as to adequately limit shadow impacts on adjacent *Neighbourhoods*, particularly during the spring and fall equinoxes. The proposal does not achieve this.

## **Heritage Preservation**

The four properties included in the proposed development site are not currently on the City's Heritage Register. Contextually, the subject site is adjacent to three properties that have been designated under Part IV of the Ontario Heritage Act by City Council and included on the City's Heritage Register. These designated properties are located at 56 Wellesley Street East (Paul Kane House), 68-78 Wellesley Street East (William McBean Terrace) and the 519 community hub at 519 Church Street.



Heritage staff have reviewed a Heritage Impact Assessment (HIA) prepared by ERA Architects Ltd dated February 14, 2018 (amended HIA dated July 24, 2017) that was submitted as part of the Official Plan and Zoning Amendment application. Despite the conclusion of the HIA, staff have concluded that overall, the scale, form and massing of the base of the proposed tower is not compatible with the adjacent designated buildings in a number of ways, including, but not limited to, height, fenestration pattern and material selection.

The HIA includes an overview of the existing properties at 64 Wellesley Street East, 66 Wellesley Street East, 552-554 Church Street and 560-570 Church Street that are located within the proposed development site. An evaluation of 64 Wellesley Street East against Provincial Regulation 9/06 determines that this property meets three of the nine criteria used to determine cultural heritage value. Notwithstanding this determination, the conclusion in the HIA is not to retain, but rather to demolish 64 Wellesley Street East, which is not appropriate. Further, the HIA provides information about alterations to both 64 Wellesley Street East and 552-554 Church Street indicating that they have only been minimally impacted by alterations to date.

The information provided in the HIA for the properties at 64 Wellesley Street East, 66 Wellesley Street East, 552-554 Church Street and 560-570 Church Street, requires, in the opinion of heritage staff further research to determine the heritage value of the existing buildings on the development site which may warrant designation and therefore, an accompanying conservation strategy and heritage easement agreement as part of the Official Plan and Zoning Amendment application.

## **Wind**

A revised Pedestrian Wind Assessment prepared by RWDI was submitted with the revised proposal. The report measured wind at key pedestrian areas including main entrances, sidewalks, bus stops and the outdoor amenity area located on Level 5. The proposed development is expected to result in increased wind speeds along sidewalks on Church Street and Wellesley Street East and the bus stops. The study concludes that wind conditions are generally expected to be appropriate for the intended use; however, potentially uncomfortable conditions are expected at the sidewalks near the northeast and southeast corners of the building and the entrances closest to the south and east facades, during windy days in the winter. The outdoor amenity area on Level 5 is exposed to prevailing winds from the west, east and east-northeast direction in the summer. During the summer, the wind speeds are expected to be higher than desired for passive activities as winds are expected to downwash off the tower into this area. The study recommends localized wind control measures and design solutions as possible solutions to address the uncomfortable wind conditions. The report concludes that a detailed wind tunnel study should be conducted to quantify and confirm expected wind conditions.

## **Traffic Impact, Access, Parking**

In support of the revised proposal, the applicant's transportation consultant, BA Group prepared an Urban Transportation Considerations Update report, dated February 13, 2018. In this report, the consultant estimates that the proposed development is anticipated to generate a total of 75 and 70 two-way vehicle trips during the weekday AM and PM peak hours, respectively. This represents an increase of 20 two-way vehicle trips during the weekday AM and PM peak hours respectively. Given this level of estimated trip generation, the consultant concludes that the addition of site traffic to the boundary roads would have little impact on their operations and can be accommodated on the surrounding road network. All intersections are expected to operate at acceptable levels of service. Transportation Services staff have reviewed the study and agree with the conclusions on the report.

Given the narrow width of the public boulevard at the corner of the Wellesley Street East and Church Street intersection, the proponent is required to revise the applicable plans to indicate and add a notation to the plans to convey to the City, at a nominal price, a 5.0 metre corner rounding as required at the Wellesley Street East and Church Street corner of the property to satisfy the Official Plan requirement (Policy 2.2.3(c)) for additional width for sidewalk/pedestrian clearway purposes at the intersections, if the development were to proceed.

The proposed access to the site has been revised and will be obtained via a directional access Wellesley Street East, located approximately 40 metres west of Church Street. The proposed access on Church Street has been removed and the proposed access configuration is now acceptable to Transportation Services. Transportation Services will monitor the operation of the access driveway after the completion of the building and full occupancy. In the event that traffic generated by the site has a negative impact on the operations along Wellesley Street East, the owner is advised that the inbound and outbound left-turn movements at the proposed access driveway may be prohibited in the future either fully, or restricted during the A.M. and PM Peak periods through the enactment of appropriate By-laws by the City's Traffic Operations Section.

The plans show a total of 139 parking spaces in three levels of underground parking, consisting of 93 residential and 46 shared visitor and commercial parking spaces. The site statistics need to be revised to reflect the current total on the drawings. The proposed residential parking supply does not comply with the requirements of the Zoning By-Law. Based on the application of Zoning By-law 569-2013, the proposed residential parking supply of 93 parking spaces represents a shortfall of 159 parking spaces compared to the total requirement of 252 parking spaces. This represents an overall parking supply of 0.21 spaces per residential unit. Transportation Services accepts the residential parking rate based on the evidence and supporting information contained within the report. However, the applicant must provide further clarification and justification for the proposed reduction in the non-residential parking spaces.

A total of 487 bicycle parking spaces (424 long-term/occupant and 63 for short-term/visitor) are provided in the three levels of underground parking. Access to the bicycle parking spaces is obtained by a dedicated bicycle elevator accessible from the ground floor. The proposed amount of bicycle parking is satisfactory.

The application proposes one Type G and one Type B loading space, which does not comply with the requirements of Zoning By-law 569-2013, which requires one Type G, one Type A and two Type B. The proposed loading is not acceptable to Transportation Services as sufficient justification of the proposed loading supply has not been provided. Additionally, vehicular manoeuvring diagrams were not provided with the submission and must be provided to demonstrate that City garbage truck vehicles can enter and exit the site and the proposed Type G loading space in an acceptable manner.

These comments from Transportation Services are notwithstanding the fact that the applicant proposes a building over the city-owned laneway. These comments should not be interpreted as supporting the applicant's proposal to build on the city-owned laneway.

### **Servicing**

A Functional Servicing report was submitted with the Official Plan and Zoning By-law Amendment application and has been reviewed by staff and is currently unacceptable and requires further revisions.

### **Unit Mix**

Official Plan policies state that a full range of housing in terms of form, affordability and tenure arrangements will be provided and maintained to meet the needs of current and future residents. The PPS and Growth Plan for the Greater Golden Horseshoe contain policies to support the development of affordable housing and a range of housing to accommodate the needs of all household sizes and incomes. The Council-adopted Growing Up: Planning for Children in New Vertical Communities Design Guidelines also provide guidance on the proportion and size of larger units recommend in new multi-unit residential developments.

The proposed overall unit breakdown consists of 18% studio units, 52% one-bedroom units, 20% two-bedroom units and 10% three-bedroom units. The Guidelines mandate minimum unit sizes and the minimum number of 2 and 3-bedroom units. While the proposal achieves the minimum of 10% three-bedroom units and the minimum of 15% two-bedroom units, detailed floorplans showing the bedroom layouts and sizes were not provided. Staff are unable to determine how to proposal meets the objectives of the Growing Up Guidelines.

### **Open Space/Parkland**

The Official Plan contains policies to ensure that Toronto's system of parks and open spaces are maintained, enhanced and expanded. Map 8B of the Toronto Official Plan shows local parkland provisions across the City. The lands which are the subject of this application are in an area with 0 to 0.42 hectares of local parkland per 1,000 people. The

site is in the lowest quintile of current provision of parkland. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

At the alternative rate of 0.4 hectares per 300 units specified in Chapter 415, Article III of the Toronto Municipal Code, the parkland dedication requirement is 5,893 m<sup>2</sup> or 226 % of the site area. However, for sites that are less than 1 hectare in size, a cap of 10% of the development site is applied to the residential use while the non-residential use is subject to a 2% parkland dedication. In total, the parkland dedication requirement is 253 m<sup>2</sup>. As the public lane is owned by the City, this dedication requirement was calculated by using a net site area of 2,772.4 m<sup>2</sup> which deducts the area of the existing public lane and the required lane widening as per Transportation Services' comments. The park is to be unencumbered, uniform in shape and topography, with visibility and accessibility from public roads.

The expansion of the applicant's site to include the property at 64 Wellesley Street East has resulted in the property being adjacent to 60 Wellesley Street East, which is a city-owned property that forms part of Paul Kane House Parkette. While 60 Wellesley Street East is not formally designated as "Parks" in the Official Plan, it is the intent of the Parks, Forestry and Recreation Division to have the property at 60 Wellesley Street East designated as "Parks" in the near future.

Parks, Forestry and Recreation staff recommend that the required parkland dedication be provided on-site. The on-site parkland dedication will enhance the availability of green space in the vicinity of the development and should be located along the length of the western edge of the development site, adjacent to 60 Wellesley Street East and with frontage on Wellesley Street East. This location is appropriate as it will expand Paul Kane House Parkette.

### **Amenity Space**

The Official Plan requires that new development provide adequate indoor and outdoor amenity space for residents. The Zoning By-law establishes a standard minimum amenity space rate of two square metres indoor and minimum two square metres outdoor amenity space per dwelling unit. The proposal provides for 530 square metres of outdoor amenity space (0.8 square metres per unit) and 900 square metres of indoor amenity space (2 square metres per unit). The proposed reduction in the amount of outdoor amenity space is unacceptable and should be increased to be closer to the minimum standard.

### **Streetscape**

The site has frontage on both Church Street and Wellesley Street East. In general, Official Plan Policy 3.1.2.2(a) states that new development will be located and organized to frame and support adjacent streets to improve safety, pedestrian interest and views by generally locating buildings parallel to the street. The North Downtown Yonge Urban Design Guidelines indicate that new developments along Church Street should have a setback from the front property line to allow for enhanced streetscape design and wider sidewalks of a minimum of 6 metres. The design of the ground floor is such that east and

south exterior walls are tapered providing wider sidewalks towards the intersection. A unit paver is proposed for these setbacks areas between the building face and the sidewalks along Church Street and Wellesley Street East. The proposed distance from the building face to the curb on Church Street ranges from 3.4 metres at the north end of the site to 6.4 metres at the south end. On Wellesley Street East, the distance from the building face to the curb ranges from 4.8 metres at the west side of the site to 7.3 metres at the east end (see Attachment 6: Ground Floor Plan). However, the width of the pedestrian clearway is variable due to the presence of street trees, bicycle rings, and light standards located within the sidewalk area, which results in various narrower zones. Given the scale of the proposed development, as well as the prevailing character of significant building setbacks on Wellesley Street East, further opportunities to expand the existing sidewalks on Church Street and Wellesley Street East needs to be explored.

A "community flex space" is proposed at the corner of Wellesley Street East and Church Street; however, it is unclear how the space will be used or programmed. As designed, the space is interiorized and does not provide the perception of a publicly-accessible space.

### **Section 37**

Section 37 of the *Planning Act* allows the City to enter into an agreement with an applicant to grant a height and/or density increase for a particular project that is greater than the zoning by-law would otherwise permit in return for community benefits. Details of a Section 37 Agreement between the applicant and the City are only established in consultation with the Ward Councillor if the project is considered to be good planning and recommended for approval.

In the event that some form of development is approved by the LPAT and the LPAT grants additional height and/or density beyond that which is permitted in Zoning By-law 438-86 and City-wide Zoning By-law 569-2013, the City will request that the Ontario Municipal Board withhold their final order on the Zoning By-law until the City has an agreement with the applicant to secure appropriate community benefits.

### **Toronto Green Standard**

Council has adopted the four-tier Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of the Toronto Green Standard. Tiers 2, 3 and 4 are voluntary, higher levels of performance with financial incentives. Tier 1 performance measures are secured on approved site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

The applicant is required to meet Tier 1 of the TGS. If the LPAT ultimately approves an increase in height and/or density, recommendation 4(b) in this report is intended to secure development standards in compliance with Tier 1 of the TGS. TGS performance measures may also be secured through the Site Plan Control process.

## Conclusion

The proposal has been reviewed against the policies of the *Planning Act*, the PPS, the Growth Plan, the Toronto Official Plan, OPA 183/SASP 382, and design guidelines. Staff are of the opinion that the proposal does not have regard for matters of provincial interest in section 2 of the *Planning Act*, is not consistent with the PPS (2014), does not conform with the Growth Plan. Further, the proposal is not in keeping with the intent of the Toronto Official Plan, as the proposal does not respect the existing or planned built context for the site and the surrounding area, does not conform to built form policies, including the policies of SASP 382, and does not meet the City's Tall Building Guidelines, OPA 552, and the North Downtown Yonge Street Urban Design Guidelines. Further, the application does not align with the emerging policy direction in the Proposed Downtown Plan. The proposal does not represent good planning and is not in the public interest. Staff are seeking City Council's direction to attend the Local Planning Appeal Tribunal hearing to continue to oppose this application.

## CONTACT

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E-mail: Kate.Goslett@toronto.ca

Jym Clark, Planner (Housing Policy)  
Tel. No. 416-392-8124  
E-mail: Jym.Clark@toronto.ca

## SIGNATURE

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

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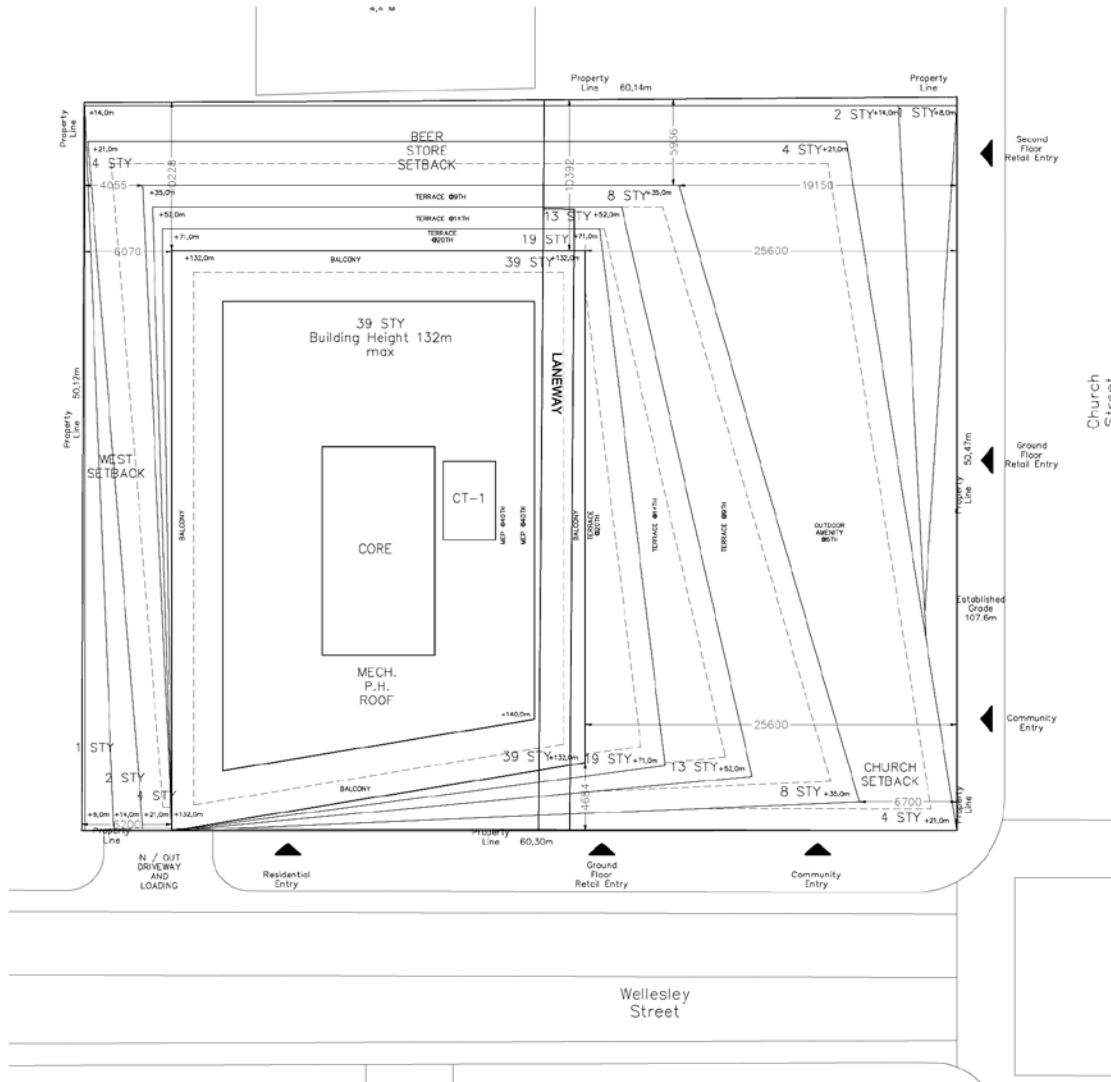
## ATTACHMENTS

Attachment 1: Site Plan  
Attachment 2: West Elevation  
Attachment 3: South Elevation  
Attachment 4: East Elevation  
Attachment 5: North Elevation  
Attachment 6: Ground Floor Plan  
Attachment 7: Roof Plan  
Attachment 8: Angular Plane  
Attachment 9: Official Plan  
Attachment 10: OPA 183 (SASP 382) Map 1: Character Areas  
Attachment 11: OPA 183 (SASP 382) Map 2: Open Space Network and Height Areas  
Attachment 12: Zoning By-law 569-2013  
Attachment 13: Application Data Sheet

Staff report for action – Request for Direction – 64-66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane



# Attachment 1: Site Plan



## Site Plan

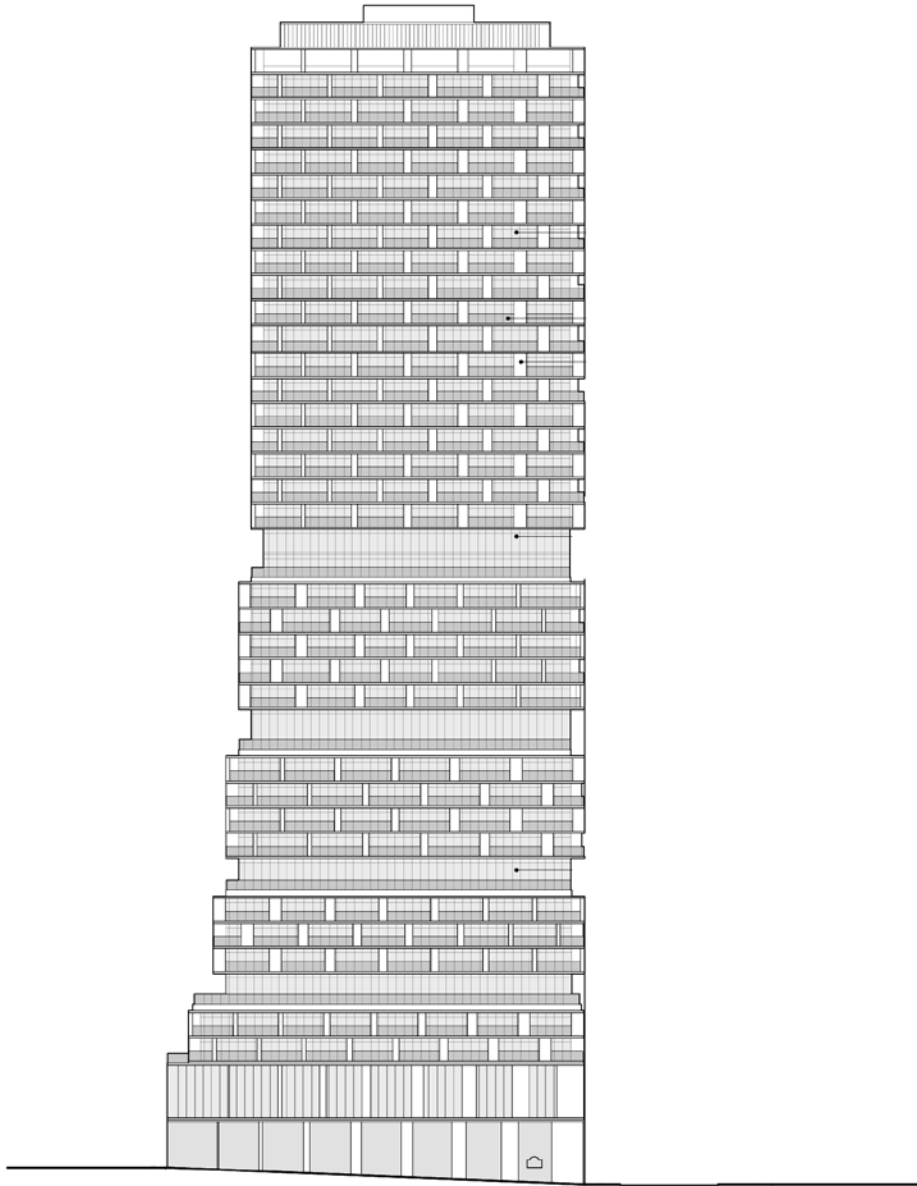
64-66 Wellesley Street East  
and 552-570 Church Street

Not to Scale   
03/15/2018

File # 17 210131 STE 27 OZ



**Attachment 2: West Elevation**



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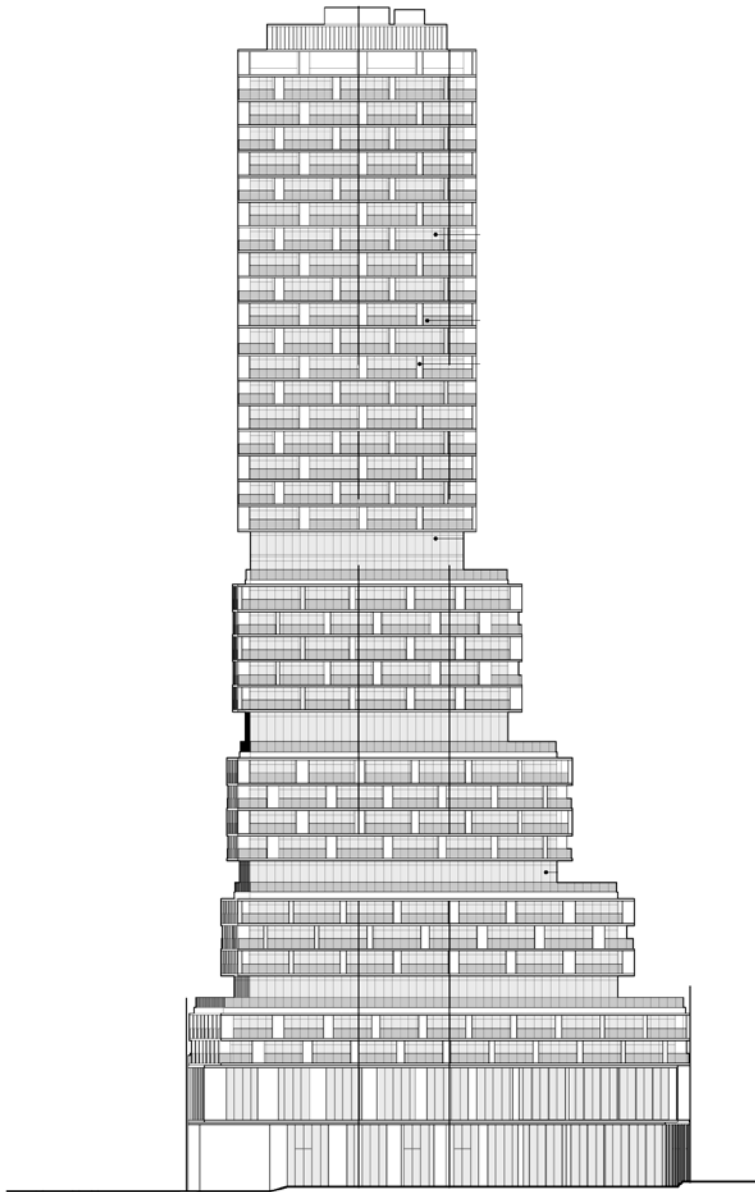
**West Elevation**

**64-66 Wellesley Street East  
and 552-570 Church Street**

Not to Scale  
03/05/2018

File # 17 210131 STE 27 OZ

### Attachment 3: South Elevation



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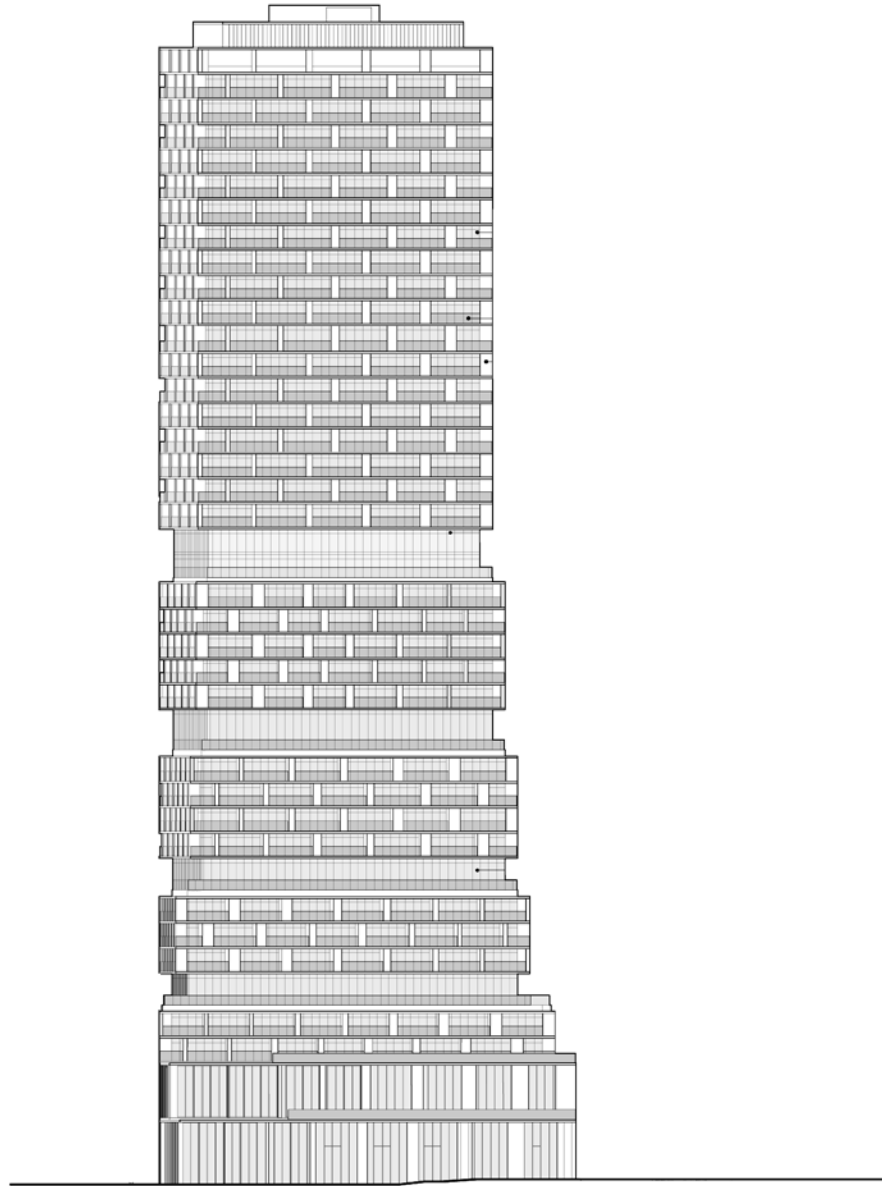
**South Elevation**

**64-66 Wellesley Street East  
and 552-570 Church Street**

Not to Scale  
03/05/2018

File # 17 210131 STE 27 0Z

**Attachment 4: East Elevation**



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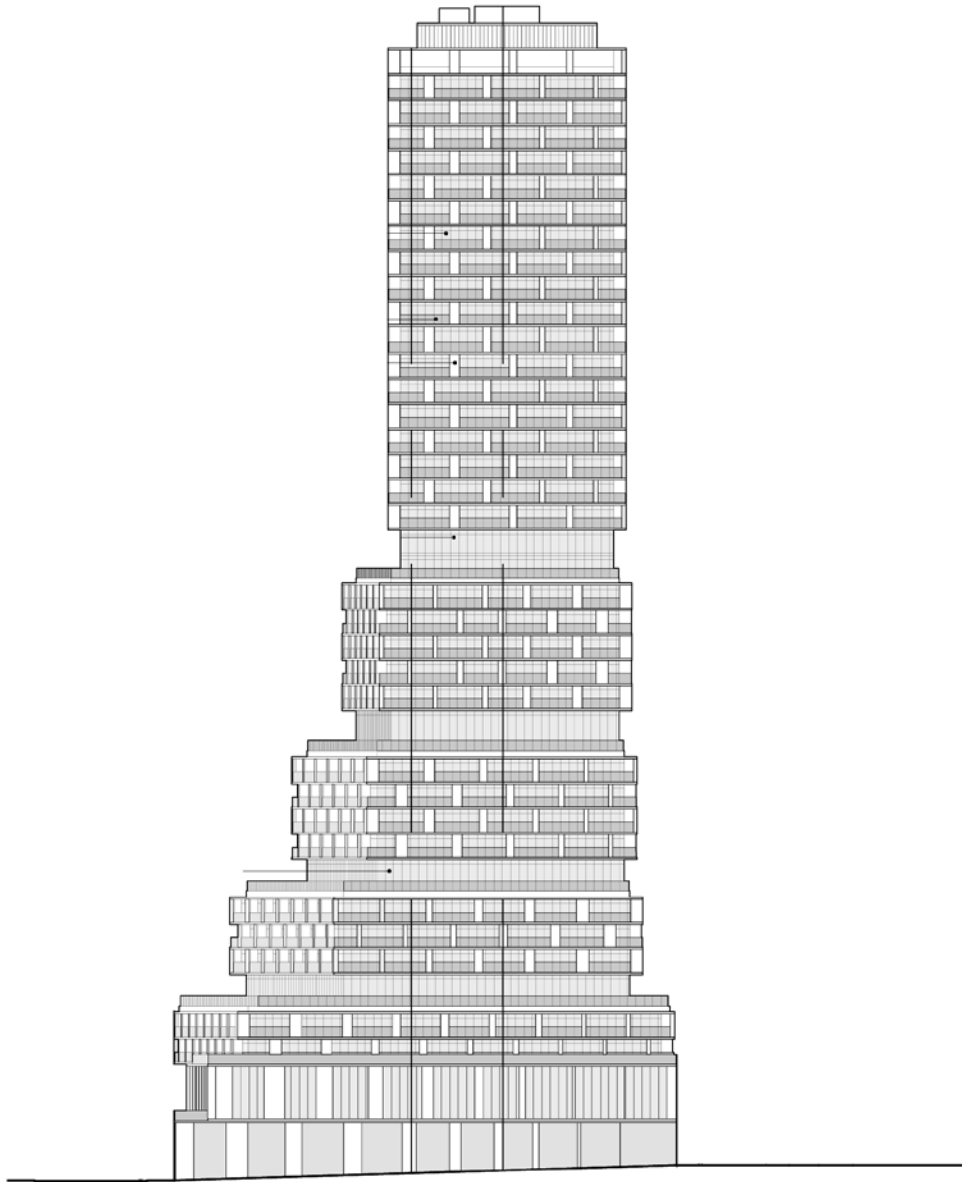
**East Elevation**

**64-66 Wellesley Street East  
and 552-570 Church Street**

Not to Scale  
03/05/2018

File # 17 210131 STE 27 0Z

## Attachment 5: North Elevation



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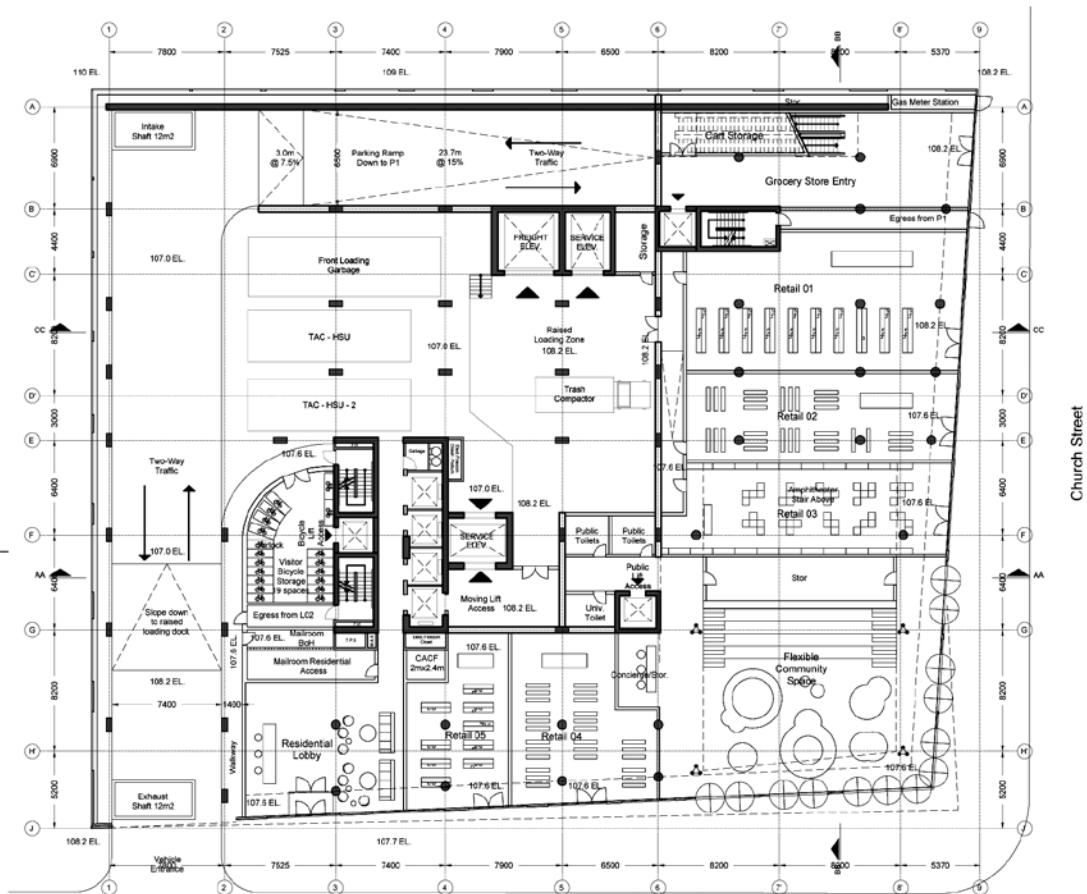
**North Elevation**

**64-66 Wellesley Street East  
and 552-570 Church Street**

Not to Scale  
03/05/2018

File # 17 210131 STE 27 0Z

# Attachment 6: Ground Floor Plan



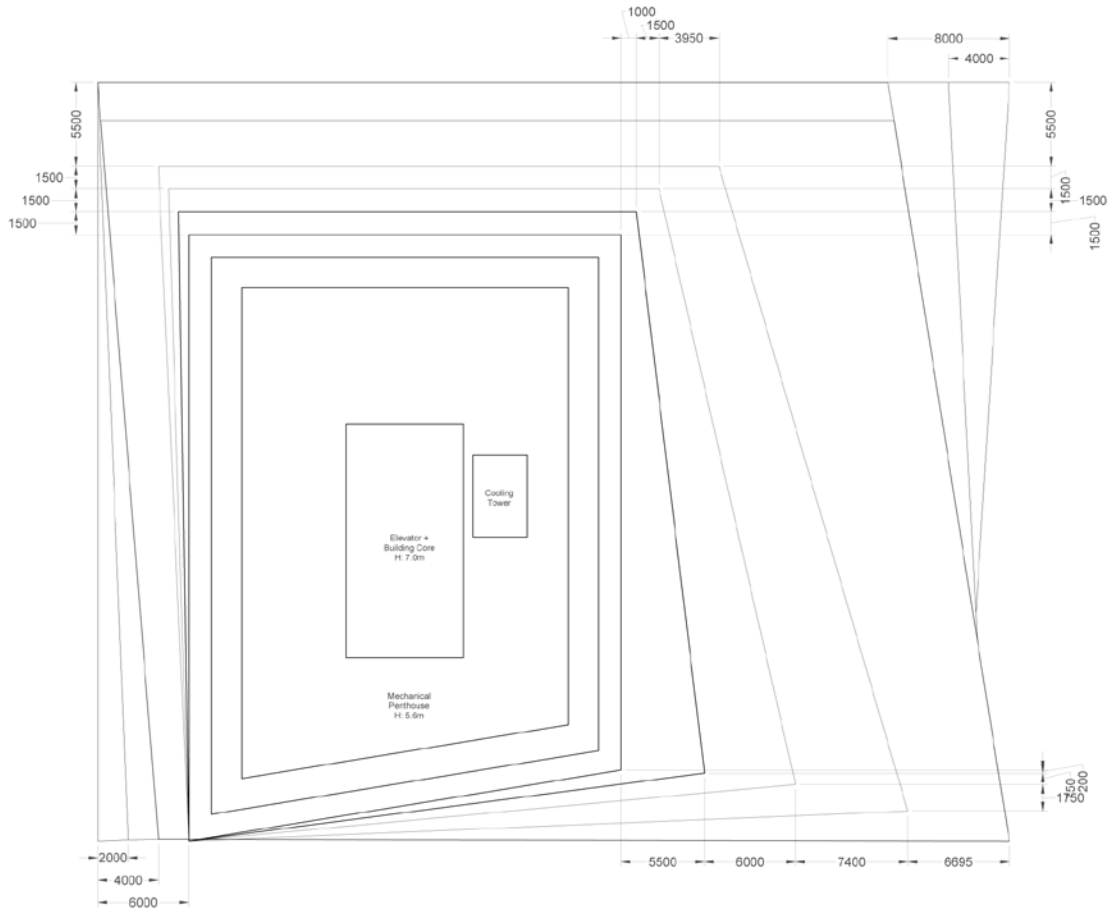
## Ground Floor Plan

64-66 Wellesley Street East  
and 552-570 Church Street

Not to Scale   
03/15/2018

File # 17 210131 STE 27 02

## Attachment 7: Roof Plan



### Roof Plan

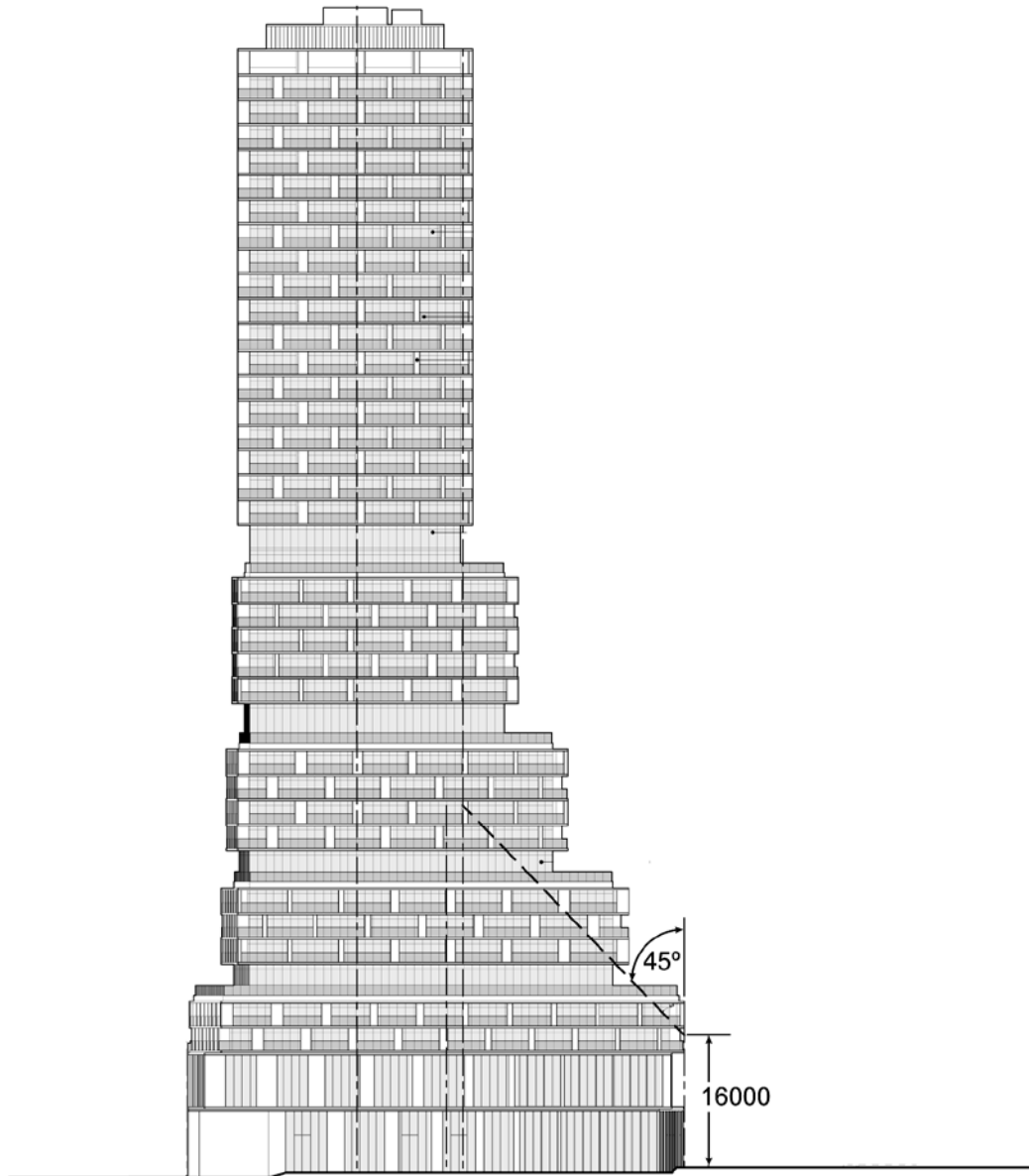
Not to Scale  
03/29/2018



64-66 Wellesley Street East  
and 552-570 Church Street

File # 17 210131 STE 27 OZ

## Attachment 8: Angular Plane



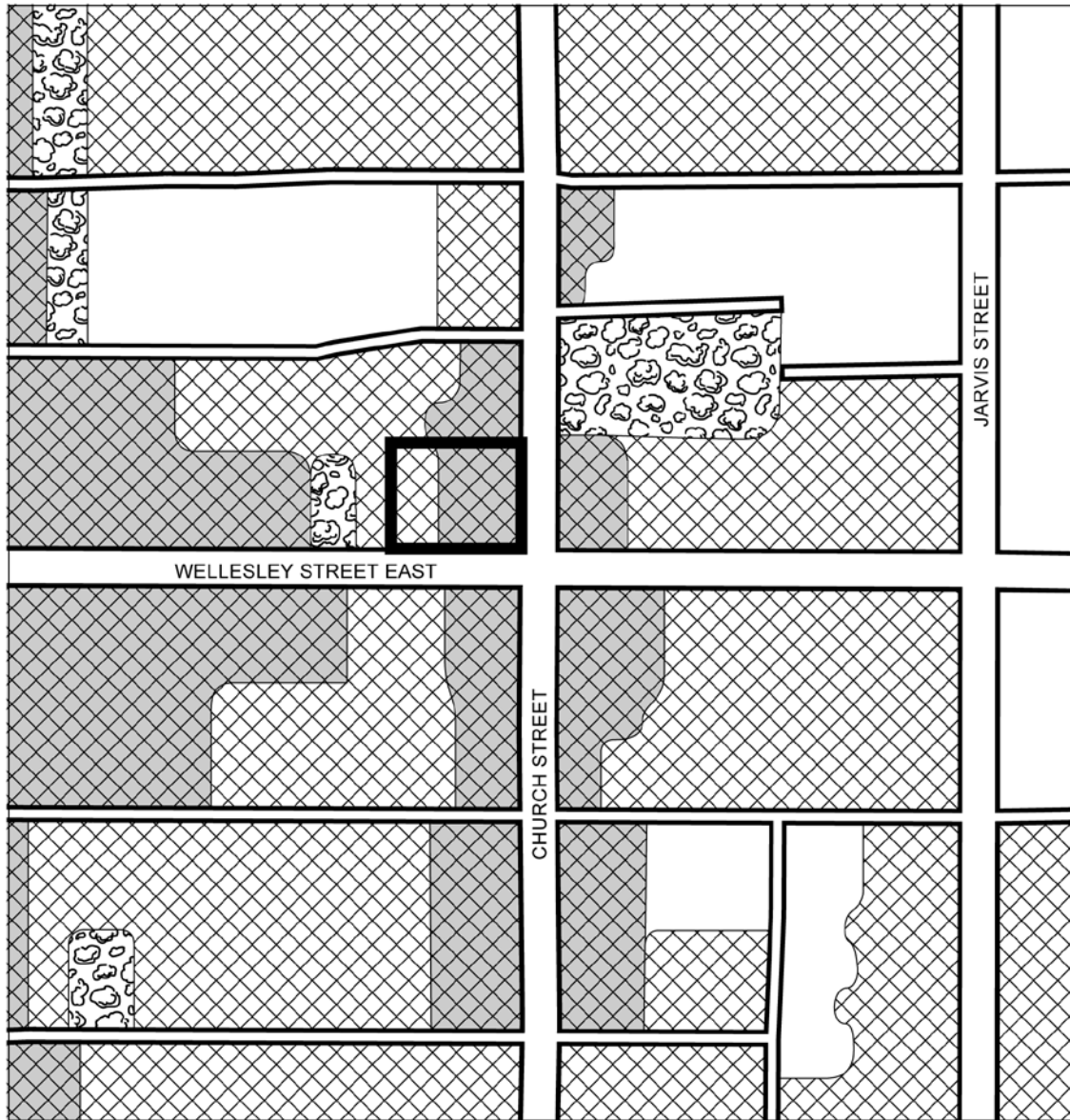
South Elevation 45° Angular Plane

64-66 Wellesley Street East  
and 552-570 Church Street

Not to Scale  
03/05/2018

File # 17 210131 STE 27 02

## Attachment 9: Official Plan



**TORONTO**  
 Extract from Official Plan

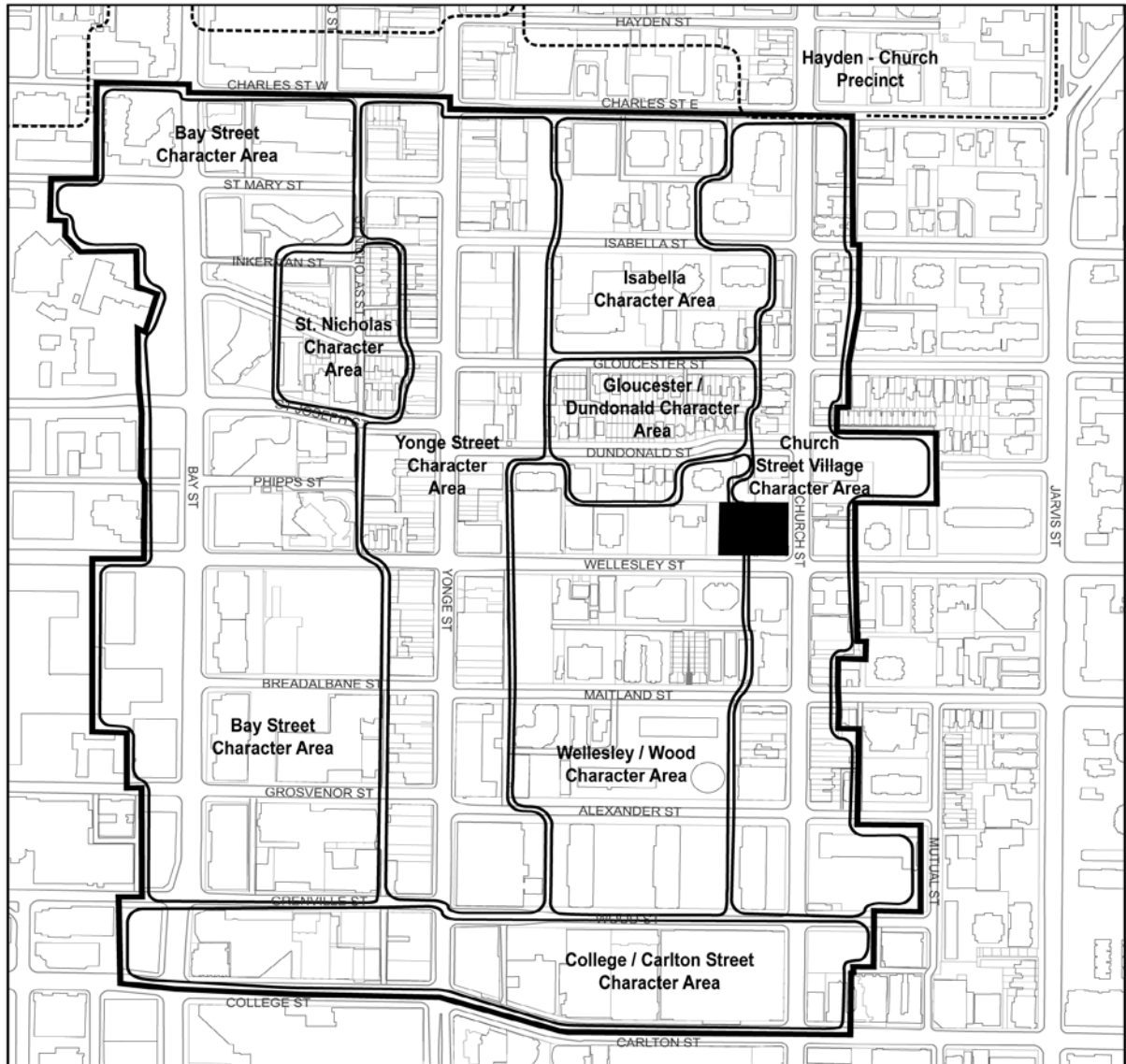
**64-66 Wellesley Street East  
 and 552-570 Church Street**  
 File # 17 210131 STE 27 OZ

- |  |  |
|--|--|
|  Site Location            |  Mixed Use Areas          |
|  Neighbourhoods           |  Parks & Open Space Areas |
|  Apartment Neighbourhoods |  Parks                    |

  
 Not to Scale  
 03/05/2018



Attachment 10: OPA 183 (SAPS 382) Map 1: Character Areas



**TORONTO** City Planning  
**Official Plan Amendment #183**  
**Map 1: Character Areas**

**North Downtown Yonge**  
**Planning Framework Study**

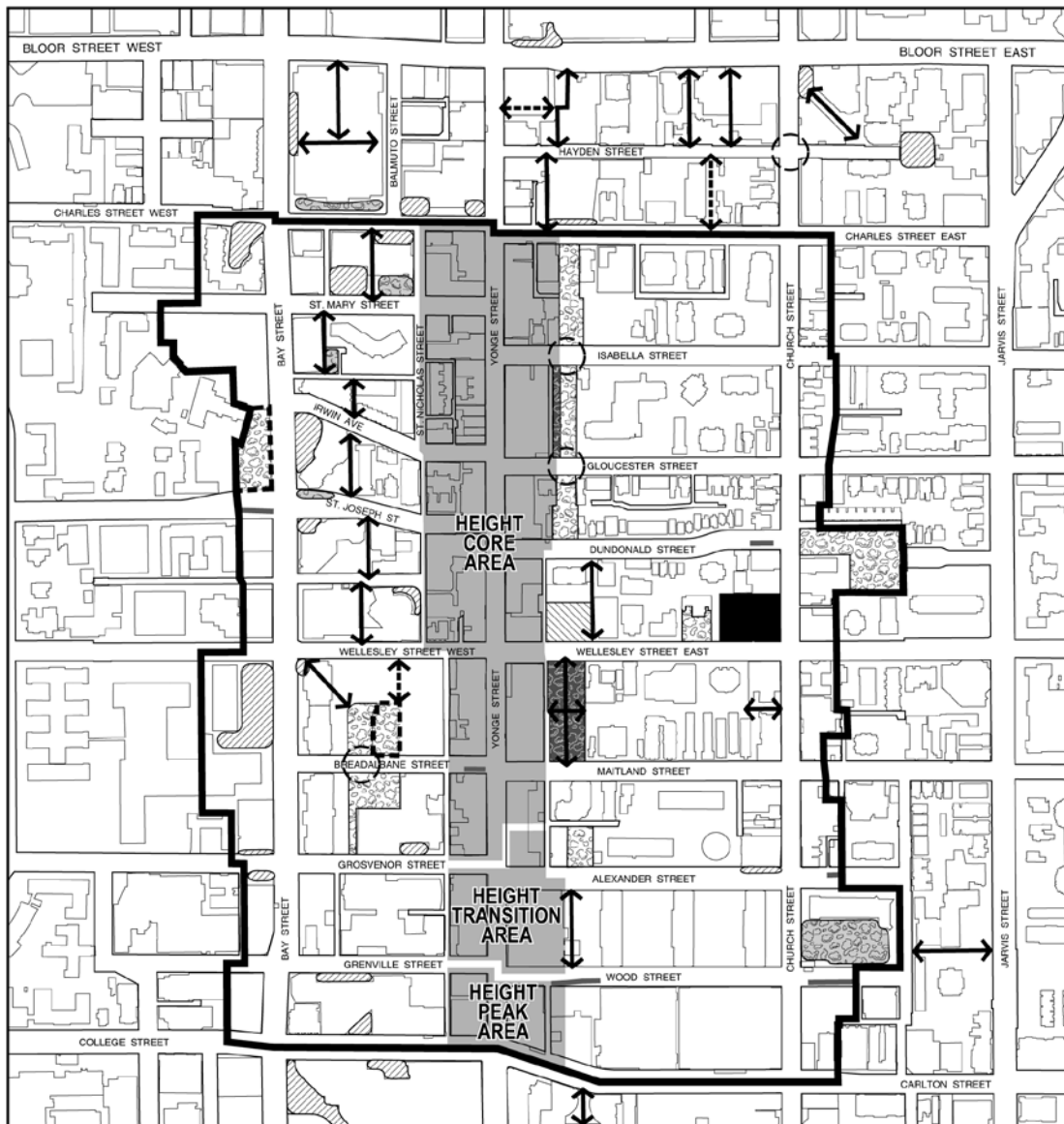
File # 11 247686

— Character Areas  
 ■ Subject Site



Not to Scale  
 03/29/2018

## Attachment 11: OPA 183 (SAPS 382) Map 2: Open Space Network and Height Areas



### Official Plan Amendment #183 Map 2: Open Space Network and Height Areas

### North Downtown Yonge Planning Framework Study

File # 11 247686

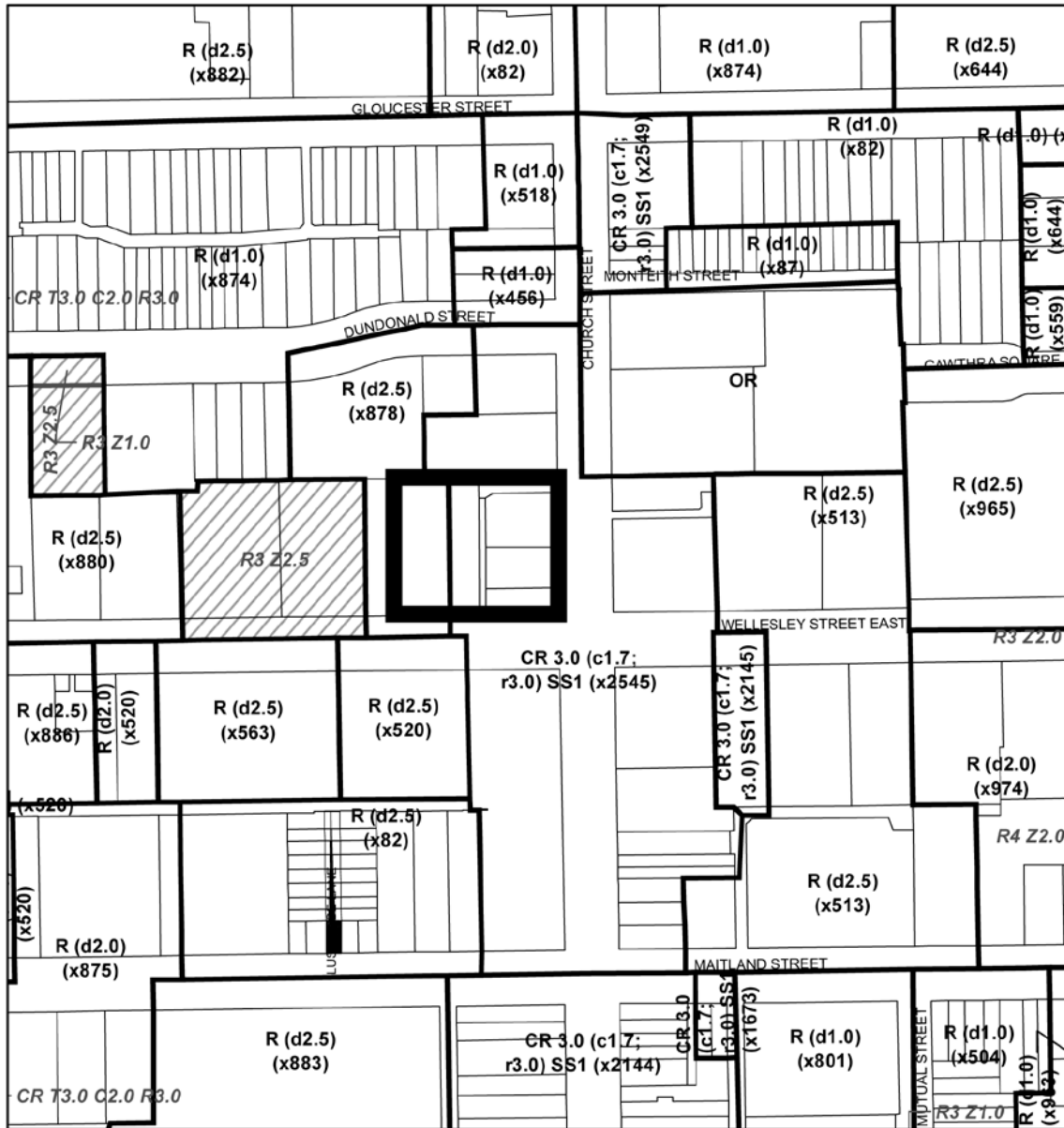
- |  |   |   |   |
|--|---|---|---|
| <ul style="list-style-type: none"> <li> Public Park</li> <li> New Public Park</li> <li> Green Open Space</li> <li> Courtyards, Forecourts and Squares</li> </ul> | <ul style="list-style-type: none"> <li> Potential Open Space Opportunity</li> <li> Publicly Accessible Green Roof</li> <li> Park Connections</li> </ul> | <ul style="list-style-type: none"> <li> Pedestrian Mid-block Connections</li> <li> Proposed Future Pedestrian Connections</li> <li> Boulevard Parking Transformation</li> </ul> | <ul style="list-style-type: none"> <li> Subject Site</li> </ul> |
|--|---|---|---|

Revised by Ontario Municipal Board Order to remove the lands known in 2015 as 81 Wellesley Street East

Not to Scale  
 03/29/2018

Staff report for action – Request for Direction – 64-66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane

## Attachment 12: Zoning By-law 569-2013



**64-66 Wellesley Street East and 552-570 Church Street**

**Zoning By-Law No. 569-2013**

File # 17 210131 STE 27 OZ

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

Not to Scale  
 Extracted: 03/15/2018

### Attachment 13: Application Data Sheet

**Municipal Address:** 64-66 WELLESLEY ST E & 552-570 CHURCH ST  
**Date Received:** August 2, 2017

**Application Number:** 17 210131 STE 27 OZ

**Application Type:** Official Plan Amendment/Zoning By-law Amendment

**Project Description:** A Zoning By-law Amendment and Official Plan Amendment application to redevelop the properties at 64-66 Wellesley St E and 552-570 Church St with a 39-storey mixed-use building (134 metres including mechanical penthouse), containing 442 dwelling units, 4,900 square metres of retail space and a 320 square metre public space at the corner of Church Street and Wellesley Street East.

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
PETER SMITH	JULIE ROBINSON (ONE PROPERTIES)	3XN & GRAZIANI + CORAZZA ARCHITECTS INC	ONE PROPERTIES

#### EXISTING PLANNING CONTROLS

Official Plan Designation:	Mixed Use Areas	Site Specific Provision: Y
	CR 3.0 (c1.7; r3.0)	
Zoning:	SS1(x2545) & R(d2.5)(x878)	Heritage Designation: N/A
Height Limit (m):	18	Site Plan Control Area: Y

#### PROJECT INFORMATION

Site Area (sq m): 3,029      Frontage (m): 60      Depth (m): 50

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):			1,300	<b>1,300</b>
Residential GFA (sq m):			39,550	<b>39,550</b>
Non-Residential GFA (sq m):			4,900	<b>4,900</b>
<b>Total GFA (sq m):</b>			<b>44,450</b>	<b>44,450</b>
Height - Storeys:			39	<b>39</b>
Height - Metres:			134	<b>134</b>
Lot Coverage Ratio (%): 42.9		Floor Space Index:	14.7	

<b>Floor Area Breakdown</b>	<b>Above Grade</b> (sq m)	<b>Below Grade</b> (sq m)
Residential GFA:	38,370	1,100
Retail GFA:	4,900	
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Rental:	65	65	377	<b>442</b>
Freehold:				
Condominium:				
Other:				
<b>Total Units:</b>	<b>65</b>	<b>65</b>	<b>377</b>	<b>442</b>

**Total Residential Units by Size**

<b>Rooms</b>	<b>Studio</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:				
Proposed:	81	229	86	46
<b>Total Units:</b>	<b>81 (18%)</b>	<b>229 (52%)</b>	<b>86 (20%)</b>	<b>46 (10%)</b>

**Parking and Loading**

Parking Spaces: 127      Bicycle Parking Spaces: 487      Loading Docks: 2

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