

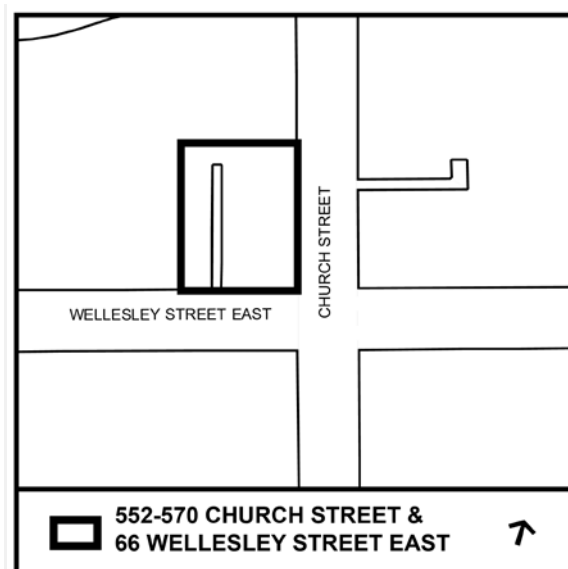
**66 Wellesley Street East and 552-570 Church Street and City-owned Public Lane – Official Plan and Zoning Amendment & Rental Housing Demolition Applications – Refusal Report**

<b>Date:</b>	November 8, 2017
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Acting Director, Community Planning, Toronto and East York District
<b>Wards:</b>	Ward 27 – Toronto Centre-Rosedale
<b>Reference Number:</b>	17 210131 STE 27 OZ & 17 210154 STE 27 RH

**SUMMARY**

This application proposes to amend the Official Plan and Zoning By-law to permit a 43-storey (162 metres, including mechanical penthouse) mixed-use building at 66 Wellesley Street East and 552-570 Church Street. An existing City-owned public lane is also included in the proposed development site. No authorization has been provided by the City to include the public lane in the development application.

An application for Rental Housing Demolition under Chapter 667 of the Municipal Code has been submitted and is being reviewed concurrently with the Official Plan and Zoning By-law Amendment application. The proposed development would involve the demolition of 6 existing rental units according to the application documents. 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.



A total of 127 vehicular parking spaces (92 resident and 35 visitor/commercial spaces) are to be provided in a 4-level underground parking garage.

Planning staff recommend that the application be refused. The site is located in the Church Street Village Character Area of Official Plan Amendment 183 also known as Site and Area Specific Policy 382 ("SASP 382"). SASP 382 replaced Site and Area Specific Policy 155 (SASP 155), which defined the special character of the area by the low-scale and form of existing buildings, including many house-form structures. It also stated that new development along this portion of Church Street will reinforce the existing retail uses, be compatible with existing residential uses nearby and conform to the low-rise scale of existing development.

SASP 382 builds upon SASP 155 and identifies that in the Church Street Village Character Area, development 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. Further, that this Character 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. As a policy in SASP 382 states, the only development permitted in *Mixed Use Areas* is sensitive low-scale infill that respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of this Character Area.

The proposal fails to achieve the required 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. It also casts new net shadow on the 519 Church Street community hub and Barbara Hall Park during the protected hours of 10:00 AM and 4:00 PM on March 21<sup>st</sup> and September 21<sup>st</sup>.

The site is not a tall building site and the proposal does not fit within the existing and planned context of the Church Street Village Character Area. There is no justification to amend the Official Plan and Zoning By-laws to permit the proposed tower development.

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 Ontario Municipal Board. Following the Ontario Municipal Board decision on any appeals of the Official Plan and Zoning By-law Amendment application, the Section 111 permit application will return to Council for consideration, if necessary.

A community consultation meeting is scheduled for November 28, 2017, where the community can review the application, provide comments, and ask questions of City staff and the applicant. A supplementary report will be sent to Council reporting on the outcome of the community consultation meeting.

## RECOMMENDATIONS

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### The City Planning Division recommends that:

1. City Council refuse the application for Official Plan and Zoning By-law Amendments at 66 Wellesley Street East, 552-570 Church Street and a City-owned Public lane for the reasons contained in this report.
2. Staff report directly to City Council regarding the community consultation meeting scheduled for November 28, 2017 for the lands at 66 Wellesley Street East and 552-570 Church Street on any further recommendations arising from the meeting.
3. City Council authorize the City Solicitor together with City Planning and other appropriate staff to appear before the Ontario Municipal Board in support of City Council's decision to refuse the application, in the event that the application is appealed to the Ontario Municipal Board.
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 six existing residential rental dwelling units at 552-570 Church Street and 66 Wellesley Street East and instruct staff to report on the Section 111 application to Toronto and East York Community Council at such time as an Ontario Municipal Board decision has been issued regarding any appeals on the Official Plan and Zoning By-law Amendment application for 66 Wellesley Street East, 552-570 Church Street and public lane, if necessary.
5. In the event that the Ontario Municipal Board allows the appeal in whole or in part, City Council direct the City Solicitor to request the Ontario Municipal Board 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 Development Engineering;
  - b. The owner has satisfied the Toronto Green Standard – Tier 1 requirements;
  - c. The owner has provided draft by-laws to the Board in a form and with content satisfactory to the Director, Community Planning, Toronto East York District and the City Solicitor, including 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;

- d. 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 six existing rental dwelling units at 66 Wellesley Street East and 552-570 Church Street; and
- e. The owner and the City has secured appropriate community benefits in consultation with the Ward Councillor together with any matters to be secured as a matter of convenience with the final allocation and distribution determined by the Chief Planner and Executive Director, City Planning, and enter into and register an Agreement to secure those benefits, pursuant to Section 37 of the *Planning Act*.

### **Financial Impact**

The recommendations in this report have no financial impact.

### **DECISION HISTORY**

At the meeting of November 15, 2013, City Council adopted Official Plan Amendment 183 (OPA 183) relating to the North Downtown Yonge Site and Area Specific Policy 382 (SASP 382). Seventeen (17) appellants subsequently appealed OPA 183 to the Ontario Municipal Board (OMB). On June 21, 2016 and November 18, 2016, the OMB modified certain aspects of the area-specific policies and brought many provisions into effect. A summary of the in force and effect polices of SASP 382 that apply to the site is contained within this report.

### **Pre-application Consultations**

A pre-application meeting was held on July 12, 2016 with City staff and the applicants. Staff advised that a tower proposal would not be supported on the subject site.

A second pre-application meeting was held on July 6, 2017 with City staff and the applicants. A 42-storey tower was presented. Staff advised that a tower proposal would not be supported.

An e-mail was sent to the applicants on July 25, 2017, with the requested complete application checklist, advising that the proposal does not reflect the scale of development envisioned for the Church Street Village Character Area as outlined in OMB approved policies of OPA 183 and SASP 155. The applicant was also advised that the application would require City authorization to include the public lane in the application.

Notwithstanding the concerns raised by City staff, and the requirement for City authorization for the lane, an application was submitted on August 3, 2017.

### **ISSUE BACKGROUND**

#### **Proposal**

This application proposes a new 43-storey (155 metres, plus a 7-metre mechanical penthouse) mixed-use building with commercial and retail uses on the first two floors (1,400 square metres)

and residential uses above, including 430 residential units at 552-570 Church Street and 66 Wellesley Street East. The overall density proposed is 18.0 times the area of the site.

The 4-storey (23-metre) base building is virtually built to all property lines, other than small angled setbacks along Church Street and Wellesley Street East. The ground floor consists of the residential lobby, retail and a 260 square metre "community flex space". The ground floor is set back at the corner of Church Street and Wellesley Street East. The second storey is exclusively retail space and the third and fourth storeys are used for mechanical space and residential units. The 6 rental replacement units are to be located on the third floor facing Wellesley Street East. The indoor and outdoor amenity space is provided on the fifth floor.

The following figure summarizes the development statistics. See Attachment 13: Application Data Sheet for more information.

Figure 1: Site Statistics

<b>Category</b>	<b>Proposed Development</b>
Site Area	1,989 square metres
Building Height	43 storeys (162 metres including mechanical)
Base Building Height	23 metres (4 storeys)
Base Building Setbacks	
- South	0 metres
- West	0 metres
- North	0 metres
- East	0-1.7 metres
Tower Floor Plate	750-1000 square metres
Gross Floor Area	
- Residential	34,550 square metres
- Retail/Commercial	1,450 square metres
Total	36,000 square metres
Floor Space Index	18
<b>Category</b>	<b>Proposed Development</b>
Number of Dwelling Units	
- Bachelor	50
- 1 Bedroom	236
- 2 Bedroom	102
- 3 Bedroom	42
Total	430
Replacement Residential Rental Units	6

Tower Stepbacks	
- South	3 to 10.9 metres
- West	5.5 metres
- North	5.25 to 10 metres
- East	3.8 to 12.3 metres
Vehicle Parking	
- Residential	92
- Visitors/Commercial	35
Total	127
Bicycle Parking	
- Residential Occupants	387
- Residential Visitors	43
Total	430
Residential Amenity Space	
- Indoor	860 square metres (2 square metres per unit)
- Outdoor	399 square metres (0.9 square metres per unit)

A 4-level underground parking garage is proposed with 127 vehicular parking spaces and 430 bicycle parking spaces. Access to the ground level loading facility and underground parking is provided via two driveways: a one-way right-in only access from Church Street and a two-way from Wellesley Street East.

## 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 public lane which is fully within the site.

The site is rectangular in shape and has a total area of 1,989 square metres with frontage along Church Street of 50.5 metres and 39.7 metres on Wellesley Street East. The site includes 4 properties which front onto Church Street and 1 property which fronts onto Wellesley Street East (See Figure 2). A public lane bisects the site running north along the rear of the Church Street properties.

Figure 2: Site Description

Address	Description	Rental Units
66 Wellesley St. E.	4-storey commercial building	0
<b>Public Lane</b>		
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 existing 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, there is an existing 4-storey commercial building at 557 Church Street.
- East:** At the northeast corner of Church Street and Wellesley, 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 corner of Wellesley Street 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 building. 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 approved 28-storey building at 81 Wellesley Street East and two mid-rise buildings at 9 and 7-storeys at 85 and 91 Wellesley Street East.
- West:** Immediately west of the site is a 5-storey rental residential apartment building at 64 Wellesley Street East. Further west, is the Part IV heritage designated property at 56 Wellesley Street East known as Paul Kane House and Parkette. Further west is an approved, not yet built 37-storey mixed use building fronting Wellesley Street with a 10 unit row of townhouses at 46 Wellesley Street East.

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

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

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

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

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

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



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

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

### **City of Toronto Act**

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 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*.

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 By-law 885-2007 are not appealable to the Ontario Municipal Board.

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.

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.

### **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 prepared 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.

Official Plan Amendment 352 ("OPA 352") (currently under appeal), which applies to tall buildings in the Downtown, was adopted by City Council on October 5-7, 2016. The policy is implemented by associated Zoning By-laws (i.e. By-law Nos. 1106-2016 and 1107-2016), enacted on November 9, 2016. These policies are 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.

The site is designated “*Mixed Use Areas*” on Map 18 – Land Use Plan in the Official Plan and is subject to Policy 4.5. This designation permits a range of residential, commercial and institutional uses. 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.

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, six 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.

### **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 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 SASP 382.

SASP 382 provides direction in 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 SASP 382 remain under appeal at the OMB 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 OMB in the Phase I hearing and are in full force and effect and apply to the site.

The site is located within the Church Street Village Character Area 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 new net shadow impacts of development and redevelopment.

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] (under appeal) 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.

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 site is 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 Church Street Village Character Area will maintain the existing 44 degree angular plan, 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 zone 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.

## **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 1 in Section 5.3.2 Implementation Plans and Strategies for City-Building, 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 properties are also located within an area that is 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.

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 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 and scale and separation distances between buildings. Specifically, the Guidelines indicate that the height of 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 stepbacks.

SASP 382 clearly state that this site is not appropriate for a tall building in this context and given the special character of the Church-Wellesley neighbourhood, the Downtown Tall Buildings do not specify height for this location.

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

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

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

Map 11-C of the new Proposed Downtown Plan designates this site 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.

Policy 6.4 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*;
- sites adjacent to *Parks and Open Space Areas, Neighbourhoods, Mixed Use Areas 3 and Mixed Use Areas 4* where the size of the site limits the ability to achieve transition to these open space and/or lower scale areas.

Policy 6.5 states that "tall buildings will generally have floorplates no larger than 750 square metres, unless for institutional and commercial uses and where it can be demonstrated to the satisfaction of the City that the impacts of a larger floorplate can sufficiently mitigated and that the increase in intensity of the development is appropriate."



With respect to shadows, Policy 6.16 states that "development will make best efforts to the satisfaction of the City to minimize shadows to preserve the utility of sidewalks, parks, open spaces, school yards and buildings, child care centres, playgrounds, institutional open spaces, private open spaces, outdoor amenity spaces and POPS." Policies 6.17 and 6.18 outline that development will not cast net-new shadows as measured from March 21 to September 21 from 10:18 a.m. – 4:18 p.m. on Parks and Open Spaces indicated on Map 3 and on all school yards.

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

## **Zoning**

The site is 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 both Church Street and Wellesley Street East frontages (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.

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 site is zoned CR 3.0 (c1.7 r3.0) SS1 (x2545) in Zoning By-law 569-2013 (refer to Attachment 12 – Zoning Map). The CR zone permits a range of uses similar to the former designation under Zoning By-law 438-86. The (x2545) provision indicates site specific permissions and exceptions that are carried over from Zoning By-law 438-86.

## **Site Plan Control**

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

## **Reasons for Application**

The proposal requires an Official Plan amendment to SASP 382. SASP 382 states new development shall conform to the low scale of existing development and the proposal is to construct a 43-storey building. 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; reduction of the outdoor amenity space requirements; reduction in parking space rates; and other development standards that will require site specific zoning provisions.

## **Application Submission**

The following reports/studies were submitted in support of the applications:

- Boundary and Topographical Survey;
- Planning & Urban Design Rationale;
- Architectural Plans;
- Concept Site Landscape Plan and Tree Protection & Removal Plan;
- Rental Housing Demolition and Conversion Declaration of Use & Screening Form and Rental Housing Demolition Form;
- Sun Shadow Study;
- Housing Issues Report;
- Community Services & Facilities Report;
- Draft Official Plan Amendment;
- Draft Zoning By-law Amendment;
- Public Consultation Strategy;
- Heritage Impact Assessment;
- Urban Transportation Considerations Report;
- Pedestrian Level Preliminary Wind Assessment;
- Functional Servicing & Stormwater Management Report;
- Geotechnical Assessment;
- Hydrogeological Assessment;
- Phase 1 Environmental Assessment;
- Phase 2 Environmental Assessment;
- Supplemental Environmental Investigation;
- Archaeological letter;
- Energy Strategy;
- Toronto Green Standards Development Checklist; and
- Arborist I Tree Preservation Report & Declaration.

A Notice of Complete Application was issued on October 20, 2017 deeming the application complete as of August 2, 2017.

## **Community Consultation**

Planning Staff have scheduled a Community Consultation Meeting for November 28, 2017. Staff will report directly to City Council on any further recommendations arising from the community consultation meeting.

Notice has been sent to the tenants by the applicant, informing them about the Rental Housing Demolition application and its process. A tenant meeting will be required as part of the application.

## **Agency Circulation**

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the proposal.

Staff report for action – Refusal Report – 66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane

## 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

Staff are of the opinion that the proposed development application does not have regard to relevant matters of provincial interest in Section 2 of the *Planning Act*, is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017).

In particular, the proposed development does not have regard to relevant matters of provincial interest in Section 2 of the *Planning Act* as the proposal does not provide for a built form that is well-designed.

The proposal is not consistent with the Provincial Policy Statement (PPS) 2014. Policy 1.1.3.6 states that "new development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*."

The Official Plan is the most important vehicle for implementation of the PPS as per Policies 4.7 and 4.8. The City has implemented this requirement through the adoption of OPA 183 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 "Density, Height, Massing". 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 (2014).

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

## **Land Use**

The site is designated *Mixed Use Areas* in the Official Plan. It is intended that *Mixed Use Areas* 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. *Mixed Use Areas* are to be areas where residents will be able to live, work, and shop in the same area, or even in the same building, giving people an opportunity to depend less on their cars, and create districts along transit routes that are animated, attractive and safe at all hours of the day and night. 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 highest buildings and greatest intensity will typically occur Downtown, particularly in the *Financial District*.

The site is located in an area with a special character defined by the low scale and form of existing buildings, including many house form structures, and is not an area that is intended to provide the high density form of development that could provide a significant mix of uses as envisioned for *Mixed Use Areas* in other areas of the Downtown, such as the *Financial District*. A moderate mix of residential and retail and/or office uses in a low to mid-rise scale is considered appropriate for this site.

## **Rental Housing Demolition**

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

The Housing Issues Report submitted with the Rental Housing Demolition application indicated that the site contains six dwelling units, all rental tenure. The application indicated one of the six units was occupied, the rest being vacant at the time the application was made. A site inspection by a City housing planner has not yet been undertaken which would confirm the existing rental housing component of the subject site.

A City Council decision would be required for the Rental Housing Demolition application given Chapter 667 of the Municipal Code applied. 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.

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 Re-zoning is not supported by Planning staff.

## **City-Owned Laneway**

The subject site is bisected by a public lane which has an approximate width of 2.4 metres and is 42.7 metres long. The proposal intends to incorporate the public lane, which extends northerly from Wellesley Street East, into the proposed development site. The proposal in its current form is contingent upon City Council's approval of the closure and sale of the public lane.

## **Density, Height, Massing**

This is not an appropriate site for a tall building and the proposed height at 43-storeys is unacceptable. The site is subject to SASP 382 which defines the built form of this special character area as low to mid-rise scale. 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 analysis demonstrates a significant lack of consistency with good planning and built form policy and practice leading to a significant overdevelopment that would negatively impact the Church-Wellesley neighbourhood.

The site is located in the Church Street Village Character Area of OPA 183 where the policies specify that the only development permitted in *Mixed Use Areas* is sensitive low-scale infill that respects and reinforces the general physical character, pattern, scale, massing, setbacks and heritage value of this Character Area.

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. 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 entire tower, starting from the 4<sup>th</sup> storey, penetrates the angular plane established from the Church Street frontage, resulting in new incremental shadows on the 519 Church Street and Barbara Hall Park and the sidewalks on Church Street.

The height of the proposed base building is 23 metres, which considerably 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. 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 stepback will be imposed so that the higher portion does not overwhelm the street wall and pedestrian scale.

In order to provide a suitable degree of privacy, sky view and daylight on the public realm and neighbouring properties, the Tall Building Guidelines and OPA 352 (under appeal) 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. From the western property line, the tower is setback 5.5 metres and from the northern property line, the tower is setback between 5.25 metres to 10 metres, which is unacceptable.

The tower floorplates are larger on the lower floors and smaller on the upper floors, ranging from approximately 800 to 1000 square metres on floors 8-19, and 750 square metres on floors 22 to 43. While the upper floors generally meet the tower floorplate sizes of the Tall Building Guidelines, the lower floor plates are too large, causing negative impact with regard to shadowing on surrounding streets, open spaces, and properties, sky view from surrounding streets, and overall scale of the building.

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 new incremental shadows on the *Neighbourhoods* to the north and adjacent 519 Community Centre and Barbara Hall Park. As stated in the Tall Building Guidelines, tall buildings on sites that are too small to provide the minimum tower setbacks and stepbacks results in negative impacts on the quality of the public realm, neighbouring properties, the living and working conditions for building occupants, and the overall liveability of the City. The above demonstrates that this proposal is not meeting the Tall Building Guidelines, however, even if it met these guidelines, it would not be supported by staff as this is not an appropriate location for the a tall building.

## **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 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. In support of the application, a Shadow Study was prepared by Bousfields Inc. The study shows that the proposed building will shadow Barbara Hall Park on March 21<sup>st</sup> and September 21<sup>st</sup> from approximately 1:16 PM until 5:18 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 settled as part of the Phase 1 OMB hearing for OPA 183. The new incremental shadow on 519 Church Street and Barbara Hall Park does not conform to the policies in SASP 382 and are unacceptable. Additionally, Parks, Forestry and Recreation staff have indicated they do not support additional shadowing on Barbara Hall Park.

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. 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 properties included in the proposed development site are not currently on the City's Heritage Register. Contextually, the subject site is adjacent to a number of properties on the City's Heritage Register at 56 Wellesley Street East (Paul Kane House), the commercial block at 68-78 Wellesley Street East (William McBean Terrace) and 519 Church Street.

The applicant has submitted a Heritage Impact Assessment (HIA) prepared by ERA Architects Ltd dated July 24, 2017, that is incomplete and contains errors. The HIA incorrectly identifies 68 Wellesley Street East as being a listed property; however, it is designated under Part IV of the Ontario Heritage Act (Bylaw 914-2014). Also, the HIA includes a brief overview about the existing buildings on the development site and concludes that none of the buildings should be retained as part of the new development project. Heritage Preservation Services (HPS) staff have not been able to complete their review of the proposal as revisions to the HIA are necessary.

## **Wind**

The Pedestrian Wind Assessment prepared by RWDI 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, northwest, 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. A detailed wind tunnel study should be conducted to quantify and confirm expected wind conditions.

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

In support of the proposal, an Urban Transportation Considerations report by BA Group was submitted. The study estimates that the proposed development will generate a total of 55 and 50 two-way vehicle trips during the weekday AM and PM peak hours, respectively. Given this level of estimated trip generation, the report 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.

The proposed access to the site is unacceptable. Access to ground level loading facilities and underground parking for the development proposal is provided via two driveways. A one-way right-in only access from Church Street is located approximately 60 metres north of Wellesley Street East, and a two-way right-in/right-out and left-in driveway from Wellesley Street East is located approximately 40 metres west of Church Street. Transportation Services staff have indicated that the Church Street access must be removed and vehicular manoeuvring diagrams must be provided to demonstrate that the proposed access from Wellesley Street East is functional.

The plans show the ramps leading to the underground parking levels with maximum slopes of 15.0 percent, which is unacceptable. In order for city collection vehicles to use the ramps, a maximum gradient of 8% is required.

The plans show a total of 127 parking spaces in four levels of underground parking, consisting of 92 residential (0.21/per unit), 15 visitor and 20 commercial parking spaces.

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 and one Type A. Documentation justifying the provided types of loading spaces was not provided. Additionally, vehicular manoeuvring diagrams were not submitted with the proposal. It is unclear whether City garbage trucks will have the ability to enter and exit the site in an acceptable manner.

## **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.

## **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.

In accordance with Chapter 415, Article III of the Toronto Municipal Code, the applicant is required to satisfy the parkland dedication requirement through cash-in-lieu. The non-residential portion of this proposal is subject to a 2% parkland dedication while the residential portion is subject to a 10% parkland dedication.

The value of the cash-in-lieu of parkland dedication will be appraised through Real Estate Services. Payment will be required prior to the issuance of the first above-grade building permit.



## **Streetscape**

The site has frontage on both Church Street and Wellesley Street East. 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. The design of the ground floor is such that east and south exterior walls are tapered providing wider sidewalks towards the intersection. It is unclear from the submitted drawings what the dimensions of the sidewalks are as proposed. 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. Given the scale of the proposed development, opportunities to expand the existing sidewalks on Church Street and Wellesley Street should have been explored.

## **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 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 Ontario Municipal Board and the Ontario Municipal Board 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**

In 2013, City Council updated the two-tiered Toronto Green Standard (TGS) that was adopted by City Council on October 27, 2009. The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce greenhouse gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS. If the rezoning application is appealed to the Ontario Municipal Board (OMB) and the OMB ultimately approves an increase in height and/or density, recommendation 5(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**

City staff are recommending that the application be refused, as the proposal does not represent good planning, does not have regard for matters of provincial interest in Section 2 of the *Planning Act*, is not consistent with the Provincial Policy Statement (2014) and does not conform with the Growth Plan for the Greater Golden Horseshoe (2017). The proposal does not respect the existing or planned built context for the site and the surrounding area, does not conform to the built form policies of the Official Plan including the policies of SASP 382, and does not meet

the City's Tall Building Guidelines and the North Downtown Yonge Street Urban Design Guidelines. Further, the application does not align with the emerging policy direction presented through ToCore for the new Downtown Secondary Plan. The proposal represents over-development of the site.

## **CONTACT**

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Tel. No. 416-392-8124  
E-mail: Jym.Clark@toronto.ca

## **SIGNATURE**

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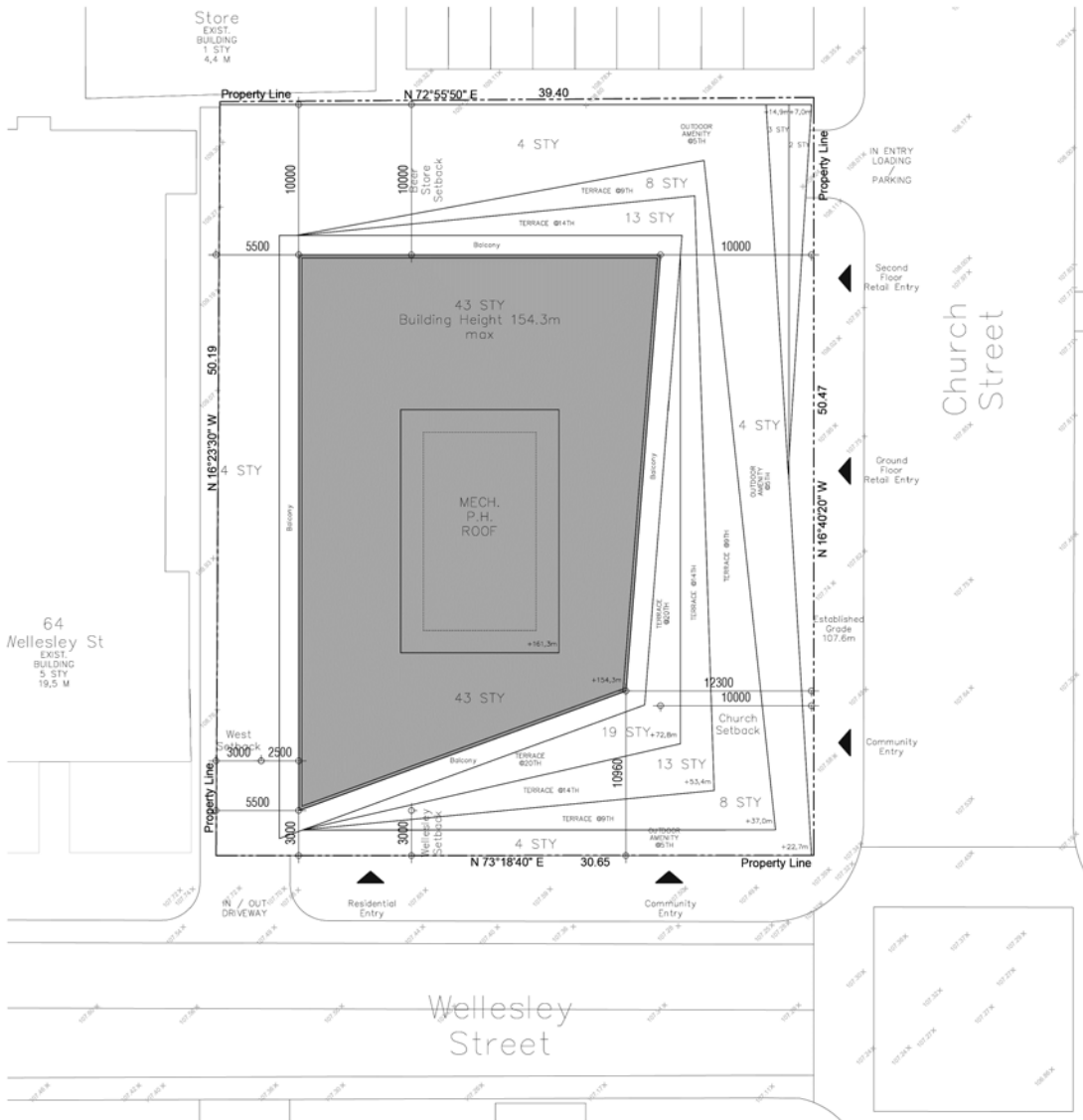
Lynda H. Macdonald  
Acting Director, Community Planning  
Toronto and East York District

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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: Existing Official Plan  
Attachment 9: OPA 183 (SASP 382) Boundary Map  
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: Existing Zoning  
Attachment 13: Application Data Sheet

# Attachment 1: Site Plan



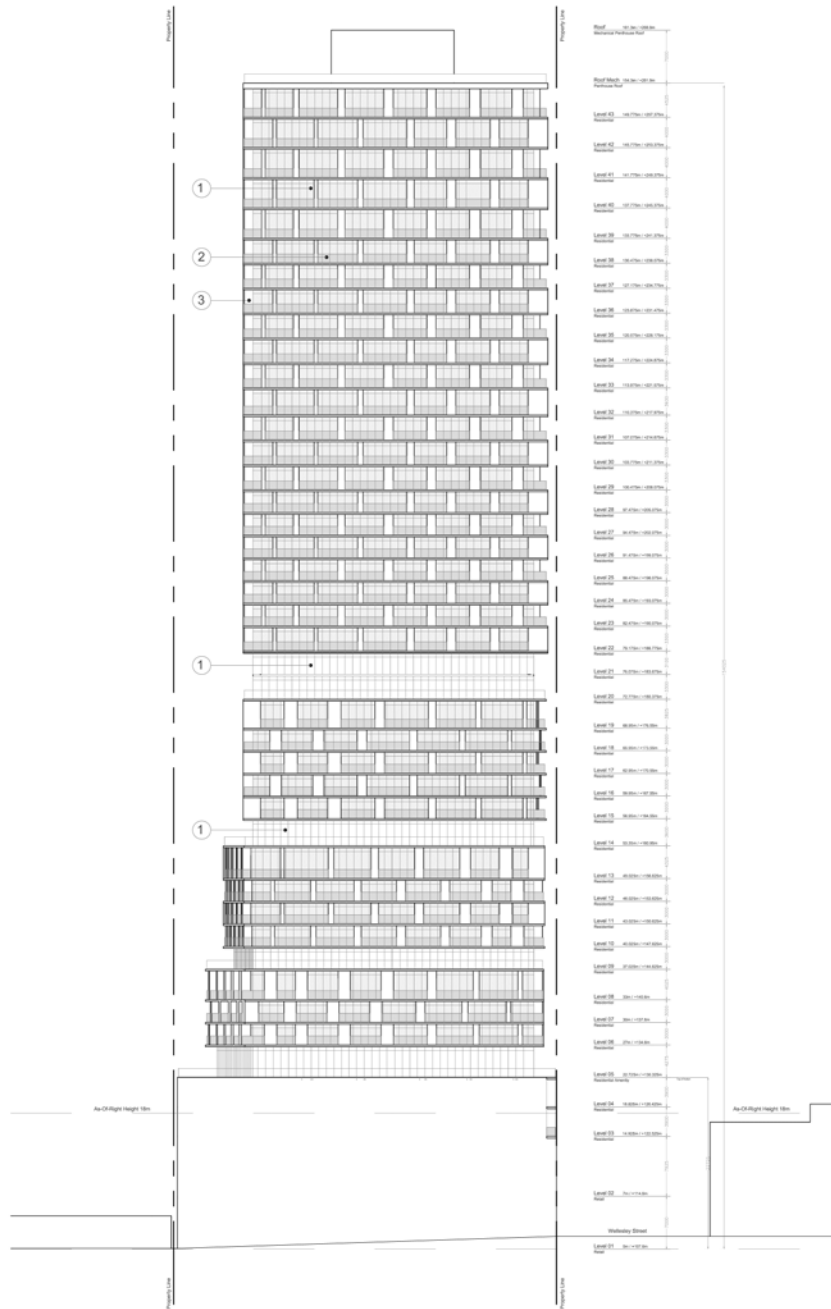
## Site Plan

## 552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 0Z

## Attachment 2: West Elevation



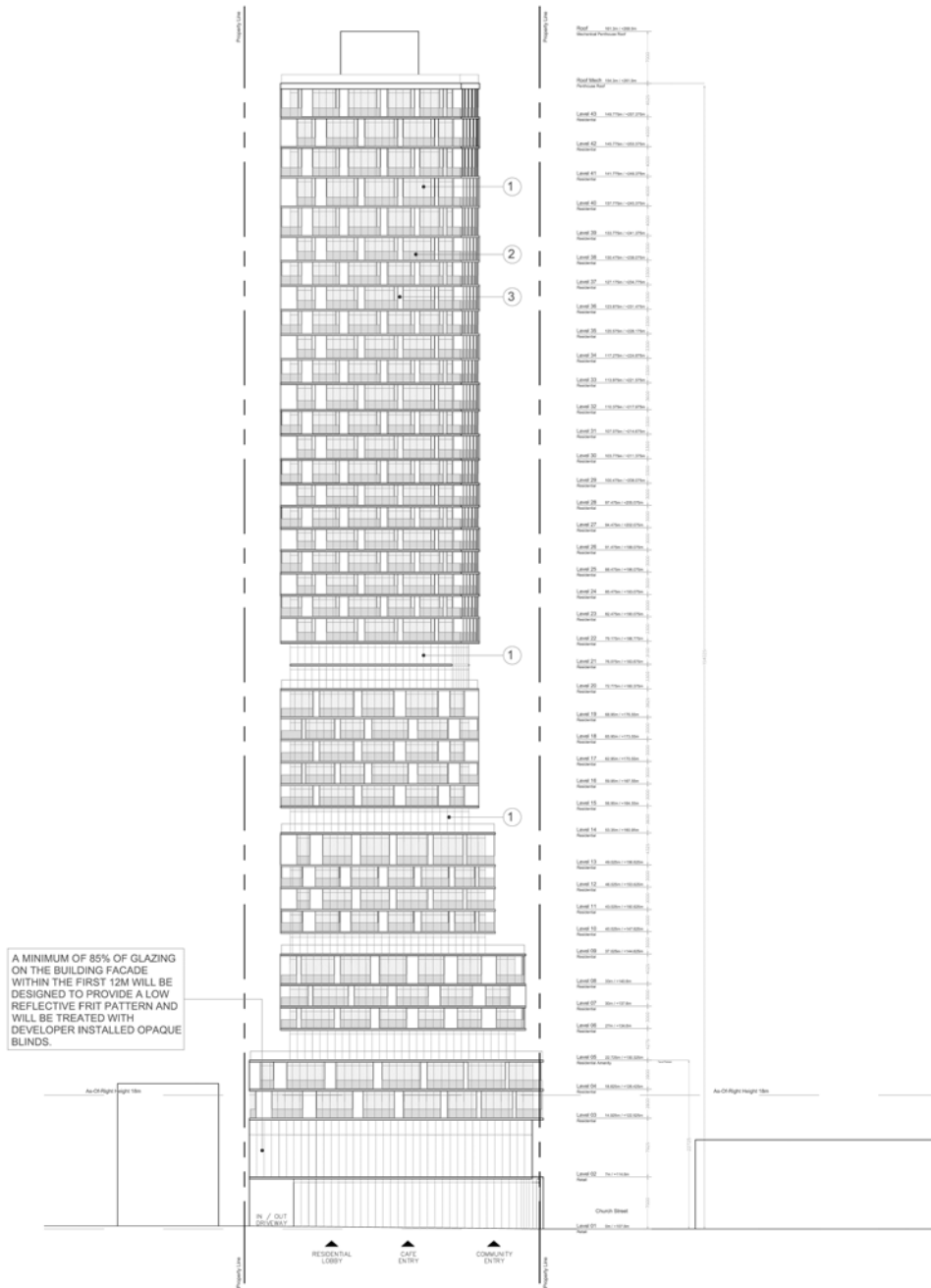
West Elevation

552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 OZ

### Attachment 3: South Elevation



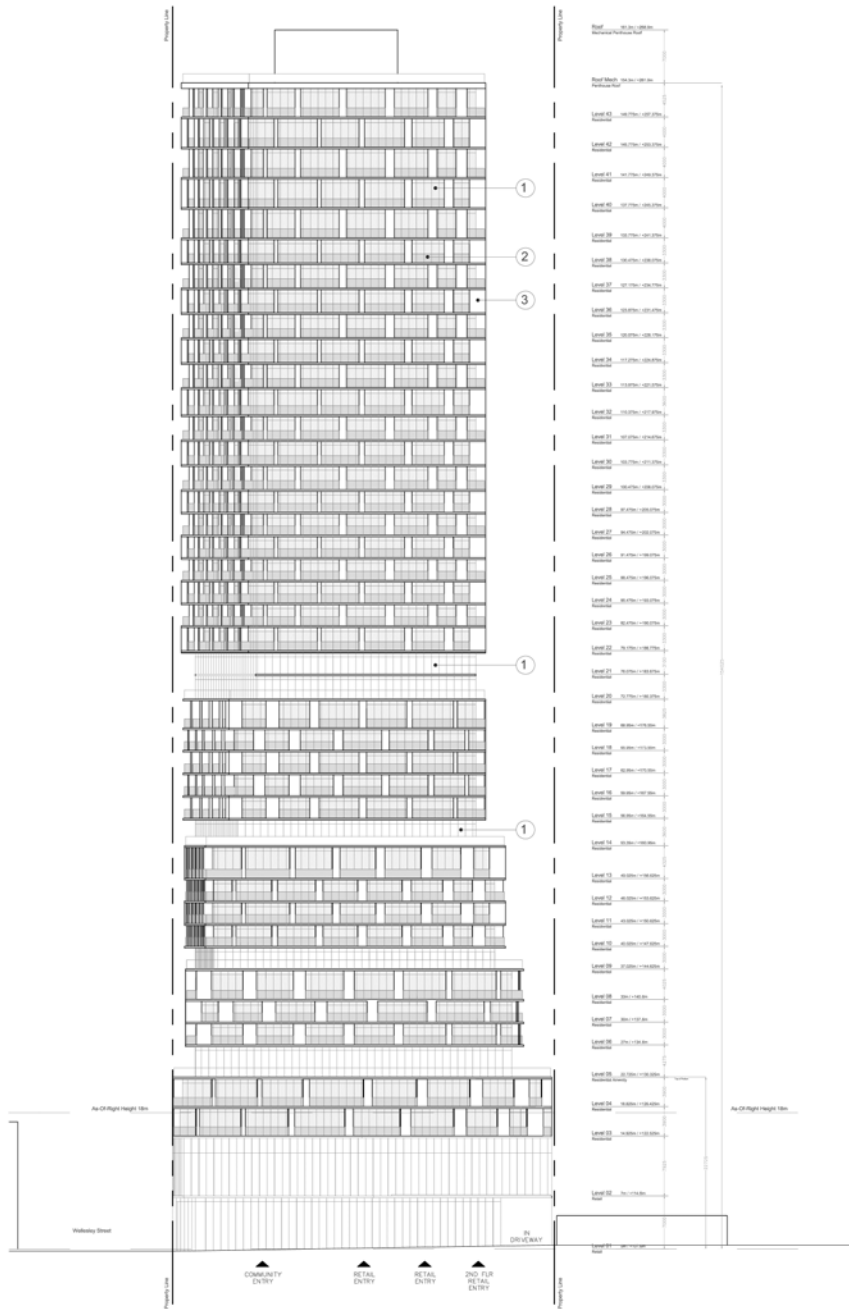
South Elevation

552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 OZ

## Attachment 4: East Elevation



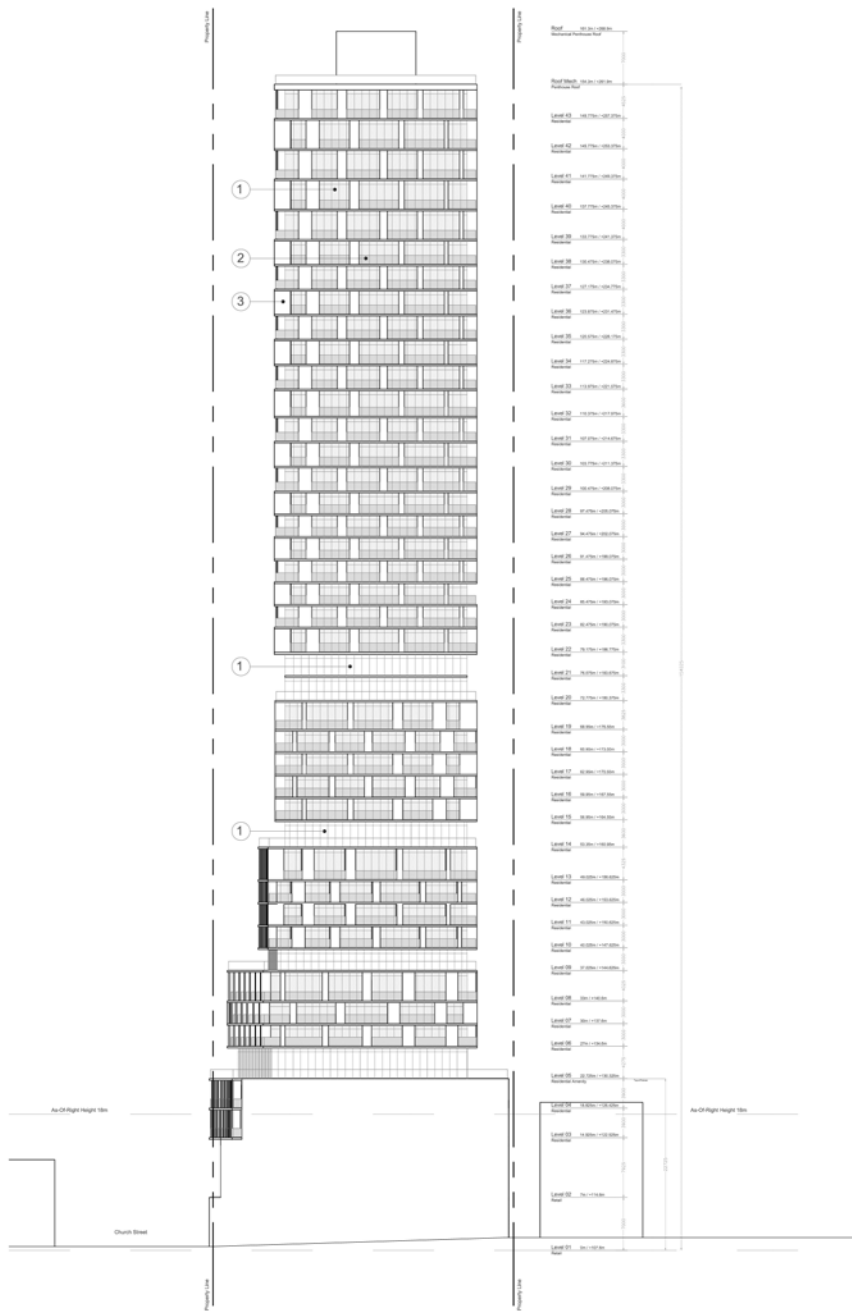
**East Elevation**

**552-570 Church Street & 66 Wellesley Street East**

Not to Scale  
08/16/2017

File # 17 210131 STE 27 0Z

### Attachment 5: North Elevation



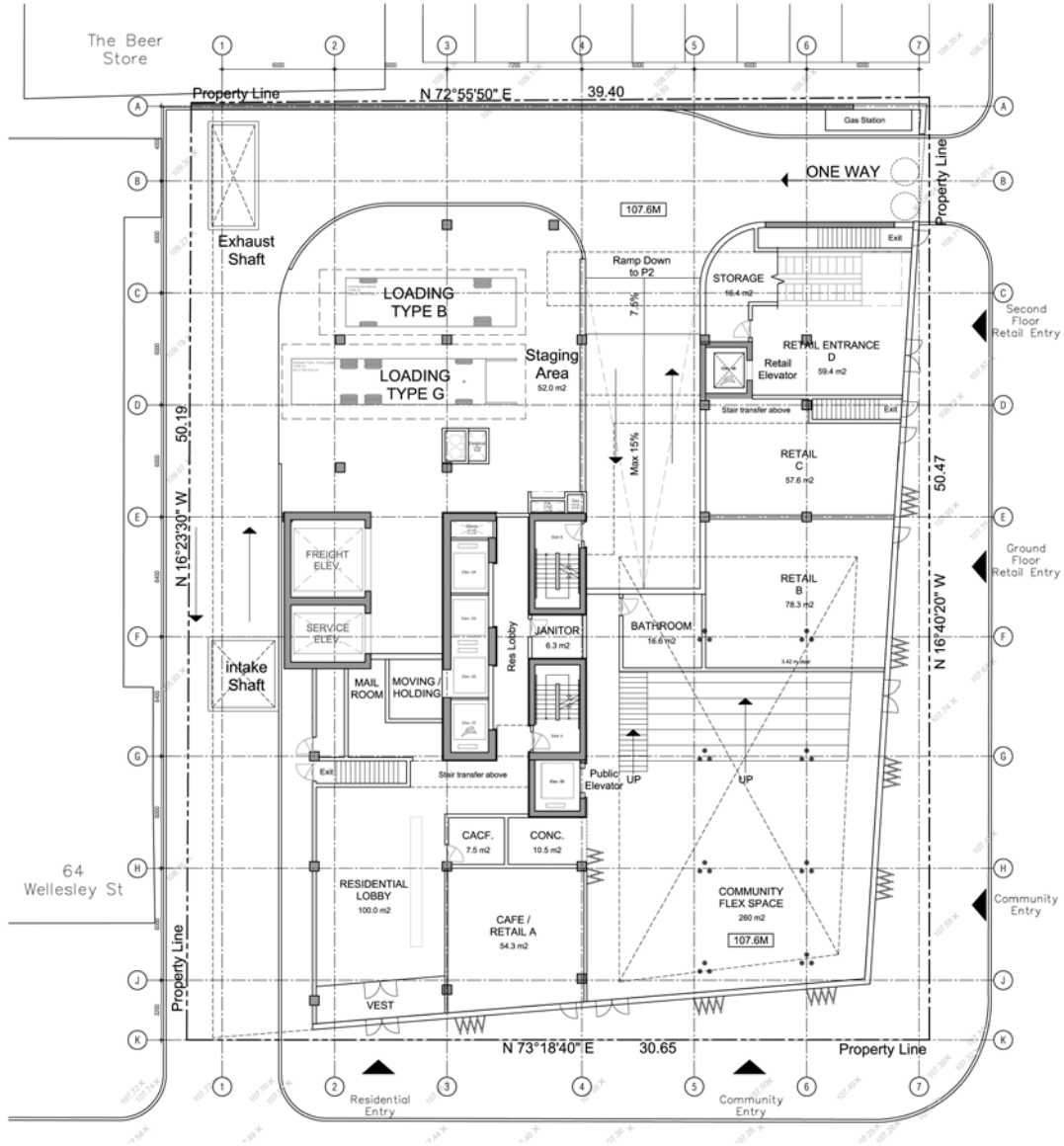
North Elevation

552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 OZ

## Attachment 6: Ground Floor Plan



### Ground Floor Plan

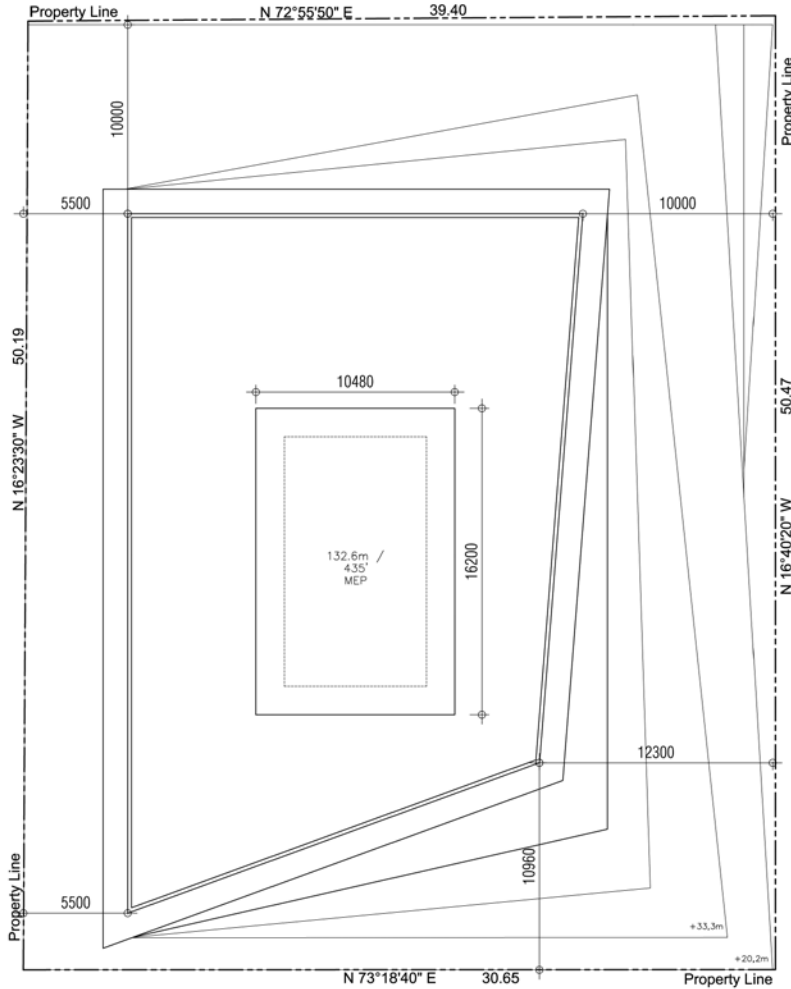
### 552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 0Z



## Attachment 7: Roof Plan



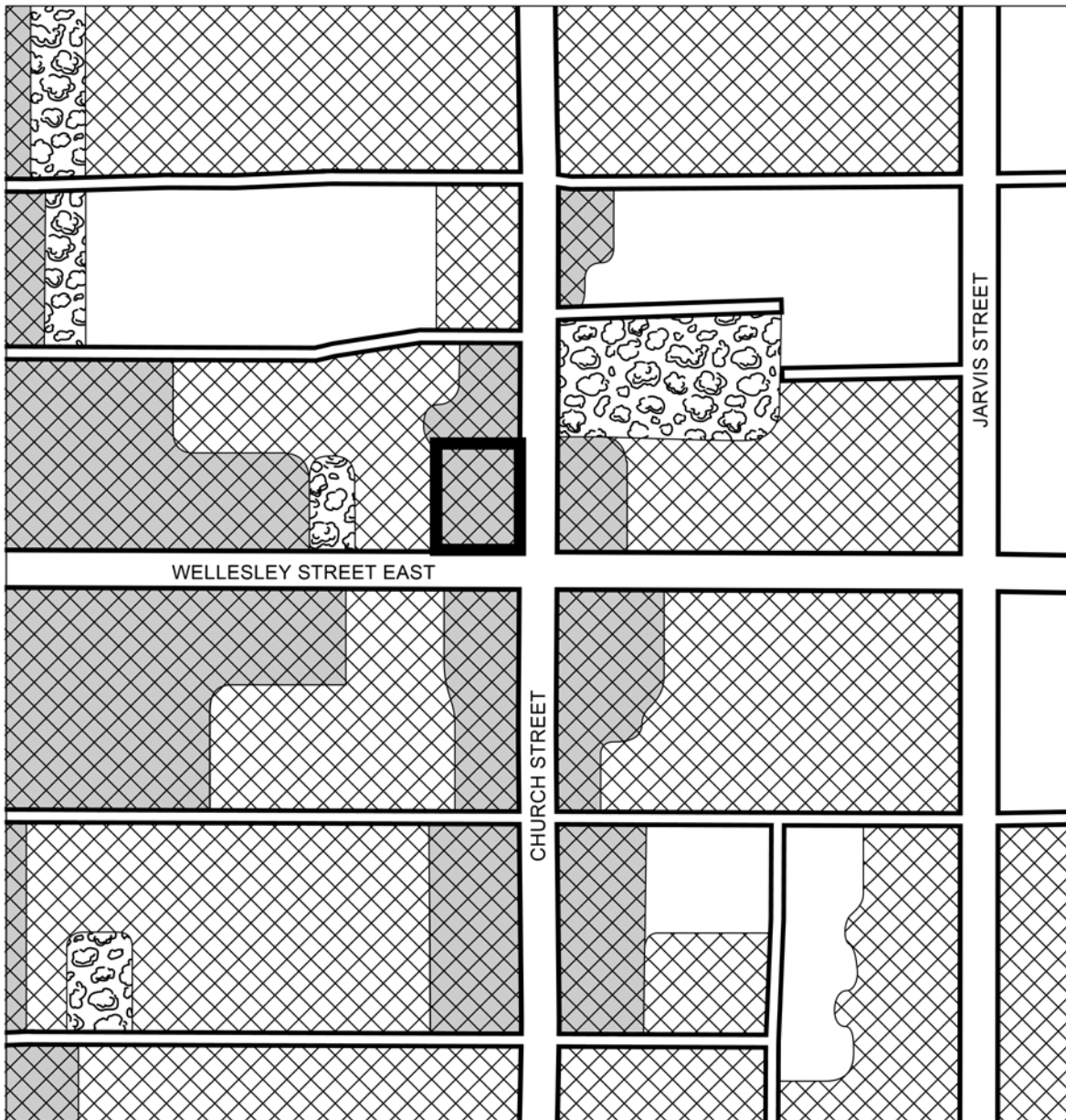
### Roof Plan

### 552-570 Church Street & 66 Wellesley Street East

Not to Scale  
08/16/2017

File # 17 210131 STE 27 OZ







## Attachment 8: Existing Official Plan



**Extract from Official Plan**

**552-570 Church Street & 66 Wellesley Street East**

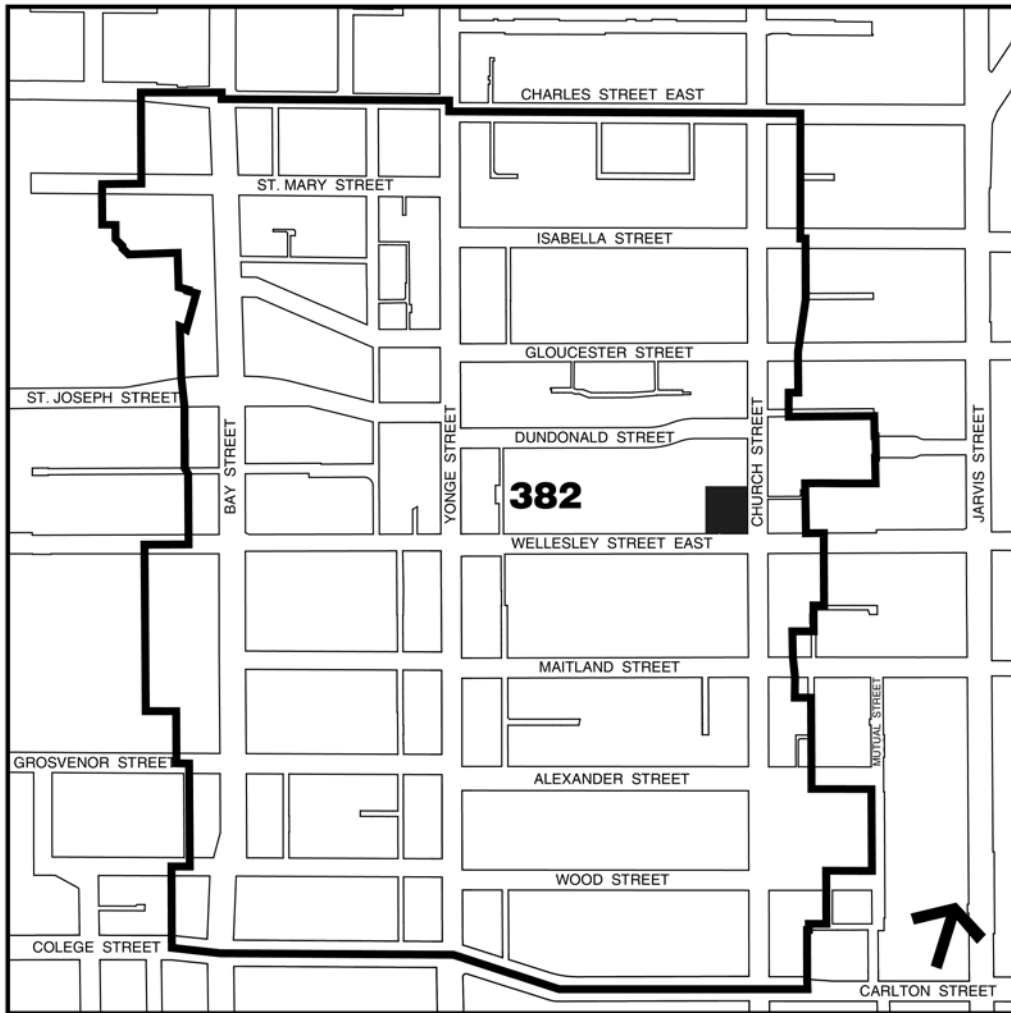
File # 17 210131 STE 27 0Z

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



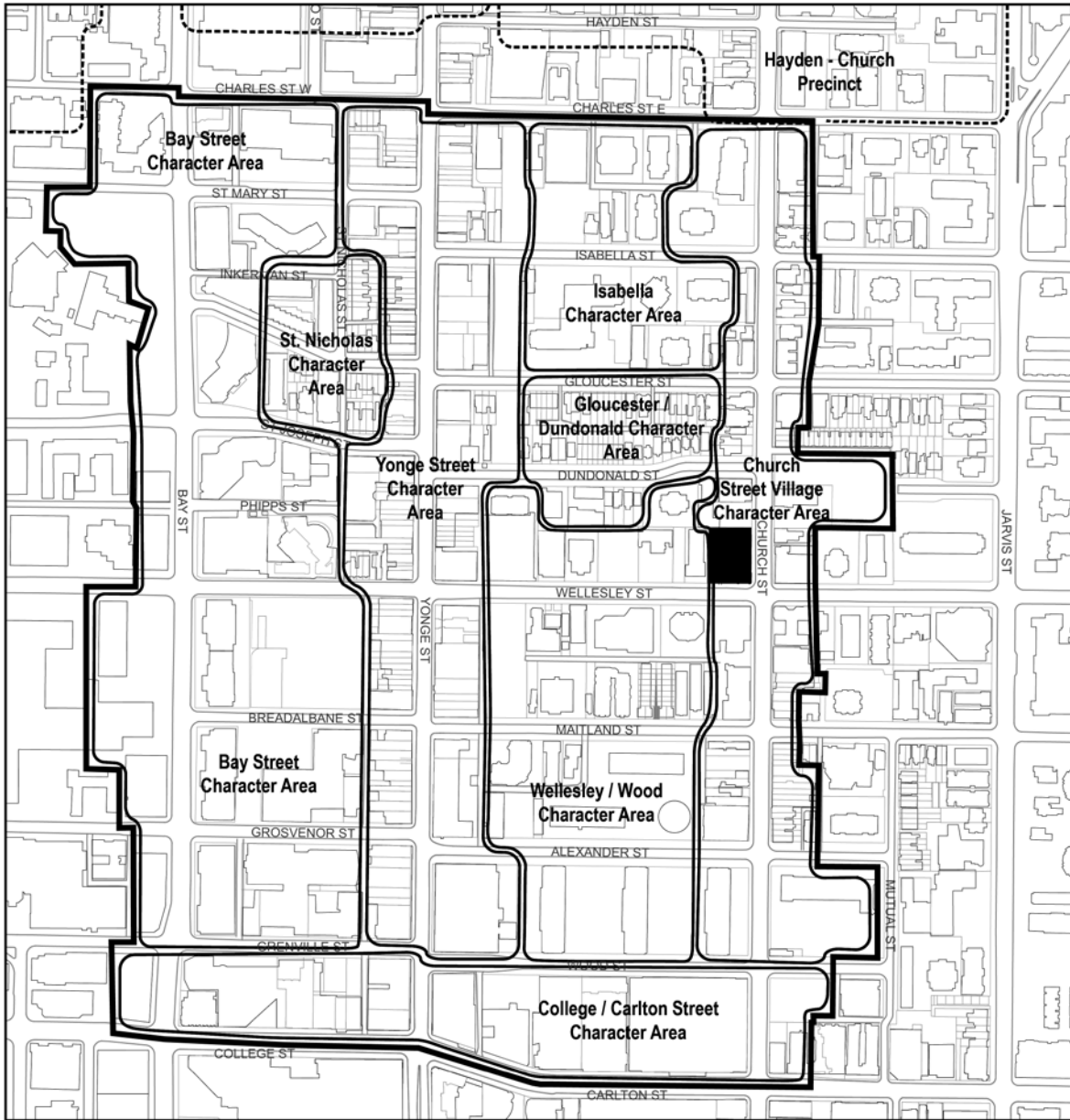
Not to Scale  
08/16/2017

**Attachment 9: OPA 183 (SASP 382) Boundary Map**



Staff report for action – Refusal Report – 66 Wellesley Street East, 552-570 Church Street and City-owned Public Lane

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



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

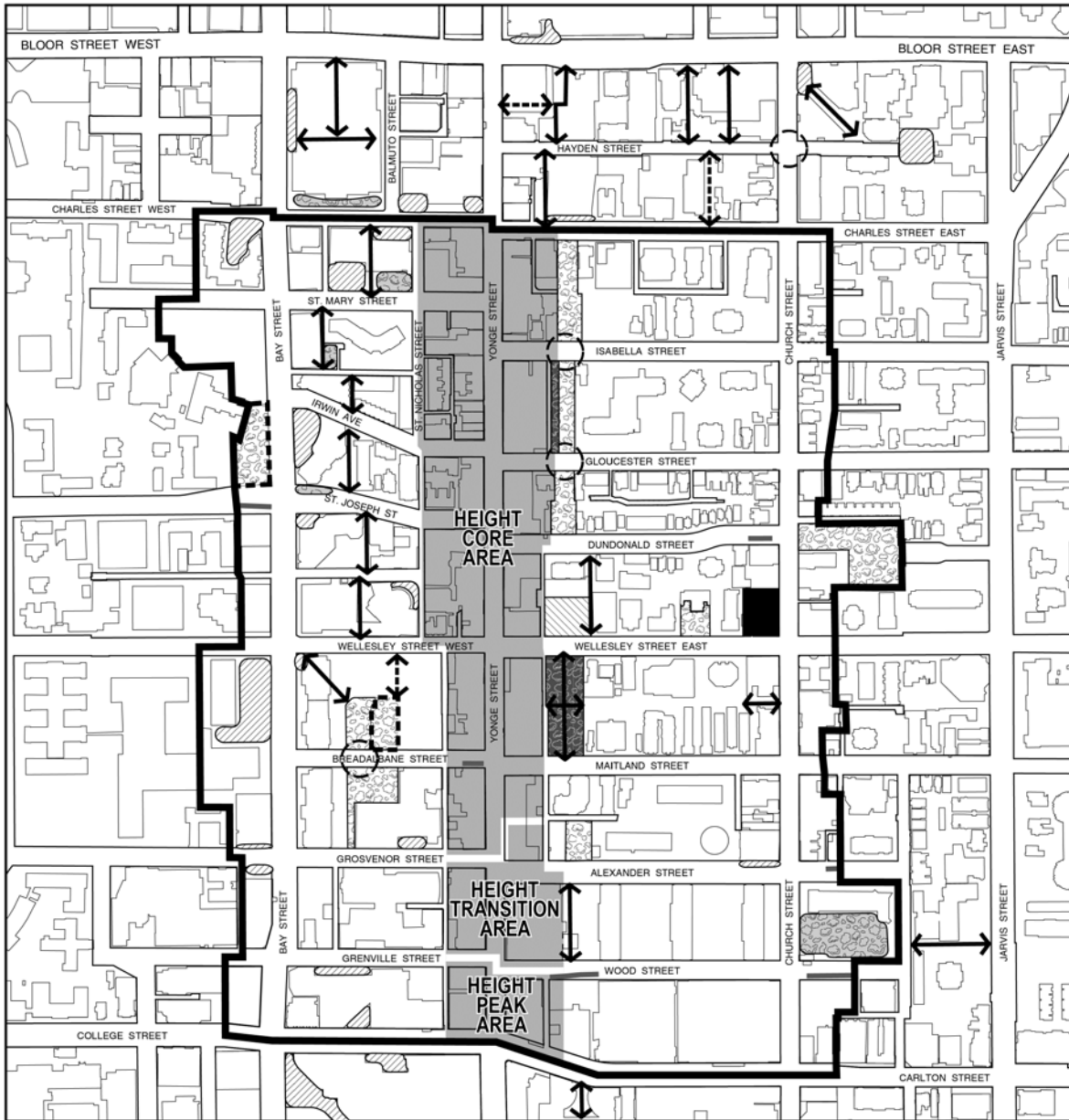
North Downtown Yonge  
 Planning Framework Study  
 File # 11 247686

— Character Areas  
 ■ Subject Site



Not to Scale  
 08/16/2017

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



**TORONTO** City Planning

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

North Downtown Yonge  
 Planning Framework Study

File # 11 247686

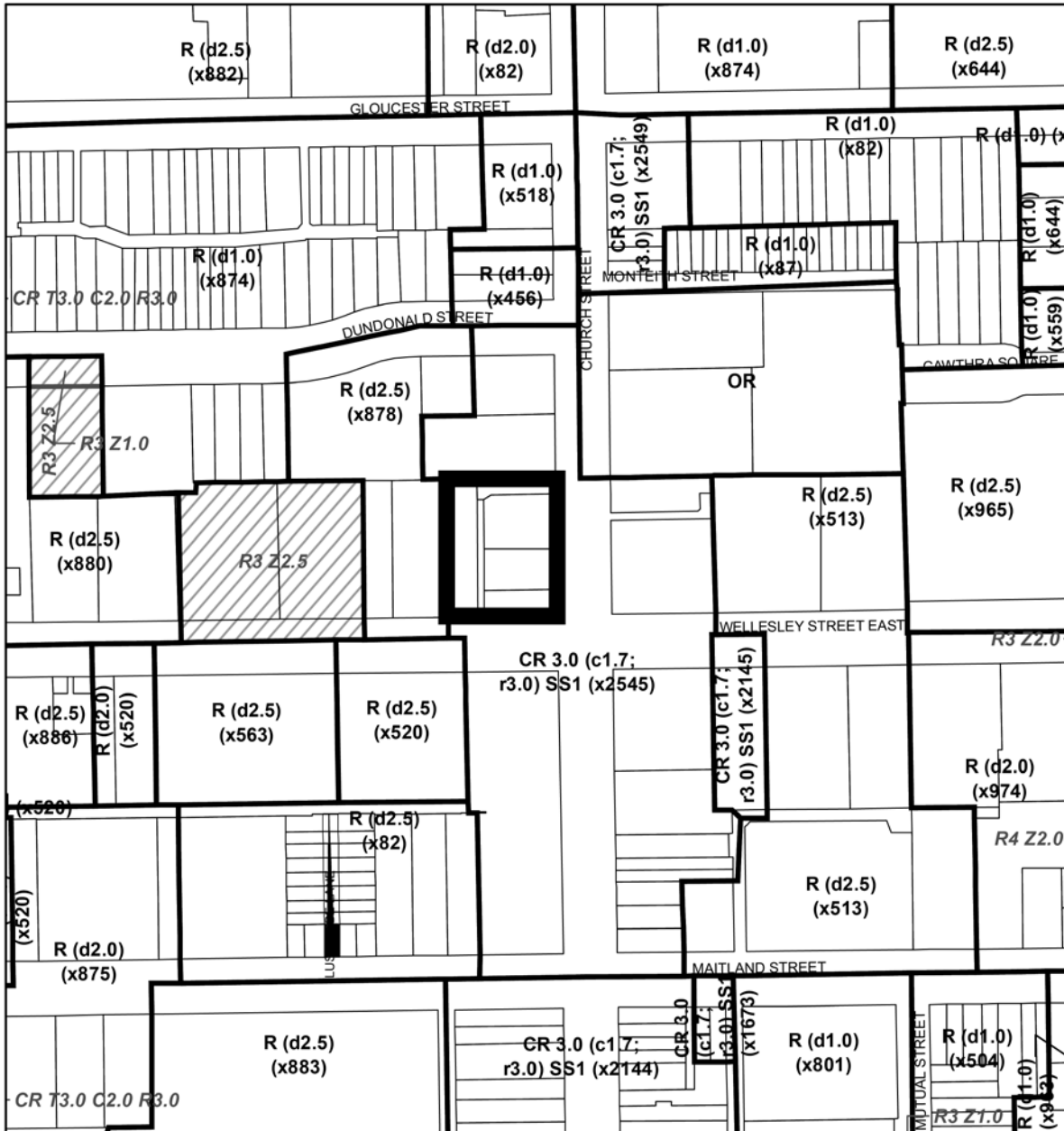
- |                                    |                                  |  |              |
|------------------------------------|----------------------------------|--|--------------|
| Public Park                        | Potential Open Space Opportunity | Pedestrian Mid-block Connections       | Subject Site |
| New Public Park                    | Publicly Accessible Green Roof   | Proposed Future Pedestrian Connections |              |
| Green Open Space                   | Park Connections                 | Boulevard Parking Transformation       |              |
| Courtyards, Forecourts and Squares |                                  |  |              |

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



Not to Scale  
 08/16/2017

## Attachment 12: Existing Zoning



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

**552-570 Church Street & 66 Wellesley Street East**

File # 17 210131 STE 27 OZ

Location of Application



See Former City of Toronto By-Law No. 438-86  
R3 Residential District

R Residential    CR Commercial Residential  
OR Open Space Recreation



Not to Scale  
Extracted: 08/16/2017

### Attachment 13: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	17 210131 STE 27 OZ
Details	OPA & Rezoning, Standard	Application Date:	August 2, 2017
Municipal Address:	66 WELLESLEY ST E		
Location Description:	PLAN 908 CON 1 FB PT PARK LOT 7 **GRID S2708		
Project Description:	Zoning By-law Amendment and Official Plan Amendment to facilitate redevelopment of the site with a new 43-storey mixed-use building (154.3 metres plus 7.0 metre mechanical penthouse), containing 430 residential units as well as 1,400 square metres of street-related retail space and a 260 square metre publicly accessible plaza.		

<b>Applicant:</b>	<b>Agent:</b>	<b>Architect:</b>	<b>Owner:</b>
PETER SMITH	JULIE ROBINSON (ONE PROPERTIES)	GRAZIANI + CORAZZA ARCHITECTS INC	WAM C AND W GP INC

**PLANNING CONTROLS**

Official Plan Designation:	Mixed Use Areas	Site Specific Provision:
Zoning:	CR T3.0 C2.0 R3.0	Historical Status:
Height Limit (m):	18	Site Plan Control Area:

**PROJECT INFORMATION**

Site Area (sq. m):	1989	Height:	Storeys:	43
Frontage (m):	39.67		Metres:	162
Depth (m):	50.47			
Total Ground Floor Area (sq. m):	845			<b>Total</b>
Total Residential GFA (sq. m):	34392		Parking Spaces:	127
Total Non-Residential GFA (sq. m):	1400		Loading Docks	2
Total GFA (sq. m):	35792			
Lot Coverage Ratio (%):	42			
Floor Space Index:	17.99			

**DWELLING UNITS**

Tenure Type:	Rental
Rooms:	0
Bachelor:	50
1 Bedroom:	236
2 Bedroom:	102
3 + Bedroom:	135
Total Units:	430

**FLOOR AREA BREAKDOWN** (upon project completion)

	Above Grade	Below Grade
Residential GFA (sq. m):	34392	0
Retail GFA (sq. m):	1400	0
Office GFA (sq. m):	0	0
Industrial GFA (sq. m):	0	0
Institutional/Other GFA (sq. m):	0	0

**CONTACT: PLANNER NAME: Kate Goslett, Planner**  
**TELEPHONE: 416-395-7105**